

BOARD OF SELECTMEN

September 10, 2013

Needham Town Hall

Agenda

	6:45	Informal Meeting with Citizens <i>One or more members of the Board of Selectmen will be available between 6:45 and 7:00 p.m. for informal discussion with citizens. While not required, citizens are encouraged to call the Selectmen's Office at (781) 455-7500 extension 204 in advance to arrange for an appointment. This enables the Board to better assure opportunities for participation and respond to citizen concerns.</i>
1.	7:00	Introduce Police Officers
2.	7:05	Food Truck Hearing
3.	7:30	Director of Public Works DPW/Park & Recreation Projects Update
4.	7:45	Town Manager - Accept and Refer Zoning - Declaration of Restrictive Covenants & Grant of Restriction/ 1135 Webster Street - CPA Project Request – Rail Trail Insurance - Open Special Town Meeting Warrant - Budget Consultation Pro Forma - Town Manager Report
5.	8:15	Board Discussion Committee Reports
6.	8:30	Executive Session Exception 3

APPOINTMENTS

1.	New Year's Needham Committee	Christopher Cox (term expires 6/30/2014)
2.	User Agency Representative to the PPBC for the Garage Bays	Anthony DelGaizo

CONSENT AGENDA *=Backup attached

1.	Accept the following donations made to the Needham Off-Leash Dog Area gift account: \$50 from Michelle Herlihy; \$100 from Susan Glickman; \$100 from Donald Fucs.
2.	Accept the following donations made to New Year's Needham: \$500 from Sheraton Needham Hotel; \$3,000 from Roche Brothers; \$100 from Chestnut Street Animal Hospital
3.	Accept the following donation made to the Needham Community Revitalization Trust Fund from the following resident: Michael A. Heffernan, \$200.
4.	Approve and sign Ambulance Abatement due to hardship for account #115981 for

	\$545 which has been submitted by the Fire Department.				
5.	Accept a \$10,000 donation made to the Needham Park and Recreation Commission from the Needham Soccer Club for Field Improvements.				
6.	Accept the following donations made to the Needham Park and Recreation Commission: • \$950 from Parent Talk for Children’s Theatre; • \$500 from the Norfolk Lodge for the Nashoba Valley Ski/Snowboard Program; • \$238 in donations collected at Arts in the Parks.				
7.	Accept a \$25 donation made to Needham Youth Services from Mr. Brendan Counihan, a Needham resident for its Single Parent Support Group Program.				
8.*	Approve applications for a 2013 Weekday Entertainment license and a 2013 Sunday Entertainment license from Aaron M. Krug of 3 Squares, located at 669 Highland Avenue, Needham.				
9.*	Approve a request from Darren Bean, President of Warrior Thunder Foundation, to have a portion of its motorcycle ride go through Needham on Saturday, September 14, 2013 at 12:00 p.m. The route of the motorcycle ride has been approved by the following departments: DPW, Police, Fire, and Park and Recreation.				
10.*	Water & Sewer Abatement Order #1167				
11.	Approve request from Park and Recreation Commission to host their annual “Spooky Walk” on Saturday, October 19 th , 2013 which commences on Town Common at 10:45am, with a rain date for Saturday, October 26 th , 2013.				
12.	Grant permission for the following residents to hold a Block Party:				
Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Ratify Judith Gragg	115 Dawson	Cul-de-sac	9/8/2013	9/15/2013	4-7pm
Julie Middleton	74 Henderson St	Henderson St between Oak & Oakcrest	9/21/2013		3-11pm
Ratify Marianne McGowan	185 Maple St	Maple St from Oak St to Cul de Sac	8/31/2013	9/1/2013	4-9pm 4-9pm
Kara Collin	57 Broadmeadow Road	Broadmeadow Road (Greendale side of Broad Meadow)	9/21/2013	9/22/2013	3-8pm
Karen Peirce	23 Thorpe Road	Thorpe Road	9/14/2013	9/15/2013	3-9pm
Randy Deck	45 Bennington St	Bennington St	9/21/2013	9/28/2013	4-9pm
Ratify Barbara Suarez	201 Tower Ave	Lindbergh Ave between Paul Revere and Tower	9/7/2013	9/8/2013	4-9PM
Lisa Mancino	137 Washington Ave	Washington Ave	9/15/2013		4-7:30pm

Ratify Valerie Maio	15 Park Avenue	Park Avenue between Mercer and Greendale	9/7/2013	9/8/2013	12-10pm
Kate Deeley	61 Kenney St	Corner of Barbara Rd & Lois Lane	9/21/2013	9/22/2013	3-11pm
Dale McCarthy	72 Stevens Road	Stevens Road	9/15/2013	9/22/2013	4-6pm
Margie Brodsky	19 Russell Road	11 Walker to 7 Russell Road	9/28/2013	10/5/2013	1-4pm
Liz Lawlor	76 Howland St	Pleasant St and Howland St	9/15/2013		4-7pm
Kimberly McCollum	843 Great Plain	Warren St between Great Plain and May	9/22/2013		3-7pm
Liz Berkman	113 Melrose Ave	Hatfield Park	9/21/2013	9/22/2013	12-5pm



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 9/10/2013

Agenda Item	Introduction of Police Officers
Presenter(s)	Kate Fitzpatrick, Town Manager Phil Droney, Chief of Police

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
Chief Droney will introduce newly appointed police officers Jason Hasenfus, Matthew Biellik, Ryan O'Leary.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
Resumes for Jason Hasenfus, Matthew Biellik, and Ryan O'Leary.			



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 9/10/2013

Agenda Item	Regulation of Mobile Food Trucks
Presenter(s)	Public Hearing

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Board will receive feedback on the proposed regulation of food trucks in the Town of Needham.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
a. Notice of Public Hearing b. Proposed Policy: Regulation of Food Trucks			



Office of the
TOWN MANAGER

TOWN OF NEEDHAM

TOWN HALL
Needham, MA 02492-2669

TEL: (781) 455-7500
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Public Hearing on Regulation of Food Trucks (also referred to as Street Vendors)

The Board of Selectmen will hold a public hearing regarding proposed regulations for mobile food trucks (sometimes referred to as street vendors) on Tuesday, September 10, 2013, at 7:05 pm at the Needham Town Hall, 1471 Highland Avenue, Needham.

A draft of the proposed Regulations, including permitting requirements, fees, allowed locations, hours, rules for operation, and other provisions, is available online at www.needhamma.gov (click on HOT TOPICS).

The Board of Selectmen invites all residents and interested parties to attend and provide input regarding the proposed regulation. Written comments may also be submitted to the Board of Selectmen, c/o Needham Town Hall, 1471 Highland Avenue, Needham, MA or by email to selectmen@needhamma.gov.

Board of Selectmen

Policy Number:	
Policy:	Regulation of Food Trucks
Date Approved:	
Date Revised:	
Approved:	Chairman, Board of Selectman

Section 1: Definitions

Food Truck - A readily movable trailer or motorized wheeled vehicle, currently registered with the Massachusetts Division of Motor Vehicles, designed and equipped to cook, prepare, and serve food.

Section 2: Authorized Locations and Restrictions for Food Truck Sales in or on Designated Public Right of Way Areas

- 1.1 Food trucks may be located in public right of way areas which are underserved by mortar and brick restaurant facilities (hereafter "traditional restaurant facilities") during the period April 1 to November 30 on Mondays through Fridays from 7:00 a.m. to 8:00 p.m. A food truck may not be located in or on any portion of a designated public right of way when and where such location would prevent the safe use of the public right of way by motor vehicles, pedestrians, and customers. The vending location shall not otherwise interfere with the movement of motor vehicles in the area.
- 1.2 Commercial areas listed in Appendix 1 are those identified as presently underserved by traditional restaurant facilities. The Board of Selectmen, in consultation with the Planning Board, shall have authority under this By-Law provision to review and modify the areas deemed underserved by traditional restaurant facilities. The current locations identified for use by food trucks within the public right of way are listed in Appendix 2. The Board of Selectman may authorize additional locations within the underserved areas. The Board of Selectmen reserves the right to modify any of the areas listed in Appendix 1 or locations listed in Appendix 2 as needed.
- 1.3 Food trucks shall be positioned at least 1000 feet from any public park and 200 feet from the customer entrance of a traditional restaurant, unless the food truck vendor provides documentation that the restaurant owner supports a closer proximity.
- 1.4 Food trucks shall be positioned on designated right of way areas and shall not block drive entrances, exits, access to loading and/or service areas, or emergency access and fire lanes. Food trucks must also be positioned at least 20' away from fire hydrants, any fire department connection, driveway entrances, alleys, and handicapped parking spaces.
- 1.5 Each year, the Board of Selectmen shall establish an open period from December 1 to January 30 for applications to operate a food truck in public right of way areas. Should the number of applicants exceed available locations within the public right of way, then

the Town Manager will create an equitable distribution of available locations among qualified applicants. If locations are available after the close of the open period and after issuance to those applicants who applied during the open period, then applicants may apply after the open period but any permits issued will be on a first come first served basis.

- 1.6 Food Truck vendors shall comply with all local, county and state tax regulations, including but not limited to retail sales applicable to food and beverages.

Section 3: Public Safety and Nuisance Prevention

- 2.1 Food truck vendors must obtain requisite licenses or permits for operation from the Needham Health Department, Police Department, Fire Department, and Board of Selectmen.
- 2.2 Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be accordance with the State Building Code.
- 2.3 Grease must be contained and disposed of in accordance with State Sanitary Code.
- 2.4 Grey water must be contained and disposed of in accordance with State Sanitary Code.
- 2.5 Food trucks must have the following fire extinguisher on board during hours of operation: one 15 lb. multipurpose subject to the determination of the Fire Chief or his designee.
- 2.6 Food trucks may not operate as a drive-in/drive-up/drive-through operation. All service must be walk-up by customers.
- 2.7 Trash and recycling receptacles shall be provided for customers and trash and recyclables shall be removed from the site daily.
- 2.8 If a food truck is proposed to operate after dark, the vendor must provide appropriate lighting.
- 2.9 No signage shall be allowed other than signs permanently attached to the motor vehicle and a portable menu sign no more than 9 square feet in display area on the ground in the customer waiting area.
- 2.10 No food truck shall make or cause to be made any unreasonable or excessive noise or odor.
- 2.11 No food truck shall set up tables, chairs, umbrellas or similar facilities (except standing counters and tables without chairs or stools).

Section 4: Permitting

- 3.1 A food truck will be licensed by the Town's Health Department and Fire Department before issuance or renewal of the Food Truck Permit.
- 3.2 Food truck vendors must obtain a Food Truck Permit from the Board of Selectmen, which Permit must be prominently displayed on the truck.
- 3.3 A fee in the amount of \$1000.00 for a five day a week seasonal Permit shall be paid upon issuance of the Food Truck Permit. Such fee shall be subject to prorating based on the number of days per week licensed.
- 3.4 Food truck vendors must obtain requisite insurance, bonding and workers compensation as required from time to time by the Board of Selectmen.

- 3.5 Food Truck vendors must obtain a Massachusetts Hawker and Peddler License (issued through the Police Department).
- 3.6 The Board of Selectmen may waive any conditions or requirements of this Policy if the Board determines such to be in the best interests of the Community.
- 3.7 Violation of any of the provisions of this Section may result in revocation of the permits and licenses issued to the vendor to operate in Needham.

Section 5: Exceptions (Food Truck Permits not Required)

With the exception of food safety and hawker and peddler requirements, if applicable, this policy shall not apply to canteen or coffee trucks that move from place to place and are stationary for no more than thirty minutes at a time or ice cream trucks which move from place to place and are stationary for no more than ten minutes. Further, this policy is not applicable to special one-day events on public property authorized by the Town.

APPENDIX 1

Underserved Commercial Areas

1. New England Business Center
2. Mixed Use-128
3. Industrial 1

DRAFT

APPENDIX 2

Locations Presently Approved for Food Trucks

The current locations identified for use by food trucks within the public right of ways areas are: Second Avenue across the street from Charles River Landing, First Avenue across the street from 40 First Avenue (which location may be revisited once construction begins at 400 First Avenue), and Cabot Place once all construction projects have been completed on the street.

DRAFT



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 9/10/2013

Agenda Item	DPW/ Park & Recreation Projects Update
Presenter(s)	Richard Merson, DPW Director

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The DPW is presently engaged in one of the busiest construction seasons in recent memory. Among the major projects underway are: 1. Reservoir B. Sewer Pump Station – new station construction adjacent to the existing has begun receiving flow; the existing station is being demolished to clear the area for the attached storage building. (DPW Lead Agency) 2. Salt Shed – currently under construction with completion projected for end of 2013. (PPBC Lead Agency) 3. St. Mary Water Pump Station – the design for a complete replacement is nearing completion. Public hearings and permitting ready to initiate. Bidding scheduled for end of 2013. (PPBC Lead Agency) 4. DPW Garage Building – the design is completed. Public hearings and permitting currently underway. Bidding scheduled for Fall 2013. (PPBC lead agency) 5. Chestnut St. /School St. Parking Lots – the design is completed. Public Hearings and Permitting currently underway. Bidding scheduled for late September 2013. (Joint Agency : Town Manager, DPW, Planning & Community Development)			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	☐ YES	☒ NO
3.	BACK UP INFORMATION ATTACHED	☒ YES	☐ NO
(Describe backup below)			
1. Department of Public Works - Master Project Schedule 2. See Click Fix Monthly Reports – July & August 2013			

Department of Public Works

Master Project Schedule

Division	Project Title	Stage
Engineering	GPA/Mary Chilton Road Drainage at the Aqueduct	Completed
Engineering	Perry Gorge Water Quality Improvements	Completed
Highway	Street Sign Replacement Program - Phase III (Final)	Completed
Highway	Road Rehab - Webster St. (West to Highland)	Completed
Highway	Road Rehab - Whiting Way & Carol Rd - Resurfacing	Completed
Highway	Road Rehab - Parker Rd, Hoover Rd (Webster St to Manning St) & Lindbergh Av (Webster St to Manning St)	Completed
Highway	Sidewalk Rehab - West Street (Hunnewell to West)	Completed
Highway	Sidewalk Rehab - Harris, Dedham & Bradford	Completed
Water	Well #2 VFD w/SCADA	Completed
Engineering	Salt Shed	Construction
Engineering	Water System Rehab - Lincoln St	Construction
Engineering	Storm Water Drain Improvements - Bradford Street (Const)	Construction
Engineering	Reservoir B Pumping Station Replacement	Construction
Engineering	Water System Rehab - Grant Street	Construction
Highway	LED Traffic Signal Upgrades	Construction
Highway	Road Rehab - Bradford St (Dedham Av to Harris Av), Glenwood Rd, & Gordon Rd	Construction
Highway	Road Rehab - Harris Av (Great Plain Ave to Dedham Ave)	Construction
Highway	Sidewalk Rehab - Fair Oaks	Construction
Highway	Road Rehab - Newbury Park & Dawson Drive	Construction
Highway	Road Rehab - Laurel Dr & Laurel Cr	Construction
Parks & Forestry	Greene's Field Renovation	Construction
Water	Pershing Rd. Water Main Project	Construction
Admin	Commonwealth Connect	In-Process
Water & Sewer	Service Connections - Barrett St, Bancroft St, Beaufort Ave & Brookside Rd, Colby St, Country Way, Deerfield Road, Frances St, Gayland Rd, Grant St, Highgate & Hillcrest Rd, Mayflower Rd, Nehoiden St, Plymouth Rd, Rae Ave, Thorpe Rd, Washington and Woodledge	In-Progress
Parks & Forestry	Street Tree Inventory	In-Process
Parks & Forestry	Walker Gordon	In-Progress
RTS	Roll-off Container Replacement	On Order
Highway	Parking Meter Upgrade	In-Progress
Engineering	Kendrick Street Sewer Pipe to Coke	Bid
Parks & Forestry	Warner Field Renovation	Bid
RTS	Solar Project	Bid
Engineering	Fireflow Improvement St. Mary Pump Station Final Design	Design
Water	Reservoir Irrigation Study	Design
Engineering	Brook and Culvert Repairs	Design
Engineering	Street Light Improvements	Design
Engineering	Highland Ave. Turn-Back Design	Design
Engineering	470 Dedham Ave. - Garage Bays	Design
Engineering	Inflow/Infiltration	Design
Engineering	Central @ Forest Traffic Signal	Design
Highway	Sidewalk Rehab - Nehoiden Street at May Street Sidewalk	Design
Highway	Sidewalk Rehab - GPA @ Stockdale	Design
Park & Rec	Playground Replacement - Greene's	Design
Parks & Forestry	Irrigation System @ Pollard	Design
Parks & Forestry	Claxton Field Fencing	Design
Parks & Forestry	Bleacher Pad and Installation @ Claxton 2	Design
Water	SCADA System Upgrade and Surveillance	Design
Admin	Downtown Streetscape Project	Plan

Department of Public Works **Master Project Schedule**

Division	Project Title	Stage
Admin	37 & 39 Lincoln Street - Demolition	Plan
Admin	59 Lincoln and 89 School	Plan
Engineering	Eliot Street Bridge	Plan
Highway	Sidewalk Rehab - GPA @ North Hill	Plan
Highway	Sidewalk Rehab - Nehoiden	Plan
Park & Rec	Design - Eastman Conservation Trails	Plan
Park & Rec	Open Space Recreation Plan	Plan
Park & Rec	Trail Design; Ridgehill & Reservoir	Plan
Park & Rec	Design - Mills Field	Plan
Parks & Forestry	Design - Newman Field	Plan
Highway	Road Rehab - Arnold St, Kearney St, Beech St	Pending
Highway	Road Rehab - Jarvis Circle (Nardone Rd to Central Av)	Pending
Highway	Road Rehab - Kenny St Lois Ln & Barbara Rd	Pending
RTS	Site Improvements	Concept
RTS	RTS Facility Upgrades (Signage, Fencing, Landscaping)	Concept

- Needham, MA

Between Jul 01, 2013 and Jul 31, 2013

144 issues were opened

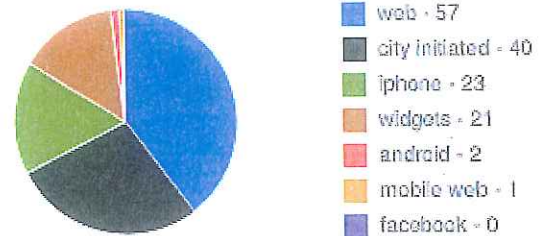
126 issues were acknowledged

91 issues were closed

The average time to acknowledge was 0.2 days.

The average time to close was 4.9 days.

Issues by Source



SERVICE REQUEST	OPENED	ACKNOWLEDGED	CLOSED	DAYS TO ACK.	DAYS TO CLOSE
Other	33	32	26	0.4	7.2
Public Works - Construction	32	32	13	0.0	0.0
Tree Issues	18	18	10	0.2	8.8
Water Restriction - Reports	17	2	16	0.1	0.1
Street Lights	16	16	2	0.0	13.5
Potholes	11	11	7	0.8	5.6
Catch Basins	6	5	5	0.0	2.6
Traffic Signals	5	4	4	0.6	4.0
Manhole Covers	2	2	3	0.0	8.9
Signs	2	2	3	0.8	14.2
Public Litter	2	2	2	0.2	0.3

- Needham, MA

Between Aug 01, 2013 and Aug 31, 2013

129 issues were opened

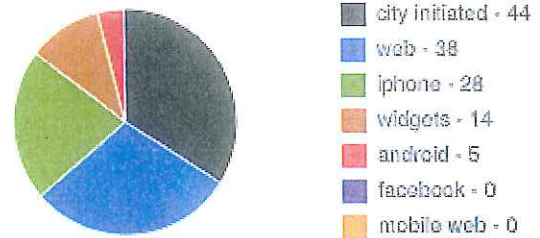
117 issues were acknowledged

118 issues were closed

The average time to acknowledge was 0.3 days.

The average time to close was 13.5 days.

Issues by Source



SERVICE REQUEST	OPENED	ACKNOWLEDGED	CLOSED	DAYS TO ACK.	DAYS TO CLOSE
Other	39	38	27	0.6	8.6
Street Lights	21	20	34	0.0	25.0
Public Works - Construction	16	16	13	0.0	9.0
Tree Issues	15	13	14	0.2	12.2
Potholes	11	11	11	0.6	10.3
Catch Basins	8	8	8	0.1	12.6
Water Restriction - Reports	12	3	9	0.8	0.2
Public Litter	5	5	2	0.3	0.5
Traffic Signals	1	2	0	1.1	0.0
Signs	1	1	0	0.0	0.0
Manhole Covers	0	0	0	0.0	0.0

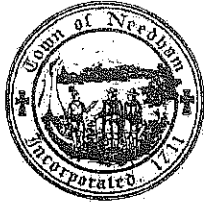


**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 9/10/2013

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

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
	The Planning Board has voted to place two zoning articles on the Special Town Meeting Warrant to facilitate the solar photovoltaic installation at the RTS. In accordance with State law, the Board has 14 days to accept the proposed amendment and refer the amendment back to the Planning Board for its review, hearing, and report.		
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
	<i>Suggested Motion:</i> That the Board vote to accept and refer the following proposed zoning articles: Amend Zoning By-law: Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District; and Map Change to Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District to the Planning Board for review, public hearing, and report.		
3.	BACK UP INFORMATION ATTACHED	YES	NO
	a. Letter from Lee Newman, Planning Director, September 5, 2013 b. Text of Zoning Articles c. M.G.L. c. 40A Section 5		



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

500 Dedham Ave
Needham, MA 02492
781-455-7500

PLANNING

September 5, 2013

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

Re: Zoning Articles for 2013 November Special Town Meeting

Dear Kate:

The Planning Board at its meeting of September 3, 2013 voted to place the following articles on the warrant for the November 2013 Special Town Meeting: (1) Amend Zoning Bylaw: Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District and (2) Amend Zoning Bylaw: Map Change to Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District. Accordingly, please find the above-named articles as approved by the Board for inclusion in the warrant of the November 2013 Special Town Meeting.

As you know, the Board of Selectmen will need to accept the articles and to then forward them to the Planning Board for review, public hearing and report. Please have the Selectmen act on the enclosed articles at their next meeting of Tuesday, September 10, 2013, so that the Planning Board can meet its statutory obligations. The Planning Board plans to schedule the public hearing on the articles for Tuesday, October 8, 2013.

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

Very truly yours,

NEEDHAM PLANNING BOARD

Lee Newman
Director of Planning and Community Development

cc: Planning Board

Enclosure

Article 1: AMEND ZONING BY-LAW – LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION OVERLAY DISTRICT

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

(a) In Section 2.1, Classes of Districts, by adding a new Overlay District designation category as follows:

“LGSPI- Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District”

(b) In Section 3, Use Regulations, by inserting a new Subsection 3.13, Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District, to read as follows:

“3.13 Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District

3.13.1 Purpose of District

The purpose of this bylaw is to regulate Large-Scale Ground-Mounted Solar Photovoltaic Installations in an established district(s) where they are allowed. The bylaw provides standards for the placement, design, construction, operation, monitoring, modification and removal of such installations. The standards aim to address public safety, minimize impacts on scenic, natural and historic resources and to provide financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, maintenance and/or repair, and or modification and/or removal of Large-Scale Ground-Mounted Solar Photovoltaic Installations.

3.13.2 Scope of Authority

The Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District shall be considered as overlying other use districts established by this By-Law. Within the Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District, the requirements of the underlying district continue to apply except as may be specifically superseded herein. The scope of authority of this Section 3.13 applies to Large-Scale Ground-Mounted Solar Photovoltaic Installations proposed to be constructed after the effective date of this section. This section also applies to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

3.13.3 Definitions

Designated Location: The locations permitted shall be within the Large-Scale Ground-Mounted Solar Photovoltaic Overlay District, hereinafter referred to as “the Overlay”.

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system, including ancillary structures, that is structurally mounted on the ground and is not roof-mounted and has a minimum nameplate capacity of 250kW DC.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

3.13.4 Allowed Uses

The following uses are allowed by right:

- (a) All uses permissible and as regulated within the underlying district.
- (b) A Large-Scale Ground-Mounted Solar Photovoltaic Installation.

3.13.5 Special Permit Uses

All uses permitted by special permit in the underlying district at that location may be allowed upon the issuance of a special permit by the designated Special Permit Granting Authority under such conditions as the Board may require.

3.13.6 General Requirements

The following requirements are common to all solar photovoltaic installations to be sited in the Overlay.

- 3.13.6.1 Compliance with Laws, Ordinances and Regulations: The construction and operation of all Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be in compliance with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings, structures and fixtures forming part of a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed in accordance with the State Building Code.
- 3.13.6.2 Building Permit and Building Inspection: No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
- 3.13.6.3 Site Plan Review: Large-Scale Ground-Mounted Solar Photovoltaic Installations shall undergo Major Project Site Plan Review by the Planning Board as described in Section 7.4 of the By-Law prior to construction, installation or modification as provided in this section. Application requirements for Site Plan Review shall be as provided below:
 - (a) General: All plans and maps shall be prepared, stamped and signed by a Professional Engineer or Professional Land Surveyor licensed to practice in Massachusetts.
 - (b) Required Documents: Pursuant to the Site Plan Review process, the project proponent shall provide the following documents in addition to those required under Section 7.4 of the By-Law.
 - 1) A site plan showing:
 - i. Property lines and physical features, including roads, for the project site;
 - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening of vegetation or structures;
 - iii. Blueprints or drawings of the solar photovoltaic system signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures.
 - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National electrical Code compliant disconnects and overcurrent devices;
 - v. Documentation of the major system components to be used, including the PV panels, mounting system, inverter, and associated electrical components. The site plan shall include containment fencing line, power lines and poles, and site

- access routes.
- vi. Name, address and contact information for proposed system installer;
- vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any.
- viii. The name, contact information and signature of any agents representing the project proponent.
- 2) Documentation of actual or prospective control of the project site and access thereto (see also Section 3.13.6.4);
- 3) An operation and maintenance plan (see also Section 3.13.6.5);
- 4) Zoning district designation for the parcel(s) comprising the site;
- 5) Proof of liability insurance;
- 6) Description of financial surety that satisfies Section 3.13.6.13.

The Planning Board may waive documentary requirements as it deems appropriate.

3.13.6.4 Site Control: The project proponent shall submit documentation of actual or prospective control of the project site and access thereto sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

3.13.6.5 Operation & Maintenance Plan: The project proponent shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

3.13.6.6 Utility Notification: No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner's or operator's intent to install an interconnected generator and an interconnection agreement and power purchase agreement (where appropriate) has been signed by the utility. Off-grid systems shall be exempt from this requirement.

3.13.6.7 Dimension, Density and Parking Requirements

For Large-Scale Ground-Mounted Solar Photovoltaic Installations, front, side and rear setbacks shall be as follows:

- (a) Minimum Lot Area: 20 acres;
- (b) Minimum Front Setback: 50 feet;
- (c) Minimum Side Setback: 50 feet from the property line of residentially used property;
- (d) Minimum Rear Setback: 50 feet;
- (e) Maximum Lot Coverage: 50%
- (f) Separation Distance: No separation distance is required between structures for ground mounted solar photovoltaic panels;
- (g) Height: Height shall be determined by each individual panel measured to the grade level beneath that panel and shall not exceed 25 feet;
- (h) Transition Areas: As long as the setbacks noted above are respected no further "Transition Area" (per Section 4.2.8) is required. No planting is required within the transition area if the abutting property is controlled by the Town of Needham and/ or plantings are constrained by capped landfill requirements;
- (i) Parking Requirement: No additional parking is required for this use as long as there is no full-time on-site system operator required following installation of the Large-Scale

Ground-Mounted Solar Photovoltaic Installation.

3.13.6.8 Design Standards

- (a) Lighting. Lighting shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- (b) Signage. A sign for the Large-Scale Ground-Mounted Solar Photovoltaic Installation consistent with the Town's sign bylaw shall be required to identify the owner and provide the business name for the company (ies) that own and operate the installation, their business address, the name of a contact person, and a 24-hour emergency contact phone number.
- (c) Utility Connections. Reasonable efforts, as determined by the Planning Board, shall be made to place cabling and utility connections from the Large-Scale Ground-Mounted Solar Photovoltaic Installation underground, depending on appropriate soil conditions, shape, ledge, wetland resources, and topography of the site and any requirements of the utility provider.
- (d) Conditions. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures shall be screened from view by vegetation and/or joined and clustered to avoid adverse visual impacts. Methods such as the use of landscaping, natural features and fencing may be utilized.
- (e) Fencing. A security fence shall be installed along or proximate to the perimeter of the system and shall be maintained for the lifetime of the system.

3.13.6.9 Safety and Environmental Standards

- (a) Emergency Services. The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Needham Fire Chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. The plan shall assure adequate access and staging for emergency services. All means of shutting down the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- (b) Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation and in accordance with applicable laws, regulations, and bylaws.

3.13.6.10 Maintenance: The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security and safety measures. Site access for the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be maintained to a level acceptable to the Needham Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and

any access road(s), unless accepted as a public way.

3.13.6.11 Modifications: All material modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Planning Board.

3.13.6.12 Abandonment or Decommissioning

(a) Removal Requirements. Any Large-Scale Ground-Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned consistent with Section 3.13.6.12 (b) of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- i. Physical removal of all solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- ii. Disposal of all solid and hazardous waste shall be in accordance with local, state, and federal regulations.
- iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave existing vegetation or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.

(b) Abandonment: Absent notice to the Planning Board as provided above of a proposed date of decommissioning or written notice requesting an extension due to extenuating circumstances, the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be considered abandoned when it fails to operate or its operations are discontinued for more than one year without the written consent of the Planning Board; or if the Building Inspector has determined that the installation is a hazard to public safety and the conditions have not been corrected within six (6) months.

The Town retains the right, after the receipt of an appropriate court order to enter and remove an abandoned or hazardous Large-Scale Ground-Mounted Solar Photovoltaic Installation that is not removed by the property owner within six (6) months from the date of abandonment, as described above, or the proposed date of decommissioning. As a condition of approval, an applicant shall agree to allow entry to remove an abandoned installation. The costs for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property.

3.13.6.13 Financial Surety: Proponents of Large-Scale Ground-Mounted Solar Photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board. Such surety will not be required for municipally- or state owned systems, but may be required for privately-owned systems even if located upon municipally-owned land. The project proponent shall submit a fully inclusive estimate of costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.”

Or take any other action relative thereto.

**ARTICLE 2: AMEND ZONING BY-LAW – MAP CHANGE TO LARGE-SCALE
GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION
OVERLAY DISTRICT**

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

- (a) Place in the Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District all that land now zoned Single Residence A and commonly known as the Town of Needham landfill and lying in the area bounded and described as follows:

“Beginning at a point on the northerly sideline of Central Avenue, thence running N55°-25'-16"W a distance of 59.67 feet to a point, thence running N55°-42'-46"W a distance of 71.12 feet to a point, thence N58°-27'-06"W a distance of 112.06 feet to a point, thence N56°-16'-06"W a distance of 296.96 feet to a point, thence S00°-21'-59"W a distance of 42.02 feet to a point, thence S49°-16'-14"W a distance of 279.44 feet to a point, thence S75°-42'-34"W a distance of 187.24 feet to a point, thence S56°-16'-24"W a distance of 46.41 feet to a point, thence S41°-45'-34"W a distance of 50.01 feet to a point, thence S46°-22'-54"W a distance of 131.13 feet to a point, thence N82°-50'-34"W a distance of 228.42 feet to a point, thence N29°-35'-24"E a distance of 866.68 feet to a point, thence N14°-53'-20"W a distance of 1216.6± feet to a point in the centerline of Fuller Brook, thence by the said centerline of Fuller Brook northeasterly to a point (a tie of N62°-30'-33"E a distance of 1009.94 feet), thence S37°-39'-21"E a distance of 719.43 feet to a point, thence S36°-38'-47"E a distance of 88.71 feet to a point, thence S38°-48'-02"E a distance of 115.27 feet to a point, thence S38°-59'-47"E a distance of 152.44 feet to a point, thence S30°-32'-19"E a distance of 290.44 feet to a point, thence S24°-48'-14"E a distance of 24.80 feet to a point, thence S09°-13'-39"E a distance of 34.19 feet to a point, thence S63°-32'-06"E a distance of 97.36 feet to a point, thence S36°-34'-38"E a distance of 234.40 feet to a point, thence S50°-42'-20"E a distance of 77.07 feet to a point, thence N54°-20'-46"E a distance of 19.05 feet to a point, thence N82°-49'-47"E a distance of 11.46 feet to a point, thence S76°-10'-08"E a distance of 31.72 feet to a point, thence S57°-15'-20"E a distance of 35.66 feet to a point, thence S53°-33'-52"E a distance of 15.31 feet to a point, thence S57°-38'-03"E a distance of 36.67 feet to a point, thence S58°-29'-44"E a distance of 181.83 feet to a point, thence S28°-44'-00"W a distance of 310.59 feet to a point, thence S59°-05'-55"E a distance of 275.42 feet to a point on the northerly sideline of Central Avenue, thence by said sideline and a curve to the right, with a radius of 500.00 feet, an length of 419.84 feet to a point, thence N88°-49'-18"W a distance of 233.98 feet to a point, thence by a curve to the left, with a radius of 804.73 feet, a length of 238.48 feet to a point, thence S74°-11'-57"W a distance of 348.85 feet to a point, thence by a curve with a radius of 894.54 feet, a length of 84.00 feet to the point of beginning.”

or take any other action relative thereto.



PART I ADMINISTRATION OF THE GOVERNMENT (Chapters 1 through 182)
TITLE VII CITIES, TOWNS AND DISTRICTS
CHAPTER 40A ZONING
Section 5 Adoption or change of zoning ordinances or by-laws; procedure

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

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town. The department of housing and community development, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included

with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

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

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

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

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

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

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

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

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



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 9/10/2013

Agenda Item	Declaration of Restrictive Covenants & Grant of Restriction/1135 Webster Street
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Planning Board has requested that the Board of Selectmen accept and execute a Declaration of Restrictive Covenants and Grant of Restriction with Southfield Associates for a new subdivision at 1135 Webster Street. The documents were required by the Planning Board as a condition of the Board's approval of the subdivision. The Grant of Restriction provides for a 15 foot landscaping buffer around the subdivision. The Declaration of Restrictive Covenants sets forth the responsibilities of the homeowners association after occupancy.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<i>Suggested Motion:</i> that the Board of Selectmen vote to accept and execute a Declaration of Restrictive Covenants by Southfield Associates to the Town of Needham; and that the Board of Selectmen vote to accept and execute a Grant of Restriction by Southfield Associates to the Town of Needham.			
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below) a. Letter from Lee Newman dated September 6, 2013 b. Declaration of Restrictive Covenants c. Grant of Restriction d. Definitive Subdivision Decision dated August 6, 2013			



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

500 Dedham Ave
Needham, MA 02492
781-455-7500

PLANNING

September 6, 2013

Ms. Kate Fitzpatrick
Town Manager
1471 Highland Avenue
Needham, MA 02492

Re: DEFINITIVE SUBDIVISION
1135 Webster Street, Needham, MA

Dear Ms. Fitzpatrick:

Enclosed please find the following original documents:

1. Declaration of Restrictive Covenants by Southfield Associates to the Town of Needham, Massachusetts;
and
2. Grant of Restriction by Southfield Associates to the Town of Needham, Massachusetts.

The above-named documents will be executed by Gary W. Petrini of Southfield Associates and the Mortgagee, and delivered to your office in advance of the Board of Selectmen's September 10, 2013 meeting. David Tobin has approved these items for execution by the Board of Selectmen at this time. Southfield Associates has not yet taken title to the land within the subdivision. As a result the documents will not be dated at this time but at the time property title passes to Southfield Associates. Accordingly, the documents are to be held in escrow by Mr. Roy Cramer for the recording and the completion at the time the property is conveyed from the present owner to Southfield Associates.

The above-named documents were required by the Needham Planning Board as a condition of the Board's approval of the 1135 Webster Street, Definitive Subdivision Plan. Please have the Board of Selectmen accept and execute items 1 and 2 above at their meeting of Tuesday September 10, 2013. Additionally, David Tobin will need to approve and endorse the documents "approved as to form". I will arrange to have David Tobin and Anthony Del Gaizo contact you directly regarding their approval of the documents prior to your meeting.

Please return the executed documents to the Planning Office. Should you have any questions regarding this matter, please feel free to contact me directly. Thank you for your assistance.

Very truly yours,

NEEDHAM PLANNING BOARD

Lee Newman
Director of Planning and Community Development

cc: David Tobin
Rick Merson
Tony Del Gaizo
Roy Cramer

DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS that SOUTHFIELD ASSOCIATES, a Massachusetts general partnership with a usual place of business at 187 Rosemary Street, Needham, Massachusetts 02494, being the owners of record of certain real estate situated in Needham, Norfolk County, Massachusetts, described on Exhibit A.

For Owner's title see Norfolk Registry of Deeds at Book _____, Page _____.

The Owner hereby imposes upon said premises the restrictions listed below in accordance with the Decision of the Planning Board of the Town of Needham dated August 6, 2013, entitled Definitive Subdivision Decision, Hutter Ridge Road (the "Decision"), in which the Planning Board approved the subdivision as shown on the plan to be recorded herewith subject to the conditions and waivers therein set forth for construction of the way known as Hutter Ridge Road.

The subdivision approval is based on a set of plans (collectively, the "Plan") as follows: Plan entitled, "Definitive Subdivision Plans for Hutter Ridge Road, 1135 Webster Street, Needham, MA 02492", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and Cosmos Associates, 5 Longview Street, Natick, MA 01760 consisting of eight (8) sheets; Sheet No. 1, Cover Sheet, entitled "Definitive Subdivision Plans for Hutter Ridge Road, 1135 Webster Street, Needham, MA 02492", dated May 24, 2013, revised July 15, 2013 and August 16, 2013; Sheet No. 2, "Existing Conditions Plan", dated May 24, 2013, revised July 15, 2013 and August 16, 2013; Sheet No. 3, "Lotting Plan", dated May 24, 2013, revised July 15, 2013 and August 16, 2013; Sheet No. 4, "Plan and Profile", dated May 24, 2013, revised July 15, 2013 and August 16, 2013; Sheet No. 5, "Grading, Drainage, & Utility Plan", dated May 24, 2013, revised July 15, 2013 and August 16, 2013; Sheet No. 6, "Detail Sheet", dated May 24, 2013, July 15, 2013 and August 16, 2013; Sheet No. 7, "Detail Sheet", dated May 21, 2013, July 15, 2013 and August 16, 2013; Sheet No. 8, "Landscape Plan", dated May 24, 2013, revised July 15, 2013. All of the foregoing is hereinafter referred to as the "Plan". Sheet No. 3, entitled "Lotting Plan" is recorded herewith.

Said premises are shown on said Plan as Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, a lot designated as "Unbuildable Lot" and Hutter Ridge Road, said road to be accepted by the Town of Needham as a public way. The Owner hereby imposes the restrictions on said Lots 1 through 7 and the Unbuildable Lot, for the benefit of the Town of Needham and each other record owner or owners of Lots 1 through 7 and the Unbuildable Lot shown on said Plan, their successors and assigns, said restrictions and covenants to be covenants running with said Lots 1 through 7 and the Unbuildable Lot, and to be binding on the record owners, their successors and assigns, in perpetuity.

1. The waiver of street construction requirements, as fully set forth in Paragraphs 1.a, 1.b, 1.c, 1.d, 1.e and 1.f of the Decision is expressly conditioned upon and subject to the restriction that neither the owner nor any successor owner or owners of Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6 and Lot 7 as shown on the Plan (hereinafter in paragraphs 3 through 12 inclusive referred to individually as a Lot or collectively as the Lots) shall use the Lots for any purpose

other than single-family residential use, as shown on the Plan, as approved by the Board and recorded herewith, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

2. Each and every owner or owners of any Lot as shown on the Plan, served by Hutter Ridge Road shall be jointly and severally responsible and liable for the costs of the maintenance and repair of that portion of the drainage system located on the Unbuildable Lot as shown on the Plan, the island in the center of the Hutter Ridge Road cul-de-sac, maintenance of any landscaping within the layout of Hutter Ridge Road, maintenance of the common electrical system serving the streetlight closest to Webster Street, and the enforcement, together with the Town of Needham, of the restrictions pertaining to the "15' Wide Landscape Buffer" shown on the Plan and referenced to in the Grant of Restrictive Covenant of even date and recorded herewith. The Unbuildable Lot shown on the Plan shall remain in private ownership. For purposes hereof, owner shall mean the record owner of the Lot or Lots as of the date that the maintenance, repair or reconstruction work, as the case may be, is begun. No Owner, nor any successor owner or owners of Lots 1 through 7 as shown on said Plan (hereinafter referred to individually as a "Lot" or collectively as the "Lots") shall use the Lots for any purpose other than single family residential use or such other purposes as may be set forth herein or on the Plan as approved by the Board and filed herewith and there shall be no additional lots beyond the seven lots and the Unbuildable Lot approved under the Definitive Subdivision Decision dated August 6, 2013, a copy of which is on file with the Town Clerk's Office, Needham Town Hall, and a copy of which is filed herewith.

3. Any and all maintenance, repair or reconstruction work performed on or to the Unbuildable Lot, or any landscaping located within the Hutter Ridge Road right of way, or in connection with maintenance of street lighting by or at the direction of any owner or owners of any Lot as provided herein shall be carried out so as to ensure that no fill material nor any products or excavation or erosion resulting from or arising in connection with such work shall be discharged into any public storm drainage system, and soil and other material or debris shall be removed from the site only to the extent necessary in connection with such work.

4. In any sale or transfer by the owners or any successor owner or owners of any of the Lots, the deed or other instrument shall refer to and incorporate conditions 1 thru 10 inclusive. Any deed or other instrument purporting to transfer or convey any interest in any Lot or Lots, which does not expressly refer to and incorporate these conditions, shall, nevertheless, be deemed to contain the same and all events shall be subject thereto. It shall be the responsibility of each owner to maintain and keep operational their respective roof drainage systems, in accordance with the Plan and the provisions of Section 16 of the Decision. It shall be the responsibility of the record owners of Lots 1 through 7 acting through the Hutter Ridge Road Association Trust to maintain the island landscaping in accordance with Section 9 of the Decision. It shall be the responsibility of each owner acting through the Hutter Ridge Road Association Trust to operate and maintain the drainage system located on the Unbuildable Lot in accordance with Section 10 of the Decision. It shall be the responsibility of the record owners of Lots 1 through 7 acting through the Hutter Ridge Road Association Trust to maintain the common electrical systems supplying power to the streetlight closest to Webster Street and to maintain and repair said streetlight.

5. Lots 1 through 7 inclusive as shown on the Plan shall be accessed solely from Hutter Ridge Road with no vehicular access for said lots provided directly to Webster Street or South Street. Vehicular access to Hutter Ridge Road shall be limited to said Lots 1, 2, 3, 4, 5, 6 and 7 as shown on the Plan.

6. The island in the center of the Hutter Ridge Road cul-de-sac shall be landscaped. The island landscaping shall be maintained by the record owners of Lots 1 through 7 through the Hutter Ridge Road Trust Agreement.

7. The street landscaping within the layout of Hutter Ridge Road and on the Unbuildable Lot described in condition 8 of the Decision shall be maintained by the record owners of Lots 1 through 7 through the Hutter Ridge Association Trust.

8. Each record owner, whether one or more persons or entities, of title to Lots 1 through 7, as shown on the Plan, shall maintain and keep operational their respective roof drainage system in accordance with the Plan, as approved by the Decision and as further described in the Drainage analysis entitled "Stormwater Management Report, Hutter Ridge Road", dated May 24, 2013, prepared Southfield Associates, 187 Rosemary Street, Needham, MA 02494, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and in the "Post-Construction Development Map, dated July 15, 2013", prepared by the said Kelly Engineering Group, Inc.

9. Street lighting shall be provided in the subdivision. Maintenance and electricity shall be supplied by the Owner of the lots on which the lighting system is located, except that the streetlight closest to Webster Street shall be operated and maintained, and the electricity supplied, by the record owners of Lot 1 through Lot 7 through the Hutter Ridge Association Trust.

10. This Restrictive Covenant incorporating conditions 3 through 13 and condition 16 of the Decision will be recorded in the Registry of Deeds and shall run with the land and shall be enforceable by the Town of Needham. This Restrictive Covenant shall be referenced on the Plan and shall be recorded therewith. This Restrictive Covenant shall be enforceable in perpetuity or for the longest period permitted by law and in any event for 100 years.

WITNESS the execution thereof under seal this ____ day of _____, 2013.

SOUTHFIELD ASSOCIATES,
a Massachusetts general partnership,
by its partners

PETRINI CORPORATION

By: _____
Gary W. Petrini, President

Lynne Petrini, Treasurer

PETRINI CONSTRUCTION CORPORATION

By: _____
Gregory L. Petrini
President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this ____ day of _____, 2013, before me, the undersigned notary public, personally appeared Gary W. Petrini, as President of Petrini Corporation, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as President of Petrini Corporation, a Partner of Southfield Associates.

Notary Public:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this ____ day of _____, 2013, before me, the undersigned notary public, personally appeared Lynne Petrini, as Treasurer of Petrini Corporation, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Treasurer of Petrini Corporation, a Partner of Southfield Associates.

Notary Public:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this ____ day of _____, 2013, before me, the undersigned notary public, personally appeared Gregory L. Petrini as President and Treasurer of Petrini Construction Corporation, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as President and Treasurer of Petrini Construction Corporation, a Partner of Southfield Associates.

Notary Public:
My Commission Expires:

Approved as to Form
By Town Counsel

David Tobin

ACCEPTANCE BY THE TOWN OF NEEDHAM

The foregoing Declaration of Restrictive Covenants hereby is accepted by the Town of Needham, subject to the terms and conditions set forth therein.

TOWN OF NEEDHAM
By Its Board of Selectmen

By: _____
Name:
Title:

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this ____ day of _____, 2013, before me, the undersigned notary public, personally appeared _____, _____ Selectman of the Town of Needham, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

ACKNOWLEDGEMENT AND ASSENT OF MORTGAGEE

The present holder of a mortgage (the "Mortgage") upon the property is the Needham Bank (the "Mortgagee") of 1063 Great Plain Avenue, Needham, Massachusetts 02492. The mortgage is dated _____, and is recorded at the Norfolk Registry of Deeds at Book _____, Page _____. The Mortgagee agrees that the covenants shall have the same status, force and effect as though executed and recorded before Mortgagee's acceptance of the Mortgage and further agrees that the mortgage shall be subordinate to the above Declaration of Restrictive Covenants.

IN WITNESS WHEREOF, the said Needham Bank has caused its corporate seal to be affixed and these presents to be signed, acknowledged, and delivered in his name and on its behalf by _____ hereby duly authorized this _____ day of _____ 2013.

NEEDHAM BANK

By: _____
Name: _____
Title: _____

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this ____ day of _____ 2013, before me, the undersigned notary public, personally appeared _____, _____ of Needham Bank, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

EXHIBIT A

The land and improvements thereon located at 1135 Webster Street, Needham, Massachusetts, comprising the Hutter Ridge Road Definitive Subdivision, as more particularly shown on plans prepared by Kelly engineering Group, Inc., 0 Campanelli Drive, Braintree, Massachusetts 02184 and labeled Sheet 3, "Lotting and Zoning Plan", dated May 24, 2013, revised July 15, 2013 and August 16, 2013, and recorded herewith.

GRANT OF RESTRICTION

SOUTHFIELD ASSOCIATES, a Massachusetts general partnership with a usual place of business at 187 Rosemary Street, Needham, Massachusetts 02494, being the owner of all of the lots (each a "Lot", and collectively, the "Lots") of the Hutter Ridge Road Subdivision (the "Subdivision"), shown on a set of plans (collectively, the "Plan") as follows: Plan entitled, "Definitive Subdivision Plans for Hutter Ridge Road, 1135 Webster Street, Needham, MA 02492", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and Cosmos Associates, 5 Longview Street, Natick, MA 01760 consisting of eight (8) sheets; Sheet No. 1, Cover Sheet, entitled "Definitive Subdivision Plans for Hutter Ridge Road, 1135 Webster Street, Needham, MA 02492", dated May 24, 2013, revised July 15, 2013 and August 16, 2013; Sheet No. 2, "Existing Conditions Plan", dated May 24, 2013, revised July 15, 2013 and August 16, 2013; Sheet No. 3, "Lotting Plan", dated May 24, 2013, revised July 15, 2013 and August 16, 2013; Sheet No. 4, "Plan and Profile", dated May 24, 2013, revised July 15, 2013 and August 16, 2013; Sheet No. 5, "Grading, Drainage, & Utility Plan", dated May 24, 2013, revised July 15, 2013 and August 16, 2013; Sheet No. 6, "Detail Sheet", dated May 24, 2013, July 15, 2013 and August 16, 2013; Sheet No. 7, "Detail Sheet", dated May 21, 2013, July 15, 2013 and August 16, 2013; Sheet No. 8, "Landscape Plan", dated May 24, 2013, revised July 15, 2013. All of the foregoing is hereinafter referred to as the "Plan". Sheet No. 3, entitled "Lotting Plan" is recorded herewith.

For consideration paid, and in full consideration of \$1.00, hereby submit the following described Lots to, and grants a Restriction, with warranty covenants, as hereinafter described under G.L. Chapter 184, Section 26, in favor of (a) the Town of Needham, a political subdivision of the Commonwealth of Massachusetts acting by and through its Board of Selectmen, and having an address at Needham Town Hall, 1471 Highland Avenue, Needham, Massachusetts 02492, and (b) Hutter Ridge Road Association Trust, under Declaration of Trust dated August, 2013, and filed with the Norfolk Registry District of the Land Court herewith.

The land designated on the Plan as "15' Wide Landscaped Buffer" on Lots 1-7 and the "Unbuildable Lot" shall be restricted so as to maintain such areas in their natural condition and to forbid (a) construction or placing of buildings, fences, stone walls, roads, driveways, signs or other advertising, utilities or other structures on or above ground on the 15' Wide Landscaped Buffer, (b) dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, vehicle bodies or parts, waste or unsightly or offensive materials on the 15' Wide Landscaped Buffer, (c) removal or destruction of trees, shrubs or other vegetation on the 15' Wide Landscaped Buffer except that proper forestry practices including the cutting and pruning of trees and shrubs shall be permitted, (d) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface on the 15' Wide Landscaped Buffer. Notwithstanding the foregoing, the following activities shall be permitted on the Unbuildable Lot within the 15' Wide Landscaping Buffer; installation of drainage infrastructure, removal of vegetation in connection thereto, grading associated with said drainage infrastructure, relandscaping and revegetating, all as shown on the

Plan. Provided further, however, that nothing in this Grant of Restriction prohibits the planting of new trees or shrubs within the 15' Wide Landscaped Buffer, or replacing damaged or dead trees and shrubs with new trees and shrubs.

The foregoing restriction is imposed in favor of both the Hutter Ridge Association Trust and the Town of Needham, a "Governmental Body" as defined in said Section 26, and is intended to be perpetual or for the longest period permitted by law and in any event for one hundred (100) years and to run with the land and be binding upon the owner of each of the Lots from time to time. The foregoing provisions are not intended to limit the provisions of that certain Declaration of Trust of the Hutter Ridge Association, of even date and recorded herewith.

For Grantor's title, see Norfolk Registry of Deeds Book _____, Page _____.

Signed and Sealed as of this ____ day of _____ 2013.

SOUTHFIELD ASSOCIATES,
a Massachusetts general partnership,
by its partners

PETRINI CORPORATION

By: _____
Gary W. Petrini, President

Lynne Petrini, Treasurer

PETRINI CONSTRUCTION
CORPORATION

By: _____
Gregory L. Petrini
President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this ____ day of _____, 2013, before me, the undersigned notary public, personally appeared Gary W. Petrini, as President of Petrini Corporation, proved to me through satisfactory evidence of identification, which were _____

_____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as President of Petrini Corporation, a Partner of Southfield Associates.

Notary Public:

My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this ____ day of _____, 2013, before me, the undersigned notary public, personally appeared Lynne Petrini, as Treasurer of Petrini Corporation, proved to me through satisfactory evidence of identification, which were _____

_____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Treasurer of Petrini Corporation, a Partner of Southfield Associates.

Notary Public:

My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this ____ day of _____, 2013, before me, the undersigned notary public, personally appeared Gregory L. Petrini as President and Treasurer of Petrini Construction Corporation, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as President and Treasurer of Petrini Construction Corporation, a Partner of Southfield Associates.

Notary Public:

My Commission Expires:

Approved as to Form
By Town Counsel

David Tobin

ACCEPTANCE BY THE TOWN OF NEEDHAM

The foregoing Grant of Restriction hereby is accepted by the Town of Needham, subject to the terms and conditions set forth therein.

TOWN OF NEEDHAM
By Its Board of Selectmen

By: _____
Name:
Title:

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this _____ day of _____ 2013, before me, the undersigned notary public, personally appeared _____, Selectman of the Town of Needham, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

ACKNOWLEDGEMENT AND ASSENT OF MORTGAGEE

The present holder of a mortgage (the "Mortgage") upon the property is the Needham Bank (the "Mortgagee") of 1063 Great Plain Avenue, Needham, Massachusetts 02492. The mortgage is dated _____, and is recorded at the Norfolk Registry of Deeds at Book _____, Page _____. The Mortgagee agrees that the covenants shall have the same status, force and effect as though executed and recorded before Mortgagee's acceptance of the Mortgage and further agrees that the mortgage shall be subordinate to the above Grant of Restriction.

IN WITNESS WHEREOF, the said Needham Bank has caused its corporate seal to be affixed and these presents to be signed and acknowledged and delivered in its name and on its behalf by _____ hereby duly authorized this _____ day of _____, 2013.

NEEDHAM BANK

By: _____
Name: _____
Title: _____

COMMONWEALTH OF MASSACHUSETTS

_____ County, ss

On this ____ day of _____ 2013, before me, the undersigned notary public, personally appeared _____, _____ of Needham Bank, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public:
My Commission Expires:



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

500 Dedham Ave
Needham, MA 02492
781-455-7500

PLANNING

DEFINITIVE SUBDIVISION DECISION

1135 Webster Street
Southfield Associates
August 6, 2013

DECISION of the Planning Board of the Town of Needham, Massachusetts, (hereinafter together with any entity succeeding the powers of said Planning Board referred to as the Board) on the petition of Southfield Associates, c/o Petrini Corporation, 187 Rosemary Street, Needham, Massachusetts (to be referred to hereinafter as the Petitioner) for property located at and known as 1135 Webster Street, Needham, Massachusetts. Said property is shown on Assessors Plan No. 203 as Parcel 4. The land is further shown on a plan of "Land in Needham, Mass., dated June 30, 1939, by Frank L. Cheney" recorded with the Norfolk Deeds in Book 2237, Page 361.

This decision is in response to an application for approval by the Petitioner of a Definitive Subdivision Plan submitted to the Board on June 10, 2013, under Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive.

If approved, the Plan would create seven (7) building lots. The existing dwelling will be located on one of the building lots. Presently, the parcel is occupied by a single family dwelling and associated accessory structures, driveways and yard area. All of the lots would have access from the new road.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest, as required by law, Bruce T. Eisenhut, Chairperson of the Board, called the hearing to order on Tuesday, July 9, 2013, at 7:30 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, MA. The hearing was continued to Tuesday, July 23, 2013 at 8:30 p.m. in the Charles River Room of the Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts. Board members Elizabeth J. Grimes, Martin Jacobs, and Jeanne S. McKnight were present throughout the proceedings. Board members Bruce T. Eisenhut and Sam Bass Warner were present for all of the proceedings except the hearing occurring on July 23, 2013. Pursuant to Massachusetts General Laws Chapter 39, Section 23D, Adjudicatory Hearing, adopted by the Town of Needham in May of 2009, Mr. Eisenhut and Mr. Warner examined all evidence received at the missed session and listened to an audio recording of the meeting. The record of the proceedings and submissions upon which this approval is based may be referred to in the office of the Town Clerk or the Planning Board Office.

The Board met on August 6, 2013, to deliberate on the proceedings and to consider the evidence. Submitted for their deliberations prior to the close of the public hearing were the following exhibits.

Exhibit 1 - Plan entitled, "Definitive Subdivision Plans for Hutter Ridge Road, 1135 Webster Street, Needham, MA 02492", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and Cosmos Associates, 5

Longview Street, Natick, MA 01760 consisting of eight (8) Sheets; Sheet No. 1, Cover Sheet, entitled "Definitive Subdivision Plans for Hutter Ridge Road, 1135 Webster Street, Needham, MA 02492", dated May 24, 2013; Sheet No. 2, "Existing Conditions Plan", dated May 24, 2013; Sheet No. 3, "Lotting Plan", dated May 24, 2013; Sheet No. 4, "Plan and Profile", dated May 24, 2013; Sheet No. 5, "Grading, Drainage, & Utility Plan", dated May 24, 2013; Sheet No. 6, "Detail Sheet", dated May 24, 2013; Sheet No. 7, "Detail Sheet", dated May 21, 2013; Sheet No. 8, "Landscape Plan", dated May 24, 2013.

- Exhibit 2 - Plan entitled, "Definitive Subdivision Plans for Hutter Ridge Road, 1135 Webster Street, Needham, MA 02492", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and Cosmos Associates, 5 Longview Street, Natick, MA 01760 consisting of eight (8) Sheets; Sheet No. 1, Cover Sheet, entitled "Definitive Subdivision Plans for Hutter Ridge Road, 1135 Webster Street, Needham, MA 02492", dated May 24, 2013, revised July 15, 2013; Sheet No. 2, "Existing Conditions Plan", dated May 24, 2013, revised July 15, 2013; Sheet No. 3, "Lotting Plan", dated May 24, 2013, revised July 15, 2013; Sheet No. 4, "Plan and Profile", dated May 24, 2013, revised July 15, 2013; Sheet No. 5, "Grading, Drainage, & Utility Plan", dated May 24, 2013, revised July 15, 2013; Sheet No. 6, "Detail Sheet", dated May 24, 2013, July 15, 2013; Sheet No. 7, "Detail Sheet", dated May 21, 2013, July 15, 2013; Sheet No. 8, "Landscape Plan", dated May 24, 2013, revised July 15, 2013.
- Exhibit 3 - Stormwater Management Report, 1135 Webster Street, Needham, MA, dated May 24, 2013, prepared for Southfield Associates, c/o Petrini Corporation, 187 Rosemary Street, Needham, MA 02494, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184.
- Exhibit 4 - Letter to the Planning Board from Brandon Li, Project Engineer, Kelly Engineering Group, Inc., dated July 15, 2013, and attachments thereto.
- Exhibit 5 - Plan entitled "Post Construction Development Map", dated July 15, 2013, prepared by said Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184.
- Exhibit 6 - Letter to Lee Newman, Director of Planning and Development from Roy A. Cramer, dated June 3, 2013.
- Exhibit 7 - Application for Approval of a Definitive Subdivision Plan, dated May 29, 2013.
- Exhibit 8 - Memorandum from Brandon Li, Kelly Engineering Group, Inc., regarding list of requested waivers, dated April 22, 2013.
- Exhibit 9 - Authorization letter to Planning Board and Mr. Gregory Petrini, from Adolph M. Hutter, Jr. and Sylvia Hutter, undated.
- Exhibit 10 - Parcel Map Check Report, prepared by Kelly Engineering Group, Inc., dated May 28, 2013.
- Exhibit 11- Legal description of land at 1135 Webster Street, Needham, MA.

Exhibit 12 - Interdepartmental Communication (IDC) to the Board from Anthony DelGaizo, Town Engineer, dated July 3, 2013 and July 23, 2013; IDC to the Board from Paul F. Buckley, Fire Chief, Needham Fire Department, dated June 17, 2013, IDC to the Board from Edward Olsen, Tree Warden, Superintendent Parks and Forestry Division, dated July 23, 2013; IDC to the Board from John Kraemer, Police Lt., Needham Police Department, dated June 18, 2013; and IDC to the Board from Tara Gurge, Agent, Needham Board of Health, dated June 6, 2013.

Exhibits 2, 3, 5 and 7 are referred to hereinafter as the Plan.

The Board hereby APPROVES the Subdivision, as shown on the Plan, located in Needham, Norfolk County, Massachusetts, to be recorded herewith, for the reasons and subject to the plan modifications, conditions and waivers herein set forth. The approval herein granted is based on the Plan entitled, "Definitive Subdivision Plans for Hutter Ridge Road, 1135 Webster Street, Needham, MA 02492", prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and Cosmos Associates, 5 Longview Street, Natick, MA 01760 consisting of eight (8) Sheets; Sheet No. 1, Cover Sheet, entitled "Definitive Subdivision Plans for Hutter Ridge Road, 1135 Webster Street, Needham, MA 02492", dated May 24, 2013, revised July 15, 2013; Sheet No. 2, "Existing Conditions Plan", dated May 24, 2013, revised July 15, 2013; Sheet No. 3, "Lotting Plan", dated May 24, 2013, revised July 15, 2013; Sheet No. 4, "Plan and Profile", dated May 24, 2013, revised July 15, 2013; Sheet No. 5, "Grading, Drainage, & Utility Plan", dated May 24, 2013, revised July 15, 2013; Sheet No. 6, "Detail Sheet", dated May 24, 2013, July 15, 2013; Sheet No. 7, "Detail Sheet", dated May 21, 2013, July 15, 2013; Sheet No. 8, "Landscape Plan", dated May 24, 2013, revised July 15, 2013.

1. The Board has waived compliance with the following requirements of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, having found that such action is in the public interest and is not inconsistent with the intent and purposes of the Subdivision Control Law.

a) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be laid out to a width of 50 feet and approves instead a 40-foot wide right-of-way, as shown on the Plan, as modified by this decision. In the granting of this waiver, the Board considered the Plan as referred to in Exhibits 2, 3, 5 and 7 hereof.

b) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be paved to a width of 24 feet and approves instead a pavement width of 20 feet, as shown on the Plan, as modified by this decision. In the granting of this waiver, the Board considered the Plan as referred to in Exhibits 2, 3, 5 and 7 hereof.

c) The Board hereby waives the requirements of Section 3.3.1 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that the grade of the street not exceed 1% within 50 feet of a street intersection and approves instead a maximum grade of 2% at the Webster Street intersection, as shown on the Plan, as modified by this decision. In the granting of this waiver, the Board considered the Plan as referred to in Exhibits 2, 3, 5 and 7 hereof.

d) The Board hereby waives the requirements of Section 3.3.16 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require the construction of a sidewalk in accordance with the "Standard Specifications" of the Town of Needham along both sides of the proposed roadway and approves instead no walkways, as shown on the Plan, as modified by this decision. In the granting of this waiver, the Board considered the Plan as referred to in Exhibits 2, 3, 5, and 7 hereof.

e) The Board hereby waives the requirements of Section 3.3.5 of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all cul-de-sacs have a minimum radius of 60 feet and approves instead a radius of 50 feet, as shown on the Plan, as modified by this decision. In the granting of this waiver, the Board considered the Plan as referred to in Exhibits 2, 3, 5 and 7 hereof.

f) The Board hereby waives the requirements of Section 3.6.1 of the Town of Needham Subdivision Rules and Procedural Rules of the Planning Board, which would otherwise require that all streets be constructed in accordance with the standard street cross-section and approves instead the cross-section as shown on the Plan, showing a 20-foot pavement width and no sidewalks. In the granting of this waiver, the Board considered the Plan as referred to in Exhibits 2, 3, 5 and 7 hereof.

2. Petitioner shall cause the Plan to be revised to show the following additional or revised information which modifications shall be subject to review and approval of the Board prior to endorsement of the Plan:

- a) The plan shall be modified to show granite curb inlets (not slope granite curbing) at all catch basins and/or stormceptor structures.
- b) The plan shall be modified to show the 30-foot Access Easement across Lot 5 for the benefit of Lot 4 as an Access and Utility easement.
- c) The plan shall be modified to include the street light detail.

3. The waiver of street construction requirements, as fully set forth in Paragraphs 1.a, 1.b, 1.c, 1.d, 1.e, and 1.f is expressly conditioned upon and subject to the restriction that neither the owner nor any successor owner or owners of Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, or Lot 7 as shown on the Plan shall use the Lots for any purpose other than single-family residential use, as shown on the Plan, as approved by the Board and recorded herewith, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

4. Lots 1 through 7 inclusive as shown on the Plan shall be accessed solely from Hutter Ridge Road with no vehicular access for said lots provided directly to South Street or Webster Street. Vehicular access to Hutter Ridge Road shall be limited to said Lots 1, 2, 3, 4, 5, 6, and 7 as presently shown on the Plan.

5. On-street parking shall not be permitted along Hutter Ridge Road due to the 20-foot pavement width of said streets. At the time Petitioner submits a request to the Board of Selectmen relative to the acceptance of Hutter Ridge Road Petitioner shall include in such petition a request that on-street parking not be permitted along said ways.

6. The land designated on the Plan as "15 foot landscape buffer" on Lots 1, 2, 3, 4, 5, 6, 7 and on the unbuildable lot, shall be restricted so as to maintain such areas in their natural condition and to forbid (a) construction or placing of buildings, fences, stone walls, roads, driveways, signs

or other advertising, utilities or other structures on or above ground on the landscape buffer land, (b) dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, vehicle bodies or parts, waste or unsightly or offensive materials on the landscape buffer land, (c) removal or destruction of trees, shrubs or other vegetation on the landscape buffer land except that proper forestry practices including the cutting and pruning of trees and shrubs shall be permitted, (d) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface on the landscape buffer land. Notwithstanding the foregoing, the following activities shall be permitted on the Unbuildable Lot within the 15' Wide Landscaping Buffer; installation of drainage infrastructure, removal of vegetation in connection thereto, grading associated with said drainage infrastructure, relandscaping and revegetating, all as shown on the Plan. Nothing in the Grant of Restriction shall prohibit the planting of new trees or shrubs within the 15' Wide landscaped buffer or replacing damaged or dead trees and shrubs with new trees and shrubs. The Petitioner shall deliver to the Board a Grant of Restriction incorporating these restrictions in a form suitable for recording in the registry of deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall be referenced on the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for longest period permitted by law and in any event for 100 years.

7. Street lighting shall be provided in the subdivision in accordance with the Plan. The light sources shall be on posts at least 10 feet high and shall be controlled by photovoltaic switches. Post lighting shall be supplied as shown on the Plan. The lighting system shall be operated and maintained and the electricity supplied by the record owners of the lots on which the lighting system is located, except that the streetlight closest to Webster Street shall be operated and maintained, and the electricity supplied, by the record owners of Lots 1 through 7 through the Hutter Ridge Road Association Trust..

8. The Petitioner has provided a landscape plan showing the general features of the streetscape including light post location, trees proposed to be added, trees proposed to be retained, intermittent stone walls, and other street landscape features. The street landscaping within the street right-of-way shall be maintained by the record owners of Lots 1 through 7 through the Hutter Ridge Road Association Trust.

9. The island in the center of the Hutter Ridge Road cul-de-sac shall be landscaped in accordance with Sheet No. 8 of Exhibit 2, entitled "Landscape Plan", dated May 24, 2013, revised July 15, 2013, and prepared by Cosmos Associates. The island landscaping shall be maintained by the record owners of Lots 1 through 7 through the Hutter Ridge Road Association Trust.

10. The drainage system located within the "Unbuildable Lot" shall remain in private ownership. Ownership, operation and maintenance of said drainage system shall fall to the record owners of Lots 1 through 7 through the Hutter Ridge Road Association Trust.

11. The Petitioner shall deliver to the Board a Restrictive Covenant incorporating conditions 3, 7, 8, 9, and 10 of this Decision in a form suitable for recording in the Registry of Deeds that shall run with the land and shall be enforceable by the Town. Such restriction shall be referenced on the Plan and shall be recorded therewith. Said covenant shall be enforceable in perpetuity or for longest period permitted by law and in any event for 100 years.

12. In any sale or transfer by the record owner of title to Lots 1 through 7, as shown on the Plan, or any successor record owner of title to Lots 1 through 7, as shown on the Plan, the deed or other instrument shall refer to and incorporate conditions 3, 7, 8, 9 and 10 of this decision. Any deed or other instrument purporting to transfer or convey any interest in Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, or Lot 7 which does not expressly refer to and incorporate these conditions shall, nevertheless, be deemed to contain the same and in all events shall be subject thereto.

13. The Plan provides for a 30-foot Access and Utility easement across Lot 5 for the benefit of Lot 4. The Petitioner shall deliver to the Board a copy of the recorded Access and Utility Easement prior to the release of Lot 4 or Lot 5 for purposes of building or conveyance.

14. In general, the cutting of trees and removal of vegetation shall be kept to a minimum in the construction and development of the Subdivision. All trees having a caliber of at least 6 inches as measured three feet off the ground bordering "Hutter Ridge Road" and on the site shall be retained and not disturbed or destroyed during construction of the subdivision except for those trees which must be removed for the construction of the proposed way, driveways, utilities, and dwellings and uses accessory thereto.

15. Off-street drainage surety in the amount of \$24,500.00 shall be posted (\$3,500.00 per lot) prior to the release of Lots 1-7 inclusive as shown on the Plan for purposes of building or conveyance. As recommended in the memo of the Board of Health dated June 6, 2013, all lots shall be graded to the limits of construction so as to have no standing water and/or otherwise create a public health nuisance. Grading shall not improperly shed or illegally increase drainage onto adjacent properties. All subsequent developers or builders shall be notified of the off-street drainage bond and the specific off-street drainage requirements. If required by the Board of Health, an as-built certified grading plan(s) of all or any of the lots shall be submitted prior to release of the drainage surety.

16. Each record owner, whether one or more persons or entities, of title to Lots 1 through 7, as shown on the Plan, shall maintain and keep operational their respective roof drainage system in accordance with the Plan, as approved by this decision and as further described in the "Stormwater Management Report, 1135 Webster Street, Needham, MA", dated May 24, 2013, prepared for Southfield Associates, c/o Petrini Corporation, 187 Rosemary Street, Needham, MA, prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 and the "Post Construction Development Map", dated July 15, 2013, prepared by said Kelly Engineering Group, Inc. and filed with the Board as Exhibit 5.

17. Prior to Plan endorsement and in keeping with Phase II NPDES, Town of Needham as filed July 30, 2003, the Petitioner shall submit a letter indicating they are committed to providing a response under the NPDES requirement: Control Measure #1- "Public Education and Outreach" and Control Measure #2, "Public Participation/Involvement" and shall implement said measures prior to the release of the subdivision lots. The Public Participation and Involvement control measure selected by the applicant are catch basin markers indicating "Drains to Stream" or a similar message.

18. A Department of Environmental Protection sewer extension permit may be required to service the subdivision and abutting lots. If required, approval of this subdivision is subject to the granting by the Board of Selectmen and the Department of Environmental Protection of a Sewer Extension and Connection Permit.

19. Any and all special permits required by the Massachusetts Water Resources Authority shall be obtained at the expense of the applicant.
20. A special sewer connection permit program fee shall be provided for all lots within the subdivision.
21. Grade adjustment rings are not permitted to adjust gate boxes and/or other castings. The Petitioner shall use appropriately sized castings.
22. All catch basins shall remain functional at all times. Rims shall be set at binder elevation and shall be adjusted to finish course elevation prior to placement of the top course of pavement.
23. If the binder course of pavement is exposed to one winter season, it shall be chipsealed prior to September 1 of the following winter season. If the roadway work is not completed prior to the third winter season, road reconstruction may be required by the Highway Superintendent.
24. No openings in the pavement shall be made after the chipseal has been laid between September 1 and April 1.
25. The construction, operation and maintenance of the subdivision shall be conducted in accordance with the EPA's Memorandum of Understanding signed by the Board of Selectmen.
26. "As-built" construction plans of the sewer, water and drainage utilities shall be submitted to the Department of Public Works and the Board for review and approval prior to release of the respective performance bond amounts.
27. All future sewer tie-ins to properties located outside of this subdivision shall be accomplished in a manner consistent with the "Town of Needham Master Plan of Connection to the MWRA Sewer" dated January 8, 1988, (as revised) and prepared by the Needham Public Works, Sewer Division.
28. Prior to the commencement of any street construction within the subdivision, the location of future street lighting, location of fire alarm circuits and outlets, and the location of underground power to serve these shall be shown on an amended version of the definitive utility plan to be filed with the Board and Public Works Department.
29. The provisions of M.G.L., Chapter 131, Section 40 and 40A and the Needham Wetlands Protection By-Law shall be satisfied.
30. All construction staging and parking shall be on-site. No construction parking shall be permitted on South Street, Webster Street or on any other public street.
31. All areas where utilities are proposed shall be compacted to the satisfaction of the Public Works Department.
32. In the absence of any details or waivers set forth herein, the current Subdivision Regulations and Procedural Rules of the Planning Board shall govern and are hereby made a part of this Decision. All construction details not specifically shown on the approved Plan shall conform to Department of Public Works specifications.

33. The developer is directed to submit the Subdivision Inspection Form during all phases of construction as required, in accordance with Appendix E of the Subdivision Regulations and Procedural Rules of the Planning Board.

34. Notwithstanding the provisions of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board, the Petitioner shall have two years from the date of endorsement of the Plan to complete the installation and construction of Hutter Ridge Road, and the services provided therein, in accordance with the applicable Subdivision Regulations and Procedural Rules of the Planning Board. Failure to so complete shall automatically rescind approval of the Subdivision Plan, unless the Petitioner requests an extension prior to the date that is two years from the date of endorsement of the Plan and such extension request is granted by the Board

35. The Petitioner shall enter a written agreement to guarantee completion, once commenced, of the required improvements for all lots in the Subdivision, as shown on the Plan, with such construction and installation to be additionally secured by one of the methods delineated under the provisions of Section 3.5.1 of the Subdivision Regulations and Procedural Rules of the Planning Board. Such agreement shall be subject to review and approval of the Board prior to endorsement of the Plan.

36. The Petitioner shall deliver to the Board for its approval a duly executed Subdivision Covenant, Restrictive Covenant, Grant of Restriction, and Hutter Ridge Road Association Trust, all as may be required and as shown on the Plan. Such documents shall be subject to review and approval of the Board prior to endorsement of the Plan. The Subdivision Covenant, Restrictive Covenant, Grant of Restriction, and Hutter Ridge Road Association Trust shall be referenced on the Plan and all documents shall be recorded with the Plan.

37. Prior to the release of any lots for building or sale, copies of the recorded instruments described in paragraphs 6, 11, and 36 of this decision and copies of the recorded plan shall be provided to the Planning Director. Prior to the release of Lot 4 and Lot 5 a copy of the recorded instrument described in paragraph 13 of this decision shall be provided to the Planning Director.

38. The Petitioner shall present the Plan to the Board for proper endorsement within ninety (90) days of the date this Decision is executed unless such time period is extended, in writing, by the Board. The Board reserves the right to rescind its approval if said Plan is not presented to the Board for endorsement within the time period herein specified. Further, the Petitioner or his authorized representative shall submit the Plan to the Planning Director fourteen (14) days in advance of its presentation to the Board to allow adequate time to review the revised Plan for compliance with the Conditions of this Decision.

The foregoing have been stated for the purpose of emphasizing their importance and are not intended to be all inclusive or to negate any provision of the Town of Needham, Subdivision Rules and Procedural Rules of the Planning Board.

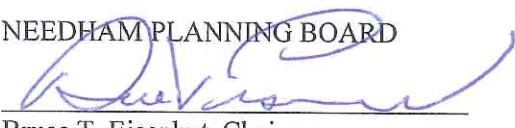
Under the provisions of the Town of Needham, Subdivision Regulations and Procedural Rules of the Planning Board and Massachusetts General Laws, Chapter 41, Sections 81-K through 81-GG, inclusive, the Board shall have the power to modify or amend the terms and conditions of this approval after due notice on the application of the owner, lessee or mortgagee of the premises or upon its own motion. All the provisions of the Subdivision Control Law applicable to approval shall, where appropriate, be applicable to such modification or amendment. Such power is hereby reserved. Appeals, if any, shall be made pursuant to Section 81-BB of the Massachusetts

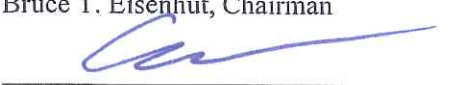
General Laws, Chapter 41, and shall be filed within twenty (20) days after the date of filing this decision with the Town Clerk.

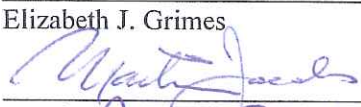
The provisions of this Approval and Conditions shall be binding upon every owner or owners of each of the lots, as shown on the Plan, and the executors, administrators, heirs, successors and assigns of such owners, and the obligations and restrictions herein set forth shall run with said land in full force and effect for the benefit of and enforceable by the Town of Needham. Reference to this Approval shall be entered upon the Plan and this Approval shall be recorded in the Norfolk Registry of Deeds with the Plan. The Lot Owner agrees to reimburse the Town for its reasonable costs in connection with the enforcement of and/or the correction of violations of the conditions of this permit. Counsel for the Petitioner shall certify to the Town that this approval and all easement and restrictive covenants required hereunder have been recorded and are effective record encumbrances upon the subject property.

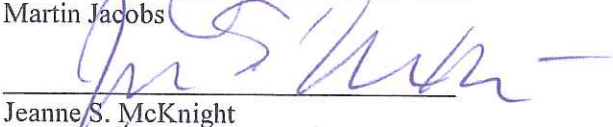
Witness our hands this 6th day of August 2013

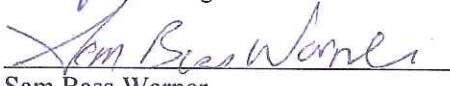
NEEDHAM PLANNING BOARD


Bruce T. Eisenhut, Chairman


Elizabeth J. Grimes


Martin Jacobs


Jeanne S. McKnight


Sam Bass Warner

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

Aug. 6 2013

On this 6 day of August, 2013, before me, the undersigned notary public, personally appeared Bruce Eisenhut, one of the members of the Planning Board of the Town of Needham, Massachusetts, proved to me through satisfactory evidence of identification, which was in the form of a state issued drivers license, to be the person whose name is signed on the proceeding or attached document, and acknowledged the foregoing to be the free act and deed of said Board before me.


Notary Public:

My Commission Expires: April 2, 2015

TO WHOM IT MAY CONCERN: This is to certify that the 20-day appeal period on the decision on the petition of Southfield Associates, c/o Petrini Corporation, 187 Rosemary Street, Needham, Massachusetts for property located at 1135 Webster Street, Needham, Massachusetts, has passed and there have been no appeals made to this office. (All Judicial Appeals taken from this decision have been dismissed).

Date

Theodora K. Eaton, Town Clerk

Copy sent to:

Petitioner - Certified Mail #
Town Clerk
Building Inspector
Director, DPW
Board of Health
Conservation Commission
Engineering
Fire Department
Police Department
Roy A. Cramer
Greg Petrini



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 9/10/2013

Agenda Item	Community Preservation Project
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Town Manager will recommend the Board's approval of a CPA project application for the November 4, 2013 Special Town Meeting. As part of the proposed lease agreement between the Town and the MBTA, the Town must purchase a one-time environmental insurance policy that covers a 5 year period. The Commonwealth of Massachusetts has a grant program that would reimburse the Town for 50% of the purchase price, all of which would be returned to the CPA Fund, along with any unspent funds. The expected total cost of the insurance (prior to any reimbursement) is approximately \$45,000.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	__NO
<i>Suggested Motion:</i> That the Board vote to endorse an application to be filed for Community Preservation funding for the purchase of environmental insurance.			
	BACK UP INFORMATION ATTACHED	YES	__NO
a. Initial Eligibility Project Application Form –Rail Trail Insurance			

CPC USE ONLY:

Application # _____

Qualifies: _____

Does not qualify: _____

INITIAL ELIGIBILITY PROJECT APPLICATION FORM

DUE BY DECEMBER 1

TOWN OF NEEDHAM
COMMUNITY PRESERVATION COMMITTEE
c/o Park & Recreation Department
Public Services Administration Building
500 Dedham Avenue, Needham, MA 02492
www.needhamma.gov/CPC

1. **Applicant:** Board of Selectmen/Town Manager **Submission Date:** 9/3/13

2. **Applicant's Address, Phone Number and Email:** 3. **Purpose:**
(Please select all that apply)

1471 Highland Ave Avenue
Needham, MA 02492

Contact Name: Kate Fitzpatrick

- ☐ **Open Space**
☐ Community Housing
☐ Historic Preservation
☒ **Recreation**

4. **Project Name:** Rail Trail Insurance

5. **Project Location/Address/Ownership (Control):**

The leased railroad right-of-way between Chestnut Street/Needham Junction and the Needham/Dover line (Charles River).

6. **Amount Requested:** \$ 45,000

The Town is eligible to apply for a grant through the Commonwealth that would reimburse the CPC for 50% of the final cost.

7. **Estimated Total Project Cost (If Different):** \$

8. **Critical Dates: (If Applicable) November, 2013**

The Town will seek authorization to lease the right of way at the November Special Town Meeting.

CPC USE ONLY:	
Application #	_____
Qualifies:	_____
Does not qualify:	_____

Project Name: **Rail Trail Insurance**

9. Project Summary: In 100 words or less provide a brief summary of the project:

The Town Manager is negotiating a 99 year lease agreement with the MBTA for use of an unused rail right-of-way to be used as a shared use recreation trail from Needham Junction to the Needham/Dover Town line. The Town has coordinated the study of this project with the non-profit Bay Colony Rail Trail Association (BCRTA). As part of the lease agreement, the MBTA requires the Town to purchase a one-time environmental insurance policy that covers a 5 year period. The Commonwealth of Massachusetts has a grant program that would reimburse the Town for 50% of the purchase price, all of which would be returned to the CPA Fund, along with any unspent funds.

10. Community Need: In 100 words or less provide a brief statement of the need for and the benefits to the community.

The rail trail will create a wide, level-surfaced path for use by residents of all ages. Subject to negotiations with the MBTA, the trail will start at Chestnut Street or at Rock Street. The trail will connect residents to trail systems at the Town Forest, Farley Pond property, MA Division of Conservation and Recreation's Red Wing Bay, and Trustees of Reservation's Charles River Peninsula. BCRTA is in the early stages of raising funds for the creation of the trail. BCRTA has indicated that a full campaign will be most successful once the Town holds the lease.

Note: This application enables the Community Preservation Committee to review the request to assess eligibility. You shall be notified by January 1 of your eligibility. If eligible you will be requested to supply additional information by February 1.



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 9/10/2013

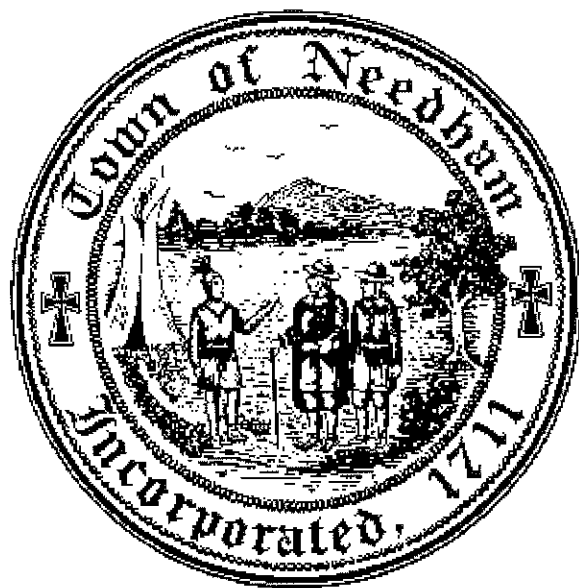
Agenda Item	Open Special Town Meeting Warrant
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Town Manager will ask the Board to open the warrant for the November 4, 2013 Special Town Meeting. The Warrant is scheduled to be closed on September 17th.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<i>Suggested Motion:</i> That the Board vote to open the warrant for the meeting to be held on November 4, 2013 at the Needham Town Hall.			
3.	BACK UP INFORMATION ATTACHED	YES	NO
a. Preliminary Draft Warrant			

DRAFT #1 9.6.13

SPECIAL TOWN MEETING

WARRANT



TOWN OF NEEDHAM

MONDAY, NOVEMBER 4, 2013

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

NEEDHAM

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.

November 4, 2013 Special Town Meeting Warrant
Table of Contents

PAGE

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Needham qualified to vote in elections and in Town affairs to meet at the Town Hall:

MONDAY, THE FOURTH DAY OF NOVEMBER, 2013

at seven-thirty in the afternoon, then and there to act upon the following articles, viz:

Article X: APPROPRIATE FOR SOLAR FACILITY DEVELOPMENT EXPENSES

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$15,000 for development expenses related to the siting of solar facilities within the Town, including costs and expenses relating to contract negotiation, independent electrical inspection, and certain owner engineer and consultant related costs, to be spent under the direction of the Town Manager, said sum to be raised from XXXXX; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Article X: AMEND THE FY2014 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2014 Operating Budget adopted under Article 9 of the May 2013 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From:</u>	<u>Changing To:</u>
6	Debt Service	12,108,851	12,117,107
24	Needham Public Schools	53,995,587	To be determined

And further, that the appropriation be partially funded by a transfer from amounts reserved for debt exclusion offsets in the amount of \$3,623; or take any other action relative thereto.

INSERTED BY: Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Article X: AMEND THE FY2014 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2014 Sewer Enterprise Fund Budget adopted under Article 11 of the May 2013 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From:</u>	<u>Changing To:</u>
201D	MWRA Assessment	\$5,403,053	\$5,423,810

and that to meet this appropriation that said amounts will be raised from sewer enterprise receipts; or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Article X: AMEND THE FY2014 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2014 Water Enterprise Fund Budget adopted under Article 12 of the May 2013 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From:</u>	<u>Changing To:</u>
301D	MWRA Assessment	\$1,273,404	\$1,271,018

or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Article X: AMEND ZONING BY-LAW – LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION OVERLAY DISTRICT

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

(a) In Section 2.1, Classes of Districts, by adding a new Overlay District designation category as follows:

“LGSPI- Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District”

(b) In Section 3, Use Regulations, by inserting a new Subsection 3.13, Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District, to read as follows:

“3.13 Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District

3.13.1 Purpose of District

The purpose of this bylaw is to regulate Large-Scale Ground-Mounted Solar Photovoltaic Installations in an established district(s) where they are allowed. The bylaw provides standards for the placement, design, construction, operation, monitoring, modification and removal of such installations. The standards aim to address public safety, minimize impacts on scenic, natural and historic resources and to provide financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, maintenance and/or repair, and or modification and/or removal of Large-Scale Ground-Mounted Solar Photovoltaic Installations.

3.13.2 Scope of Authority

The Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District shall be considered as overlying other use districts established by this By-Law. Within the Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District, the requirements of the underlying district continue to apply except as may be specifically superseded herein. The scope of authority of this Section 3.13 applies to Large-Scale Ground-Mounted Solar Photovoltaic Installations proposed to be constructed after the effective date of this section. This section also applies to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

3.13.3 Definitions

Designated Location: The locations permitted shall be within the Large-Scale Ground-Mounted Solar Photovoltaic Overlay District, hereinafter referred to as “the Overlay”.

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system, including ancillary structures, that is structurally mounted on the ground and is not roof-mounted and has a minimum nameplate capacity of 250kW DC.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

3.13.4 Allowed Uses

The following uses are allowed by right:

- (a) All uses permissible and as regulated within the underlying district.
- (b) A Large-Scale Ground-Mounted Solar Photovoltaic Installation.

3.13.5 Special Permit Uses

All uses permitted by special permit in the underlying district at that location may be allowed upon the issuance

of a special permit by the designated Special Permit Granting Authority under such conditions as the Board may require.

3.13.6 General Requirements

The following requirements are common to all solar photovoltaic installations to be sited in the Overlay.

- 3.13.6.1 Compliance with Laws, Ordinances and Regulations: The construction and operation of all Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be in compliance with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings, structures and fixtures forming part of a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed in accordance with the State Building Code.
- 3.13.6.2 Building Permit and Building Inspection: No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
- 3.13.6.3 Site Plan Review: Large-Scale Ground-Mounted Solar Photovoltaic Installations shall undergo Major Project Site Plan Review by the Planning Board as described in Section 7.4 of the By-Law prior to construction, installation or modification as provided in this section. Application requirements for Site Plan Review shall be as provided below:
 - (a) General: All plans and maps shall be prepared, stamped and signed by a Professional Engineer or Professional Land Surveyor licensed to practice in Massachusetts.
 - (b) Required Documents: Pursuant to the Site Plan Review process, the project proponent shall provide the following documents in addition to those required under Section 7.4 of the By-Law.
 - 1) A site plan showing:
 - i. Property lines and physical features, including roads, for the project site;
 - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening of vegetation or structures;
 - iii. Blueprints or drawings of the solar photovoltaic system signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures.
 - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National electrical Code compliant disconnects and overcurrent devices;
 - v. Documentation of the major system components to be used, including the PV panels, mounting system, inverter, and associated electrical components. The site plan shall include containment fencing line, power lines and poles, and site access routes.
 - vi. Name, address and contact information for proposed system installer;
 - vii. Name, address, phone number and signature of the project proponent, as well as

- all co-proponents or property owners, if any.
- viii. The name, contact information and signature of any agents representing the project proponent.
- 2) Documentation of actual or prospective control of the project site and access thereto (see also Section 3.13.6.4);
- 3) An operation and maintenance plan (see also Section 3.13.6.5);
- 4) Zoning district designation for the parcel(s) comprising the site;
- 5) Proof of liability insurance;
- 6) Description of financial surety that satisfies Section 3.13.6.13.

The Planning Board may waive documentary requirements as it deems appropriate.

3.13.6.4 Site Control: The project proponent shall submit documentation of actual or prospective control of the project site and access thereto sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

3.13.6.5 Operation & Maintenance Plan: The project proponent shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

3.13.6.6 Utility Notification: No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner's or operator's intent to install an interconnected generator and an interconnection agreement and power purchase agreement (where appropriate) has been signed by the utility. Off-grid systems shall be exempt from this requirement.

3.13.6.7 Dimension, Density and Parking Requirements

For Large-Scale Ground-Mounted Solar Photovoltaic Installations, front, side and rear setbacks shall be as follows:

- (a) Minimum Lot Area: 20 acres;
- (b) Minimum Front Setback: 50 feet;
- (c) Minimum Side Setback: 50 feet from the property line of residentially used property;
- (d) Minimum Rear Setback: 50 feet;
- (e) Maximum Lot Coverage: 50%;
- (f) Separation Distance: No separation distance is required between structures for ground mounted solar photovoltaic panels;
- (g) Height: Height shall be determined by each individual panel measured to the grade level beneath that panel and shall not exceed 25 feet;
- (h) Transition Areas: As long as the setbacks noted above are respected no further "Transition Area" (per Section 4.2.8) is required. No planting is required within the transition area if the abutting property is controlled by the Town of Needham and/ or plantings are constrained by capped landfill requirements;

- (i) **Parking Requirement:** No additional parking is required for this use as long as there is no full-time on-site system operator required following installation of the Large-Scale Ground-Mounted Solar Photovoltaic Installation.

3.13.6.8 Design Standards

- (a) **Lighting.** Lighting shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- (b) **Signage.** A sign for the Large-Scale Ground-Mounted Solar Photovoltaic Installation consistent with the Town's sign bylaw shall be required to identify the owner and provide the business name for the company (ies) that own and operate the installation, their business address, the name of a contact person, and a 24-hour emergency contact phone number.
- (c) **Utility Connections.** Reasonable efforts, as determined by the Planning Board, shall be made to place cabling and utility connections from the Large-Scale Ground-Mounted Solar Photovoltaic Installation underground, depending on appropriate soil conditions, shape, ledge, wetland resources, and topography of the site and any requirements of the utility provider.
- (d) **Conditions.** All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures shall be screened from view by vegetation and/or joined and clustered to avoid adverse visual impacts. Methods such as the use of landscaping, natural features and fencing may be utilized.
- (e) **Fencing.** A security fence shall be installed along or proximate to the perimeter of the system and shall be maintained for the lifetime of the system.

3.13.6.9 Safety and Environmental Standards

- (a) **Emergency Services.** The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Needham Fire Chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. The plan shall assure adequate access and staging for emergency services. All means of shutting down the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- (b) **Land Clearing, Soil Erosion and Habitat Impacts.** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation and in accordance with applicable laws, regulations, and bylaws.

3.13.6.10 **Maintenance:** The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security and safety measures. Site access for the Large-

Scale Ground-Mounted Solar Photovoltaic Installation shall be maintained to a level acceptable to the Needham Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

3.13.6.11 Modifications: All material modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Planning Board.

3.13.6.12 Abandonment or Decommissioning

(a) Removal Requirements. Any Large-Scale Ground-Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned consistent with Section 3.13.6.12 (b) of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- i. Physical removal of all solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- ii. Disposal of all solid and hazardous waste shall be in accordance with local, state, and federal regulations.
- iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave existing vegetation or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.

(b) Abandonment: Absent notice to the Planning Board as provided above of a proposed date of decommissioning or written notice requesting an extension due to extenuating circumstances, the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be considered abandoned when it fails to operate or its operations are discontinued for more than one year without the written consent of the Planning Board; or if the Building Inspector has determined that the installation is a hazard to public safety and the conditions have not been corrected within six (6) months.

The Town retains the right, after the receipt of an appropriate court order to enter and remove an abandoned or hazardous Large-Scale Ground-Mounted Solar Photovoltaic Installation that is not removed by the property owner within six (6) months from the date of abandonment, as described above, or the proposed date of decommissioning. As a condition of approval, an applicant shall agree to allow entry to remove an abandoned installation. The costs for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property.

3.13.6.13 Financial Surety: Proponents of Large-Scale Ground-Mounted Solar Photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board. Such surety will not be required for municipally- or state owned systems, but may be required for privately-owned systems even if located upon municipally-owned land. The project proponent shall submit a

fully inclusive estimate of costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.”

or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**Article X: AMEND ZONING BY-LAW – MAP CHANGE TO LARGE-SCALE GROUND -
MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION OVERLAY DISTRICT**

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

- (a) Place in the Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District all that land now zoned Single Residence A and commonly known as the Town of Needham landfill and lying in the area bounded and described as follows:

“Beginning at a point on the northerly sideline of Central Avenue, thence running N55°-25’-16”W a distance of 59.67 feet to a point, thence running N55°-42’-46”W a distance of 71.12 feet to a point, thence N58°-27’-06”W a distance of 112.06 feet to a point, thence N56°-16’-06”W a distance of 296.96 feet to a point, thence S00°-21’-59”W a distance of 42.02 feet to a point, thence S49°-16’-14”W a distance of 279.44 feet to a point, thence S75°-42’-34”W a distance of 187.24 feet to a point, thence S56°-16’-24”W a distance of 46.41 feet to a point, thence S41°-45’-34”W a distance of 50.01 feet to a point, thence S46°-22’-54”W a distance of 131.13 feet to a point, thence N82°-50’-34”W a distance of 228.42 feet to a point, thence N29°-35’-24”E a distance of 866.68 feet to a point, thence N14°-53’-20”W a distance of 1216.6± feet to a point in the centerline of Fuller Brook, thence by the said centerline of Fuller Brook northeasterly to a point (a tie of N62°-30’-33”E a distance of 1009.94 feet), thence S37°-39’-21”E a distance of 719.43 feet to a point, thence S36°-38’-47” E a distance of 88.71 feet to a point, thence S38°-48’-02”E a distance of 115.27 feet to a point, thence S38°-59’-47”E a distance of 152.44 feet to a point, thence S30°-32’-19” E a distance of 290.44 feet to a point, thence S24°-48’-14”E a distance of 24.80 feet to a point, thence S09°-13’-39”E a distance of 34.19 feet to a point, thence S63°-32’-06”E a distance of 97.36 feet to a point, thence S36°-34’-38”E a distance of 234.40 feet to a point, thence S50°-42’-20”E a distance of 77.07 feet to a point, thence N54°-20’-46”E a distance of 19.05 feet to a point, thence N82°-49’-47”E a distance of 11.46 feet to a point, thence S76°-10’-08”E a distance of 31.72 feet to a point, thence S57°-15’-20”E a distance of 35.66 feet to a point, thence S53°-33’-52”E a distance of 15.31 feet to a point, thence S57°-38’-03”E a distance of 36.67 feet to a point, thence S58°-29’-44”E a distance of 181.83 feet to a point, thence S28°-44’-00”W a distance of 310.59 feet to a point, thence S59°-05’-55”E a distance of 275.42 feet to a point on the northerly sideline of Central Avenue, thence by said sideline and a curve to the right , with a radius of 500.00 feet, an length of 419.84 feet to a point, thence N88°-49’-18”W a distance of 233.98 feet to a point, thence by a curve to the left, with a radius of 804.73 feet, a length of 238.48 feet to a point, thence S74°-11’-57”W a distance of 348.85 feet to a point, thence by a curve with a radius of 894.54 feet, a length of 84.00 feet to the point of beginning.”

or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**Article X: AMEND GENERAL BY-LAW TYPE AND LENGTH OF CONTACTS &
LEASES/SOLAR FACILITIES**

To see if the Town will vote to amend Section 2.1.3 of the General By-laws by inserting at the end of the section the following:

“Lease of Public Lands and/or buildings for the installation of solar photovoltaic facilities for electric generation 30 [YEARS]

Purchase of power (or net metering credits) from solar photovoltaic facilities installed on land leased or licensed from the Town. . . . 20 [YEARS]”

or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**Article X: AUTHORIZE LEASE OF LAND FOR GROUND MOUNTED SOLAR
PHOTOVOLTAIC INSTALLATION**

To see if the Town will vote to authorize the Town Manager, in the name and behalf of the Town, to execute a lease for [_____] +/- acres of land constituting the capped landfill at the Recycling and Transfer Station, owned by the Town, to be leased by a commercial solar developer for installation and operation of solar photovoltaic facilities for electric generation, for periods of up to 20 years upon such terms and conditions as determined by the Town Manager; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**Article X: AUTHORIZE PILOT FOR GROUND MOUNTED SOLAR PHOTOVOLTAIC
INSTALLATION**

To see if the Town will vote, pursuant to the provisions of G.L. c.59, §38H, to authorize the Town Manager to negotiate and enter into a payment in lieu of tax agreement with the lessee/operator of the solar photovoltaic energy generating facility to be developed at the Needham RTS property, located at 1421 Central Ave., upon such terms and conditions as the Town Manager shall deem to be in the best interest of the Town, or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**Article X: AUTHORIZE LEASE OF MBTA PROPERTY FOR SHARED USE
RECREATION TRAIL**

To see if the Town will vote to authorize the Town Manager, in the name and behalf of the Town, to execute a lease for all or any portion of the land, premises, easements, and rights-of-way in the railroad right-of-way from Needham Junction to the Dover Town Line, for the purpose of laying out an improved shared use rail trail and related facilities and improvements, and providing access to the rail trail area for construction, maintenance and repair purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, for a period up to 99 years, upon such terms and conditions as determined by the Town Manager; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Article X: AMEND GENERAL BY-LAW – PUBLIC CONSUMPTION OF MARIJUANA

To see if the Town will vote to amend the General By-laws by inserting a new section 3.1.10 as follows:

“3.1.10. Use of Marijuana No person shall possess or consume marijuana (or tetrahydrocannabinol, as defined in G.L. c. 94C, 1, as amended) within the limits of any park, playground, public land or public building owned or under the control of the Town of Needham, nor shall any person consume marijuana, as previously defined, on any public way or any way to which the public has a right of access as invitees or licensees,

including any person in a motor vehicle in, on or upon any public way or any way to which the public has said right of access, within the limits of the Town of Needham; and no person shall consume marijuana, as previously defined, in, on or upon any private land or place without the consent of the owner or persons in control of such private land or place. Nothing in this bylaw shall authorize any possession, cultivation, transport, distribution, sale or use of marijuana otherwise prohibited by law. All marijuana being used in violation of Sub-section 3.1.10 may be seized and held until final adjudication of the charge against any such person or persons has been made by the court.” and re-numbering following sections accordingly; and by inserting a new Section J under Section 8.2.2.4 as follows: “J Public Consumption of Marijuana (Sub-section 3.1.10) Fine Schedule: \$50 per offense” and re-lettering all following sections accordingly, or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information

Article X: AMEND GENERAL BY-LAW – PRIVATE WAYS

To see if the Town will vote to amend the General By-laws by deleting section 2.2.5.6.3 and inserting in place thereof the following:

“2.2.5.6.3 Temporary Repairs. The Town may perform temporary repairs to private ways if such repairs are determined by the Director of Public Works to be required for public necessity, in accordance with regulations or policies issued by the Board of Selectmen.

Said repairs shall be considered necessary to abate the immediate hazard caused by the defect and shall not be considered as maintenance of the private way nor shall the way be considered a public way. Drainage shall not be included as part of any such repairs, and the private way need not have been open to public use prior to the repairs being made.

Abutters to the private way may petition the Town to perform temporary repairs. In such cases, fifty one percent of the abutters to the private way must petition the Director of Public Works for the repairs to be made by the Town. Upon receipt of a petition and a determination of the necessity of such repairs, the Town shall provide the petitioners with a statement of the cost of such repairs. Within seven (7) days of receipt of the statement of cost, the petitioners shall be entitled to withdraw the petition. Unless the petition is withdrawn, the Town shall promptly make the repairs and the petitioners shall thereafter reimburse the Town if the cost of the repairs exceeds \$300. A cash deposit is not required. The reimbursement amount shall be equal to the petitioner’s share of the cost of repairs based on the ratio that each petitioner’s frontage bears to the total frontage on the private way. Betterment charges will not be assessed for such repairs.

If the cost of repairs does not exceed \$300, no petition will be required and the abutters will not be required to reimburse the Town.

The Town shall not be liable for any damage to private property caused by such repairs, except as otherwise provided by law.”

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information

Article X: AMEND GENERAL BY-LAW – SIGN BY-LAW

To see if the Town will vote to amend the Needham General By-Law, Article 5, the Sign By-Law as follows:

1. Amend Section 5.3 **ADMINISTRATION** by deleting the second and third paragraphs in **Section 5.3.2 Issuance of Permits** and inserting in place thereof the following second and third paragraphs:

“Applicants shall file a permit application accompanied by a photograph of the facade to which the sign is to be attached, or the area of intended location if unattached, and two prints of scale drawings of the sign and supporting structure showing placement thereon; the applicant shall also file five copies of the permit application, including five copies of all application materials, with the Design Review Board. (See Section 7.7 Design Review, of the Zoning By-Law.) If an applicant requires guidance as to whether any special permits are required or knows that such permit or permits are required, the applicant may file his application with the Building Inspector. If the Building Inspector finds that the proposed sign is in all respects in conformance with this article, he shall within 35 days of filing instruct the applicant to file the application directly to the Design Review Board.

The Design Review Board shall review requests for sign permits submitted and shall, within thirty-five (35) days of the receipt of the application materials, transmit its advisory recommendations regarding the design of the sign to the Building Inspector and the applicant. No sign permit shall be issued by the Building Inspector within this thirty-five (35) day period unless said recommendations are sooner received. If approved by the Design Review Board, the Building Inspector shall issue a sign permit within 45 days of the filing of the application.”

2. Amend Section 5.4 **GENERAL REGULATIONS** by adding in **Section 5.4.2.2 Location** in subsection d) the word “one” after the word “except” and before the word “perpendicular” and by deleting the word “sign” at the end of the first sentence after the word “businesses” so that the first sentence shall read:

“No sign shall extend above or beyond the end of the wall to which it is attached, nor overhang a street or sidewalk by more than the thickness (up to 12”) of a flat wall sign: except one perpendicular sign, blade, or projecting sign (hereinafter “projecting sign”) is allowed by right, even if it is a second sign, provided it does not, in the opinion of the Board, materially obstruct neighboring signs or businesses. of four (4) feet from the wall and a minimum of eight (8) feet above the sidewalk.”

3. Amend Section 5.5 **PERMITTED SIGNS** by deleting under Subsection 5.5.3.4 **Temporary**, the word “temporary” after the words “Except as provided in Section 5.4.2.3d)”;

Or take any action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE X: AMEND GENERAL BY-LAW/MUNICIPAL WATER SUPPLY

To see if the Town will vote to amend its General By-laws by deleting section 2.2.5.5 and inserting in place thereof the following:

“2.2.5.5 Municipal Water Supply

2.2.5.5.1 Applicability

This section pertains to residences and commercial property and industry served by the Town’s water system.

2.2.5.5.2 Implementation of a Mandatory Water Use Restriction The Board of Selectmen or its designee may implement a mandatory water use restriction upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands, and to ensure compliance with the Water Management Act.

2.2.5.5.3 Controls on Automatic Irrigation Systems

- (a) Soil Moisture-Sensor Devices All automatic irrigation systems shall be equipped with a soil moisture-sensor device, approved by the Director of Public Works, to prevent the system from starting automatically when not needed. Proof of installation shall be provided to the Department of Public Works.
- (b) Backflow Prevention All automatic irrigation systems connected to the municipal water system in the Town shall be protected from backflow events by the installation of a backflow prevention device approved by the Director of Public Works.

And amend Section 8.2.2.8 (C) of the General By-laws by deleting the words “fine schedule \$50 per offense” and inserting in place thereof the words

“First violation: Written Warning

Second violation (*issued within the same calendar year*): \$50

Third violation (*issued within the same a calendar year*): \$200

Fourth and subsequent violations (*issued within the same calendar*): \$300

Each day of violation shall constitute a separate offense.”

Or take any other action relative thereto.

Article X: HOME RULE PETITION– SALE OF ALL ALCOHOLIC BEVERAGES IN RESTAURANTS WITH FEWER THAN 100 SEATS

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

“An act authorizing the Town of Needham to grant certain establishments licenses for the sale of all alcoholic beverages to be drunk on the premise.”

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

SECTION 1. Notwithstanding any general or special law to the contrary, the licensing authority of the town of Needham may issue to restaurants with seating capacities of less than 100 people licenses for the sale of all alcoholic beverages to be drunk on the premises.

SECTION 2. Notwithstanding [section 11 of chapter 138](#) of the General Laws as to the time and manner of voting on the question, this act shall be submitted for its acceptance to the qualified voters of the town of Needham at state election or an annual or special town election following the effective date of this act in the form of the following question:-

"Shall an act passed by the general court in the year 2013, entitled 'An Act authorizing the town of Needham to grant certain establishments licenses for the sale of all alcoholic beverages to be drunk on the premises', be accepted?"

If a majority of the votes cast in answer to the question is in the affirmative, this act shall take effect in the town of Needham, but not otherwise.

Except as otherwise provided herein, such licenses shall be subject to the provisions of said chapter 138.

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

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

or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Article X: APPROPRIATE FOR CPA PROJECT

or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Article X: APPROPRIATE FOR GENERAL FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate \$1,707,081 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

General Fund	Description	Recommended	Amendment
General Government	Election Equipment	\$ 85,000	
General Government	Network Hardware Servers & Switches	\$ 30,000	
Public Facilities	Core Fleet	\$ 33,600	
Public Facilities	Energy Efficiency Upgrade Improvements	\$ 113,078	
Public Facilities	Facilities Maintenance Program	\$ 33,581	
Public Facilities	Portable Generator	\$ 61,250	
Public Safety	Core Fleet (Building)	\$ 45,042	
Public Safety	Core Fleet (Fire)	\$ 49,200	
Public Safety	Wireless Municipal Radio Master Box	\$ 164,000	
Public Schools	Furniture & Equipment	\$ 79,250	
Public Schools	School Copier Replacement	\$ 59,620	
Public Schools	Technology	\$ 223,751	
Public Works	Core Fleet	\$ 387,000	
Public Works	Two Way Radio Upgrade	\$ 27,509	
Public Works	Small Specialty Equipment	\$ 104,900	
Public Works	Snow & Ice Equipment	\$ 210,300	
	Total Appropriation	\$ 1,707,081	

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: *This article contains those cash capital items deferred from the 2013 Annual Town Meeting.*

Article X: APPROPRIATE FOR MODULAR CLASSROOMS AT MITCHELL SCHOOL

To see if the Town will vote to raise and/or transfer and appropriate a sum for engineering, design, construction, and associated improvements for modular classrooms at the Mitchell School, to be spent under the direction of the Permanent Public Building Committee/Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Article X: APPROPRIATE FOR FEASIBILITY STUDY / HILLSIDE SCHOOL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$650,000 for feasibility, design and engineering services related to the renovation and/or reconstruction of the Hillside School located at 28 Glen Gary Road and shown as Lot 01 on the Needham Assessors Map numbered 102, to be spent under the direction of the Town Manager/Permanent Public Building Committee, and to meet this appropriation that \$650,000 be transferred from Free Cash; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

Article X: APPROPRIATE FOR PROPERTY ACQUISITION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,458,000 for the acquisition of real property known as 66-70 Chestnut Street, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

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 17th day of September 2013.

DANIEL P. MATTHEWS, Chairman
JOHN A. BULIAN, Vice Chairman
MAURICE P. HANDEL, Clerk
MATTHEW D. BORRELLI
MARIANNE B. COOLEY

Selectmen of Needham

A TRUE COPY

Attest:

Constable:

**Town Clerk's Office
Needham, MA 02492**

**First Class Mail
U.S. Postage Paid
Needham, MA
Permit No. 58224**

ATTN: SPECIAL TOWN MEETING WARRANT

Town of Needham
General Fund
Revenue and Expense
FY2015 – FY2019 Pro Forma

Presented
to
Board of Selectmen
September 10, 2013

Intentionally Blank

Town of Needham
General Fund Revenue and Expense Pro Forma
FY2015 – FY2019

Overview

The purpose of developing the Pro Forma budget is to provide a resource to use for planning the upcoming fiscal year budget and to allow for early planning for the next several budget cycles. An underlying purpose of the Pro Forma is to anticipate and prepare contingency plans for the operation of the government and continuation of the primary services and functions in a sustainable way. The annual update of the five-year Pro Forma is done to provide a tool that assists the Town in its planning and to allow for proactive steps to maintain a sustainable operation within reasonable anticipated revenues and other funding sources. Pro Forma expense amounts are not necessarily where department budgets will be or should be, but rather represent an outlook of expenses on a macro level, taking into consideration expected changes based on known (contractual obligations) and forecasted trends on major (key) expenditures, as compared to revenue trends.

As in prior years, we forecast revenues and expenditures in a conservative manner, reflective of current and anticipated trends. Although each year the variance between the revenue estimates and expenditure estimates grows, the line of focus should be the incremental gap. Because the Town can not approve a deficit budget, (so the gap between revenue and expenses is closed every year), the deficit is not growing by the amount shown on Line I, but rather the gap to be closed in each year is the incremental amount shown on Line II. With any forecast based on past trends and future assumptions, revenues and expenses are better known as we come into the actual year. It is important to note that, even in the best of recent economic climates, the Pro Forma budget reflected a gap between estimated revenues and expenditures.

In this analysis, we present the current FY2014 operating budget and revenue estimate, the immediate three prior fiscal year final adjusted budgets (2013, 2012, and 2011), and a five year outlook. Unless otherwise stated, the FY2014 operating budget is the base year on which annual changes are based. For the purposes of this report, we have removed the debt exclusions and CPA debt service amounts that are part of the actual General Fund operating budget which are budgetarily neutral.

The estimated expenditure requests for FY2015 at \$126,126,644 are \$5,887,452 more than the current expenditure total for FY2014. The projected revenue figure is \$125,016,609 compared to \$120,239,192 currently estimated for FY2014 - an increase of \$4,777,417. The gap between estimated revenue and estimated expenditures for FY2015 is slightly lower at \$1,110,035 when compared to the \$1,237,990 figure shown as the

Town of Needham
General Fund Revenue and Expense Pro Forma
FY2015 – FY2019

incremental gap for FY2015 in the September 11, 2012 Pro Forma. The incremental gap between estimated revenue and estimated expenditures is less in each of the out years (FY2016 – FY2018), and shows an incremental gap of \$1,329,249 in FY2019.

Revenues

As in prior reports, we have assumed no operating overrides for any of the fiscal years. As stated earlier, because we have removed the excluded debt and CPA debt service from the expenditure side, we have also removed the debt-excluded revenue and MSBA payments, if any, and Community Preservation Act funds from the revenue projections, as they are offsetting. We have adjusted the FY2014 revenue budget to reflect the adoption of the 2014 State Budget. The current estimate for property tax new growth revenue has been increased by \$250,000 from that assumed for the May 2013 Annual Town Meeting. Total available revenue is estimated to increase by 4% in FY2015, then dropping to 3.4% in FY2016, and down to a 3.0% rate for the out years. However, core revenue (property taxes, state aid, and local receipts), most of which is considered recurring revenue, runs between 3.0% and 3.5% over the FY2015 – FY2019 timeframe.

Property Taxes and Local Receipts

With the development of several commercial facilities in Needham Crossing, we expect New Growth tax revenue to be higher in FY2015 and FY2016. Needham's residential market did not show a downturn during the last couple of years, so although residential construction remains solid in Needham; it is more of the same, so we would not expect any significant bump up in New Growth residential property tax when compared to recent years. We allow for the annual 2.5% increase in the tax levy each year, and have increased the New Growth revenue assumption for FY2015 to 1.2%, and FY2016 to 1.5%. However, we continued the New Growth assumption for FY2017 and beyond at the same 0.9% in prior years. As noted previously, we have made no allowance for operating overrides, and we have removed the debt exclusion revenue as we have removed the debt exclusion payments from this report.

The Town plans on a certain level of recurring Free Cash, so our practice is to estimate receipts, principally local receipts, in such a manner as to generate surplus to provide for the following year's Free Cash estimate. For FY2015 and the out years we estimate local receipts to be increased by a flat 3% per year, except as noted below for motor vehicle excise, license and permit fees, and investment (interest) income.

As was assumed for Pro Forma last year, pent up demand for new vehicles should generate more excise tax revenue for the Town. Many reports indicate that vehicle sales are indeed much improved over recent years and

Town of Needham
General Fund Revenue and Expense Pro Forma
FY2015 – FY2019

sales going into the fall are forecasted to remain strong. This allows us to keep the 3.5% excise revenue budget estimate increase for FY2015, but then as the auto purchasing cycle goes, there will likely be a slowdown in the number of new vehicle purchased. We account for this by lowering the percentage change to 2.0% in FY2016, increasing to 2.5% for FY2017; and the FY2018 and FY2019 estimate are the same as our allowance for other local receipts at 3.0%. Given that motor vehicle excise is usually the largest local receipt category, a shortfall in this revenue stream could materially impact the Town's Free Cash position in the succeeding year, and therefore our estimates continue to be conservative and are held below actual collections.

License and permit revenue continues to be strong, coming in comfortably above the estimates, but the actual revenue for FY2013 was less than FY2012. We expect this revenue, particularly building permit revenue, to be higher in FY2015 with the anticipated development in Needham Crossing. We assume the revenue estimate will be nearly 10% more for FY2015, due to the activity in the commercial areas, but unlike the additional property tax revenue that the development will bring, the permit revenue is one-time. Therefore the revenue estimate is assumed to decline by 1.7% in FY2016, then increase by 1.4% in FY2017 and increase at the 3.0% level for FY2018 forward.

Interest income came in above the budget estimate for FY2013, the first time in more than three years that this has happened. The FY2013 unaudited actual revenue is \$84,803 compared to a budget estimate of \$80,000. The \$80,000 estimate was a significant reduction in the budget estimate from those in prior years. In each of the three years prior, even after a downward estimate from the amount assumed at the time of the Annual Town Meeting, investment income came in under the budget estimate. FY2012 actual revenue is \$103,130 compared to a budget estimate of \$150,000; FY2011 actual revenue was \$222,981 compared to a budget estimate of \$325,000; FY2010 actual was \$497,129 compared to a budget estimate of \$545,000; and FY2009 actual was \$714,066 compared to a budget estimate of \$650,000. Looking back further than FY2009, actual investment income was \$1,253,286 (FY2008) and \$1,573,613 (FY2007). The original estimate for FY2013 was level dollar to the FY2012 budget, but based on actual interest income for FY2012 and no expectation that rates would increase appreciably, we lowered the estimate for FY2013 to \$80,000 and level dollar for FY2014. We assumed a growth rate of 1% for FY2015 and 2% for FY2016. With interest rates increasing, and the expectation of the markets that rates will continue to rise, we maintain the 1% revenue increase for FY2015, but now assume a budget estimate growth rate of 3% for FY2016 and the out years.

State Aid

Although state aid for FY2014 is estimated higher than FY2013, the approved state budget for FY2014 has less aid

Town of Needham
General Fund Revenue and Expense Pro Forma
FY2015 – FY2019

coming to Needham than was estimated for the Annual Town Meeting. The reduction was in the Education Cherry Sheet aid (Chapter 70), from that which was suggested earlier in the budget cycle. This reduction from the amount estimated for the Annual Town Meeting was offset by a higher amount in the Unrestricted General Government Aid (UGGA) account and an increase in New Growth revenue. We still have concerns whether the Commonwealth will be able to sustain a growing aid allocation to the communities, given the reductions that will be seen as Washington D.C. moves to narrow the deficit.

We continue to forecast a 1.0% annual reduction in all state aid accounts for each of the five years except for two of the major state aid programs. We expect Chapter 70 funding will be challenged, but we assume it will be level funded for FY2015. Politics may well play a role, as the budget formation for FY2015 will precede a state election that will bring a new Governor, so the Chapter 70 program is the least likely to be reduced for FY2015. However, we then assume a 1.0% annual decline in the out years for this program. With the continued growth in state lottery proceeds and the expectation that one or more casinos will be open in Massachusetts within the next four years, we assume UGGA will increase by 1.0% for FY2015, be level funded for FY2016 and FY2017, and then increase by 0.5% for FY2017 and doubled to 1.0% for FY2019. The growth factor in the out years is based on the assumption that the State will not divert lottery funds from the municipalities, when the lottery is growing and it would not want the cities and towns to see less revenue if lottery revenue declines due to casinos opening in the Commonwealth.

Because all Massachusetts School Building Authority (MSBA) funds are used to offset the excluded debt service, and since we have removed excluded debt expense from the Pro Forma, we have not included the remaining MSBA payments in this analysis.

Other Revenues

We continue to assume that abatement and exemption activity will remain predictable, and have made allowances that \$500,000 in overlay surplus should be available for appropriation each year. We are still in the process of tabulating FY2013 financial activities and preparing for the financial audit. We will not have a firm estimate of Free Cash until the fall. We do know that because of the lower amount of undesignated fund balance that was certified as Free Cash by the Department of Revenue in FY2013, that the Free Cash that is certified in FY2014 will be astonishingly high. However, for the purposes of this Pro Forma, we look at and forecast Free Cash at levels we would usually estimate. Therefore, we have taken a similar approach as we have in the past for estimating. We are assuming Free Cash for the upcoming year will be \$3,475,000 which is approximately 85% of the five year average (2008 – 2012). The Free Cash amount is then assumed to increase annually by the rate of growth in core

Town of Needham
General Fund Revenue and Expense Pro Forma
FY2015 – FY2019

revenues (property tax, state aid, and local receipts); the annual change in this revenue category is in the three percent range. Free Cash is also affected by extraordinary turn backs, one-time revenue, allowances made for uncollectable receivables, and deficits in other funds. The Pro Forma continues to assume that any Free Cash amount in excess of the operating budget allocation will be used for increased capital investment or reserved in the capital funds for ongoing future needs. This strategy reduces the Town's dependence on reserves to fund recurring operating expenses, and/or to fund other non-operating costs. In recognition that most every year there are some additional resources which become available for appropriation, we have included \$51,500 in the FY2015 revenue assumption and grow the amount by 3.0% per year. The estimates are the same as used in the prior year's Pro Forma based on a five year average, after excluding operating budget reallocation towards capital and reserves that have been appropriated for capital and special warrant articles. Parking meter revenue is projected to provide \$40,000 annually.

Expenditures

The FY2014 budget is the base year on which the out year estimates are calculated. With respect to department expenditures, we continue to assume a 4.0% annual increase in total wage and salary expenses, except where otherwise noted. Furthermore, other than as outlined below, all other budget items are assumed at a 2.20% annual increase, consistent with the average increase in the consumer price index (Northeast Index of all urban consumers) of the past five full calendar years (2008 – 2012). This index is used in consideration of the fact that the marketplace in which the Town purchases goods and services extends beyond the local Boston Metropolitan area, and this index is therefore more reflective of the mix of vendors from which the Town purchases. The calculated average with the same index in the prior three years was: 2.32%, 2.43%, and 2.77%, respectively.

Town Wide Expenses

We still see favorable news with a continued moderation in health insurance costs. Therefore we have held our rate increase assumption at the same levels as used in the previous year, lowering the rate of increase for FY2015 through FY2017 to 4.75%, and the out years at 4.5%. With respect to retiree health insurance and other post employment benefit costs (OPEB), we have relied upon the July 2011 actuarial schedule for FY2015. The schedule will be updated based on a July 2013 date and an increase is expected. The update is not expected until the spring. We are anticipating an increase in the annual cost due to the investment climate, which we assume will be buffered in part by movement to higher deductible plans by retirees. For the purposes of this Pro Forma we assume a 10% increase in the FY2016 assessment then growing at 5.0% annual in the out years.

The general insurance budget is expected to grow at the five-year CPI average of 2.20% per year with a final one-

Town of Needham
General Fund Revenue and Expense Pro Forma
FY2015 – FY2019

time adjustment of \$1,875 to reflect the annualized premium for the Senior Center operating costs were phased in over FY2014 and FY2015, and the new Senior Center is expected to open this fall. This line also covers deductibles, small claims, and risk management expenses.

The retirement assessment is based on the current actuarial funding schedule. The noncontributory retirement growth is pegged at the same rate of growth as general salaries and wages. The Retirement System assessment for FY2015 is \$5,621,400 which will increase by approximately 3.7% per year based on the updated actuarial analysis. The system is projected to be fully funded in 2030.

The unemployment budget is assumed to increase 2.22% or the five-year CPI average. The workers compensation budget line and the updated classification performance and settlements reserve are based on the same averages as the salary and wage lines. Debt service within the levy limit is maintained at approximately 3% of general revenue.

The reserve fund allowance is based on the same approach that was introduced in the 2012 Pro Forma. The formula assumes a reserve fund of 1.4% of the estimated operating budget, excluding debt, OPEB, and retirement. Those three budgets are excluded from the calculation because they are known amounts each budget year and therefore a call on the reserve fund from these programs should not be expected. The formula provides for a reserve fund at a level similar to recent budgets.

Public Schools

We have assumed a 4.0% increase in the personnel expenditure line, the same as municipal departments. As assumed in the previous Pro Forma, SPED tuition costs to the Town have moderated, so the FY2015 estimate remains at a 4.0% growth rate; the FY2014 budgeted amount is \$3,522,184. The SPED budget is projected to increase by 3.75% for the out years. The Needham Public Schools has allocated \$1,432,460 (\$472,229 for regular transportation and \$960,231 for SPED transportation) for school transportation in FY2014. Transportation has been a faster growing cost than many other expenses, but some moderation in pricing is being seen by districts. We assume a 3.75% increase for FY2015 and 3.25% increase for the out years. Another cost that is now seen as growing faster than expenses in general is software licensing. With greater use of software, and the industry changing its economic model to provide the products, cost for the school department and the Town overall is estimated at 4.0% per year. All other expenses are projected at a 2.2% increase annually.

The Minuteman School assessment fluctuates significantly year to year, because the assessment is a factor of the

Town of Needham
General Fund Revenue and Expense Pro Forma
FY2015 – FY2019

Department of Education's net school spending calculation, the number of students attending from Needham, and the percentage that the Needham student enrollment bears to the total enrollment. For the purposes of this Pro Forma, we have used the FY2014 budget figure of \$733,961 and assume a 5% annual increase thereafter.

Energy and Fuel Costs

The five year average change in gasoline prices in the Boston area has been flat, but the year-to-year differences have been significant. The June over June average price dropped by more than 36% in FY2009, but then increased by more than 5% in FY2010 and by more than 37% in FY2011. June 2012 saw the average price drop by more than 7% from the previous fiscal year, but increased by .66% in by the end of FY2013. The most recent three fiscal year period (2011-2012-2013) shows an average change of more than 10%. When looking at the average price by calendar year, every year shows a higher price. 2009 the average price per gallon was \$2.31, which increased to \$2.75 a gallon in 2010, up to \$3.51 for 2011, and then to \$3.63 for 2012. Diesel fuel pricing also reflects wide swings, with the five year average reflecting a negative .3% change, but the most recent three fiscal year change averaged by more than 9%. A similar picture for heating oil plays out, with the five year average declining by more than 0.6%, but the three year average shows more than a 10% change. For the purpose of the Pro Forma we assume budget increases for gasoline of 4.5% for FY2015, dropping to 3.5% for FY2016, then 2.5% for FY2017. The out years are based on the CPI. Diesel fuel budgets are assumed to increase at 8.0% for FY2015, at 6.0% for FY2016, 4.0% for FY2017, and then the CPI rate thereafter. Heating oil, after taking into account that more sites are being converted over to natural gas that the FY2014 budget will grow at 8.0% for FY2015, then 5.0% in FY2016, 4.0% for FY2017, and then CPI in the out years. These costs are expected to be volatile and be subject to wide swings.

However, the news with electricity and natural are still positive, with pricing for both declining over the last five years. This has been especially good news as the Town has been converting its facilities to natural gas heat. We continue to add/change buildings to natural gas heat, so our assumption holds the current dollar allocation level for FY2015, and then grows at the CPI rate for FY2016 forward. Electricity is also had level funded for FY2015 and then grows at the CPI rate in the out years.

New Facilities and Building Maintenance

We have also incorporated the balance of the operating cost estimates to the various budgets for the new Senior Center. The Center is scheduled to open in the fall of 2013. The added costs associated with the new Senior Center are being phased in over two fiscal years; 75% of the annualized cost was included in FY2014 operating

Town of Needham
General Fund Revenue and Expense Pro Forma
FY2015 – FY2019

budget and the remaining 25% is to be added to FY2015. This additional cost by department is shown in an attached table. The Public Facilities Department budget accounts for most of the energy costs incurred by the Town to run its facilities. This budget also pays for the basic maintenance and repairs to Town and School buildings. Steps undertaken by the Town, through management, energy efficiency efforts, and favorable bid pricing, have ensured that this expense is not growing at the rates seen previously. The Town is locked into a favorable electric supply contract with TransCanada until December 2014. However, diesel fuel, gasoline, and heating oil prices continue to have large swings in pricing over the past five years.

The Town has invested much into its facilities over the past 15 years, enlarged several buildings, reopened a school, and added two new buildings. An increased level of repair and maintenance of the buildings is to be expected. For the purposes of this Pro Forma we have assumed the non-personnel costs for repair and maintenance will grow at 4.0% per year. The FY2014 provides for \$400,745 for outside repair and maintenance services and \$401,697 for parts and equipment. Salary and wage expenses are estimated to increase by 4.3% for FY2015, by 4.2% in FY2016, and then by the 4.0% average for FY2017 and beyond. We assume an overall increase in all other non-salary lines of 2.2% per year for public facilities expenses.

Municipal Departments

The Town Clerk's budget, in addition to the assumed growth rate in salary and wage expenses 4%, also provides for the annual increase/decrease for budget years that a State or Presidential election is held (FY2015 will be \$26,000 more, FY2017 will be \$27,040 more, and FY2019 will be \$28,122 more, the higher amount will be backed out in the subsequent years respectively.) We have assumed that the legal expense budget will increase at a 6.2% annual rate, but the salary line will grow at a lower rate of 2.5% per year.

The Finance Department, which includes the Information Technology Center, is charged with providing and supporting data processing services for all Town departments, which insofar as practical or otherwise necessitated, are centralized under that department. A major cost item is software licensing, which similar to the school department, the Town is seeing this cost item growing faster than CPI, and it estimated to grow at 4% per year. After removing the \$40,000 from the FY2014 that is for software costs that were related to the transitional activities to a new accounting and financial software package. The FY2014 budget also include \$15,000 in salary and wage expense associated with the implementation of the new software, which is backed out of the base, before applying the assume annual growth rate of 4.0% for personnel costs. All other expenses including operating capital are carried at the 2.2% CPI rate for each of the five years.

Town of Needham
General Fund Revenue and Expense Pro Forma
FY2015 – FY2019

The Town has taken deliberate steps over the past several years toward increasing staff and resources in the land use departments of the Town. As the Community Development department weans off use of wetland funds over several years, the growth in the salary and wage line is expected to be higher than the Town overall. The increase in salary and wages for FY2015 is factored at 4.75%, and then decreasing by a 0.25% per fiscal year (FY2016 at 4.50%; FY2017 at 4.25%), so that by FY2018 the growth rate will be the same as the Town overall at 4.0%.

Salary and wage expenses for the Police Department is assumed to increase by approximately 4.3% for FY2015, and then at the same rate as the other general government departments of 4% a year. The gasoline budget for the Police Department is estimated at the same rates are noted above under energy and fuel cost, except with the move to DPW to fuel the police vehicles with the lower octane fuel, the change in FY2015 should be less due to the price differential in octane, and hence the budget is assume to grow at 2.0% rather than 4.5%.

The Fire Department fuel line will also be impacted by the overall trend in the cost of fuel, but with a greater reliance on diesel fuel than gasoline, this budget expense is assumed at increases noted above. Again similar to the School Department and Finance, the Fire Department's software related costs are expected to grow at 4.0% per year. All other expenses are estimated at the CPI and salary and wages will be the same as the Town overall.

The Town has been working towards a plan to increase general parking in the downtown business area. This will include an expansion of parking spaces in some lots, and retention of existing parking on other property for which the Town has a use license. The program budget is estimated at 2.2% per year, but additional funding will be needed and is estimated to add another \$15,000 in FY2015 and \$5,000 in FY2016.

DPW salary and wages are pegged at the same rates as all other departments and expenses are estimated at an annual rate of 2.2%. However, similar to public safety and public facilities, DPW incurs expense for diesel and gasoline. The DPW vehicle supplies line, which includes fuel, is assumed to grow at the rates noted above. The price of energy does impact the cost or materials and contractors used in roadwork. The cost of these expenses is assumed to grow at 3% per year, rather than the 2.2% assumed for other costs. The budget allocation for FY2014 is \$456,060. Another specific adjustment we continue to recommend is an annual increase in the snow and ice budget, however we recommend a 1.0% annual change rather than the 2.5% per year suggested in previous reports. This is the only operating budget line in which deficit spending is allowed. However, any such deficit must be extinguished by the next fiscal year.

The Human Service budget has several assumed adjustments in addition to the increases in salary and wages and

Town of Needham
General Fund Revenue and Expense Pro Forma
FY2015 – FY2019

general expenses. The Council on Aging programs are anticipated to have additional costs, which are not supported by donations, revolving funds, or other external sources, that will result with the opening of the new senior center. The Department also pays costs associated with veterans' services. We continue to see greater utilization of services provided by the Veterans District. We have assumed an annual growth rate of 4% per year.

The Library expense budget is assumed to grow at a 2.5% rate for each of the five years. Salary and wages would be the same as general government.

For Park and Recreation, with the increasing costs associated with the Rosemary Pool and need to maintain park buildings we assume that the repairs and maintenance expenses, budgeted at \$41,500 for FY2014, will increase at the same 4.0% per year as the Department of Public Facilities. All other expenses and salary and wages are assumed at the same levels as the Town overall.

Other Appropriations and Expenditures

Lastly, for the purpose of this forecast, we have maintained the recommended approach towards increasing the General Fund cash capital investment with Free Cash. The amount of Free Cash that is used to offset the operating budget is an amount not more than 2.0% of the prior year's appropriated departmental budgets or the actual turn back, whichever is lower. However, reducing reliance on Free Cash (even on the portion that we have a high degree of confidence will be available from year to year) is considered a credit enhancement, and provides an added source of security against an unexpected drop in revenue. The balance of Free Cash is directed to cash capital investment or reserved for future capital investment. The annual cash capital investment is assumed at the recommended Tier One amounts found in the FY2014-FY2018 Capital Improvement Plan with the FY2019 amount based on the estimated percent change in core revenue.

The RTS payment is assumed to increase by three percent per year, as is the drains program in the Sewer Enterprise budget. The total for other financial warrant articles is assumed to increase at an annual rate of 2.5% per year which is based on the current FY2014 amount of \$248,095. The provision for abatements and exemptions is estimated to be set at an adjusted amount of approximately \$1.4 million for FY2015 and then increases annually at average rate of 3.4%. FY2015 is a revaluation year, so abatement application activity may be higher than usual. The provision for abatements would be increased by additional new growth revenue that was not otherwise committed at the time the Tax Rate is set. We have assumed a 2.5% increase for Other Amounts to be Provided, and assessments from the State and County governments.

End.

General Fund
Five Year Pro Forma - Excluding Debt Exclusions
FY2015 - FY2019

Description	Final Budget 2011 June 30, 2011	Final Budget 2012 June 30, 2012	Final Budget 2013 June 30, 2013	Current 2014	Pro Forma 2015 September 10, 2013	Pro Forma 2016 September 10, 2013	Pro Forma 2017 September 10, 2013	Pro Forma 2018 September 10, 2013	Pro Forma 2019 September 10, 2013
General Fund									
Property Tax Revenue*	85,815,852	89,620,217	93,736,831	97,597,508	101,208,616	105,256,960	108,835,697	112,536,111	116,362,339
State Aid*	8,227,013	8,578,273	9,314,364	9,601,356	9,614,590	9,533,709	9,453,638	9,382,000	9,318,864
Local Receipts*	7,107,929	7,580,290	7,654,632	8,193,450	8,556,904	8,698,763	8,914,404	9,181,836	9,457,291
Other Revenues and Sources	1,404,029	703,192	1,703,018	1,123,070	591,500	593,045	594,636	596,275	597,964
Free Cash & Reserves	3,568,037	3,380,269	5,366,720	2,153,808	3,475,000	3,594,617	3,702,736	3,816,149	3,933,706
Reimbursements	1,659,715	1,615,715	1,608,539	1,570,000	1,570,000	1,570,000	1,570,000	1,570,000	1,570,000
Revenues	\$107,782,575	\$111,477,956	\$119,384,104	\$120,239,192	\$125,016,609	\$129,247,095	\$133,071,111	\$137,082,371	\$141,240,163
* CORE Revenue Change	3.6%	4.6%	4.7%	4.2%	3.5%	3.4%	3.0%	3.1%	3.1%

Appropriations and Other Commitments

Operating Budget	101,645,519	103,977,812	110,041,274	114,991,496	119,528,130	124,432,469	129,337,771	134,310,936	139,583,516
Special Financial Articles	66,446	574,587	372,699	248,095	254,297	260,655	267,171	273,850	280,697
Capital Funded by Cash	2,271,749	1,817,051	3,786,633	1,034,584	2,158,433	1,970,933	2,031,645	2,321,961	2,393,489
Appropriated to Other Funds	975,434	1,050,283	1,993,428	1,320,844	1,358,956	1,399,724	1,441,716	1,484,968	1,529,517
Other Obligations & Adjustments	2,823,427	4,058,223	3,190,070	2,644,173	2,826,828	2,910,522	2,996,751	3,085,593	3,177,130
Total	\$107,782,575	\$111,477,956	\$119,384,104	\$120,239,192	\$126,126,644	\$130,974,304	\$136,075,054	\$141,477,308	\$146,964,349
I Surplus/(Deficit)	0	0	0	0	(1,110,035)	(1,727,209)	(3,003,944)	(4,394,937)	(5,724,186)
II Incremental Gap					(617,173)		(1,276,735)	(1,390,993)	(1,329,249)

**General Fund
Five Year Pro Forma - Excluding Debt Exclusions**

Description	General Fund Revenue					Pro Forma			
	Final Budget 2011 June 30, 2011	Final Budget 2012 June 30, 2012	Final Budget 2013 June 30, 2013	Current 2014	Pro Forma 2015 September 10, 2013	Pro Forma 2016 September 10, 2013	Pro Forma 2017 September 10, 2013	Pro Forma 2018 September 10, 2013	Pro Forma 2019 September 10, 2013
Real & Personal Property Tax									
Real & Personal Property Tax w/o Exclusions	85,815,852	89,620,217	93,736,831	97,597,508	101,208,616	105,256,960	108,835,697	112,536,111	116,362,339
General Override									
SUBTOTAL	85,815,852	89,620,217	93,736,831	97,597,508	101,208,616	105,256,960	108,835,697	112,536,111	116,362,339
State Aid									
State Aid for Education	6,622,455	7,084,895	7,708,707	7,968,430	7,967,764	7,888,086	7,809,205	7,731,113	7,653,802
State Aid For General Government	1,604,558	1,493,378	1,605,657	1,632,926	1,646,826	1,645,623	1,644,433	1,650,887	1,665,062
SBA/MSBA Programs									
SUBTOTAL	8,227,013	8,578,273	9,314,364	9,601,356	9,614,590	9,533,709	9,453,638	9,382,000	9,318,864
Local Receipts									
Motor Vehicle Excise	3,250,000	3,500,000	3,670,000	3,850,000	3,984,750	4,064,445	4,166,056	4,291,038	4,419,769
Licenses & Permits	800,000	800,000	1,115,000	1,440,000	1,583,200	1,555,696	1,577,367	1,624,688	1,673,429
Investment Income	325,000	150,000	80,000	80,000	80,000	83,224	85,721	88,292	90,941
Other Local Receipts	2,732,929	3,130,290	2,789,632	2,823,450	2,908,154	2,995,398	3,085,260	3,177,818	3,273,152
SUBTOTAL	7,107,929	7,580,290	7,654,632	8,193,450	8,556,904	8,698,763	8,914,404	9,181,836	9,457,291
Other Revenues and Sources									
Overlay Surplus	500,199	500,000	500,000	1,000,000	500,000	500,000	500,000	500,000	500,000
Parking Meter Receipts	25,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000
Restricted Proceeds			28,018						
Unexpended Articles and Other Sources	87,645	73,192	485,000	83,070	51,500	53,045	54,636	56,275	57,964
Reuse of Operating Budget	791,185	90,000	650,000						
SUBTOTAL	1,404,029	703,192	1,703,018	1,123,070	591,500	593,045	594,636	596,275	597,964
Free Cash & Reserves									
Free Cash	3,568,037	3,380,269	5,366,720	2,153,808	3,475,000	3,594,617	3,702,736	3,816,149	3,933,706
SUBTOTAL	3,568,037	3,380,269	5,366,720	2,153,808	3,475,000	3,594,617	3,702,736	3,816,149	3,933,706
Total General Fund Revenue	\$106,122,860	\$109,862,241	\$117,775,565	\$118,669,192	\$123,446,609	\$127,677,095	\$131,501,111	\$135,512,371	\$139,670,163
Reimbursements									
Reimbursements due from Other Funds	1,659,715	1,615,715	1,608,539	1,570,000	1,570,000	1,570,000	1,570,000	1,570,000	1,570,000
Available for Expenditure	\$107,782,575	\$111,477,956	\$119,384,104	\$120,239,192	\$125,016,609	\$129,247,095	\$133,071,111	\$137,082,371	\$141,240,163

**General Fund
Five Year Pro Forma - Excluding Debt Exclusions**

Description	Operating Budget						Pro Forma 2015 September 10, 2013	Pro Forma 2016 September 10, 2013	Pro Forma 2017 September 10, 2013	Pro Forma 2018 September 10, 2013	Pro Forma 2019 September 10, 2013
	Final Budget 2011 June 30, 2011	Final Budget 2012 June 30, 2012	Final Budget 2013 June 30, 2013	Current 2014							
General Government	3,544,486	3,644,860	3,943,093	3,943,011	4,081,838	4,190,038	4,397,329	4,516,264	4,738,726		
Land Use and Development	348,934	375,645	385,926	411,156	428,067	445,349	462,986	480,961	499,644		
Public Safety	11,812,664	12,041,847	12,511,942	13,027,952	13,555,635	14,089,532	14,642,475	15,216,003	15,812,193		
Education	46,910,339	49,094,360	51,892,719	54,729,548	56,882,569	59,104,475	61,414,041	63,814,747	66,310,211		
Public Works	5,443,079	5,089,984	5,308,896	5,309,956	5,505,435	5,695,383	5,884,372	6,077,807	6,278,165		
Public Facilities	7,387,362	7,754,286	7,772,462	8,003,190	8,253,296	8,538,500	8,812,548	9,096,073	9,389,422		
Community Services	2,919,344	2,960,198	3,023,195	3,182,254	3,306,869	3,430,780	3,559,449	3,693,061	3,831,809		
Department Budgets	78,366,208	80,961,180	84,838,233	88,607,067	92,013,709	95,494,058	99,173,200	102,894,915	106,860,169		
Change from Prior Year	1.6%	3.3%	4.8%	4.4%	3.8%	3.8%	3.9%	3.8%	3.9%		
Townwide Expense Group	23,279,311	23,016,632	25,203,041	26,384,429	27,514,421	28,938,412	30,164,572	31,416,021	32,723,347		
Change from Prior Year	9.4%	-1.1%	9.5%	4.7%	4.3%	5.2%	4.2%	4.1%	4.2%		
General Fund Operating Budget	\$101,645,519	\$103,977,812	\$110,041,274	\$114,991,496	\$119,528,130	\$124,432,469	\$129,337,771	\$134,310,936	\$139,583,516		
Change from Prior Year	3.3%	2.3%	5.8%	4.5%	3.9%	4.1%	3.9%	3.8%	3.9%		

**General Fund
Five Year Pro Forma - Excluding Debt Exclusions**

Description	Operating Budget								
	Final Budget 2011 June 30, 2011	Final Budget 2012 June 30, 2012	Final Budget 2013 June 30, 2013	Current 2014	Pro Forma 2015 September 10, 2013	Pro Forma 2016 September 10, 2013	Pro Forma 2017 September 10, 2013	Pro Forma 2018 September 10, 2013	Pro Forma 2019 September 10, 2013
Non-Contributory Retirement Payments	59,400	32,700	33,400	34,100	35,464	36,883	38,358	39,892	41,488
Contributory Retirement System	4,552,978	4,722,775	4,997,421	5,420,454	5,621,400	5,830,107	6,046,888	6,272,069	6,505,989
Group Health Insurance	9,549,125	9,019,724	9,508,775	10,091,409	10,574,757	11,077,058	11,603,218	12,125,363	12,671,004
Retiree Insurance & Insurance Liability Fund	3,626,375	4,406,275	4,923,887	4,727,462	4,940,198	5,434,218	5,705,929	5,991,225	6,290,786
Unemployment Compensation	140,000	140,000	250,000	250,000	255,500	261,121	266,866	272,737	278,737
Debt Service	2,967,712	3,121,297	3,231,127	3,470,211	3,581,403	3,704,683	3,816,112	3,932,998	4,054,155
Workers Compensation	400,000	450,000	450,000	467,550	486,252	505,702	525,930	546,967	568,846
Casualty Liability & Self Insurance Program	525,000	525,000	525,000	525,000	538,425	550,270	562,376	574,749	587,393
Classification Performance & Settlements #	14,358	112,689	25,000	25,000	26,000	27,040	28,122	29,246	30,416
Reserve Fund #	1,444,363	486,172	1,258,431	1,373,243	1,455,021	1,511,330	1,570,773	1,630,774	1,694,533
Townwide Expense Group	23,279,311	23,016,632	25,203,041	26,384,429	27,514,421	28,938,412	30,164,572	31,416,021	32,723,347
Board of Selectmen/Town Manager	806,094	806,425	826,252	794,348	824,197	855,198	887,395	920,836	955,569
Town Clerk/Board of Registrars	321,578	319,953	341,853	321,912	380,082	347,763	408,865	375,699	439,897
Town Counsel	262,164	298,664	300,039	305,790	322,093	339,340	357,588	376,898	397,334
Personnel Board	11,600	11,600	11,600	15,600	15,954	16,316	16,687	17,066	17,454
Finance Department	2,114,432	2,178,619	2,431,985	2,472,468	2,505,326	2,595,890	2,689,864	2,787,381	2,888,577
Finance Committee	28,618	29,599	31,364	32,893	34,187	35,532	36,930	38,383	39,895
Planning Board	234,488	251,482	255,442	269,399	279,879	290,771	302,092	313,860	326,091
Community Development	114,446	124,163	130,484	141,757	148,188	154,578	160,893	167,101	173,553
Police Department	5,279,417	5,229,665	5,506,940	5,624,023	5,858,095	6,087,525	6,324,853	6,571,167	6,827,173
Fire Department	6,071,646	6,340,806	6,515,443	6,844,275	7,116,059	7,397,837	7,689,868	7,992,570	8,307,271
Building Inspector	461,601	471,376	489,559	559,654	581,481	604,170	627,753	652,267	677,748
Needham Public Schools	46,541,078	48,501,371	51,112,681	53,995,587	56,111,910	58,295,283	60,564,390	62,922,612	65,373,470
Minuteman Assessment	369,261	592,989	780,038	733,961	770,659	809,192	849,652	892,134	936,741

**General Fund
Five Year Pro Forma - Excluding Debt Exclusions**

Description	Operating Budget					Pro Forma 2015 September 10, 2013	Pro Forma 2016 September 10, 2013	Pro Forma 2017 September 10, 2013	Pro Forma 2018 September 10, 2013	Pro Forma 2019 September 10, 2013
	Final Budget 2011 June 30, 2011	Final Budget 2012 June 30, 2012	Final Budget 2013 June 30, 2013	Current 2014						
Public Works Department	4,906,879	4,778,984	5,020,896	5,021,902	5,196,043	5,374,186	5,556,108	5,742,321	5,935,298	
Municipal Parking Program	282,900	55,000	55,000	70,250	86,796	93,705	95,767	97,873	100,027	
Municipal Lighting Program	253,300	256,000	233,000	217,804	222,596	227,493	232,498	237,613	242,840	
Public Facilities Department	7,387,362	7,754,286	7,772,462	8,003,190	8,253,296	8,538,500	8,812,548	9,096,073	9,389,422	
Health Department	459,841	465,494	488,712	515,549	534,420	554,008	574,340	595,445	617,353	
Human Services	566,156	569,087	588,016	670,348	702,177	729,774	758,464	788,291	819,299	
Commission on Disabilities	550	550	550	550	562	574	587	600	613	
Historical Commission	1,050	1,050	1,050	1,050	1,073	1,097	1,121	1,145	1,171	
Library	1,336,937	1,369,274	1,382,743	1,419,551	1,471,597	1,525,606	1,581,654	1,639,820	1,700,185	
Park & Recreation Commission	554,060	553,993	561,374	574,456	596,273	618,938	642,482	666,942	692,352	
Memorial Park	750	750	750	750	767	783	801	818	836	
Department Budgets	78,366,208	80,961,180	84,838,233	88,607,067	92,013,709	95,494,058	99,173,200	102,894,915	106,860,169	
Total Operating Budget	101,645,519	103,977,812	110,041,274	114,991,496	119,528,130	124,432,469	129,337,771	134,310,936	139,583,516	

**General Fund
Changes in Salary and Wage Accounts
FY05 to FY14**

Description	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014
General Government										
Percent Change for Group from Prior Year	\$1,821,122	\$1,861,841	\$2,096,237	\$2,149,201	\$2,256,559	\$2,319,861	\$2,385,752	\$2,428,937	\$2,657,668	\$2,712,075
	2.4%	2.4%	12.6%	2.5%	5.0%	2.8%	2.0%	2.7%	9.6%	1.7%
Land Use										
Percent Change for Group from Prior Year	\$169,110	\$179,096	\$202,066	\$275,146	\$289,157	\$305,662	\$320,366	\$347,327	\$363,475	\$382,830
	1.9%	5.9%	12.8%	36.2%	5.1%	5.7%	4.8%	8.4%	4.6%	5.3%
Public Safety										
Percent Change for Group from Prior Year	\$9,199,598	\$9,616,189	\$9,794,881	\$10,045,611	\$10,568,291	\$10,938,454	\$11,142,517	\$11,407,320	\$11,669,543	\$12,386,252
	1.4%	4.5%	1.9%	2.6%	5.2%	3.5%	1.9%	2.4%	2.3%	5.3%
Public Works - General Fund Only										
Percent Change for Group from Prior Year	\$2,615,781	\$2,708,592	\$2,962,632	\$2,971,552	\$3,137,685	\$3,258,049	\$3,393,323	\$3,049,989	\$3,109,481	\$3,207,178
	6.9%	3.5%	5.4%	0.3%	5.6%	3.6%	4.2%	-10.1%	2.0%	3.1%
Public Facilities										
Percent Change for Group from Prior Year	\$2,330,187	\$2,332,509	\$2,432,903	\$2,540,529	\$2,608,273	\$2,875,501	\$2,870,212	\$3,087,351	\$3,227,402	\$3,407,208
	4.3%	-0.1%	4.5%	4.4%	2.7%	10.1%	-0.2%	7.6%	4.5%	5.8%
Community Services										
Percent Change for Group from Prior Year	\$1,919,096	\$2,094,106	\$2,162,084	\$2,238,383	\$2,329,580	\$2,418,857	\$2,391,287	\$2,403,792	\$2,437,935	\$2,496,032
	2.4%	7.0%	5.3%	3.5%	4.1%	3.6%	-1.1%	0.5%	1.4%	4.4%
Municipal Departments										
Percent Change for Group from Prior Year	\$10,054,904	\$10,747,333	\$19,850,803	\$20,229,422	\$21,189,905	\$22,116,484	\$22,483,457	\$22,724,716	\$23,475,504	\$24,541,583
	2.9%	7.0%	4.8%	2.5%	4.5%	4.4%	1.7%	1.1%	3.3%	4.5%
Total Town Departments w/o PFD										
Percent Change from Prior Year Comparable	\$15,724,707	\$16,419,824	\$17,217,500	\$17,679,893	\$18,581,532	\$19,240,883	\$19,613,245	\$19,637,385	\$20,248,102	\$21,134,375
	2.6%	4.4%	5.1%	2.7%	5.1%	3.5%	1.9%	0.1%	3.1%	4.4%
School Department										
Percent Change from Prior Year	\$29,835,477	\$32,139,137	\$33,251,907	\$34,895,067	\$37,287,966	\$39,247,085	\$40,264,790	\$40,908,300	\$43,903,789	\$46,737,632
	3.6%	7.7%	3.3%	4.9%	6.8%	5.0%	2.6%	1.6%	7.3%	6.5%
General Government Total										
	1,821,122	1,861,841	2,096,237	2,149,201	2,256,559	2,319,861	2,385,752	2,428,937	2,657,668	2,712,075
	2.4%	2.4%	12.6%	2.5%	5.0%	2.8%	2.0%	2.7%	9.6%	1.7%
Planning Department										
	124,160	131,664	137,811	188,469	196,791	207,833	219,028	235,022	244,849	252,939
	44,950	47,432	54,255	86,677	92,366	97,829	102,339	112,305	118,626	126,899
Community Development										
	189,110	179,096	202,066	275,146	289,157	305,662	320,366	347,327	363,475	382,830
	1.9%	5.3%	12.8%	36.2%	5.1%	5.7%	4.8%	8.4%	4.6%	5.3%
Police Department										
	3,950,138	4,096,350	4,258,517	4,307,656	4,529,149	4,771,895	4,884,190	4,863,916	4,999,157	5,175,845
	3.0%	3.7%	3.9%	1.2%	5.1%	5.4%	2.4%	-0.4%	2.0%	4.4%
Fire Department										
	4,970,245	5,159,042	5,152,611	5,330,631	5,616,784	5,722,539	5,812,408	6,105,123	6,249,767	6,581,793
	0.3%	-0.1%	-0.1%	3.5%	5.4%	1.9%	1.6%	5.0%	2.5%	5.3%
Building Inspector										
	279,215	360,787	385,753	407,324	422,559	444,020	445,919	443,281	460,619	528,614
	1.1%	29.2%	6.9%	5.6%	3.7%	5.1%	0.4%	-0.6%	3.9%	14.8%
Public Safety Total										
	9,199,598	9,616,189	9,794,881	10,045,611	10,568,291	10,938,454	11,142,517	11,407,320	11,669,543	12,386,252
	1.4%	4.5%	1.9%	2.6%	5.2%	3.5%	1.9%	2.4%	2.3%	5.3%
Department of Public Works (including enterprise employees)										
	4,433,572	4,596,122	4,801,325	5,058,328	5,286,597	5,501,152	5,795,831	5,603,635	5,693,797	5,853,827
	5.6%	3.7%	4.0%	5.2%	4.5%	4.1%	3.7%	-1.8%	1.6%	2.8%
Department of Public Facilities										
	2,330,187	2,332,509	2,432,903	2,540,529	2,608,273	2,875,501	2,870,212	3,087,351	3,227,402	3,407,208
	4.9%	-0.1%	4.5%	4.4%	2.7%	10.3%	-0.2%	7.6%	4.5%	5.6%
Health Department										
	288,816	304,968	316,046	344,624	364,066	377,408	383,012	388,665	401,658	418,295
	3.1%	5.2%	4.3%	8.4%	5.6%	3.7%	1.5%	1.5%	3.3%	4.1%
Human Services										
	449,286	470,503	468,797	469,698	501,839	525,393	488,996	498,717	510,811	555,478
	2.5%	6.5%	-0.2%	0.2%	4.7%	4.7%	-6.9%	2.0%	2.4%	8.7%
Needham Public Library										
	791,118	857,514	953,323	1,000,410	1,035,514	1,075,094	1,075,094	1,072,225	1,071,897	1,103,303
	2.2%	9.7%	11.0%	3.8%	3.3%	4.0%	0.1%	-0.3%	-0.1%	3.0%
Park & Recreation Department										
	388,876	403,121	411,918	423,651	430,134	441,142	443,185	443,108	453,499	468,456
	2.3%	3.7%	2.6%	2.8%	1.9%	2.6%	0.5%	0.2%	2.3%	3.3%
Community Services Total										
	1,919,096	2,094,106	2,162,084	2,238,383	2,329,580	2,418,857	2,391,287	2,403,792	2,437,935	2,496,032
	2.4%	7.0%	5.3%	3.5%	4.1%	3.6%	-1.1%	0.5%	1.4%	4.4%
Town Departments (including enterprise employees)										
	19,872,685	20,634,043	21,569,496	22,307,808	23,339,357	24,359,507	24,795,865	25,278,382	26,059,020	27,188,232
	3.2%	3.8%	4.5%	3.4%	4.6%	4.2%	1.8%	1.9%	3.1%	4.3%
School Department										
	29,835,477	32,139,137	33,251,907	34,895,067	37,287,966	39,247,085	40,264,790	40,908,300	43,903,789	46,737,632
	3.6%	7.7%	3.3%	4.9%	6.8%	5.0%	2.6%	1.6%	7.3%	6.5%
Total Salary and Wages										
	\$49,708,172	\$52,774,000	\$54,831,403	\$57,202,875	\$60,626,933	\$63,606,673	\$65,000,755	\$66,186,682	\$69,963,609	\$73,935,864
	3.4%	6.2%	3.9%	4.3%	6.0%	4.9%	2.3%	1.7%	5.7%	5.7%

General Fund
Five Year Pro Forma - Excluding Debt Exclusions
New Facilities Operational Cost Estimate

Description	FY2015 Senior Center	FY2016	FY2017	FY2018	FY2019
Townwide Expense Group					
Town Wide Expenses	5,881				
Department of Public Works Salary & Wages Expenses					
Department of Public Works					
Department of Public Facilities Salary & Wages Expenses	12,139 18,460				
Department of Public Facilities	30,599				
Human Services Salary & Wages Expenses					
Human Services					
Total	\$36,480				

**Town of Needham
General Fund
Five Year Pro Forma
Energy Prices**

Year	Regular Unleaded Gasoline Per Gallon - Boston Area			Fuel Oil #2 - Northeast			Electricity per kWh - Northeast		
	June Average Price	One Year % Change	Calendar Year Average Price	June Average Price	One Year % Change	Calendar Year Average Price	June Average Price	One Year % Change	Calendar Year Average Price
2009	\$2.579	-36.10%	\$2.31	\$2.454	-46.74%	\$2.54	\$0.17	0.00%	\$0.16
2010	\$2.725	5.66%	\$2.75	\$2.743	11.78%	\$2.92	\$0.17	0.00%	\$0.17
2011	\$3.738	37.17%	\$3.51	\$3.805	38.72%	\$3.69	\$0.17	0.00%	\$0.16
2012	\$3.468	-7.22%	\$3.63	\$3.473	-8.73%	\$3.72	\$0.16	-5.88%	\$0.16
2013	\$3.491	0.66%	NA	\$3.529	1.61%	NA	\$0.16	0.00%	NA
	Five Year Average	0.04%		Five Year Average	-0.67%		Five Year Average	-1.18%	
	Three Year Average	10.20%		Three Year Average	10.53%		Three Year Average	-1.96%	

Year	Natural Gas Per Therm - Northeast			Automotive Diesel Fuel Per Gallon		
	June Average Price	One Year % Change	Calendar Year Average Price	June Average Price	One Year % Change	Calendar Year Average Price
2009	\$1.259	-25.77%	\$1.36	\$2.672	-45.61%	\$2.68
2010	\$1.231	-2.22%	\$1.28	\$3.061	14.56%	\$3.10
2011	\$1.184	-3.82%	\$1.23	\$4.113	34.37%	\$4.00
2012	\$1.052	-11.15%	\$1.11	\$3.988	-3.04%	\$4.13
2013	\$1.153	9.60%	NA	\$3.912	-1.91%	NA
	Five Year Average	-6.67%		Five Year Average	-0.33%	
	Three Year Average	-1.79%		Three Year Average	9.81%	



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 9/10/2013

Agenda Item	Town Manager Report
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
At this time, the Town Manager will update the Board on issues not covered on agenda, as needed.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below) none			



**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 9/10/2013

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
<i>Board members will report on the progress and / or activities of their Committee assignments.</i>			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below)			
None			



For Calendar Year: 2013

TOWN OF NEEDHAM
APPLICATION FOR A WEEKDAY ENTERTAINMENT LICENSE

The undersigned hereby applies for a Weekday Entertainment License in accordance with the provisions of the statutes relating thereto:

Name of Establishment: 3 Squares

Applicant (must be an individual): Aaron M. Krug

If Business is a Corporation / Corporate Name and Officers: _____

If Business is not a Corporation, Name of Owner: Aaron M. Krug

Address of Establishment: 669 Highland Avenue Needham, MA 02494

Mailing Address: Same as above Telephone Number: (781) 444-4644

Email Address: Aaron@3SquaresNeedham.com Fax Number: (781) 444-4603

Describe the type of entertainment at your Establishment: _____

acoustic music, puppet show, children entertainment

Signature of Applicant: [Signature] Date: 08/16/13

A certificate of insurance showing evidence that the applicant has workers' compensation insurance must be included with this completed application.

Pursuant to M.G.L. Ch. 62C, Sec. 49A:

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Signature of Applicant (Mandatory)
[Signature]

4614-03609
Either a Social Security Number
Or Federal Identification Number
Must Be Supplied

By Corporate Officer
(If applicable)

08/16/13
Date (required)

This License will not be issued unless this certification clause is signed by the applicant.



For Calendar Year: 2012

2013

RECEIVED
TOWN OF NEEDHAM
BOARD OF SELECTMEN

2013 AUG 16 AM 11:21
**APPLICATION FOR LICENSE FOR
PUBLIC ENTERTAINMENT ON SUNDAY**

The undersigned hereby applies for a License for Public Entertainment on Sunday in accordance with the provisions of the statutes relating thereto:

Name of Establishment: 3 Squares

Applicant (must be an individual): Aaron M. Krug

If Business is a Corporation / Corporate Name and Officers: _____

If Business is not a Corporation, Name of Owner: Aaron M. Krug

Address of Establishment: 669 Highland Avenue Needham, MA 02494

Mailing Address: same as above Telephone Number: (781) 444-4644

Email Address: Aaron@3SquaresNeedham.com Fax Number: (781) 444-4003

Describe the type of entertainment at your Establishment: _____

acoustic music, children's entertainment

The entertainment above mentioned is to be in keeping with the character of the Lord's Day and not inconsistent with its due observance.

No change to be made in the program without permission of the authorities granting and approving the license.

Signature of Applicant: [Signature] Date: 08/16/13

A certificate of insurance showing evidence that the applicant has workers' compensation insurance must be included with this completed application.

Pursuant to M.G.L. Ch. 62C, Sec. 49A:

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

[Signature]
Signature of Applicant (Mandatory)

4614-03609

Either a Social Security Number
Or Federal Identification Number
Must Be Supplied

By Corporate Officer
(If applicable)

08/16/13
Date (required)

This License will not be issued unless this certification clause is signed by the applicant.



**Town of Needham, Massachusetts
Road Event Form**

INTERNAL USE ONLY

☒ DPW ☒ Police
☒ Fire ☐ OTM
☒ Park & Rec ☐ Port

TYPE OF EVENT: (check all that apply)

☐ RUN ☐ WALK ☐ BICYCLE

Name of Event:

Name of Organization:

Warrior Thunder Motorcycle Ride

Warrior Thunder Foundation

Organization Mailing Address:

50 Timberline Rd Millis, MA

☒ Organization
is
Not-for-Profit

Primary Contact:

Darren Bean

Contact Title:

Pres. den t

Contact Address:

50 Timberline Rd Millis, MA

Contact Phone (Day):

508-244-9950

Contact Phone (Cell):

59mc

Contact Email:

darrenbean@warrior-thunder.org

Event Date(s):

Sep 14, 2013

Date Expected to be in Needham:

Sep 14

Earliest Time Expected in Needham:

1200

Latest Time Expected in Needham:

1210

Number of Expected Participants:

150

Number of Expected Spectators at Peak

Time:

0

Are participants charged a fee?

☒ YES ☐ NO

Estimated Number of Vehicles:

150

What type of Parking is needed:

none

Are event organizers available to meet with members of the Town to plan event?

Yes. However we are only passing through

What will be done in case of inclement weather?

No change

Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked:

no parking. We are passing through

Will neighborhoods be impacted by parking and traffic?

no

What activities are planned for the start of the race (if in Needham)?

none

What activities are planned for the end of the race (if in Needham)?

none

What facilities are needed for the start of the race (if in Needham)?

none

What facilities are needed for the end of the race (if in Needham)?

none

Once the event begins, how long will it take to complete the event?

10 minutes

Are signs requested to post at the start of the race? At the end of the race? Are signs requested for along the route?

no

Will volunteers be placed along the route?

no

Will you be using a sound system? If yes, please describe where and when it will be used.

no

Will there be any food served?

no

Will portable toilets be used?

no

Will hydration stops be set up along route? If yes, please include these on route plan.

no

If the event takes place after dark, what is the plan to meet lighting needs?

during day

What safety measures are being made for participants and spectators? What are plans for handling first aid and medical emergencies?

only passing through

Does the event take place during commuter times?

no

Is school in session during the event? Will school drop off or pick up be impacted by the event?

n/a

Are businesses open during the time of the event?

yes

Does the route pass any business that might be impacted by the event? (e.g. funeral homes, markets, restaurants)

no

Are there any churches/houses of worship located along the event route? Will church/house of worship services take place during the event?

n/a

What is the plan to handle trash?

n/a

Please return the completed application and attachments to the Office of the Town Manager, Needham Town Hall, 1471 Highland Avenue, Needham, MA 02492:

- event route map (include map and text route, parking plan, volunteer placement)
- application fee
- certificate of insurance

Nikki Witham

From: Darren Bean <darrenbean@warriorthunder.org>
Sent: Tuesday, September 03, 2013 10:36 AM
To: Nikki Witham
Subject: Re: Road race form

Nikki,

Thank you. We will be coming from Dover on Centre Street to Dedham Street, turning left on Rt 135 (Great Plain Avenue. I have attached a new map url below that should show it for you. On the map we will be coming from point a to point b to point c.

https://maps.google.com/maps?saddr=Dover,+MA&daddr=Chestnut+St+to:Wellesley+Ave&hl=en&ll=42.25457,-71.242733&spn=0.09631,0.154324&sl=42.295802,-71.279018&sspn=0.012031,0.027466&geocode=FfOehAIdSE_A-ynxGU4lq4DjiTHoxI5nYAOX7A%3BFQElhQIdlQLB-w%3BFaZthQIdqVvA-w&t=h&mra=mi&mrsp=2&sz=16&z=13

Thanks,

Darren Bean, SGM USA (Ret)
President, Warrior Thunder Foundation
508-244-9950
www.warriorthunderfoundation.org
darrenbean@warriorthunder.org
<https://www.facebook.com/warriorthunderfoundation>

On Tue, Sep 3, 2013 at 10:30 AM, Nikki Witham <nwitham@needhamma.gov> wrote:

Hi Darren,

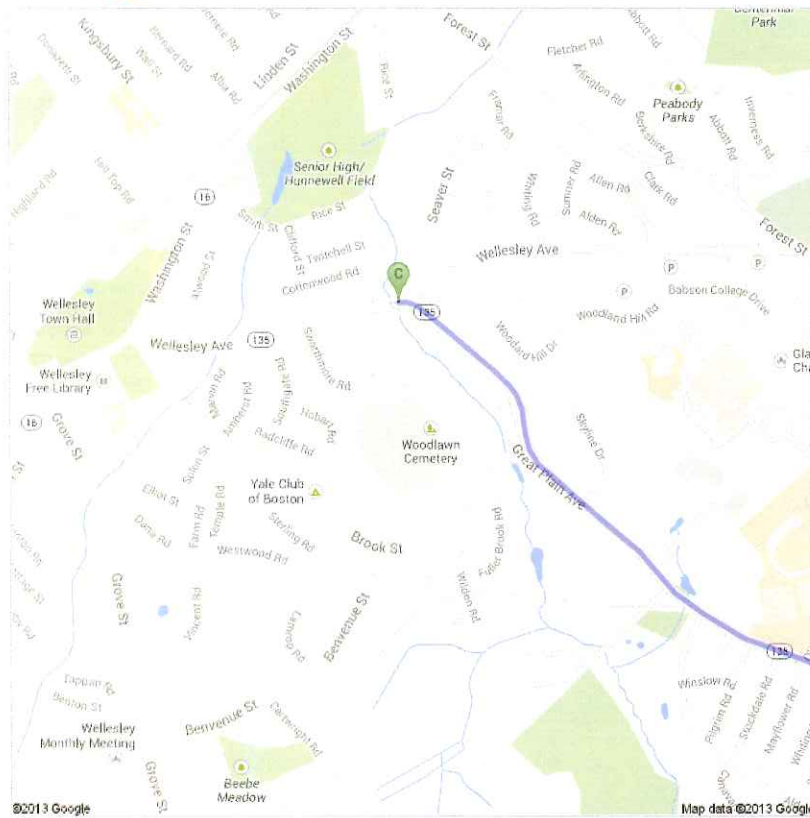
Thank you for your request. As Lorraine stated in her email you will not need to come to the BOS meeting. I will let you know the day after the meeting of approval. I see that you provided Lt. Forbes with a link to the map of the event, but could you please provide a clearer route of where you will be traveling through Needham? Once I get that I can send out the form and route for approval from the appropriate departments. Thanks so much.

-Nikki

Nikki Witham



Directions to Wellesley Ave
6.9 mi – about 17 mins





Dover, MA

1. Head southeast on Springdale Ave toward Dedham Stgo 121 ft
total 121 ft

2. Slight left onto Dedham St

About 51 secs

go 0.1 mi
total 0.2 mi

3. Slight left to stay on Dedham St

About 6 mins

go 2.6 mi
total 2.7 mi

4. Continue onto Chestnut St

About 4 mins

go 1.5 mi
total 4.2 mi

Chestnut St

total 0.0 mi

5. Head north on Chestnut St toward Great Plain Avego 16 ft
total 16 ft

6. Take the 1st left onto Great Plain Ave

About 6 mins

go 2.6 mi
total 2.6 mi

7. At the traffic circle, take the 2nd exit onto Wellesley Ave

go 177 ft
total 2.7 mi

8. Turn left to stay on Wellesley Ave

go 79 ft
total 2.7 mi

Wellesley Ave



Town of Needham
Water Sewer Billing System
Adjustment Form

DEPARTMENT OF PUBLIC WORKS

O: TOWN TREASURER AND COLLECTOR
cc: TOWN ACCOUNTANT, WATER AND SEWER SUPERINTENDENT

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 revenue and

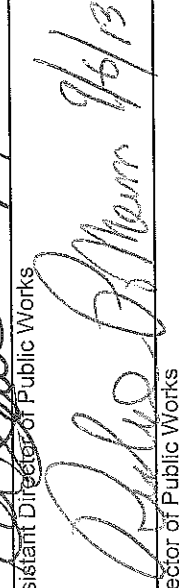
WHEREAS certain inadvertent error(s) were made in said commitment(s), it is hereby requested that you abate these particular account(s) in the amount(s) stated below.

Water Sales:	-\$221.75
Water Irrigation:	\$0.00
Water Admin Fees	\$0.00
Sewer Sales:	-\$521.45
Transfer Station Charges:	\$0.00
Total Abatement:	-\$743.20

Order #: 1167

Read and Approved: 9/5/2013


Assistant Director of Public Works


Director of Public Works

For the Board of Selectmen

Date: 9/10/2013

**Town of Needham
Water Sewer Billing System
Adjustment Form**

By:	Last Name	First Name	Customer ID#	Location ID#	Street Number	Street Name	Irrigation Water	Domestic Water	Sewer	Total	Reason	Corrected Last Read
DB	Topman	William	17463	15082	140	Meadowbrook Road	\$0.00	-\$1.50	-\$3.30	-\$4.80	ACC	N
DB	Timmons	Stephanie	35205	10068	67	Evelyn Road	\$0.00	-\$6.75	-\$14.85	-\$21.60	ACC	N
DB	Cullen	Alex	22257	5748	133	Grant Street	\$0.00	-\$2.00	-\$4.40	-\$6.40	BP	N
JO	Council on Aging (2)						\$0.00	-\$211.50	-\$498.90	-\$710.40	COA	N

Total: -\$743.20

ALSO, LET THIS SERVE AS AUTHORIZATION TO ABATE ANY PENALTY OR INTEREST WHICH HAS ACCRUED DUE TO THE
NON-PAYMENT OF AMOUNTS AS STATED ABOVE.

Legend:

O.I. = O.I. reading slower than inside meter causing large bill when inside meter is read.

TWN = Town Project caused damage to private property

ECC = Extenuating Circumstances

Equip = Equipment Malfunction

JEW = Unexplained water loss

ACC = Accidental Water Loss

BP = Billing Period beyond 100 days

COA - Council on Aging