BOARD OF SELECTMEN September 21, 2015 Needham Town Hall Revised Agenda

Note: Agenda subject to revision, start times are approximate and agenda items may be discussed at earlier or later times.

	6:45	Informal Meeting with Citizens 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.
1.	7:00	Proclamation- Don Brock Day in Needham
2.	7:00	New England Wellspring- Marijuana Dispensary
3.	7:15	Public Facilities Summer Activities Update • Chip Laffey, Director of Facility Operations
4.	7:25	 Director of Public Works Notice of Traffic Regulation – Winfield St., Ware Rd. & Abbott St. Stop Sign(s) Notice of Traffic Regulation – All Night Parking & Parking Committee
5.	7:30	Town Manager Close Special Town Meeting Warrant Town Manager Report
6.	7:40	Board Discussion • Potential Property Acquisition • Committee Reports
7.	8:00	Executive Session Exception 2,3,6

CONSENT AGENDA *=Backup attached

1.	Accept a \$1000.00 donation made to the Needham Health Department's Substance Abuse Education & Prevention's 5 th Quarter Program from Needham High School- PTC Trust.
2.*	Approve a Special One Day Wines & Malt Beverages Only license from Karen Calton and Jennifer Mingolelli of St. Joseph's School to host its Oktoberfest event on Saturday, October 24, 2015 from 6:00 p.m. to 10:00 p.m. The event will be held at St. Joseph's School, 110 May Street, Needham.
3.*	Approve road race event form from Christopher George of the Sean Biggs Memorial Foundation, to hold its 5K race in Needham on November 15, 2015 from 6:00 a.m. to 12:30 p.m. The race application has been approved by the following departments: DPW,

	Police, Fi	re, and Park and Recre	eation.		9	
4.*	Approve a One Day Special All Alcoholic Beverages License for James Walsh of St. Sebastian's School to host its Alumni Dinner on Thursday, October 15, 2015 from 6:00 p.m. to 10:00 p.m. Event is to be held in Ward Hall at St. Sebastian's School, 1191 Greendale Avenue, Needham.					
5.	Accept a donation of a 250 th Anniversary Town of Needham plate with stand, and a postcard of Needham High School from 1961 from Sally Green, a resident of Medfield.					
6.*	Approve	Approve Minutes of September 8, 2015 open and executive session.				
7.*	Water &	Sewer Abatement Ord	er #1204			
8.*	Approve banner approval request from the Needham Community Revitalization Trust Fund for Rotary Club Banners to be hung in the Chapel Street Banner Showcase Display program.					
9.*	Approve a request from the Needham Running Club to hold its annual road race on Friday, January 1, 2016 from 9:00 a.m. to 1:00 p.m. The race application has been approved by the following departments: DPW, Police, Fire and Park and Recreation.					
10.	Grant Per	mission for the follow	ing residents to ho	old a block par	ty:	
	Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Heidi	Wiesel	46 Ware Road	Ware Road	R-9/19/15	N/A	3pm-9pm
Liz L	awlor	76 Howland Street	Pleasant Street	R-9/19/15	N/A	4pm-7:30pm
Jill O	etheimer	75 Coolidge Ave	Coolidge Ave	R-9/20/15	10/4/15	4:30pm- 7:30pm
James	s Rochford	74 Rolling Lane	Rolling Lane	R-9/19/15	9/26/15	12:30pm- 5pm
Jill Cotter		15 Holland Street	Holland Street	9/25/15	10/4/15	5pm-7:30pm
Liz Berkman		113 Melrose Ave	Hatfield Park	9/26/15	N/A	3pm-6pm
Kriste	en Young	130 Hoover Road	Hoover Road	9/27/15	10/4/15	4pm-8pm
Maur	een Rossi	65 Douglas Road	Douglas Road	R-9/29/15	9/30/15	5pm-7pm
Kelly	Allen	103 Sylvan Road	Sylvan Rd to Harding Rd Overlook	10/4/15	N/A	12pm-5pm

PROCLAMATION

WHEREAS:	WH	EREA	S:	
----------	----	------	----	--

Don Brock was born in Buffalo New York, raised in Duxbury, Massachusetts, and attended Bridgewater State College and Boston University. Don and his wife Jane settled in Needham to raise their family, and Don began teaching in 1959. Don taught Mathematics at Needham High School for forty-four years, serving as the Director of the Mathematics Department for thirteen years; and

WHEREAS:

Don Brock began coaching the first high school soccer team in Needham in 1961. He coached one year at Newton North High School before returning to Needham High School, where he served as the Junior Varsity Coach and then as the Varsity Coach in 1967. From that point, Don Brock coached soccer at Needham High School for forty-eight consecutive years; and

WHEREAS:

Don Brock's accomplishments as a coach have been extraordinary. Under his leadership, the Needham High School Boys Soccer Team has won 20 Bay State Conference titles, 15 South Sectional titles, 10 Eastern Massachusetts titles, and five State Championships, most recently in 2012 and in his final season, 2014. Don Brock's career total of 696 wins is among the highest ever for high school coaches nationwide; and

WHEREAS:

During his career, Don Brock has been named National High School Coach of the Year, Boston Globe Coach of the Year, Boston Herald Coach of the Year, and Coach of the Year by the Eastern Massachusetts Soccer Coaches Association. Don has been elected to the Massachusetts State Soccer Hall of Fame, and he received distinguished service awards from the National Soccer Coaches Association and the National Federation of Interscholastic Coaches Association; and

WHEREAS:

Coach Brock contributed to the founding and success of the Needham Soccer Club, coaching, serving as a board member, and helping institute the Needham Memorial Day Soccer Tournament; and

WHEREAS:

Don Brock has coached and mentored thousands of soccer players during his career, making a significant difference in the lives of student athletes, both during their school years and through the lasting impact of that coaching on their later lives, both on and off the field;

NOW THEREFORE, we, the Board of Selectmen of the Town of Needham do hereby proclaim Saturday, October 10, 2015, as **DON BROCK DAY** in the Town of Needham and express our appreciation and warmest congratulations to Don Brock on his lifetime of achievement and service to the students and families of the Town of Needham.

Maurice P. Handel, Chairman

Matthew Borrelli, Vice Chairman

Marianne Cooley, Clerk

Daniel P. Matthews

John A. Bulian



Board of Selectmen TOWN OF NEEDHAM AGENDA FACT SHEET

MEETING DATE: 9/21/2015

Agenda Item	Request of New England Wellspring, Inc. for a letter of local support or non-opposition.
Presenter(s)	Jill Schafer, Esq. New England Wellspring Olof Ingare, New England Wellspring

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED

Attorney Jill Schafer and representatives of New England Wellspring have requested that the Board of Selectmen provide a letter of local support or non-opposition to New England Wellspring's 2013 application for a license to operate a Registered Marijuana Dispensary in the Town of Needham. This request is based on the Judgment in the matter of New England Wellspring vs. Mass Department of Public Health issued by the Suffolk Superior Court on August 20th and a letter to New England Wellspring from Bryan Harter, Director, Medical Use of Marijuana Program, Mass DPH dated September 8, 2015.

2. VOTE REQUIRED BY BOARD OF SELECTMEN

YES

NO

Suggested Motion: That the Board of Selectmen vote to (approve or deny or take other action relative to) the request of New England Wellspring, Inc. for a letter of local support or non-opposition, and that the Massachusetts Department of Public Health be notified of this action.

3. BACK UP INFORMATION ATTACHED

YES

NO

- a. Suffolk Superior Court Judgment: New England Wellspring, Inc. vs. Mass Dept of Public Health, August 20, 2015
- b. Letter to New England Wellspring from Bryan Harter, Director, Medical Use of Marijuana Program, Massachusetts Department of Public Health, dated September 8, 2015.



CHARLES D. BAKER Governor

KARYN E. POLITO Lieutenant Governor

The Commonwealth of Massachusetts

Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Care Safety and Quality
Medical Use of Marijuana Program
99 Chauncy Street, 11th Floor, Boston, MA 02111

MARYLOU SUDDERS Secretary

MONICA BHAREL, MD, MPH Commissioner

Tel: 617-660-5370 www.mass.gov/medicalmarijuana

September 8, 2015

New England Wellspring Dr. Stephanie Lipton Chief Executive Officer P.O. Box 1087 Waltham, MA 02451

Re: <u>Invitation to Submit Evidence of Local Support or Non-Opposition</u>

Dear Dr. Lipton:

Pursuant to the Court's order and remand of August 20, 2015, New England Wellspring's application shall be further evaluated.

As you are aware, a significant issue with the application was the lack of local support from the Town of Needham. The receipt of a letter of local support or non-opposition is important for an application for registration as a registered marijuana dispensary to proceed to a Provisional Certificate of Registration. Please submit a letter of local support or non-opposition from the Town of Needham for the site proposed in your application as soon as possible. Please note that the Court has set a deadline for the Department to act by October 19, 2015. To comply with the Court's deadline, the Department will need to receive the letter of support or non-opposition from the Town Manager or the Board of Selectmen by October 5, 2015. If the letter is completed by the Board of Selectmen, please make sure the following text is included:

I have been authorized to provide this letter on behalf of the Board of Selectmen by a vote taken at a duly noticed meeting held on [date].

If you require additional time or have any questions, please contact the Medical Use of Marijuana Program at RMDapplication@state.ma.us.

Sincerely Yours,

Bryan Harter Director

Medical Use of Marijuana Program

Commonwealth of Massachusetts County of Suffolk The Superior Court

00: BUS →FF **2**2

CIVIL DOCKET# SUCV2014-01474

New England Wellspring Inc vs Mass Dept of Public Health

JUDGMENT

This action came on before the Court, Edward P. Leibensperger, Justice, presiding, and upon consideration thereof,

It is ORDERED and ADJUDGED:

That Plaintiff New England Wellspring, Inc's Motion for Judgment on the Pleadings is ALLOWED. Defendant Massachusetts Department of Public Health's Cross Motion for Judgment on the Pleadings is DENIED. The Department's decision of non-selection of Wellspring's Phase 2 application to operate a Registered Marijuana Dispensary in Massachusetts is VACATED and this matter is REMANDED to the Department for further consideration or proceedings consistent with this opinion.

Dated at Boston, Massachusetts this 20th day of August, 2015.

2WZ 8-9012 2012

MAGO

Michael Joseph Donovan, Clerk of the Courts

By Gelen Foly - Bousquet Assistant Clerk

JUDGMENT ENTERED ON DOCKET QUADO 20 15

CVdjudgen_1.wpd 4500105 inidoc16 bousquetPURSUANT TO THE PROVISIONS OF MASE R. CIV. ROS(a)

AND NOTICE SEND TO PARTIES PURSUANT TO THE PRO
VISIONS OF MASS. R. CIV. R. 77(a) AS FOLLOWS

notify

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT CIVIL ACTION No. 14-01474-BLS1

NEW ENGLAND WELLSPRING, INC.

VS.

DEPARTMENT OF PUBLIC HEALTH

MEMORANDUM OF DECISION AND ORDER ON (1) PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS AND (2) DEFENDANT'S CROSS MOTION FOR JUDGMENT ON THE PLEADINGS

The plaintiff, New England Wellspring, Inc. (Wellspring), filed this action in the nature of certiorari under G.L. c. 249, § 4 against the defendant, the Massachusetts Department of Public Health (Department), after Wellspring submitted a Phase 2 application to operate a Registered Marijuana Dispensary (RMD) in Massachusetts, but was not selected by the Department to receive a provisional registration. Wellspring moves for judgment on the pleadings pursuant to Mass. R. Civ. P. 12(c), and the Department filed a cross motion for judgment on the pleadings. On August 4, 2015, this court held a hearing on the motions. For the reasons stated below, Wellspring's motion for judgment on the pleadings is allowed and the Department's motion for judgment on the pleadings is denied.

BACKGROUND

The facts as revealed by the Administrative Record and the Supplemental Administrative Record are as follows.

In November, 2012, Massachusetts voters approved a ballot initiative allowing for the

humanitarian medical use of marijuana. The Legislature enacted Chapter 369 of the Acts of 2012, known as "An Act for the Humanitarian Medical Use of Marijuana" (Act). St. 2012, c. 369. Section 9 of the Act provides that: "In the first year after the effective date, the Department shall issue registrations for up to thirty-five non-profit medical marijuana treatment centers, provided that at least one treatment center shall be located in each county, and not more than five shall be located in any one county. In the event the Department determines in a future year that the number of treatment centers is insufficient to meet patient needs, the Department shall have the power to increase or modify the number of registered treatment centers." The effective date of the Act is January 1, 2013. Act, § 16. The Department was required to issue regulations for the implementation of Sections 9 through 12 of the Act within 120 days of the effective date of the Act. Act, § 13.

The Department promulgated regulations governing the application and registration process for marijuana dispensaries in Massachusetts. See 105 Code Mass. Regs. § 725.000 (entitled "Implementation of an Act for the Humanitarian Medical Use of Marijuana"). The Department's regulations divide the application requirements for prospective non-profit marijuana dispensaries into two phases. See 105 Code Mass. Regs. § 725.100 (entitled "Registration of Registered Marijuana Dispensaries"). In Phase 1, also referred to as a "Request to Submit Application," applicants submit basic information to the Department, and if they submit all of the required information, they are eligible to move onto Phase 2 upon notice from the Department. 105 Code Mass. Regs. § 725.100(B)(1)-(2). In Phase 2, also referred to as the "Application," applicants provide more detailed information about the proposed dispensaries, and the Department evaluates and scores the applications. 105 Code Mass. Regs.

§ 725.100(B)(3)-(5). For example, the regulations provide that applicants should submit: "If available at the time of submission, pursuant to 105 CMR 725.100(B)(3)(c), a description of plans to ensure that the RMD is or will be compliant with local codes, ordinances, and bylaws for the physical address of the RMD and for the physical address of the additional location, if any, including any demonstration of support or non-opposition furnished by the local municipality" 105 Code Mass. Regs. § 725.100(B)(3)(f). In addition, the Department requires applicants to submit a "detailed summary of the business plan" for the dispensary, a detailed summary of operating policies and procedures, and financial information. 105 Code Mass. Regs. § 725.100(B)(3). The regulations further state that: "Failure of the applicant to adequately address all required items in its application will result in evaluation of the application as submitted. The applicant will **not** be permitted to provide supplemental materials **unless specifically requested by the Department.**" 105 Code Mass. Regs. § 725.100(B)(4) (emphasis added).

The Department's evaluation of an applicant's Phase 2 application is governed by 105 Code Mass. Regs. § 725.100(B)(5), which states:

- (a) The Department shall not consider an application that is submitted after the due date specified.
- (b) The Department may conduct a site visit to the proposed location, if applicable, of the RMD, to determine the appropriateness of the site(s).
- (c) A selection committee established by the Department shall evaluate and score applications for the purpose of granting registrations. Decisions will be based on the thoroughness and quality of the applicants' responses to the required criteria, and the applicants' ability to meet the overall health needs of registered qualifying patients and the safety of the public.
- (d) For purposes of scoring, the Department may take into account desired geographical distribution of RMDs (i.e., convenience for and proximity to Massachusetts residents, and avoidance of clustering of RMDs in one area), local

support for the RMD application, likelihood of successful siting of the RMD in the proposed location, the presence of a home-delivery system, and other mechanisms to ensure appropriate patient access, as well as other factors as described in the application form.

- (e) The Department shall grant registrations with the goal of ensuring that the needs of the Commonwealth are met with regard to access, quality, and community safety.
- (f) The Department shall review architectural plans for the building or renovation of an RMD. Submission of such plans shall occur in a manner and form established by the Department and shall be accompanied by a requisite fee. Construction or renovation related to such plans shall not begin until the Department has granted approval.
- (g) Nothing in 105 CMR 725.000 is intended to confer a property or other right or interest entitling an applicant to a hearing before an application may be denied.

The regulations also provide the grounds upon which the Department may deny an applicant's initial application for registration of a marijuana dispensary as follows:

Each of the following, in and of itself, constitutes full and adequate grounds for denying the initial application for an RMD registration.

- (A) Information provided by the applicant was misleading, incorrect, false, or fraudulent.
- (B) The application received a low score, indicating the inability to maintain and operate an RMD in compliance with the requirements of St 2012, c. 369 and 105 CMR 725.000.
- (C) The application received a lower score than other applications.
- (D) The applicant has been determined to be either not responsible or suitable pursuant to any one or more of the factors listed in 105 CMR 725.100(B)(3)(u).
- (E) The application does not serve the needs of the Commonwealth with regard to location, access, quality, and community safety.
- (F) Any other ground that serves the purposes of 105 CMR 725.000 or St 2012, c. 369.

105 Code Mass. Regs. § 725.400.

Moreover, the regulations provide for administrative review of applicants that are not selected for initial registration as follows:

- (A) The Department shall provide written notice of non-selection to an applicant.
- (B) Applicants may request copies of the application scores and any documentation supporting the scoring process for all applications.
- (C) Applicants may request an informal briefing from the Department limited to a discussion of the scoring of their application.
- (D) The written notice of non-selection becomes a final agency action ten business days after issuance, subject to judicial review in Superior Court in an action for certiorari relief under M.G.L. c. 249, § 4, unless the applicant submits a request pursuant to 105 CMR 725.500(B) or (C).
- (E) If an applicant submits a request pursuant to 105 CMR 725.500(B) or (C), the written notice of non-selection becomes final upon provision of the requested written documentation or completion of the informal briefing.
- (F) No entity whose application has been denied pursuant to 105 CMR 725.400 may make another application for at least one year after the date of denial.

105 Code Mass. Regs. § 725.500 (emphasis added).

Wellspring's Application for an RMD

In November, 2013, Wellspring submitted a Phase 2 application to operate an RMD at 238 Highland Avenue, Needham, Massachusetts (Norfolk County). See Administrative Record at 100-233 (Wellspring's Phase 2 application). Wellspring, along with all other Phase 2 applicants, was required to pay a \$30,000 application fee to the Commonwealth. Administrative Record at 97, 102. Wellspring's executive management team includes, Stefanie Lipton (president), Olof Ingare (treasurer), Jennifer Davies (clerk), Paul Davies (vice president), Paul Lipton (director), and Nathan Lipton (director). Stefanie Lipton is the founder and owner of a

mobile veterinary practice, Jennifer Davies is a registered nurse, and Nathan and Paul Lipton founded "Growers House," Arizona's largest hydroponics store.

By letter dated January 31, 2014, from Karen van Unen, executive director of the Department's Medical Use of Marijuana Program, to Ingare of Wellspring, the Department informed Wellspring that its Phase 2 application was not selected and was therefore denied pursuant to 105 Code Mass. Regs. § 725.400. Administrative Record at 316. The Department informed Wellspring that it could request scoring documentation or an informal briefing through a written request by 5:00 p.m. on February 14, 2014.

Wellspring's Phase 2 application received a score of 129 out of 163. Wellspring's application received the following scores in each category:

8 out of 9 (Wellspring's corporate background)

9 out of 9 (evidence of business management experience)

9 out of 12 (evidence of financial condition)

52 out of 65 (location and physical structure)

7 out of 11 (staffing plan and development)

44 out of 57 (operations and programmatic response requirement)

Administrative Record at 306-312. The Department's scoring documents related to Wellspring's application provided a summary of why Wellspring received full or only partial points for particular aspects of its application. Administrative Record at 313-315. Wellspring lost a significant number of points under the location category. The selection committee comments noted that:

The application describes good Executive Management Team experience, including with medical marijuana.

The application describes a good facility security plan.

The applicant demonstrates knowledge of the patient population and proposed a good financial program.

The application provides for odor control mitigation.

The financials in the application have inconsistencies.

The information regarding independent laboratory testing lacked sufficient detail.

The application did not demonstrate community support.

The application describes low number of proposed full time employees.

Administrative Record at 314. As to the issue of location, the Department recognized that Wellspring provided "detailed information on the substantial outreach efforts with the Town of Needham" and while it provided a letter from the "Needham Selectman, it is not a letter of support or non-opposition," and therefore, Wellspring received no points for the letter it submitted in connection with Exhibit 5.4 of its application (evidence of local support). See Administrative Record at 219-221, 313-315.

Prior to the informal briefing, Ingare e-mailed the Department and asked a series questions about the briefing. Supplemental Administrative Record at 5. Phyllistine Daly-Dixon of the Department informed Ingare that: an attorney for the Medical Marijuana Program would conduct the informal briefing with a note-taker; Wellspring could identify any areas of the application and scoring during the briefing; the briefing would last forty-five minutes; the Department would answer questions regarding the application and scoring; and the briefing was not going to be recorded.

¹ Section 5.4 of the Phase 2 application instructed applicants to: "Describe efforts to obtain assurances of support or non-opposition from the local municipality(ies) in which the applicant intends to locate a dispensary, cultivation site, and/or processing site and indicate whether the municipality expressed any opposition. If the sites are in different municipalities, provide information related to each community. If available, include a demonstration of support or non-opposition furnished by the local municipality, by attaching one or more of the following: [a] letter from the Chief Administrative Officer, as appropriate, for the desired municipality, indicating support or non-opposition; [a] letter indicating support or non-opposition by the City Council, Board of Aldermen, or Board of Selectmen for the desired municipality; or [a] letter indicating support or non-opposition by the Board of Health in the desired municipality." Administrative Record at 122.

By letter and e-mail dated February 13, 2014, and pursuant to 105 Code Mass. Regs. § 725.500, Stefanie Lipton formally requested an informal briefing from the Department and the scoring documentation associated with Wellspring's Phase 2 application so that Wellspring could "adequately prepare for the briefing." Supplemental Administrative Record at 6-7.

On March 5, 2014, the Department conducted Wellspring's informal briefing.

Supplemental Administrative Record at 9-14. Stefanie Lipton, Olof Ingare, Jennifer Davies, Paul Davies, and Paul Lipton attended the informal briefing on behalf of Wellspring. Elizabeth Barry represented the Department along with Jenny Nathans, who served as the "note taker." Barry was not an attorney for the Department. At the beginning of the briefing, the Department read a prepared written statement regarding the "Purpose of [the] Informational Briefing," which stated:

This informational briefing has been scheduled to discuss the reasons why your application in response to the Phase 2 Application for a Certificate of Registration to Operate a Registered Marijuana Dispensary did not satisfy the required criteria. Department of Public Health Staff will explain the basis for denial of your application, as stated in the letter you received on January 31, 2014, and then give you an opportunity to respond. Please note that there is no additional process afforded by the Department other than this informational briefing. You will receive a letter confirming the completion of the briefing, unless the response you provide here is sufficient, pursuant to the applicable criteria, to justify a reconsideration of the denial of the application.

Supplemental Administrative Record at 8 (emphasis added). The briefing was not recorded, electronically or by a stenographer. However, notes from the briefing indicate that members of Wellspring provided various comments about their application and why they believed they should have received higher scores for various parts of the application. The Department apparently attempted to provide some information about the scoring. The parties discussed the letter from the Town of Needham, or lack thereof, in support of an RMD. Wellspring noted that

the Needham Planning Board "reached out and included it in the overlay district" and "thought about where to put a dispensary." Supplemental Administrative Record at 14. The Department commented that "we will be expecting overlay district information in the RMD email account." *Id.* This indicated that the Department was expecting Wellspring to submit supplemental information regarding Needham's updated position on an RMD in the town. According to the notes from the briefing, Wellspring also stated that their focus had been on Needham, but that it was "flexible if the opportunity arises that you need people with a good score without a letter of approval to locate elsewhere." *Id.*

On March 13, 2014, Stefanie Lipton sent the following e-mail to the RMD e-mail account, "RMDapplication@massmail.state.ma.us":

To Whom it May Concern:

Please find attached the zoning articles for the Town of Needham, MA which outlines the Medical Marijuana Overlay District supported by the Needham Planning Board. New England Wellspring's chosen dispensary site is within this Overlay District. The Planning Board worked with New England Wellspring to specifically incorporate our site into this overlay district, then voted unanimously in support (See article 2:PB g). This proposal was voted on December 17, 2013, after the deadline for the phase two applications. It will be finalized at [the] annual town meeting. It is important to note that the majority of the Planning Board have made positive statements about medical marijuana and have demonstrated educated and open opinions regarding medical marijuana dispensaries.

At our DPH briefing last Wednesday we were advised we could submit this new information for our application.

Since we have longstanding experience in delivering controlled substances we have framed our business model to provide free delivery to all registered patients within Massachusetts, regardless of locale. As stated at the briefing, if DPH deems our organization qualified to open a medical marijuana dispensary we would be happy to relocate.

Thank you for your consideration.

Sincerely,

Dr. Stefanie Lipton President, New England Wellspring, Inc.

Supplemental Administrative Record at 15. The Department responded within four hours of receiving the e-mail that it had received Wellspring's e-mail and attached documents. The Department then sent the following letter dated March 21, 2014 to Ingare:

Dear Mr. Ingare,

The Department is conducting a thorough and substantive review of the information you provided during your meeting with Department staff as part of the informal briefing process pursuant to 105 CMR 725.500(C) and appreciates your participation.

As you were informed during your meeting, you will receive written notice of your status upon the completion of the informal briefing process.

Please contact the Department if you have any questions at RMDapplication@state.ma.us.

Sincerely,

Karen van Unen Executive Director Medical Use of Marijuana Program

Supplemental Administrative Record at 24 (emphasis added). On March 28, 2014, Stefanie Lipton sent another e-mail to the RMD e-mail account requesting a letter from the Department that Wellspring could submit to Needham to verify what was said at the informal briefing on March 5, 2014. She requested that the Department send the letter to her via e-mail. On April 15, 2014, the Department responded to Stefanie Lipton's March 28 e-mail that it "has no role in asking for information from municipalities to provide documents of local support" and

"[w]hether to provide such documents is up to the discretion of the municipality." Supplemental Administrative Record at 30.

In addition, Kate Fitzpatrick, Needham Town Manager, sent a letter dated April 9, 2014 to Van Unen, seeking clarification as to whether Wellspring's application was being reconsidered by the Department or was active and pending. Fitzpatrick wanted this information to determine if the Board of Selectmen should hold a hearing to obtain local opinions on RMDs. By letter dated June 2, 2014, Van Unen responded to Fitzpatrick that the Medical Use of Marijuana Program review process was ongoing and that no RMD applicant had received a provisional certificate of registration. Supplemental Administrative Record at 31.

On June 27, 2014, Van Unen sent the following letter to Ingare, informing Wellspring that the Department had completed the informal briefing and that Wellspring had not been selected to proceed:

Dear Mr. Ingare,

Thank you for participating in the informal briefing process concerning the scoring of your Phase 2 application. Please be advised that your status has not changed and you have not been selected for a RMD registration.

The Department has made this determination following a multi-phased process in accordance with 105 C.M.R. 725.100 (A) and (B). On November 21, 2013, you submitted a Phase 2 application to the Department for review. Following that review, you were not selected to proceed and were afforded the opportunity to participate in the informal briefing process provided under 105 CMR 725.500(C).

This letter serves as final agency action subject to judicial review under M.G.L. c. 249 \S 4. You may apply again after January 31, 2015 pursuant to the Department's next Notice of Application Opportunity.

Sincerely,

Karen Van Unen

Administrative Record at 317.

ANALYSIS

An action in the nature of certiorari pursuant to G.L. c. 249, § 4 to "correct errors in proceedings which are not according to the course of the common law, which proceedings are not otherwise reviewable by motion or by appeal, may be brought in the . . . superior court " G.L. c. 249, § 4. "Such action shall be commenced within sixty days next after the proceeding complained of . . . The court may enter judgment quashing or affirming such proceedings or such other judgment as justice may require." Id. In an action being reviewed that entails matters committed to or implicating an agency's exercise of administrative discretion, the court applies the "arbitrary and capricious" standard. See Garrity v. Conservation Comm'n of Hingham, 462 Mass. 779, 792 (2012); Forsyth Sch. for Dental Hygienists v. Board of Registration in Dentistry, 404 Mass. 211, 217-218 & n.2 (1989). See also Cardiac Arrhythmia Syndromes Foundation, Inc. v. Department of Public Health, SUCV2014-0860-BLS1, slip op. at 5-6 (Mass. Super. Ct. June 24, 2015) (Kaplan, J.) (applying "arbitrary and capricious" standard to certiorari review of Department's discretionary decision not to select entity seeking to open an RMD in Lowell, Massachusetts). "A decision is not arbitrary and capricious unless there is no ground which reasonable [persons] might deem proper to support it." Garrity v. Conservation Comm'n of Hingham, 462 Mass. at 792 (internal citations and quotations omitted). See Long v. Commissioner of Pub. Safety, 26 Mass. App. Ct. 61, 65 (1988) ("Arbitrary and capricious action on the part of an executive officer is willful and unreasoning action without consideration and in disregard of facts and circumstances") (citations omitted). Moreover, the court looks to whether the agency exercised its discretion in an "unreasonable" or "whimsical" manner. *Id.* See also *Pendergast* v. *Board of Appeals of Barnstable*, 331 Mass. 555, 560 (1954). Wellspring bears the burden of establishing that the Department acted arbitrarily and capriciously. See *Garrity* v. *Conservation Comm'n of Hingham*, 462 Mass. at 792.

Wellspring argues that throughout the entire RMD application process, the Department seemingly changed its interpretation of its own regulations, policies, and procedures. Wellspring argues that 105 Code Mass. Regs. § 725.500(C), which states that "[a]pplicants may request an informal briefing from the Department limited to a discussion of the scoring of their application," is silent on the purpose of the scoring discussion, but that the Department represented to Wellspring at the informal briefing that the purpose was reconsideration and confirmed this through Van Unen's March 21, 2014 letter representing that the Department was conducting a "thorough and substantive review of the information" provided during the briefing. Wellspring also complains that while someone from the Department initially said an attorney from the Department would conduct the briefing, that did not happen. In addition, pointing to the Department's opposition to Wellspring's motion to expand the administrative record, Wellspring contends that the Department now admits that it never considered any of the information that Wellspring provided at the informal briefing. See Defendant's Opposition to Plaintiff's Motion

² "Whimsical" is defined as "full of, actuated by, or exhibiting whims . . . subject to erratic behavior or unpredictable change." Webster's New Collegiate Dictionary, 1343 (9th ed. 1991). A "whim" is defined as "a capricious or eccentric and often sudden idea or turn of the mind . . . " *Id*.

³ At the August 4, 2015 motion hearing, the Department did not dispute the fact that it never considered any of the information that Wellspring provided at the informal briefing or

to Expand the Administrative Record, at 10 ("NEW seeks to put before this Court materials that were not considered, directly or indirectly, by DPH in rendering its decision on NEW's dispensary application."). Wellspring argues that since the Department failed to review the information it provided to the Department at the informal briefing and supplemental information provided after the briefing, it was denied a chance at reconsideration and potentially seventeen more points. Wellspring also contends that the Department inconsistently scored its application with regard to the local support category in comparison to other applications. Wellspring's Memorandum in Support of Motion for Judgment on the Pleadings at 14-20.

application should be affirmed because it was not arbitrary and capricious and was based on a careful and thorough review of the application materials that Wellspring submitted. The Department contends that Wellspring was not entitled to reconsideration or rescoring of its application in connection with the informal briefing process, citing the language of the regulation indicating that the informal briefing was "limited to a discussion of the scoring" of the application. 105 Code Mass. Regs. § 725.500(C). The Department asserts that any separate promises made regarding reconsideration in connection with the informal briefing process does not change the plain language of the regulation. Moreover, the Department argues that even if the Department promised to reconsider its decision and consider additional submitted materials, the doctrine of estoppel⁴ is not permitted against the government. See *Dagastino* v.

thereafter.

⁴ "Circumstances that may give rise to an estoppel are (1) a representation intended to induce reliance on the part of a person to whom the representation is made; (2) an act or omission by that person in reasonable reliance on the representation; and (3) detriment as a consequence of

Commissioner of Correction, 52 Mass. App. Ct. 456, 459 (2001); McAndrew v. School Comm. of Cambridge, 20 Mass. App. Ct. 356, 360 (1985) ("Traditionally, courts have not permitted estoppel of the government"). But see LeMaitre v. Massachusetts Turnpike Auth., 452 Mass. 753, 755 n.2 (2008) (applying doctrine of estoppel to dispute involving employee benefits and the Massachusetts Turnpike Authority); Sullivan v. Chief Justice for Admin. & Mgt. of the Trial Court, 448 Mass. 15, 27-33 (2006) (determining that circumstances alleged in complaint against government stated a claim for estoppel on which relief could be granted). In addition, the Department argues that information about how other Phase 2 applicants were evaluated and scored is not relevant to Wellspring's application and has no bearing on whether the Department's decision was arbitrary and capricious.

After a careful review of the Administrative Record and after hearing, this court is satisfied that Wellspring's motion for judgment on the pleadings must be allowed, and this matter must be remanded to the Department for further consideration. While 105 Code Mass. Regs. § 725.500(C) provides that an informal briefing from the Department is "limited to a discussion of the scoring" of the application, the Department made the deliberate decision to expand the scope of § 725.500(C). First, as noted above, at the March 5, 2014, informal briefing, the Department's representative read a prepared written statement that promised there could be reconsideration if "the response you provide here is sufficient, pursuant to the applicable criteria, to justify a reconsideration of the denial of the application." Supplemental Administrative

the act or omission." Bongaards v. Millen, 440 Mass. 10, 15 (2003).

⁵ The Department also asserts that the additional materials Wellspring sought to provide, particularly regarding local support, would not have resulted in any additional points for Wellspring's application.

Record at 8 (emphasis added). Second, during the informal briefing itself, the Department's notes indicate that it expected Wellspring to submit additional materials related to Needham's updated position on an RMD in the town. Third, in a letter dated March 21, 2014 from the Department to Wellspring, the Department indicated that: "The Department is conducting a thorough and substantive review of the information you provided during your meeting with Department staff as part of the informal briefing process" Supplemental Administrative Record at 24 (emphasis added). In sum, the Department represented that it could, and would with respect to Wellspring, reconsider the decision to deny the application.

Wellspring submitted additional materials after the informal briefing; the Department confirmed that it received them and never notified Wellspring that it would not accept or consider additional materials. Wellspring presumably expended time, effort, and attorney's fees in an attempt to gather and submit these additional materials. Yet, on June 27, 2014, without any description or explanation of its reconsideration process, the Department sent a letter to Ingare, informing Wellspring that the Department had completed the informal briefing and that Wellspring had not been selected to proceed in the RMD application process. Thereafter, Wellspring filed this certiorari action in the Superior Court, and only in these proceedings did the Department finally reveal that, in reality, it never considered the additional materials discussed at the informal briefing or the materials that Wellspring later submitted.⁶

⁶ The court recognizes that the doctrine of estoppel is generally not permitted against the government. *McAndrew* v. *School Comm. of Cambridge*, 20 Mass. App. Ct. at 360. However, in this instance, holding the Department to the promises it made to Wellspring regarding reconsideration after the informal briefing process does not undermine the public interest or negate the legislative purpose of the Act. See *LeMaitre* v. *Massachusetts Turnpike Auth.*, 452 Mass. at 755 n.2; *Sullivan* v. *Chief Justice for Admin. & Mgt. of the Trial Court*, 448 Mass. at 30-31; *Phipps Prods. Corp.* v. *Massachusetts Bay Transp. Auth.*, 387 Mass. 687, 693 (1982). See

The Department's failure to perform the reconsideration it promised was arbitrary and capricious. An agency, such as the Department, has the power to set internal guidelines for carrying out its duties without going through the procedures required for promulgating a regulation, even though such guidelines do not have the legal force of a statute or regulation.

Northbridge v. Natick, 394 Mass. 70, 76 (1985). An agency is bound by its guidelines, however, especially where they are promulgated to inform communities and their residents as to how the agency views compliance with certain constitutional and statutory requisites. Macioci v.

Commissioner of Revenue, 386 Mass. 752, 763 (1982). If an agency inexplicably deviates from its guidelines, public confidence in the agency's integrity and impartiality may be undermined.

Id. It is undisputed that the Department deviated from its official guidance regarding the informal briefing process, which understandably might undermine public confidence in the Department's integrity and impartiality.

This matter shall be remanded to the Department for further consideration of Wellspring's Phase 2 application. Given the likely change in circumstances associated with Wellspring's application or the RMD application process itself, Wellspring should be given the opportunity to submit any new materials that are permitted in connection with the Department's reconsideration of Wellspring's Phase 2 application.⁷ The Department shall conduct the

also St. 2012, c. 369. Here, the public has an interest in ensuring that a governmental agency selects entities to open RMDs in the Commonwealth in a fair and predictable process. The Department's promises regarding reconsideration and further review of Wellspring's application after the informal briefing did not impede the implementation of the Act. See Sullivan v. Chief Justice for Admin. & Mgt. of the Trial Court, 448 Mass. at 31.

⁷ To the extent that Wellspring is challenging the scoring and number of points awarded to it in connection with its Phase 2 application, on remand the court leaves it to the sound discretion of the Department to determine whether rescoring Wellspring's Phase 2 application is

reconsideration of Wellspring's application in a timely manner, not to exceed sixty (60) days from this order.

CONCLUSION

Plaintiff New England Wellspring, Inc.'s Motion for Judgment on the Pleadings is

ALLOWED. Defendant Massachusetts Department of Public Health's Cross Motion for

Judgment on the Pleadings is DENIED. The Department's decision of non-selection of

Wellspring's Phase 2 application to operate a Registered Marijuana Dispensary in Massachusetts

is VACATED and this matter is REMANDED to the Department for further consideration or

proceedings consistent with this opinion.

By the Court,

Edward P. Leibensperger

Justice of the Superior Court

Dated: August 19, 2015



Board of Selectmen TOWN OF NEEDHAM AGENDA FACT SHEET

MEETING DATE: 9/21/2015

Agenda Item	Public Facilities Summer Activities Update	
Presenter(s)	Chip Laffey, Director of Facility Operations	

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED

Mr. Laffey will update the Board on the activities performed by the Public Facilities / Operations Department during summer 2015.

2. VOTE REQUIRED BY BOARD OF SELECTMEN

YES

NO

none

3. BACK UP INFORMATION ATTACHED

YES

NO

(Describe backup below)

a. Memo dated September 14, 2015 from Kate Fitzpatrick regarding Public Facilities Update.

MEMORANDUM

To: Board of Selectmen CC: Kate Fitzpatrick

From: Chip Laffey, Director of Public Facilities/Operations

Date: September 14, 2015 Subj: Public Facilities Update

The Public Facilities/Operations Department was very productive during the summer of 2015. I look forward to discussing School Building Maintenance with you at your meeting on Monday, September 21, 2015. Below is a summary of the work performed.

- Painted most of the trim on the Mitchell Elementary School;
- Duct cleaning at the Broadmeadow Elementary School, Pollard Middle School and Fire Station #2:
- Removed and replaced the combustion chamber on RTU 3 at the Broadmeadow Elementary School;
- Contracted for design services to remove underground oil tank at the Emery Grover Building;
- Installed a new freezer at Needham High School;
- Reconfigured room 728 & 707 at Needham High School;
- Installed monument "Own Your Peace" at Needham High School;
- Asbestos abatement and flooring replacement, Pollard Middle School;
- Removed and replaced the rug in the Pollard Middle School Auditorium along with painting various areas;
- Replaced the heating and cooling system in room 278 & 281 at the Pollard Middle School; and
- Removed and replaced 452 lockers (all lockers in C wing) at the Pollard School.

Work in the construction phase includes:

- Repairs to all boilers at the Needham High School; and
- Underground tank removal at the Emery Grover Building.

Work in the advertising and contract phase includes:

Painting the copula at the Public Safety building

Energy efforts summer of 2015

 Completed the replacement of the exterior metal halide lighting to LED lighting at the Broadmeadow Elementary School, High Rock School, and Needham High School.

- Public Facilities Department/Operations is in the process of scheduling a date to replace metal halide exterior lighting to LED light at the Needham Public Library, the Eliot Elementary School and the Public Services Administration Building.
- Completed the replacement of the gymnasium lighting to LED lighting at the Broadmeadow, Eliot and Newman Elementary Schools.
- In the process of scheduling date to replace metal halide gymnasium lighting to LED lighting at the Pollard Middle School.



Board of Selectmen TOWN OF NEEDHAM AGENDA FACT SHEET

MEETING DATE: 9/21/2015

Agenda Item	Sign Notice of Traffic Regulation	
_	- Winfield Street	
	Ware Road & Abbott Street	
Presenter(s)	Richard P. Merson, DPW Director	

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED

The Traffic Management Advisory Committee (TMAC) received a request from the residents of the Abbott Street, Winfield Street, and Ware Road area asking that Winfield Street and Ware Road be designated stopped streets at the intersection of Abbott Street. The TMAC recommended that Winfield Street and Ware Road be designated stopped streets at the intersection of Abbott Street.

2. VOTE REQUIRED BY BOARD OF SELECTMEN XYES NO

Suggested Motion:

"That the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS15-09-21 requiring that Winfield Street eastbound and Ware Road westbound be designated stopped streets at the intersection of Abbott Street."

3. BACK UP INFORMATION ATTACHED X_YES __NO

(Describe backup below)

1. Copy of Traffic Regulation SS15-09-21

TOWN OF NEEDHAM BOARD OF SELECTMEN

NOTICE OF TRAFFIC REGULATION

	Needham, it is hereby	d of selectmen of the Town of
VOTED:	In accordance with the provisions of Chapt Laws, the following street is designated as and in the direction indicated:	
	Eastbound drivers on WINFIELD drivers on WARE ROAD at the inte	
		BOARD OF SELECTMEN
		Permit No. SS15-09-21
Date of Pass	sage	
Attest of To	wn Clerk	

Trafficregmasterstop.doc





Board of Selectmen TOWN OF NEEDHAM AGENDA FACT SHEET

MEETING DATE: 9/21/15

Agenda Item	Notice of Traffic Regulation – All Night Parking & Parking Committee
Presenter(s)	Richard P. Merson, DPW Director

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED

The process of seeking waivers, where allowed, from the No All Night Parking Regulation was last amended in September 2003. During the period since then the waiver process has been managed in several fashions. Several years ago this procedure was reviewed and a new amendment was drafted but not enacted. Requests are currently being addressed by the Traffic Management Advisory Committee (TMAC) with input from the Police Dept. Upon review of this process and the intended purpose, it was determined the procedure should be a function of a "Parking Committee". The proposed Notice of Traffic Regulation would address this.

It was also noted that the regulation establishing the "Traffic Committee" should be renamed the "Parking Committee". The 2nd Notice of Traffic Regulation would address this.

Lastly, the Parking Committee Guidelines for the Annual Waiver of Overnight Parking Ban have been updated to include the annual waiver fee.

2. VOTE REQUIRED BY BOARD OF SELECTMEN

x YES

NO

Suggested Motions:

- 1. "That the Board vote to approve and sign Notice of Traffic Regulation, Permit No. P15-09-21."
- 2. "That the Board vote to approve and sign Notice of Traffic Regulation, Permit No. P15-09-21a."
- 3. "That the Board vote to approve the Parking Committee Guidelines for the Annual Waiver of Overnight Parking Ban dated 9/21/2015."

3. BACK UP INFORMATION ATTACHED

x YES

NO

(Describe backup below)

- 1. Copy of Current Regulation Section 5-4: No All Night Parking
- 2. Notice of Traffic Regulation Permit No. P15-09-21 (No All Night Parking)
- 3. Notice of Traffic Regulation Permit No. P15-09-21a (Parking Committee)
- 4. Parking Committee Guidelines Annual Waiver of Overnight Parking Ban

Traffic Rules and Regulations

Page 9

Section 5-1 - General Prohibitions (cont.)

- f. Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic.
- g. Upon any street or highway within ten (10) feet of a fire hydrant.
- h. In front of any private road or driveway.
- i. Upon any street or highway within twenty (20) feet of an intersecting way, except alleys.
- j. Within fifteen (15) feet of the wall of a fire station or directly across the street from such fire station provided signs are erected acquainting the driver of such restriction.
- k. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- 1. Within twenty-five (25) feet of the nearest rail of a railroad crossing when there are no gates at such crossing, or otherwise within five (5) feet from the gate.
- m. On a bridge and the approach thereto.

SECTION 5-2: Service Zones

No person shall park a vehicle upon any street in any service zone for a period of time longer than thirty (30) minutes and except while actually engaged in loading or unloading.

SECTION 5-3: Parking Vehicle for Sale Prohibited

It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale.

SECTION 5-4: No All Night Parking

No person shall allow, permit or suffer any vehicle registered in his/her name, other than one acting in an emergency to be parked on any street for a period of time longer than one hour between the hours of 1:00 a.m. and 6:00 a.m.

Permanent and Temporary Waivers. The traffic Committee (as established under Section 1-36 of these regulations) may, by permit, permanently waive this requirement under guidelines developed by the Committee and approved by the Board of Selectmen. The Chief of Police or his/her designee may temporarily waive this regulation under extraordinary circumstances if a demonstrated "hardship" condition exists. The temporary waiver of this regulation shall meet the following criteria:

Section 5-4 - No All Night Parking (Cont.)

- 1. Temporary: A waiver not to exceed seven days unless approved in advance by the Chief of Police or his/her designee. No more than three waivers per household may be granted per calendar year.
- 2. Hardship: A situation where it is impractical to park vehicles off the public roadway. Reasons may include, but not be limited to:
 - a. Driveway being resurfaced;
 - b. Need to park construction equipment, that is being used in conjunction with work on the property, in the driveway;
 - c. Off-street parking not sufficient to accommodate overnight guests.

3. Limitations:

- a. Temporary waivers shall be limited to those vehicles with non-commercial plates (i.e. passenger vehicles only) unless otherwise approved by the Chief of Police or designee.
- b. Only those vehicles that cannot otherwise park off-street shall be allowed to park on the public roadway overnight.
- c. Individuals receiving temporary waivers shall be required to park in front of their own property unless given permission by the Police Department to park elsewhere.

The provisions of this section shall be enforced by the Needham Police Department.

Appeals:

Denials of permanent waivers by the Traffic Committee shall be forwarded to the Town Administrator's Office.

Denials of temporary waivers by a Police Officer shall be forwarded to the Officer in charge of the shift at the time of the denial (if immediate action is required) or to the Town's Parking Clerk, if time permits.

SECTION 5-5: All Day Parking

In those streets upon which there has been placed a prohibition of all day parking, no person shall allow, permit or suffer any vehicle registered in his name, other than one acting in an emergency, to be parked on such street for a period of time longer than two (2) hours between the hours of 8:30 a.m. and 5:00 p.m.

SECTION 5-6: Parking Location and Prohibitions

Parking is prohibited, restricted or limited as to time, space, streets and municipal parking lots in accordance with a schedule of location designated as Schedule No. I, hereto appended to which reference is made and which Schedule No. I, is specifically incorporated in this section. No operator shall park a vehicle in the designated prohibited locations or in the restricted locations for a period longer than is designated in Schedule No. I, except as otherwise provided in this Schedule, or where there is a time limit as to parking.

TOWN OF NEEDHAM BOARD OF SELECTMEN

NOTICE OF TRAFFIC REGULATION

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

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

By deleting from Article V, the following

SECTION 5-4: No All Night Parking

No person shall allow, permit or suffer any vehicle registered in his/her name, other than one acting in an emergency to be parked on any street for a period of time longer than one hour between the hours of 1:00 a.m. and 6:00 a.m.

Permanent and Temporary Waivers. The Traffic Committee (as established under Section 1-36 of these regulations) may, by permit, permanently waive this requirement under guidelines developed by the Committee and approved by the Board of Selectmen. The Chief of Police or his/her designee may temporarily waive this regulation under extraordinary circumstances if demonstrated "hardship" condition exists. The temporary wavier of this regulation shall meet the following criteria:

- 1. **Temporary**: A waiver not to exceed seven days unless approved in advance by the Chief of Police or his/her designee. No more than three waivers per household may be granted per calendar year.
- 2. **Hardship:** a situation where it is impractical to park vehicles off the public roadway. Reasons may include, but not be limited to:
 - a. Driveway being resurfaced;
 - b. Need to park construction equipment, that is being used in conjunction with work on the property, in the driveway;
 - c. Off street parking not sufficient to accommodate overnight guests.

3. Limitations:

- a. Temporary waivers shall be limited to those vehicles with non-commercial plates (i.e. passenger vehicles only) unless otherwise approved by the Chief of Police or designee.
- b. Only those vehicles that cannot otherwise park off-street shall be allowed to park on the public roadway overnight.
- c. Individuals receiving temporary waivers shall be required to park in front of their own property unless given permission by the Police Department to park elsewere.

The provisions of this section shall be enforced by the Needham Police department.

Appeals:

Denials of permanent waivers by the Traffic Committee shall be forwarded to the Town Administrator's Office.

Denials of temporary waivers by a Police Officer shall be forwarded to the Office in charge of the shift at the time of the denial (if immediate action is required) or to the Town's Parkng Clerk, if time permits.

And by Adding to Article V, the following:

SECTION 5.4 No All Night Parking

No person shall allow, permit or suffer any vehicle registered in his/her name, other than one acting in an emergency to be parked on any street for a period of time longer than one hour between the hours of 1:00 a.m. and 6:00 a.m.

5.4.1 Temporary Waivers

The Chief of Police or his/her designee may temporarily waive this regulation if a demonstrated "hardship" condition exists. The temporary waiver of this regulation shall meet the following criteria:

Temporary: A temporary waiver shall not to exceed seven (7) calendar days and shall not be granted more than three (3) times per calendar year.

Hardship: A temporary waiver shall be limited to situations when it is impractical to park vehicles off the public roadway. Reasons may include, but are not be limited to: a driveway being resurfaced; a need to park construction equipment that is being used in conjunction with work on the property in the driveway; and/or lack of availability of off-street parking to accommodate overnight guests.

Limitations: Temporary waivers shall be limited to those vehicles that cannot otherwise park off-street. Individuals receiving temporary waivers shall be required to park in front of their own property unless given permission by the Police Department to park elsewhere.

5.4.2 Annual Waivers

The Parking Committee (as established under Section 1-36 of these regulations) may, by permit, annually waive this requirement under guidelines developed by the Committee and approved by the Board of Selectmen. Annual permits shall be limited to those vehicles that cannot otherwise park off-street. Reasons may include, but are not be limited to: lack of any driveway on the property, extraordinary topography that makes the use of the driveway dangerous, and/or lack of adequate off-street parking to accommodate a reasonable number of vehicles. The Board of Selectmen shall annually establish a fee for permits for annual waivers of the overnight parking ban.

The provisions of this section shall be enforced	by the Needham Police Department.
Appeals:	
Denials of permanent waivers by the Parking Town Manager's Office.	Committee shall be forwarded to the
	BOARD OF SELECTMEN Permit No. P15-09-21
Date of Passage	
Attest of Town Clerk	

Traffic Regulation All Night Parking 9-21-15 Rick

A#3

TOWN OF NEEDHAM BOARD OF SELECTMEN

NOTICE OF TRAFFIC REGULATION

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

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

By deleting from Article V, the following

SECTION 1-36: Traffic Committee

A committee comprised of the Chief of Police, the Director of Public Works and the Parking Clerk or their designees.

And by Adding to Article V, the following:

SECTION 1-36: Parking Committee

A committee comprised of the Chief of Police, the Director of Public Works and the Parking Clerk or their designees.

BOARD OF SELECTMEN
Permit No. P15-09-21a

Parking Committee Guidelines Annual Waiver of Overnight Parking Ban Adopted by the Board of Selectmen 9/21/2015

In accordance with Section 5.4.2 of the Traffic Rules and Regulations, the Parking Committee may, by permit, annually waive the overnight parking restriction under guidelines developed by the Committee and approved by the Board of Selectmen. In the implementation of these guidelines, it is the intent of the Board of Selectmen to minimize the number of annual waivers issued. Homeowners are expected to seek alternatives to annual waivers. The Board also expects that newly constructed homes will provide for adequate off-street parking.

- 1. Annual permits shall be limited to those vehicles that cannot otherwise park off the public roadway.
- 2. Annual permits may be granted due to the lack of any driveway on the property, extraordinary topography that makes the use of the driveway dangerous, lack of adequate off-street parking to accommodate a reasonable number of vehicles and/or any other extraordinary circumstance that makes it impossible or unsafe to park off the public roadway.
- 3. The Parking Committee will annually review and recommend to the Board of Selectmen a fee for permits for the annual waiver of the overnight parking ban.
- 4. Residents granted annual waiver permits must prominently display such permits when the vehicle is parked in the roadway all night. Failure to display a legitimately granted waiver will not be the basis for the appealing a parking ticket.
- 5. Annual waiver permits are not transferable between vehicles.
- 6. Except in extraordinary cases, only one annual waiver permit will be granted per property.
- 7. Commercial Vehicles shall not be eligible for annual waivers.
- 8. Between meetings of the Parking Committee, residents seeking annual permits may be granted temporary waivers by the Police Department in accordance with Section 5.4.1 of the Traffic Rules and Regulations.
- 9. Permit holders will be required to reapply for permits on an annual basis.
- 10. Annual waivers may be revoked for non-payment of fines to the Town.
- 11. Morningside Road residents of the hill section of the Road may park their cars in the street when the ground is covered with ice and or snow without obtaining a temporary or annual waiver.
- 12. Wachusett Road residents may park on the east side of the street when the ground is covered with ice and or snow without obtaining a temporary or annual waiver.
- 13. The fee for an annual overnight parking waiver is \$35, effective 9/21/2015.



Board of Selectmen TOWN OF NEEDHAM AGENDA FACT SHEET

MEETING DATE: 9/21/2015

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

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED

The Town Manager will recommend that the Board vote to close the warrant for the November 2, 2015 Special Town Meeting.

2. VOTE REQUIRED BY BOARD OF SELECTMEN

YES

NO

Suggested Motion: That the Board vote to close the warrant for the November 2, 2015 Special Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel and Bond Counsel, and further subject to removal of capital articles deemed unnecessary after the School Committee votes its preferred site selection(s) for the Hillside School project.

3. BACK UP INFORMATION ATTACHED

YES

NO

a. Draft Warrant dated September 18, 2015

TOWN OF NEEDHAM

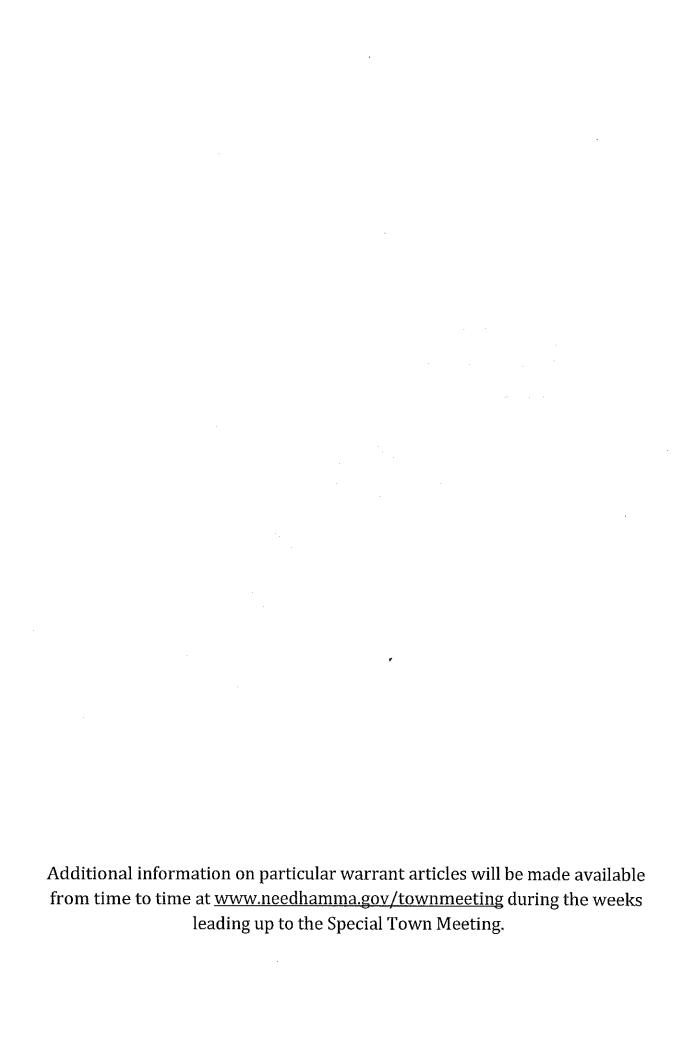


SPECIAL TOWN MEETING WARRANT

MONDAY, November 2, 2015 7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE



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 SECOND DAY OF NOVEMBER, 2015

At 7:30 in the afternoon, then and there to act upon the following articles, viz:

HUMAN RESOURCE ARTICLES

ARTICLE X: APPROVE COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE UNION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Police Union and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2016; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:
PERSONNEL BOARD RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROVE COLLECTIVE BARGAINING AGREEMENT – NEEDHAM POLICE SUPERIOR OFFICERS ASSOCIATION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Police Superior Officers Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2016; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:
PERSONNEL BOARD RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROVE COLLECTIVE BARGAINING AGREEMENT – BCTIA/CUSTODIANS AND TRADES

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Building Custodian and Trades Independent Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2016; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:
PERSONNEL BOARD RECOMMENDS THAT:

Article Information:

GENERAL ARTICLES

ARTICLE X: AMEND GENERAL BY-LAWS – TERM OF MODERATOR

To see if the Town will vote to amend the General By-Laws, Section 1.10 <u>ELECTION OF OFFICERS</u>, by deleting subsection (c) "A Moderator for a term of one year", and inserting in place thereof a new subsection (c) "A Moderator for a term of three years"; or take any other action relative thereto.

INSERTED BY: Town Clerk

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: ACCEPT ACCESS EASEMENT – ROCKWOOD LANE SUBDIVISION

To see if the Town will vote to authorize the Selectmen to accept the following easements from the Wayside Realty Trust: 1. the perpetual right to pass and repass on foot or by vehicle over the area shown as Rockwood Lane (Ext.) on a plan entitled "Rockwood Lane Subdivision last revised September 26, 2014, on file with the Needham Planning Board, and 2. an access easement to pass and repass on foot or by vehicle over the area shown as "13' Wide Access Easement to be Granted to Town" depicted on a plan entitled "Rockwood Lane Subdivision last revised September 26, 2014, on file with the Needham Planning Board; or take any other action relative thereto.

INSERTED BY: Board of Selectmen FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ZONING ARTICLES

ARTICLE X: AMEND ZONING BY-LAW – MIXED USE OVERLAY DISTRICT

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

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

"MUOD - Mixed-Use Overlay District"

(b) In Section 3, Use Regulations, by inserting a new Subsection 3.14, <u>Mixed-Use Overlay District</u>, to read as follows:

"3.14 Mixed-Use Overlay District

3.14.1 Purpose of District

The purposes of the Mixed-Use Overlay District (hereinafter referred to as the "MUOD") include but are not limited to:

- (a) Promoting a range and balance of land uses;
- (b) Facilitating integrated physical design and encouraging interaction among activities;
- (c) Permitting mixed use (commercial and residential) on sites that are zoned within Mixed Use-128 and the northern Highland Commercial-128, i.e. the northern portion of Highland Commercial-128 abutting the Mixed Use-128 zoning district (hereinafter "the abutting Highland Commercial-128");
- (d) Permitting mixed use (commercial and residential) on sites currently zoned Mixed Use-128 and the abutting Highland Commercial-128;
- (e) Establishing controls which will facilitate responsible development while protecting the public interest by limiting the aggregate amount of development;
- (f) Permitting flexible development on individual lots;
- (g) Promoting site features and layouts conducive to a variety of uses;
- (h) Promoting a pedestrian-friendly living and working environment; and
- (i) Providing housing for high tech, life science, and other workers.

3.14.2 Scope of Authority

The MUOD is an overlay district superimposed on the Mixed Use-128 and the abutting Highland Commercial-128 District. All uses permitted by right or by Special Permit in the pertinent underlying zoning district shall be similarly permitted in the MUOD, subject to further provisions of this Section. Where the MUOD authorizes uses not otherwise allowed in the underlying district, specifically multifamily residential, the provisions of the MUOD shall control. The Planning Board shall be the Special Permit Granting Authority ("SPGA") for every MSP (as defined below) and any other Special Permit required for development whether permitted by Special Permit in the underlying zoning district or in the MUOD. Nothing herein shall be construed to supersede the provisions of other overlay districts applicable in the MUOD, except as set forth herein.

3.14.3 <u>Definitions</u>

Concept Plan: An optional submittal for a Master Special Permit which provides a preliminary site plan for MUOD projects detailing the proposed character, uses, site layout, impacts and amenities. The requirements of the Concept Plan are set forth in the following sections.

Mixed-Use Project: A combination of retail, office, municipal, service establishments and residential uses, as may be approved by the Planning Board for the MUOD by issuance of the Master Special Permit.

Master Special Permit ("MSP"): The Special Permit that an applicant must obtain as a precondition to or in conjunction with obtaining any Site Plan Review approvals as provided in the Section 7.4 Site Plan Review.

Site Plan Review: The Site Plan Review that an applicant must obtain as part of approval for any MUOD Project.

MUOD: The Mixed-Use Overlay District ("MUOD") comprising the land presently part of the Mixed Use-128 District and the abutting Highland Commercial-128 District.

3.14.4 Approval Process

3.14.4.1 Overview

Prior to applying for a building permit for a MUOD Project, the following review sequence is recommended.

- (a) Concept Plan at the discretion of applicant.
- (b) Master Special Permit application and MUOD Plan Review application.

The Planning Board shall promulgate and adopt rules and regulations governing applications in the MUOD. Such rules and regulations shall take effect upon their filing with the Town Clerk, and applications must be submitted on a form provided by the Planning Board and must be in accordance with those rules and regulations, as they may be amended from time to time.

After approval of the Site Plan, no structure previously approved by Site Plan may be re-used or changed structurally, and no exterior features may be changed, unless the Planning Board or its designee approves such changes in such manner as the Planning Board determines applicable.

3.14.4.2 Concept Plan

Prior to the application for approval of any MUOD project, a Concept Plan may be filed with the Planning Board for review at a scheduled public meeting or meetings. The Concept Plan shall generally define the proposed character, uses, site layout, impacts and amenities. The Planning Board shall provide written commentary regarding whether the Concept Plan is in compliance with the provisions of this MUOD. A Concept Plan submission at a minimum shall include:

- (a) A preliminary survey plan signed by a registered surveyor;
- (b) A preliminary site development plan (signed by a registered architect or other pertinent design/engineering professional) showing the location and footprint(s) of all proposed buildings, general site grading with finish floor elevations, parking locations and total spaces allocated, landscaping concepts, roads, walkways, egress and access roads, open space and wetlands;
- (c) A preliminary utilities plan showing the proposed location of all germane utilities such as water supply, sewer service, storm water, gas, electric and other germane and or similar utilities:
- (d) A preliminary subdivision plan, if applicable;
- (e) Proposed buildings as to location, use classification, general architectural design, and size; and
- (f) A zoning chart detailing uses and dimensional requirements (existing, required and proposed) including the need for special permits and/or waivers.

After review of the Concept Plan, the Planning Board shall provide written comments to the Applicant regarding the consistency of the Concept Plan with the objectives and criteria of the MUOD. The Planning Board may, in its written comments, provide suggestions regarding any and all aspects of the Concept Plan. The Planning Board shall advise the Applicant of the Planning Board's comments within sixty (60) days following submittal of the Concept Plan, unless such time is extended by written agreement of the Planning Board and the Applicant. The comments of the Planning Board on the submitted Concept Plan shall be advisory in nature and shall be without binding effect on either the Planning Board or the Applicant. Said comments shall not be subject to appeal.

3.14.4.3 Master Special Permit (MSP)

Every MUOD project must obtain a MSP issued by the SPGA. The purpose of the MSP is to specify the design, architectural character, site layout and improvements, traffic improvements, traffic impacts and their mitigation, adequate egress and access from and to the site, environmental impacts and their mitigation, specific locations and uses for buildings, public amenities, future division of the property, and other information required for the public and boards of the Town.

No MSP shall be granted unless the proposed project is in compliance with the performance standards set forth in Section 3.14.9.

A MSP shall govern all future development in a particular MUOD project. All construction and associated improvements must be in compliance with the MSP.

The Applicant must supply the Planning Board with sufficient copies of the Application for a MSP, along with all supporting documents and plans, as are necessary to provide to other local boards, agencies, and officials for review and comment.

Any proposed structure or improvement to the site must be in compliance with the MSP. Anyone seeking in the future to construct any structure, make any site improvement or change to a different use must apply to the Planning Board for approval of such changes in such manner as the Planning Board determines applicable. Such change or modification must meet all the performance standards then in effect.

3.14.4.4 Special Permit and Site Plan Review within the MUOD.

Within the MUOD, the uses permitted by right or by Special Permit in the pertinent underlying zoning district shall be similarly permitted in the MUOD, subject to further provisions of this Section.

In addition to the uses allowed by right or by special permit in the underlying zoning districts, the following residential uses are allowed by MUOD-MSP: multifamily dwellings (defined herein as four or more dwelling units) and one or more dwelling units above commercial uses allowed by right or special permit in the underlying zone. Single, two-family, or three family dwellings are not allowed.

MSP and other special permits must be obtained prior to or in conjunction with Site Plan Review Application or, in the event of future changes, in subsequent applications seeking modifications to the MUOD MSP and Site Plan.

The purpose of the Site Plan Review shall be to ensure that any proposed building and site improvements are in compliance with the MSP, the uses approved therein, and provide for efficient site flow and improvements, requisite traffic improvements and mitigation of project impacts, adequate egress and access from and to the project, mitigation of environmental impacts, and designation of specific locations and uses for buildings, structures and public amenities. Site Plan Review shall include the following components for review and approval: building design and elevations, directional signage, landscaping, lighting, parking, and compliance with the MSP. The application shall also be reviewed for compliance with performance standards set forth in Section 3.14.9 and with the specific conditions of the proposed MUOD MSP.

The Planning Board shall hold its hearing on a MSP, other special permits, and Site Plan Review application only after receipt of complete applications.

After approval of the Site Plan Review application, special permits (if applicable), and MUOD MSP, no structure previously approved may be re-used or changed structurally, and no exterior features may be changed, unless the Planning Board or its designee approves such changes in such manner as the Planning Board determines applicable to the particular change.

3.14.5 Special Permit Decision Criteria

Any special permits required for uses and/or dimensional requirements in the underlying zoning districts shall be subject to the criteria set forth in other sections of the Zoning By-Law in regards to the granting of special permits.

When the application is for a MSP, the Planning Board shall consider the following criteria, in addition to the criteria set forth in other sections of the Zoning By-Law in regards to the granting of special permits:

- (a) Whether the MUOD project complies with the use regulations, dimensional requirements and performance standards set forth herein;
- (b) The MSP shall be granted in the MUOD by the Planning Board only upon the Board's written determination that the adverse effects, if any, of the proposed MUOD project will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site.

3.14.6 Special Permit Conditions

Where the Planning Board grants any special permit and/or MSP, the Board may impose additional reasonable conditions, safeguards and limitations on time and use, including but not limited to the following:

- (a) A phasing schedule for construction of each component part of the project which ensures integration of residential, nonresidential and municipal uses;
- (b) A demolition and construction schedule, including a construction traffic management plan;
- (c) Hours of operation, delivery and waste removal times and lighting schedule;
- (d) Recording of approved special permits, MSP, and Site Plan Review decision in the Norfolk Registry of Deeds, and if registered land, in the Land Court prior to the issuance of any building permits.
- (e) All development shall be in compliance with plans approved in the MSP, other special permits and Site Plan Review decision and with all applicable federal, state, and local laws, rules and regulations and By-Laws.
- (f) If circumstances so warrant, with respect to a MSP, to require continued monitoring of offsite impacts to traffic and the environment in appropriate locations with regard to MUOD development; and
- (g) The Planning Board or its designated representative shall have the right to make inspections during the construction process.

3.14.7 Time Limit

Until such time as the MSP and Site Plan Review decision are issued for a MUOD project, and the appeal period following the Planning Board's decisions have expired and no appeal having been filed, the provisions of the underlying zoning shall solely govern the use and development of the property comprising the MUOD. At the time of the issuance of the first certificate of use and occupancy for a building with the MUOD, the zoning of the MUOD shall apply. If an Applicant has not made effective use of an issued MSP within two years of its issuance, then the MSP shall expire.

3.14.8 Dimensional Requirements

The dimensional requirements of any MUOD Project shall be governed by the dimensional requirements of the underlying zoning district(s) except as follows:

- (a) Height Limit: 70 feet and up to 84 feet by special permit, except within 350 feet of a river, in which event the building shall be limited in height to 54 feet.
- (b) Maximum Building Area to Lot Coverage: 65%.
- (c) Minimum set back requirements from all lot boundaries shall be consistent with the setback requirements of the underlying district.
- (d) Maximum FAR: 3.0 (not to include parking garages or below grade parking).
- (e) As to residential units, parking shall be provided at 1.5 parking spaces per unit, except affordable units may be allowed to provide only 1 parking space per unit. Commercial development shall meet off-street parking requirements of the underlying district.
- (f) The Minimum Lot size for development for a MUOD project shall be two (2) acres.
- (g) Consistent with Section 4.9.3 of the Needham Zoning By-Law, the Planning Board by special permit may waive any applicable dimensional regulation, including the regulations noted above, by 25%. However, this ability to grant waivers shall not include the limits on height. Further provided, the ability to grant waivers from the parking requirements for residential units shall be governed by the special permit provisions of Section 5.1.1.5 of the Needham Zoning By-Law.

3.14.9 Performance Standards

The development of a MUOD Project in the MUOD shall comply with the following performance standards in lieu of those set forth elsewhere in the Zoning By-Law:

3.14.9.1 Residential Development

- (a) Residential Development Cap: In the MUOD district no more than 250 dwelling units shall be permitted.
- (b) At least 40% of all dwelling units within any MUOD project shall be one-bedroom units but not more than 70%. Further, so long as State regulations require projects to include 10% three bedroom units, 10% of all units shall be three bedroom units.
- (c) At least 10% of all dwelling units shall be Affordable Units as defined below.

3.14.9.2 Landscaping

The Applicant shall prepare a landscaping plan showing that the MUOD project will meet the landscaping requirements of the Needham Zoning By-Law and the following standards: promote the establishment, protection, and enhancement of the natural landscape; ensure appropriate use of plant material in new construction; preserve natural tree cover; and promote the inclusion of new tree planting in order to reduce visual blights, noise and glare, prevent soil erosion, reduce stormwater runoff, increase ground water discharge, create shade and reduce solar overheating.

3.14.9.3 <u>Massing</u>

Any buildings proposed for a MUOD project shall provide visual relief along the façade of each building.

Building design throughout a MUOD project shall include designs which promote visual relief by varying roof lines, height and other aesthetic features.

Buildings throughout a MUOD project shall include a mix of occupants.

3.14.9.4 Screening and Buffer Requirements

A MOUD project shall provide an appropriate visual barrier between features of the Mixed-Use Project and public streets and abutting properties. Dumpsters, trash handling areas, mechanical equipment at ground level or roof top, service entrances, utility facilities for building operation, loading docks or spaces and similar components shall be subject to visual barrier as determined by the Planning Board.

3.14.9.5 Stormwater Management

The stormwater management system serving any MUOD project shall comply with all applicable federal, state and local laws, rules, regulations and By-Laws.

3.14.9.6 Roadways

In order to assure there is adequate access and egress for emergency vehicles and normal traffic expected in the Mixed-Use Project, and safe pedestrian access, the roadways serving the MUOD Project shall comply with the By-Law. An applicant must demonstrate that the adequacy of the roadways providing access and egress to and from the MUOD Project and within the site itself ensures safe vehicular and pedestrian traffic.

3.14.9.7 Parking and Loading Standards

An application for MUOD MSP shall include a parking plan setting forth the number of parking spaces and loading areas, the location and design of same, including lighting and landscaping. If required by the Planning Board, the application shall also include a parking and loading study which support such plan. The required off street parking spaces may be accommodated by employing at-grade parking areas, parking garages or below grade parking areas. Further, podium parking, a form of below grade parking, shall be allowed if the parking structure is not

more than 4 feet above finished grade and designed and/or landscaped in a manner that the Planning Board deems sufficient to properly buffer the podium parking structure from view.

3.14.9.8 Affordable Units

The following standards shall apply in the MUOD. All projects shall include Affordable Units; further at least 10% of the dwelling units shall be Affordable Units. The term "Affordable Unit" shall mean a dwelling unit reserved in perpetuity for rental or ownership by a household earning less than 80% of area median family income, and priced to conform with the standards of the Massachusetts Department of Housing and Community Development ("DHCD") for rental or ownership units set forth in 760 CMR 45.03(4), as amended from time to time, in order that such Affordable Unit shall be included in the DHCD Subsidized Housing Inventory. Affordable Units shall be subject to the following conditions:

- (a) The Affordable Unit shall be affordable in perpetuity. A Deed Rider or other suitable restriction shall assure this condition. The Deed Rider shall be structured to survive any and all foreclosures.
- (b) Where the Affordable Units are proposed for sale, the continuing enforcement of the Deed Rider through subsequent resales shall be the subject of a Monitoring Agreement.
- (c) The Deed Rider and Monitoring Agreement shall be drafted in compliance with State requirements, as amended from time to time, and guidelines promulgated thereunder. The Deed Rider and Monitoring Agreement shall be subject to the review and approval of Town Counsel prior to the issuance of a certificate of occupancy for any dwelling unit.
- (d) The Affordable Unit shall conform to the standards of DHCD for inclusion in the DHCD Subsidized Housing Inventory.
- (e) A right of first refusal shall be granted to the Town or its designee for a period not less than 120 days after notice thereof.
- (f) Affordable Units shall satisfy the design and construction standards of the Local Initiative Program, as amended from time to time, with regard to distinguishability from market rate units.
- (g) Each Affordable Unit must be constructed and an occupancy permit obtained at the rate of one Affordable Unit for every nine market rate units.
- (h) In computing the number of required Affordable Units, any fraction of a unit must be rounded up, and the result shall be the number of Affordable Units to be built within the MUOD and not off site.

3.14.10 Peer Review

The Planning Board, at the expense of the Applicant and pursuant to M.G.L. Chapter 44, Section 53G, may engage qualified peer reviewers, including, but not limited to, traffic engineers, civil engineers, landscape architects, wetlands scientists, lighting technicians, and experts on impacts, to review all Concept Plans, special permit applications, MSP, and Site Plan Review applications.

3.14.11 Rules and Regulations

The Planning Board shall adopt rules and regulations for the implementation of this Section." 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 MIXED USE 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 Mixed Use Overlay District all that land described under Article 3, paragraph 2 of the March 25, 2002 Special Town Meeting, superimposing that district over the existing Mixed Use 128 District (MU-128), said description being as follows:

"Beginning at the point of intersection of the easterly sideline of the Circumferential State Highway Layout of 1953, and the centerline of the MBTA right-of-way thence running northeasterly by said centerline to a point with its intersection with the centerline of the Charles River, thence turning and running southeasterly by the centerline of the Charles River to its intersection with a line 100 ft. northerly and parallel to the northerly sideline of Highland Avenue, thence turning and running westerly by said parallel line to its intersection with the westerly most sideline of Highland Circle, thence turning and running by said centerline northwesterly and westerly to the point of intersection with a line 200 ft. northerly from and parallel to the northerly sideline of Highland Avenue, thence running westerly by said parallel line to a point of intersection with the easterly lot line of Lot 2, as shown on a plan recorded in the Norfolk County Registry of Deeds as Plan 1364 of 1988, thence running southerly by said lot line to a point, thence turning and running westerly by the southerly lot line of Lot 2 to the point of intersection with the easterly sideline of Brook Road thence continuing in the same direction of said lot line to the intersection of the line of the end of Brook Road at the easterly sideline of the Circumferential Highway Layout of 1953, thence northerly by said Highway Layout to the point of beginning."

(b) Place in the Mixed Use Overlay District all that land described under Article 3, paragraph 3 of the March 25, 2002 Special Town Meeting, superimposing that district over the existing Highland Commercial -128 District (HC-128) located north of Highland Avenue, said description being as follows:

"Beginning at the point of intersection of the centerline of Highland Avenue and the easterly sideline of the Circumferential State Highway Layout of 1953, known as Route 128 (Interstate Route 95); thence running northerly along said sideline of the

Circumferential State Highway to the point of intersection of said Circumferential Highway and the westerly projection of the southerly lot line at the end line of Brook Road of Lot 2 as shown on a plan recorded in the Norfolk County Registry of Deeds as Plan 1364 of 1988, thence running easterly by said projection and said southerly lot line of Lot 2 to a point, thence turning and running northerly by the easterly lot line of Lot 2 to a point of intersection with a line 200 ft. from a parallel to the northerly sideline of Highland Avenue, thence running easterly by said line 200 ft. from and parallel to the northerly sideline of Highland Avenue to the point of intersection of the southerly most centerline of Highland Circle, thence running easterly and southeasterly by said centerline of Highland Circle to the intersection with a line 100 ft. northerly from and parallel to the northerly sideline of Highland Avenue, thence running by said parallel line easterly to the centerline of the Charles River, thence running easterly by said centerline of the Charles River to the northerly centerline of Highland Avenue, thence running westerly by said centerline to the point of beginning." Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE X: AMEND ZONING BY-LAW –HISTORIC PRESERVATION DIMENSIONAL SPECIAL PERMIT

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

"4.7.5 Historic Preservation Dimensional Special Permit

4.7.5.1 <u>Purpose</u>

The purpose of this by-law is to encourage the preservation and restoration of historic architectural features on existing historic buildings and structures in the community, by modifying certain dimensional standards that might be an impediment to such preservation and restoration efforts.

4.7.5.2 Applicability

Modification of dimension standards per a Historic Preservation Dimensional Special Permit shall be allowable in all zoning districts.

4.7.5.3 Historic Eligibility

For purposes of a Historic Preservation Dimensional Special Permit, the building or structure must be listed on one of the following:

- (a) The National Register of Historic Places;
- (b) The State (Commonwealth of Massachusetts) Register of Historic Places;

- (c) Inventory of Historic Assets of the Commonwealth for the Town of Needham, or designated for inclusion in such inventory, including those buildings listed for which complete surveys may be pending; and
- (d) Pending nominations in good standing to the National or State Register.

4.7.5.4 Special Permit

After making the findings required by Section 4.7.5.5 below, the Board of Appeals may, by special permit waive the front, side, and rear setbacks for the zoning district, by relaxing each by up to a maximum of 40%, as necessary. Said waiver to permit the preservation and/or restoration of a historic architectural feature on an existing building and/or structure that is eligible under Section 4.7.5.3 above.

4.7.5.5 Findings Required

In order to grant a special permit, the Board of Appeals shall find:

- (a) That the proposed renovation, repair, or addition, to the maximum extent feasible, preserves and/or restores the historical architectural features of the building, or structure;
- (b) That such modification of a dimensional requirement is required to enable the preservation and/or restoration of the historical architectural features of the building or structure and that failure to grant the special permit is likely to result in construction or continuation of an inappropriate physical modification;
- (c) That the proposed renovation, repair, or addition has been determined by vote of the Needham Historical Commission to be a historically accurate architectural restoration;
- (d) That the building or structure will remain on the site on which it was originally constructed; and
- (e) That the proposed use will not generate negative impacts to the surrounding area or zoning district or that any negative impacts generated may be feasibly mitigated."

Or take any other action relative thereto.

INSERTED BY: Planning Board FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

FINANCIAL ARTICLES

ARTICLE X: AMEND THE FY2016 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2016 Operating Budget adopted under Article 16 of the 2015 Annual Town Meeting, by deleting the

amounts of money appropriated under some of the line items and appropriating new amounts as follows:

Line Item	Appropriation	Changing From	Changing To
3	Group Health Insurance, Employee Benefits & Administrative Costs	\$11,474,207	
9	Classification, Performance & Settlements	\$175,000	
10	Reserve Fund	\$1,384,767	
26	Municipal Lighting Program	\$254,951	

Or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

COMMUNITY PRESERVATION ARTICLES

ARTICLE X: APPROPRIATE FOR SEABEDS WAY EMERGENCY REPAIRS & CONSTRUCTION DEFECTS CORRECTION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$600,000 for emergency repairs and construction defects correction by the Needham Housing Authority at Seabeds Way, to be spent under the direction of the Town Manager, said sum to be transferred from the Community Housing Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee FINANCE COMMITTEE RECOMMENDS THAT:

CAPITAL ARTICLES

ARTICLE X: APPROPRIATE FOR FIRE STATION 2 FEASIBILITY STUDY

To see if the Town will vote to raise and/or transfer and appropriate \$50,000 for a feasibility study for the repair, renovation and/or addition to Fire Station #2 to be spent under the direction of the Permanent Public Building Committee/Town Manager, and to meet this appropriation that

\$12,305 be transferred from Article 39 of the 2013 Annual Town Meeting and that \$37,695 be transferred from Overlay Surplus; 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 \$45,000 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 said sum be transferred from Article 1 of the November 4, 2013 Special Town Meeting; 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 HIGH SCHOOL CAFETERIA RENOVATION

To see if the Town will vote to raise and/or transfer and appropriate \$2,500,000 for engineering, design and construction for renovation and repairs to the cafeteria at Needham High 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, Section 7; or; 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 a sum for the acquisition of real property known as Owens Farm, 585 Central Avenue and adjacent properties, and associated site costs, 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:

<u>Article Information:</u>

ARTICLE X: APPROPRIATE FOR MODULAR CLASSROOM DESIGN – DEFAZIO OPTION

To see if the Town will vote to raise and/or transfer and appropriate a sum for engineering, and design for modular classrooms to be constructed at DeFazio as Hillside School swing space, 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, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE X: APPROPRIATE FOR HIGH ROCK SCHOOL RENOVATION DESIGN

To see if the Town will vote to raise and/or transfer and appropriate a sum for engineering and design for High Rock School renovations, 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, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

TOWN RESERVE ARTICLES

ARTICLE X: ESTABLISH AND APPROPRIATE TO DEBT SERVICE STABILIZATION FUND

To see if the Town will vote to establish a fund under the provisions of M.G.L. c, 40 Section 5B as amended by Section 14 of Chapter 46 of the Acts of 2003, and as further amended by Section 19 of Chapter 140 of the Acts of 2003 to be known as the Debt Service Stabilization Fund. The purpose of this Fund is to allow the Town, from time to time, by appropriation, to reserve funds to pay the debt service for engineering and design, renovation, reconstruction or construction of Town facilities; and further to raise, and/or transfer and appropriate \$250,000 to the fund, said sum to be raised from the tax levy; 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 21st day of September 2015.

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

Selectmen of Needham

A TRUE COPY Attest: Constable:



Agenda Item

Board of Selectmen TOWN OF NEEDHAM AGENDA FACT SHEET

MEETING DATE: 9/21/2015

Town Manager's Report

Prese	enter(s)	Kate Fitzpatrick, Town Manager		
		1		
1.	BRIEF DE	SCRIPTION OF TOPIC TO BE DISCU	JSSED	
The To	own Manage	er will update the Board on issues not cove	ered on the age	enda.
2.	VOTE REQ	QUIRED BY BOARD OF SELECTMEN	N YES	NO
3.	BACK UP	INFORMATION ATTACHED	YES	NO
(Desc	ribe backı	ıp below)	1	L
none				



Board of Selectmen TOWN OF NEEDHAM AGENDA FACT SHEET

MEETING DATE: 9/21/2015

Agenda Item	Potential Property Acquisition
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUS	SED	
	Board will discuss financing and timing considerations berty acquisition in support of the Hillside School Project.	relative to	potentia
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
Dis	cussion Only		



Board of Selectmen TOWN OF NEEDHAM AGENDA FACT SHEET

MEETING DATE: 09/21/2015

Committee Reports
Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSS	SED	
	d members will report on the progress and / or activities nments.	s of their	Committee
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
(De	scribe backup below)		
	200.000 to the final to the A status to 2 to the final to the fin		
Non	e		

ONE DAY SPECIAL LICENSE TOWN OF NEEDHAM BOARD OF SELECTMEN EVENT INFORMATION SHEET

(Please complete and attach event flyer or other information.)

Event Manager Name (Name that will appear on license)	Karen Ca Hor Lumiger mongolelle	
Event Manager Address	1382 Highland Avenue Needhan mg 02492	
Event Manager Phone Number	202-462-0584	
Organization Representing (if applicable)	10000	
Is the organization (if applicable) you are representing non-profit? If	✓ Non-profit ☐ For profit ☐ Proof of non-profit status is attached	
so, please attach proof of non-profit	Form of Proof:	
Name of Event	OKtoberfest	
Date of Event	October 24th, 2015	
License is for Sale of: Wines & Malt Beverages Only		
All Alcoholic Beverages (for	non-profit groups only)	
Requested Time for Liquor License	FROM: 6 pm TO: 10 pm	
Are tickets being sold in advance for		
Is there an admission fee for this even	nt? YES \$ 50 /per ticket NO	
Are you using dues collected to purchase alcohol for this event?		
How many people are you expecting	at this event? 150 people	
Name & address of event location. P.	lease attach proof of permission to use this facility.	
weedham ma oat	12 Middle School @ ST. Joe's.	
Who will be serving the alcohol to vo	ur guests? Symply Serving Backeder	
Revolution c	ochtails Simply Sewing Bartender	
	, beer and/or wine must have completed in the past three alcoholic beverages server-training program. Please state	
below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate).		
Revolution contails Simply Serving Bartendor		
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please		
attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.		
Guests will	need to purchase from the bar	
I understand that the alcohol pur	chased for this event must be purchased from a licensed	
	farmer-winery, farmer-brewery or special permit holder and	
	wholesalers. (A person holding a Section 14 license cannot	
Event Manager Signature:	n package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04)) Date:	
Event manager Signature:	Villandia.	

さ×山 イ × 山 Restroam

Table

-

ş

Ra

J901

Kex or

十/×刁





the is your official IPS Certification Card.

Carry it with you as evidence of your skills and knowledge in the responsible safe and consumption of alcohol.

Constantions

or was some with

by successfully completing the TIPS (Training for Intervention ProcedureS) program, you have taken your place in the forefront of a nationwide movement to require the tragedles resulting from the misuse of alcohol. We value your participation in the TIPS program.

You will help to provide a safer environment for your patrons, peers anthor colleagues by using the techniques you have learned and taking a positive approach towards alcohol use.

If you have any information you think would enhance the TDS program, or if we can assist you in any way, please contact us at 703-524-1200. Thank you for your dedication to the responsible sale and consumption of alcohol.

Adum F. Chafe E. President 1833

IMPORTANT: Keep a copy of this card for your records. Write down your certification number because you will need it when contacting TIPS. For assistance or additional information, contact Health Communications, Inc. by using the information provided on the reverse side of your certification card. There is a minimal charge for a replacement card if your original card becomes lost, damaged or stolen.

Lister 12/1/2015 Expire 12/1/2016

The separation D.O.B. NOWNOWN

Comment Max Colors

For service velt us online at wew gellips.com



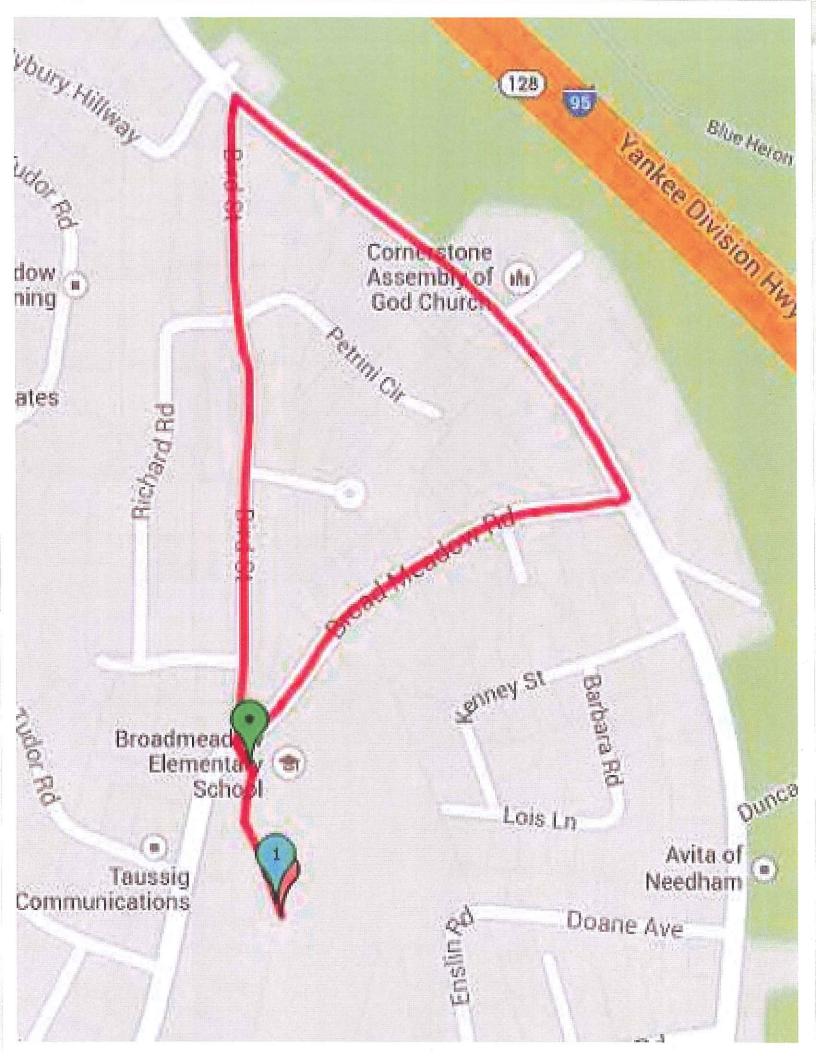
Town of Needham, Massachusetts Road Event Form

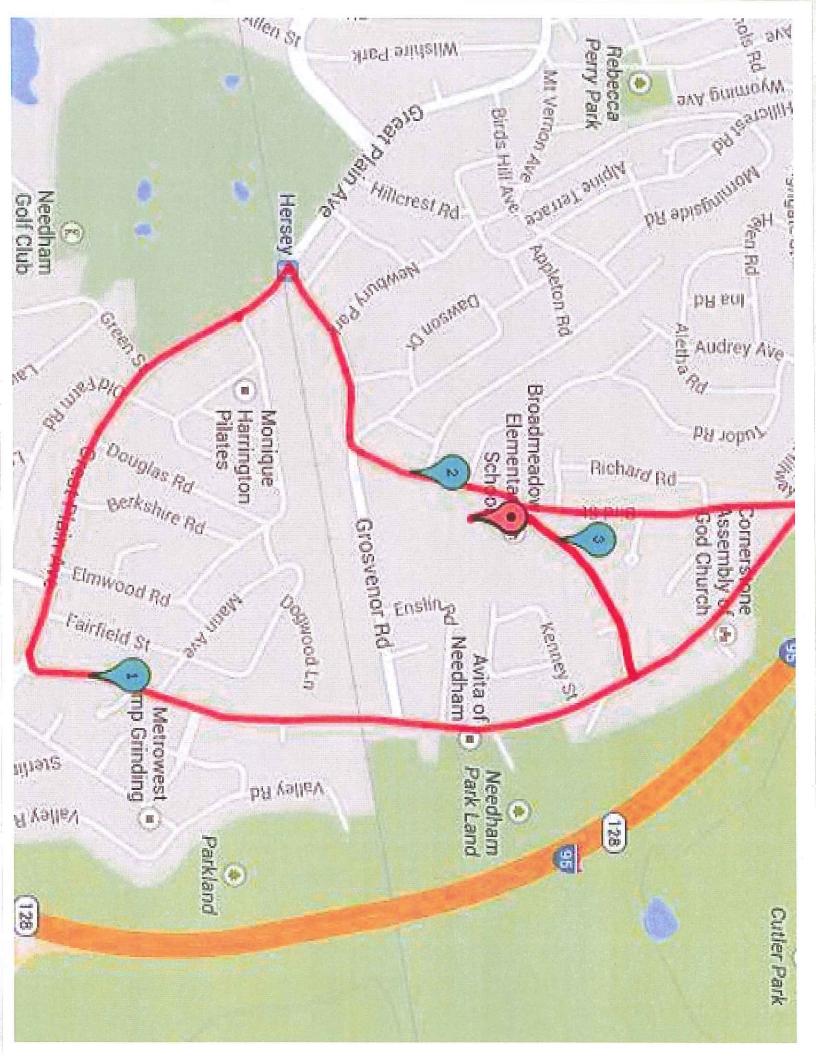
INTERNAL USE	ONLY
DPW	Police
Fire	OTM
Park & Rec	D-:1
rrD	Paid

TYPE OF EVENT: (check all that apply)		
₩ALK	☐ BICYCLE ☐ MOTORCYCLE	
Name of Event:	Name of Organization:	
Bigg Sleps 5k	Sean D. Biggs Memorial Foundation	
Has this event been conducted in other	If yes, name of Town and date:	
Towns in the past? YES NO	Needham - 10/19/14	
Organization Mailing Address: 9 9 Pond Avenue #523 Browline, M4 02445 Organization is Not-for-Profit		
Organization Billing Address (if Police D		
394 Cherry St. Needhan M. Attn: Chris George		
Primary Contact: Contact Title:		
Chris George	Race Director	
Contact Address:		
394 Cherry St.	New for, Mt 02465	
Contact Phone (Day):	Contact Phone (Cell):	
617-502-9619	339 - 227-0083	
Contact Email:		
Contact Email: Chris & biggst	eps. ora	
Facilities Taken and The Control of Estates	Date Expected to be in Needham:	

event begins at 10:00 g.m. Latest Time Expected in Needham: Earliest Time Expected in Needham: 84 6:00 a, m 12:30 p.m Number of Expected Spectators at Peak Number of Expected Participants: Time: \square NO V YES Are participants charged a fee? What type of Parking is required: **Estimated Number of Vehicles:** Broadmeadon School lot and Side Streek Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked: School parking (or to be ved and flaggers will direct participants to part on side streets - one side only Are event organizers available to meet with members of the Town to plan event? Do event organizers foresee the need for any road closures (subject to police review)? No-but we do we come police details to caution divers. What will be done in case of inclement weather? either Canallation or reschedule to 11/22 if the date is available Will neighborhoods be impacted by parking and traffic? Only for approximately 45minutes in 2 pror years we what activities are planned for the start of the race (if in Needham)? any complaints Announaments and that is about it. What activities are planned for the end of the race (if in Needham)? Bornay House for hids; raffle/silent auchan, awards What facilities are needed for the start of the race (if in Needham)? We will work with Breadmeadow School and Mr. N. hi Rumbos to office a Junitor for school electricity

What facilities are needed for the end of the	he race (if in Needham)?
Once the event begins, how long will it tak	ke to complete the event? Approx 90 minstes
Are signs requested to post at the start of the race? At the end of the race? Are signs requested for along the route?	We have our own signs for Start (Finish; turns; mile madlers
Will volunteers be placed along the route?	Yes
Will you be using a sound system? (includes music) If yes, please describe where and when it will be used.	Yes-DJ-music/noise will begin at 9:00 a.m. hept four for neighbors' sale
Will there be any food served? (contact Needham Health Dept: 781-455-7500 x262)	Bananas.
Will portable toilets be used? List locations.	Les- near finish - two delivered evens
Will hydration stops be set up along route? If yes, please include these on route plan.	Ves- near finish - two delivered went to hours before event and removed day of a Ves. One @ halfway point near Elmwood + Gt. Plan
If the event takes place after dark, what is the plan to meet lighting needs?	WIA
What safety measures are being made for participants and spectators? What are plans for handling first aid and medical emergencies?	1) Cones or course along parling lare 2) volunteer Course Marshalls 3) Police Details 4) FMT
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?	No
Are businesses open during the time of the event?	None along course.
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?	No
What is the plan to handle trash?	Numerous frash burrels in Parling lot. We clean up after





Nikki Witham

From:

Christopher George < george.christopher.d@gmail.com>

Sent:

Tuesday, March 03, 2015 10:47 AM

To:

Nikki Witham

Subject:

Fwd: November 15, 2015 - BIGGSteps 5K Race Application

Attachments:

Mile race.JPG; Race Course.JPG; 2015 BIGGSteps Race Application.pdf

Nikki -

Last e-mail is below which has more info for the race....

Chris

----- Forwarded message -----

From: Christopher George < george.christopher.d@gmail.com>

Date: Thu, Jan 29, 2015 at 5:03 PM

Subject: November 15, 2015 - BIGGSteps 5K Race Application

To: Nikki Witham <nwitham@needhamma.gov>, Matthew Forbes <mforbes@needhamma.gov>, Dave Jilek

<d.david.jilek@gmail.com>

Hi Nikki and Lieutenant Forbes:

Hope all is well.

The application is attached. I will mail in a check tomorrow to the town hall.

As regards insurance, USATF will be providing us with a policy and a declarations page naming the town, school, and police as additional insureds, and will be forwarded to your attention.

Also attached is the course route. Lieutenant Forbes - we are using the same course as this past year.

The only change to our races this year is that we would like to start the mile "fun run" and 5K races at the same time. We think this will allow for the roads to be tied up for less time and make things a lot smoother for everyone.

Our race this year will again be benefiting the Beth Israel Needham Cancer Center.

If you have any questions or need additional information, please feel free to ask. My office number is $\underline{617-502-9619}$ and my cell is $\underline{339-227-0083}$.

Enjoy the Superbowl - GO PATS!!!!!!!!!!!

-Chris George

Race Course Turn by Turn directions

1 mile -

Start in Broadmeadow parking lot (Start line matches the cafeteria entrance) Exit the lot and turn a soft right onto Broadmeadow.

Left onto Greendale.

Left onto Bird.

Return to the parking lot and finish at the starting line near the cafeteria entrance.

5K

Start in the Broadmeadow parking lot (start line matches the cafeteria entrance)

Exit the lot and turn a soft right onto Broadmeadow.

Right onto Grendale

Right onto Gt. Plain Ave.

Right onto Broadmeadow.

Bear left onto Bird Street.

Right onto Greendale.

Right onto Broadmeadow.

Bear left into the school parking lot.

Finish line is the same as the starting line.

- ****Cones in place along the parking lane of both Greendale Ave and Gt. Plain Ave.
- ****Volunteers placed at every turn, along with signs.
- ****Volunteers are at each mile marker.
- *****Water Station at the exact halfway mark (Great Plain and Elmwood road near the Hersey Station overpass)

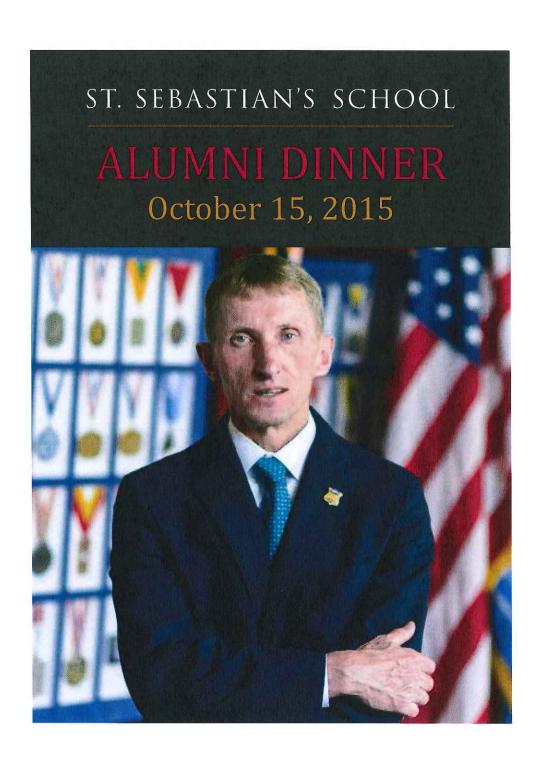
Runners instructed to keep to the right between the sidewalk and the cones.

Additional volunteers are also placed along Broadmeadow and Bird Street to warn traffic to oncoming runners.

ONE DAY SPECIAL LICENSE TOWN OF NEEDHAM BOARD OF SELECTMEN EVENT INFORMATION SHEET

(Please complete and attach event flyer or other information.)

Event Manager Name	James Walsh	
(Name that will appear on license) Event Manager Address		
	1191 Greendale Avenue	
Event Manager Phone Number	781-247-0147	
Organization Representing (if applicable)	St. Sebastian's School Non-profit For profit	
Is the organization (if applicable) you are representing non-profit? If	Non-profit	
so, please attach proof of non-profit	Proof of non-profit status is attached Form of Proof:	
status.	Porm of 1100r.	
Name of Event	11	
Date of Event	Alumni Dinner	
Date of Event	Alumni Drinner October 15, 2015	
License is for Sale of:		
Wines & Malt Beverages Only	7	
All Alcoholic Beverages (for i		
Requested Time for Liquor License	FROM: 6!66 TO: 10:80	
Are tickets being sold in advance for t	his event? VES \$ 45 /per ticket NO	
Is there an admission fee for this ever	nt? YES \$ /per ticket NO	
Are you using dues collected to purch	ase alcohol for this event?	
How many people are you expecting a	at this event?	
Name & address of event location. Pl	ease attach proof of permission to use this facility.	
Ward Hall		
Who will be serving the alcohol to you	ir guests?	
New England Bartending	Service	
Bartenders and/or servers of alcohol,	beer and/or wine must have completed in the past three	
years an appropriate massachusetts a	ICONOLIC beverages server-training program Please state	
a / / C A	er and/or wine and attach proof of their training (certificate).	
Bartenders from Company		
Please use the space below to describe	the manner in which alcohol will be served to your guests.	
(rol example, will guests be served alcohol or will they need to purchase it from the har?) Please		
attach hoorpian (can be nand drawn)	of the event facility with liquor delivery plan	
Bartenders will serve drink	er to queste at oan.	
	*	
☑ I understand that the alcohol pure	hased for this event must be purchased from a licensed	
wholesaler/importer, manufacturer, t	armer-winery, farmer-brewery or special permit holder and	
that I have received a current list of w	holesalers. (A person holding a Section 14 license cannot	
pur chase acomonic beverages proping	package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04))	
Event Manager Signature:	Date:	
- / OF UNIT	<u> </u>	



The Alumni Association cordially invites you to this year's

ALUMNI DINNER

Celebrating and honoring Arrows who have dedicated their lives to public safety.

Thursday, October 15, 2015

6:00 PM Reception | 7:00 PM Dinner & Program Ward Hall, St. Sebastian's School

KEYNOTE SPEAKER

William Evans '77, P'17, Boston Police Commissioner

TICKETS

1945-2005: \$45 | 2006-2011: \$25

Register online by October 8: www.stsebs.org/alumnidinner

For questions, please contact Kelsey Johnson at 781.247.0186 or kelsey_johnson@stsebs.org.

Tips Issued:

ID#:

On Premise 3/12/2013

3422650

XXX-XX-XXXX SSN: 3/2/2016

Expires: DOB.

XX/XX/XXXX

RYAN P MCELHINNEY 13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com

Michael Marcantonio, 64

Issued:

On Premise 3/12/2013 3422645

SSN: Expires: D.O.B.:

XXX-XX-XXXX 3/2/2016 XX/XX/XXXX

ID#:

CHRISTINE L STEARNS 13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

Issued:

ID#:

On Premise 3/12/2013 3422649

SSN: Expires: XXX-XX-XXXX 3/2/2016

XX/XX/XXXX D.O.B .:

LAUREN R MURRAY 13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

Issued:

ID#:

On Premise 3/12/2013 3422651

SSN: Expires:

XXX-XX-XXXX 3/2/2016 XXXXXXXX

D.O.B.:

JUSTIN Z PIKE 13 W End Ave

Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

TiPS Issued:

ID#:

On Premise 3/12/2013 3422652

XXX-XX-XXXX SSN: 3/2/2016

Expires: XX/XX/XXXX

D.O.B.:

JARED M SANTOS 13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

ID#:

On Premise 3/12/2013

3422653

XXX-XX-XXXX SSN: 3/2/2016 Expires: XX/XX/XXX D.O.B.:

RONALD M KOLOZIE

13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

TIPS Issued:

ID#:

On Premise 3/12/2013 3422648

SSN: Expires: D.O.B.:

XXX-XX-XXXX 3/2/2016

XX/XX/XXXX

STACY J LEARY 182 Thompson St Middleboro, MA 02346-1608

For service visit us online at www.gettips.com Michael Marcantonio, 64

Issued: ID#:

On Premise 3/12/2013 3422646

SSN: Expires:

XXX-XX-XXXX 3/2/2016 XX/XX/XXXX

D.O.B.:

SHON M HURLEY 13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

١

On Premise 3/12/2013 Issued: 3422647 ID#:

SSN: Expires: D.O.B.:

XXX-XX-XXXX 3/2/2016 XX/XX/XXXX

NICOLE PHILLIPS 13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

Tips Issued:

ID#:

On Premise 3/12/2013 3422642

SSN: Expires: XXX-XX-XXX 3/2/2016 XX/XX/XXXX

DOB:

BRIANNA L ALBERT 13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

Tips Issued:

ID#:

On Premise 3/12/2013 3422643

SSN:

XXX-XX-XXXX 3/2/2016

Expires: XX/XX/XXXX D.O.B.:

CHIARA PHILLIPS 13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

Issued:

ID#:

On Premise 3/12/2013 3422644

SSN: Expires: D.O.B.:

XXX-XX-XXXX 3/2/2016 XX/XX/XXXX

JENNIFER L PETTEY 13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

ID#:

3/12/2013 3422639

On Premise

SSN: Expires:

XXX-XX-XXXX 3/2/2016 XX/XX/XXXX

D.O.B.:

DEBORAH G CARLINO 13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

On Premise 3/12/2013 3422640

SSN: Expires: D.O.B.:

XXX-XX-XXXX 3/2/2016 XX/XX/XXXX

Issued: ID#:

> MICHAEL E RAYNER 13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

Issued:

ID#:

On Premise 3/12/2013 SSN: Expires:

XXX-XX-XXXX 3/2/2016 XXXXXXXXX D.O.B.:

3422641

ALLISON J PICKERING 13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

Tips Issued: ID#:

On Premise 3/12/2013 3422638

SSN: Expires: D.O.B .:

XXX-XX-XXXX 3/2/2016 XX/XX/XXXX

NICOLE M RILEY 13 W End Ave Middleboro, MA 02346-1920

For service visit us online at www.gettips.com Michael Marcantonio, 64

Town of Needham Board of Selectmen Minutes for September 8, 2015 Selectmen's Chamber Needham Town Hall

6:45 p.m. Informal Meeting with Citizens: Steve Gilman and Scott Haviland, Sante Food Truck, spoke with the Board about the location of their food truck at Needham Crossing. They asked for other possible locations at Needham Crossing and elsewhere in town where they may park, and for a partial refund of the permit fee. The Board referred the matter to the Town Manager.

7:00 p.m. Call to Order:

A meeting of the Board of Selectmen was convened by Chairman Maurice P. Handel. Those present were Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Public Hearing - Eversource: Ellicott Street
Maureen Carroll, Eversource Energy representative appeared before the Board
requesting permission to install 35 feet of conduit from pole 103/10 in Ellicott
Street. Ms. Carroll stated the work is necessary to provide underground electric
service at 30 Ellicott Street, Needham.

Ms. Fitzpatrick confirmed all paperwork is in order.

Mr. Handel invited public comment. No comments were made.

Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Eversource Energy to install 35 feet of conduit in Ellicott Street. This work is necessary to provide underground electric service at 30 Ellicott Street, Needham.

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

7:01 p.m. Public Hearing- Eversource: Cedar Street

Maureen Carroll, Eversource Energy representative appeared before the Board
requesting permission to install 39 feet of conduit from pole 117/11 in Cedar Street.

Ms. Carroll stated the work is necessary to provide underground electric service at

276 Cedar Street, Needham.

Ms. Fitzpatrick confirmed all paperwork is in order.

Mr. Handel invited public comment. No comments were made.

Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Eversource Energy to install 39 feet of conduit in Cedar Street. This

work is necessary to provide underground electric service at 276 Cedar Street, Needham.

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

7:02 p.m. Public Hearing - Verizon New England Inc.: Webster Street
Scott Burns, Verizon, Right of Way Agent appeared before the Board requesting
permission to place one, four inch (4") PVC conduit approximately 70 feet in
Webster Street in accordance with plan entitled "Petition Plan for Verizon Job No.
1A1K6SQ" dated 8/10/15 and attached as Exhibit "A".

Ms. Fitzpatrick confirmed all paperwork is in order.

Mr. Handel invited public comment.

Richard Chaffin, 169 Fox Hill Road said he has no objection to the project.

Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Verizon New England Inc. to place one four inch (4") PVC conduit approximately 70 feet in Webster Street in accordance with plan entitled "Petition Plan for Verizon Job No. 1A1K6SQ" dated 8/10/15 and attached as Exhibit "A". They are also granted permission to lay and maintain underground conduits, manholes, laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as they may desire for distributing purposes. Second: Mr. Borrelli. Unanimously approved 5-0.

7:04 p.m. Public Hearing: Change of Manager/Pledge of License Christopher Allen, Proposed Manager and Andrew Upton, Attorney appeared before the Board requesting a change in manager, noting the application also includes a pledge of the liquor license to the lender for Needham Cabot Concessions, LLC d/b/a The Sheraton Needham, 100 Cabot Street. Mr. Upton commented on Mr. Allen's experience in the hotel industry and said he is a ServeSafe trainer.

Mr. Handel invited public comment. No comments were made.

Motion by Mr. Bulian that the Board of Selectmen approve and sign an application for a Pledge of License and a Change in Manager to Christopher Allen for The Sheraton Needham, 100 Cabot Street, Needham and to forward this application to the ABCC for approval.

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

7:10 p.m. Joint Meeting with School Committee:

Appointment of School Committee Member
 A joint meeting with the Needham School Committee was held. Members of the School Committee including Connie Barr, Michael Greis, Heidi Black, Susan

Neckes, Kim Marie Nicols, and Aaron Pressman appeared with the Board of Selectmen to interview and appoint one candidate.

Mr. Borrelli explained the process thus far, stating three applicants originally came forward for the position. He said the field was narrowed to two applicants, and since that time, one of the applicants withdrew due to time constraints. Mr. Borrelli introduced Andrea Longo Carter, saying Ms. Carter stood out as a strong candidate who is very active in many school efforts. Mr. Borrelli said he supports Ms. Longo Carter's appointment to the School Committee.

Ms. Barr, School Committee Chair said she is grateful for the interest of applicants and commented on the interview process.

Ms. Longo Carter thanked both Boards and said she is excited to work on the School Committee.

Motion by Ms. Cooley that the Board of Selectmen and School Committee vote to appoint Andrea Longo Carter to fill the vacancy on the Committee until the next Town Election on April 12, 2016.

Second: Mr. Borrelli. Unanimously approved 11-0.

Dr. Dan Gutekanst joined the School Committee to discuss the High School project.

2. High School Project

Mr. Handel briefly explained two construction projects including the proposed cafeteria construction and anticipated expansion at Needham High School.

Connie Barr, School Committee Chair, said little information is currently available on the anticipated expansion of the high school, noting a task force of community members is beginning work on the project. She commented on the need and request for additional space in the cafeteria, saying it has been known for some time that additional space is required. Ms. Barr said the cost estimate is higher than expected, and commented the project must be cut back. She said safety and additional space are the key issues.

Dan Gutekanst, School Superintendent, thanked the Town for its work in getting the schools ready to open on Wednesday, September 2nd, especially Chip Laffey, Public Facilities Operations Director.

Dr. Gutekanst reiterated the high school cafeteria lacks capacity for the number of students now and anticipated in the future. He said circulation is difficult for students, noting lunch period is 25 minutes but long lines lessen the time available to eat. He said it is hoped the cafeteria expansion project will mitigate the problem. Dr. Gutekanst also wondered if the Town tackles the high school expansion project, is there was a way for the project to strengthen what already exists and complement programs to meet the needs for many years. He said an expansion project will

address capacity, provide for greater circulation in the cafeteria, and add additional space in several areas. He noted the current estimate for the project is approximately \$2.6 million, noting the cost presented to Town Meeting in the spring 2015 was \$1.8 million. He said total estimated costs have not been finalized. He commented the cost escalated beyond what he senses is prudent, given that there are many other needs in Town. He said meetings with the designer are taking place to discuss various options. Dr. Gutekanst said he believes the project brought forward to the PPBC is a good project which will serve the short and long term needs of Needham High School and community. He said the next step, once final costs are known, is thoughtful discussion between now and Town Meeting about what is affordable given all of the other needs within the community.

Mr. Handel asked for Board comment.

Mr. Matthews said the Board knows capacity is needed in the cafeteria. He said any construction should last and add value, noting public construction is expensive.

Ms. Cooley said the project is currently in flux and it will be good to get a final cost estimate. She said it has been clear for some time that the high school and cafeteria need expanding.

Mr. Borrelli noted there are some options that may decrease the cost. He said he sees the value in expanding the cafeteria.

Mr. Handel said the Board of Selectmen supports what the School Committee is trying to do, but is concerned about the value. He said the Board wants to know that the value in expanding the cafeteria will help alleviate some pressure on the possible future high school expansion project.

Dr. Gutekanst cautioned supporting expansion of the cafeteria may not alleviate core classroom needs at the high school. He said flexible, thoughtful space added to the high school will provide room and resources to current and planned programs. He reiterated he does not want to leave the impression that expansion of the cafeteria will solve how or where classes are taught, as that is a separate but related issue. Mr. Handel said he did not mean to imply that it would. Dr. Guetkanst commented the Town is blessed with the space and infrastructure, and expansion of the cafeteria will help provide flexibility.

7:35 p.m. Town Manager

Kate Fitzpatrick, Town Manager appeared before the Board with five items to discuss:

1. Street Light Configuration Proposal

Ms. Fitzpatrick told the Board the Town contracted with the BETA Group to conduct a street light inventory and to make recommendations about the number and appropriate location of street lights. She said criteria used for development of

the recommendation would require that lights remain at all intersections, significant bends, cul-de-sacs, and every 400-500 feet along roadways. Ms. Fitzpatrick noted that of the total number of street lights (2,860), 431 (15.1%) have been identified as removal candidates, and an additional 241 (8.4%) have been identified as potential removal candidates.

She said she and Rick Merson, DPW Director, wanted to discuss with the Board possible next steps in the process of implementing a street light consolidation program.

Mr. Merson explained the history and placement of street lights, and said the purpose of street lights is primarily for motorist safety. He commented that upon evaluation and applying criteria, it may be found that not as many lamps are needed as are currently in place.

Mr. Handel asked about issues in other communities that have consolidated street lights. He said it is likely some residents will be concerned about safety.

Mr. Merson said some communities have converted to LED light, and commented he is not sure of the number of communities who have approached the issue from an 'over-lamping' perspective and whether there is a more efficient way to light the community and still be safe for motorists and pedestrians.

Mr. Bulian said he understands lights are for motorists safety, and said he always felt street lights were for neighborhood safety. Mr. Bulian suggested the Town take a slow approach and initiate community discussion. Mr. Bulian said he is not sure he wants to be the leader in the effort to reduce lighting on the streets of Needham. He said he would want to know the experience of surrounding communities.

Mr. Borrelli asked about the cost to remove a light. He also asked if brighter lights could be used to make up the difference of a removed lamp. He also asked about conversion to LED lights.

Mr. Merson said there are different wattages in lights, and what is used in different areas in Town. Mr. Merson said it is worth considering LED lights.

Ms. Fitzpatrick noted the Town of Natick has almost completed changing over its lamps, and suggested people take a look to get a feel for they type of lighting.

Ms. Cooley said she is glad the Town is thinking about the issue and whether it makes sense. She noted light pollution is another factor to be considered. Ms. Cooley said the town of Wellesley is considering some of the "dark skies" issues, and that she thought there were 20 or so communities within the state in various stages of implementing this kind of program.

Mr. Handel concurred with Ms. Cooley's comment on "dark skies" as he favors less light. However, he said there is likely to be a concern by some residents about safety implications. Mr. Handel said it's important to know the experience in other communities.

Ms. Fitzpatrick said a public hearing will be scheduled for the late fall or winter.

Ms. Cooley said data about "dark skies" cities in the United States is available.

7:50 p.m. Appointments and Consent Agenda:

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

CONSENT AGENDA *=Backup attached

- 1. Approve request from Park and Recreation Commission to host their annual "Spooky Walk" on Saturday, October 24th, 2015 which commences on Town Common at 10:45am, with a rain date for Saturday, October 31st 2015.
- 2.* Approve August 18, 2015 meeting minutes (open and executive session).
- 3.* Approve Board of Selectmen Policy rescission of DPWRTS-001 Annual Commercial Haulers Snow Policy, and approve Board of Selectmen Policy style change to BOS-LIC- 005 Policies and Regulations for Granting of Lodging Licenses in Needham, Massachusetts.
- 4. Approve release of Executive Session minutes for the period January 2010 through March 2015 and a release of redacted material from minutes already approved for the period June 2004 through December 2009.
- 5. Accept a \$100 donation made to the Needham Community Revitalization Trust fund from the Charles River Center.
- 6. Accept a \$300 donation made to the Needham Park and Recreation Commission from the Norfolk Lodge. The monies will be used for Park and Recreation's scholarship program.
- 7.* Water & Sewer Abatement Order #1203
- 8.* 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 12, 2015 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.
- 9. In accordance with Section 20 C of the Town Charter, approve the Town Manager's appointment of John J. Schlittler as Chief of Police.

10. Grant Permission for the following residents to hold a block party:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Ratify: Dawn Ellis	94 Mayflower Rd	Mayflower Rd	9/5/15	9/6/15	4:30pm- 10pm
Ratify: Joshua Small	27 Richard Rd	Rockwood Lane	9/7/15	N/A	5pm-8pm

Carol Kallus	54 Fuller Brook Avenue	Howe Road	9/12/15	9/13/15	3pm-9pm
John Terry	17 Lindbergh Avenue	Lindbergh; between Tower/Paul Revere	9/12/15	N/A	4:30pm- 7:30pm
Katherine Calzada	9 Morton Street	Morton Street	9/12/15	9/13/15	1pm-4pm
Michelle Keefe	19 Gordon Road	Gordon Road	9/19/15	N/A	4pm-9pm
Erica Baitler	61 Stevens Rd	Stevens Road	9/20/15	9/29/15	4pm-6pm
Nikki Amara Myers	78 Warren Street	Warren Street	9/20/15	N/A	3:30pm- 7pm
Rhonda Silva	7 Berkshire Road	Berkshire Rd	9/20/15	N/A	3pm-5pm
Bill Gallagher	48 Hawthorn Ave	Hawthorn Ave	9/26/15	9/27/15	3pm-8pm
Julie Middleton	74 Henderson St.	Henderson St. and Miller St.	9/26/15	N/A	3pm-11pm
Kara Collin	57 Broad Meadow Road	Broad Meadow Road	9/26/15	N/A	3pm-8pm
Elizabeth Gregg	1306 Great Plain Ave	Curve Street	9/27/15	N/A	4pm-7pm
Maureen Rossi	65 Douglas Road	Douglas Road	10/3/15	10/4/15	4pm-8pm
Aaron Lewis	92 Washington Ave	Washington Ave	10/4/15	N/A	1pm-5pm
Kevin Keane	88 Lexington Ave	Burnside St. from Lexington Ave to Concord St.	10/23/15	10/24/15	7pm-11pm

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

Mr. Borrelli noted John J. Schlittler will take over as Chief of Police at the end of the year.

2. Accept and Refer Zoning

Ms. Fitzpatrick told the Board that at its meeting on September 1, 2015, the Planning Board voted to place the following articles on the warrant for the November 2, 2015 Special Town Meeting: Amend Zoning By-Law - Mixed-Use Overlay District and Amend Zoning By-Law - Map Change to Mixed-Use Overlay District.

She also said that at its meeting on September 8, 2015 the Planning Board is scheduled to vote to place the following article on the warrant for the November 2,

2015 Special Town Meeting: Amend Zoning By-Law - Historic Preservation Dimensional Special Permit.

She said that under State law, the Board has 14 days to accept the proposed amendments and refer the amendments back to the Planning board for its review, hearing, and report. The Board's action in this matter in not discretionary.

Motion by Mr. Bulian that the Board vote to accept the proposed zoning amendments: Amend Zoning By-Law - Mixed-Use Overlay District, Amend Zoning By-Law - Map Change to Mixed-Use Overlay District, and Amend Zoning By-Law - Historic Preservation Dimensional Special Permit and to refer the proposed amendment to the Planning Board for review, public hearing, and report.

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

3. Open Special Town Meeting Warrant

Ms. Fitzpatrick reviewed with the Board articles in the draft warrant dated September 4, 2015. She recommended that the Board open the warrant for the November 2, 2015 Special Town Meeting, noting the warrant is scheduled to be closed on September 21, 2015.

Motion by Mr. Bulian that the Board vote to open the warrant for the November 2, 2015 Special Town Meeting.

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

Ms. Fitzpatrick asked the Board to consider suggesting the possibility of a two night Special Town Meeting so that Town Meeting members can plan accordingly.

4. Budget Consultation: FY2017-2021 Pro Forma

Dave Davison, Assistant Town Manager/Finance provided the Board with an overview of the five year, pro forma budget analysis for fiscal years 2017-2021. Mr. Davison presented the Selectmen with the "Town of Needham General Fund Revenue and Expense FY2017-FY2021 Pro Forma" dated September 8, 2015. He acknowledged the basis for the calculations is the FY2016 budget, as approved at the Annual Town Meeting. He said some changes are anticipated at the end of the Special Town Meeting, which are not yet reflected in the Pro Forma. Mr. Davison reviewed Revenues and Expenses, noting a gap of just under \$2.5 million due to the inflation rate. He commented on the triggers affecting the increased gap, citing better than expected recurring revenue due to new growth at Needham Crossing and the teardown phenomenon. He commented on free cash. Mr. Davison spoke about the increase in town-wide expenses including employee benefits, retirement assessments, debt service, workers compensation, and OPEB obligations, reiterating town-wide expenses are the major driver of the growth in the gap between the revenues and expenditure forecast for FY2017 and the "out years." He commented on other expenditure factors including Cash Capital, Special Purpose Articles, Appropriations to Other Funds, and Other Amounts to be Provided. Mr. Davison

discussed the Operating Budget items including Public Safety, Education, Public Works, and Public Facilities.

The Board thanked Mr. Davison his work and presentation.

5. Town Manager Report

Ms. Fitzpatrick reported Eversource has taken down trees and will be discussing their long term vegetation management plan. She said Eversource hired VHB for a land survey of property boundaries to show their easement on Town and private property, and intend to stake out the work area. She said Eversource has sent letters to abutters. Ms. Fitzpatrick said the Town is in touch with legislators and will be working with them to hold a meeting with Eversource to discuss concerns. Mr. Handel noted the support of legislators, particularly State Representative Garlick.

Ms. Fitzpatrick reported the Department of Conservation and Recreation chose the new Needham Rail Trail to award a \$50,000 grant. She said this is exciting news, and thanked Matt Varrell, Director of Conservation for his work on the grant.

8:50 p.m.

Board Discussion:

1. Committee Reports

No Committee Reports were made.

8:50 p.m.

Executive Session: (Exceptions 3 & 6)

Motion by Mr. Bulian that the Board of Selectmen vote to enter into Executive Session.

Exception 3 - To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

Exception 6 - To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Not to return to open session prior to adjournment.

Second: Mr. Borrelli. Mr. Handel polled the Board. Unanimously approved 5-0.

A list of all documents used at this Board of Selectmen meeting are available at:

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

Note: The meeting adjourned at 9:15 p.m.

Town of Needham Water Sewer Billing System Adjustment Form

DEPARTMENT OF PUBLIC WORKS

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.

\$0.00 Water Sales:

-\$141.60 Water Irrigation:

\$0.00 Water Admin Fees

\$0.00 \$0.00 Transfer Station Charges: Sewer Sales:

-\$141.60 Total Abatement:

1204

Order #:

Read and Approved:

Assistant Director of Public Works

Director of Public Works

For the Board of Selectmen

9/21/15

Date:

Town of Needham Water Sewer Billing System Adjustment Form

Corrected Last Read Y/N	Z
Reason	ACC
	-\$141.60
Sewer	\$0.00
Domestic Water Sewer	\$0.00
Irrigation Water	-\$141.60
Street Name	Prince Street
	98
Location ID#	4168
Customer ID#	29425
First Name	John
epared Bv: Last Name	Murphy
Prepared Bv	DB

-\$141.60 Total:

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.

0.1. = 0.1. reading slower than inside meter causing large bill when inside meter is read. TWN = Town Project caused damage to private property EC = Extenuating Circumstances Equip = Equipment Malfunction UEW = Unexplained water loss

BP = Billing Period beyond 100 days COA - Council on Aging ACC = Accidental Water Loss



The Revitalization Trust Fund

Needham Community 09/04/2015

"It is only through reaching out, that we are drawn together" the

To: Kate Fitzpatrick-Town Manager Needham Board Of Selectmen

From: Paul Good-Chair
The Revitalization Trust Fund (NCRTF)

Re: Request for Approval of Banners

Dear Kate and the Board of Selectmen,

The Revitalization Trust Fund is requesting permission from the Town for acceptance of the following banners for use within the NCRTF/Chapel Street Banner Showcase Display program.

Rotary Club banner – To raise awareness of the Needham Rotary Club's events and service to the Needham community and beyond.

This banner display set has been reviewed and voted approved by the NCRTF and awaits your review.

The Rotary Club banners (5 of which will be chosen by them from the 12 banner set submitted for approval) are scheduled to run on Chapel Street from October 1 -31, 2015.

Each banner has the same themed image, with each individual banner containing a unique message within. (please see attached banner image set for details.)

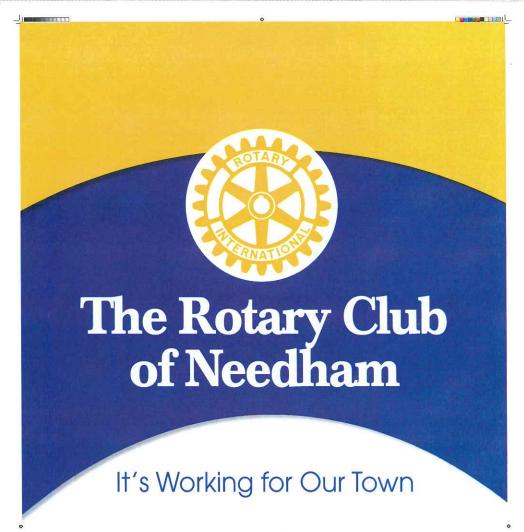
The Chapel Street Banner Showcase program was developed to allow Needham non/not for profit organizations to affordably create greater public awareness of their work and events, as they serve Needham and beyond.

This program is managed by the NCRTF in conjunction with the Town Of Needham.

Thank you for your consideration.

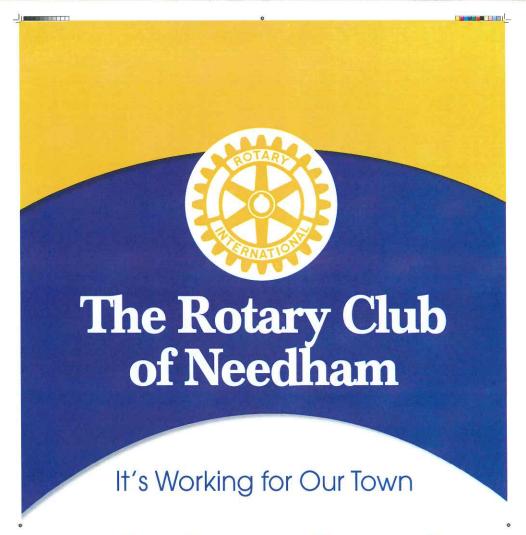
Sincerely,

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



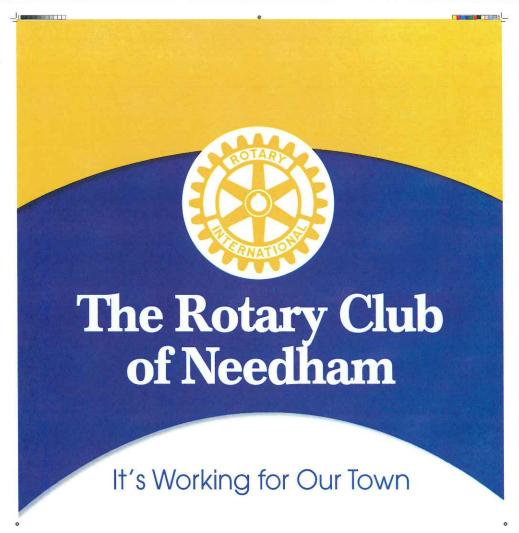
College Scholarships

Major Financial Awards



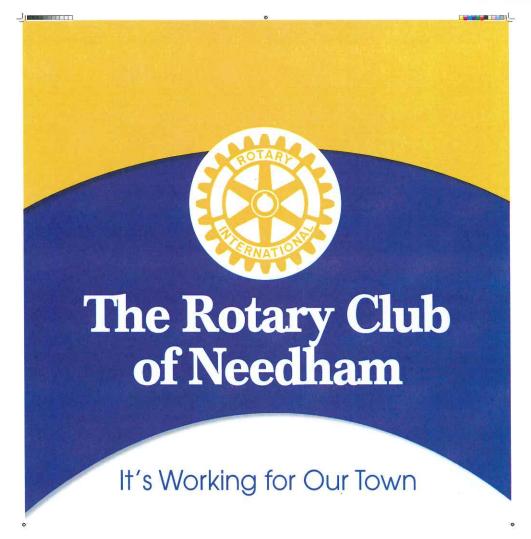
High School Reality Fair

Teaching Students to Budget



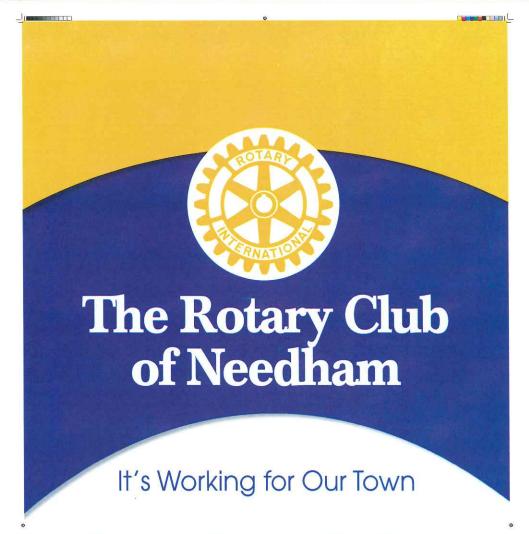
Dictionary Project

Dictionaries for All 3rd Graders



smoke & GO Detectors

Install and Change Batteries

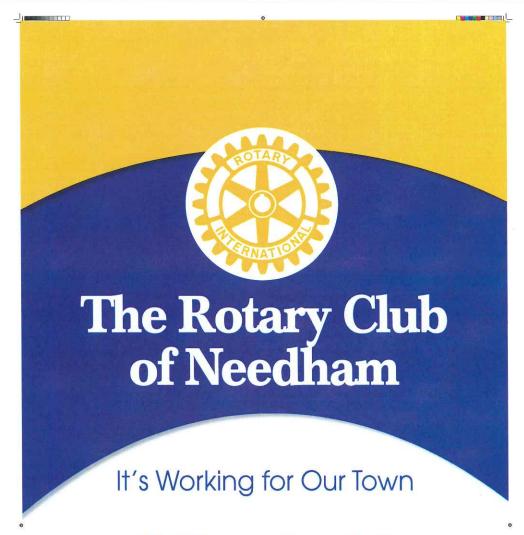


Thanksgiving Dinner

Food and Fellowship

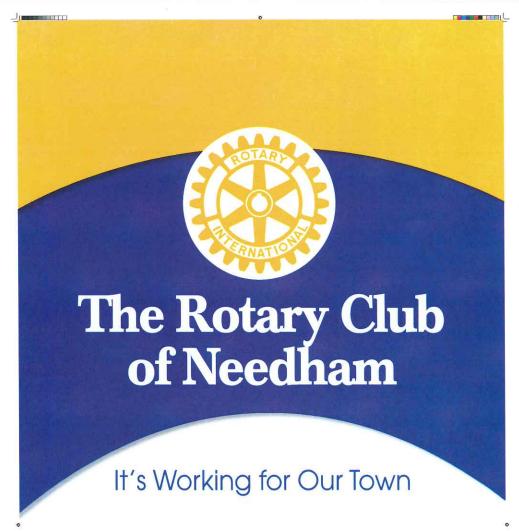
NeedhamRotaryClub.org

entry timese



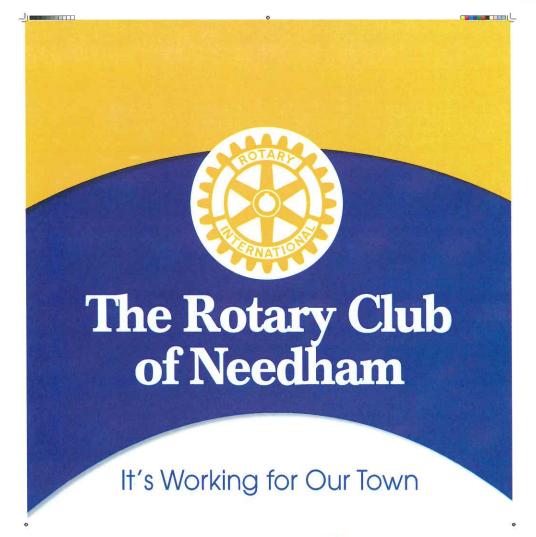
Gift of Life

Heart Surgery for Kids from Emerging Countries



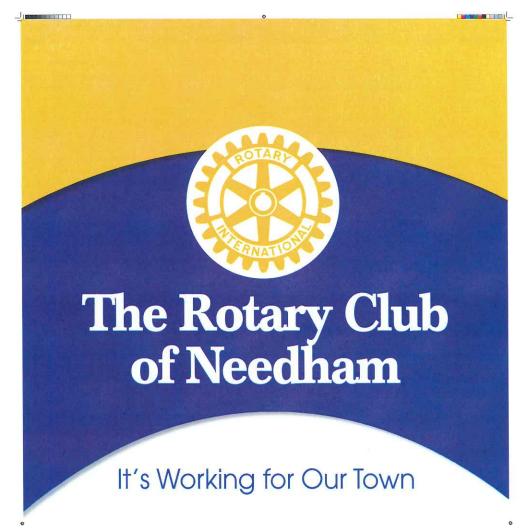
Flowers for Elderly

Spring Delivery to Nursing Homes



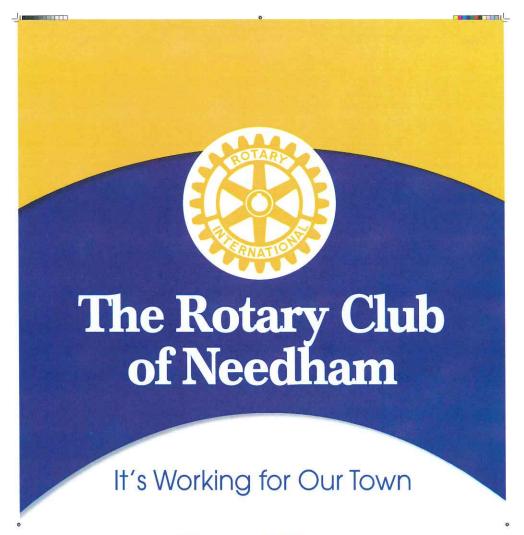
Pancake Breakfast and Carnival

Major Annual Fundraiser



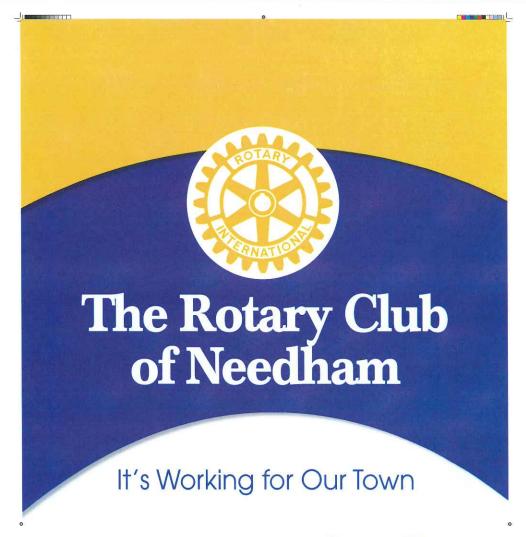
International Youth Exchange

Fostering Peace and Understanding



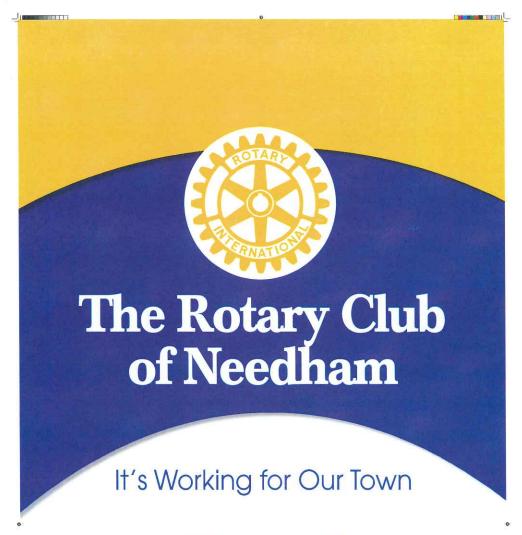
shelter Box

Responding to Natural Disasters



Group Study Exchange

Cultural and Vocational Exchange for Adults



Polio Plus

Stamping Out Polio Worldwide



Town of Needham, Massachusetts Road Event Form

INTERNAL U	SE ONLY
✓ DPW	Police
Fire	OTM
✓ Park & Red	3
PFD	Paid

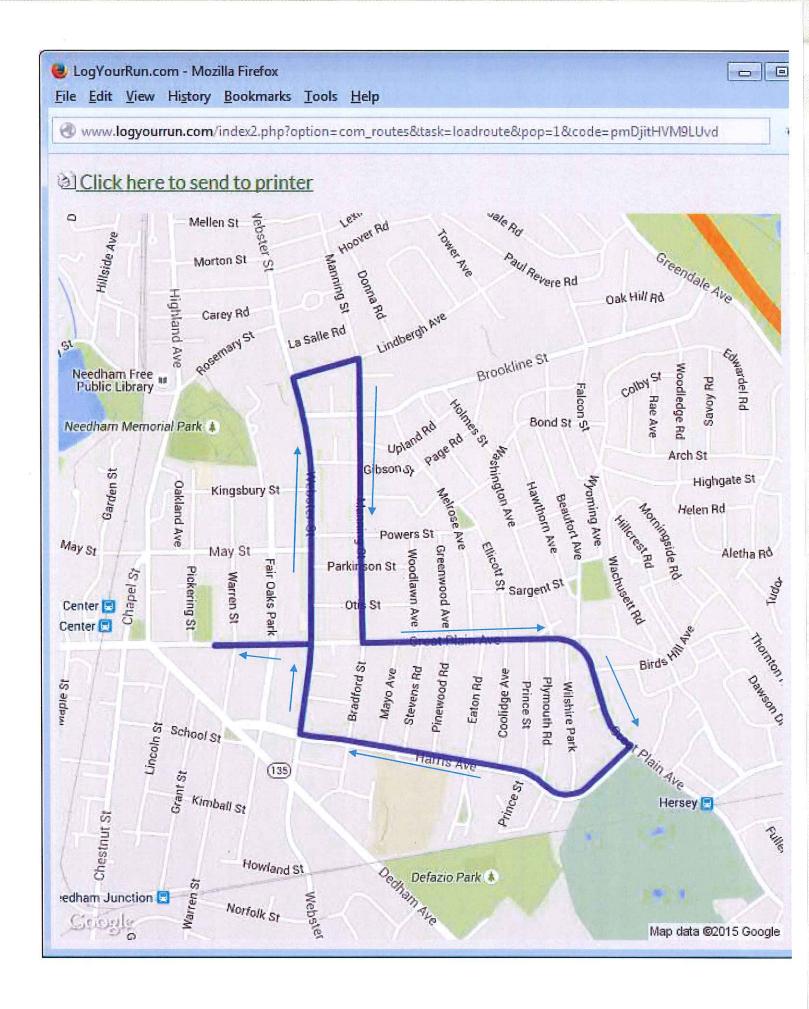
TYPE OF EVENT: (check all that apply)		
⊠ RUN □ WALK	☐ BICYCLE ☐ MOTORCYCLE	
Name of Event: New Year's Day 5K	Name of Organization: Needham Running Club	
Has this event been conducted in other Towns in the past? ☐YES ☒NO	If yes, name of Town and date:	
Organization Mailing Address: 48 Haw thorn Ave, Needha	organization is Not-for-Profit	
Organization Billing Address (if Police De 48 Hawthorn Ave, Needham		
Primary Contact: Bill Gallagher	Contact Title: President of NRC	
Contact Address: 48 Hawthorn Ave, Need	dham, M4 oz492	
Contact Phone (Day): 781-589-7849	Contact Phone (Cell): 781-589-7849	
Contact Email: Bill, Gall 3@9.	mail. Com	
Event Date(s):	Date Expected to be in Needham:	
January 1, 2016	Tanvary 1, 2016	

Earliest Time Expected in Needham: 9 am set up e y e G-PA Start e llam - we are flexible to change start	Latest Time Expected in Needham:
Number of Expected Participants:	Number of Expected Spectators at Peak Time:
Are participants charged a fee?	☑ YES □ NO
Estimated Number of Vehicles:	What type of Parking is required: Street parking
Describe Parking Plan, include where polength of time expected to be parked: They can park on the state they can park on side streets. Services.	rect around the YMCA on GPA the race is on a Friday, so no church
Are event organizers available to meet u	vith members of the Town to plan event?
Yes, 6-PA from 10:30-11:05 am, then 11	rany road closures (subject to police review)? 1:20 in 12 pm from the YMCA to Webster St. veather?
If lighting or bliggard we will a	cancel + notify all racers beforehard. In
Will neighborhoods be impacted by par	king and traffic? streets but not much of an impact.
What activities are planned for the star	V
What activities are planned for the end very brief announces	•
What facilities are needed for the start of MCA has been reserved on GPA	•
G on GPA	

What facilities are needed for the end of VMC	the race (if in Needham)?
Once the event begins, how long will it to	
Are signs requested to post at the start of the race? At the end of the race? Are signs requested for along the route?	Street closure signs on GPA. We'd have volunteers along route + @ to
Will volunteers be placed along the route?	yes, + @ turns
Will you be using a sound system? (includes music) If yes, please describe where and when it will be used.	yes, @ YMCA G-PA from 10:30-12
Will there be any food served? (contact Needham Health Dept: 781-455-7500 x262)	yes, bagels, bananas, water
Will portable toilets be used? List locations.	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?	none needed
What safety measures are being made for participants and spectators? What are plans for handling first aid and medical emergencies?	we have a first aid/DR due that explains this concern, attached
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?	110
Are businesses open during the time of the event?	most are closed
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?	- 10 - 10
What is the plan to handle trash?	- we take all trash home to RD house.

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

- Vevent route map (include map and text of route, parking plan, volunteer placement)
- Japplication fee (\$25 events that start and end in Needham; \$50 event passes through Needham)
- certificate of insurance



Needham 5K Contingency Plans and Volunteer Plans As of September 14, 2015

Purpose: For the Needham 5K New Year' Day run we need a contingency plan for bad weather and the processes that goes along with that. We also need to describe our volunteering that day. This document will describe both and additional items for race day.

Contingency Plans:

Regarding the contingency plan, at 7:30am two race directors, John Pizzuto and Bill Gallagher will assess the weather and roads and at that time make a decision to have the race or cancel it. Needham Police number to call (781) 455-7570. John and Bill are usually on the race course a few times between 6-7am. If the weather is bad or will become really bad then we will call the police and cancel the race at 7:30am. We will then email all the racers who signed up and notify them that we are cancelling the race and their entry fee can be used for the following year's registration. We will also update our website with the race cancellation. The NPD is right next to the fire station and the NPD will inform the NFD of the race cancellation. This has not happen in the past 6 years.

If there is black ice on the road, we are NOT running, Even if it calls for good weather but there is a good bit of black ice, we will NOT have the race. We have had four race committee meetings so far discussing safety to the runners and volunteers.

If we do cancel, we have to do the following:

- Go to the YMCA from 9-11am and tell people who come that we are not having the race.
- We will email all the racers who signed up and notify them that we are cancelling the race and their entry fee can be used for the following year's registration
- We need to call and email all the race volunteers who signed up.
- We need to email and call all the vendors who were planning on coming.
- We need to contact the Needham Times, HomeTown Weekly and any other papers who may be coming.

Police on race day:

We will have two paid details on race day provided by the Needham Police. For the police on race day, they will show up at 9am, the gun start is 11am. At 9am we will review the course and what the police are doing. We will give them the two RD cell numbers on our Contact sheet. One detail leads the fast runners throughout the race. The other detail starts before the start gun and is on the course 10 mins before the start. This car stops traffic on two major roads that we cross and

throughout the race. The Needham Running Club will have 1 or 2 cyclists who also stop traffic at certain sections of the course. The cyclists will be wearing reflective orange vests.

Each volunteer post is relieved of their duty only when the police car comes around with the last runner/walker. The two RDs are informed by mile 1 and mile 2 who is the last runner. A police detail is assigned that task to trail the last runner to the finish line.

Volunteer Plans:

On the CONTACT sheet mentioned above, we have the two RD cell numbers, 911 and the cell phones for the other volunteers. Each volunteer will receive a CONTACT sheet. This way if a volunteer sees something weird he can call the next volunteer grouping and warm them. They will then inform the race directors (me and Pizzuto). We will make the call if we need a medical person or additional volunteer or car to be sent there. All the volunteers are given training the day before the race and/or on race day. They are given a reflective orange vest and the contact sheet. During the trainings they are given instructions about the course, directions of the runners, knowledge of slow runners (Anthony Salucci (sp) who is 80), what to do if people get hurt, crazy drivers, bad drivers, how to stay warm, being nice to everyone and cheering people on. All volunteer posts have at least one adult. If there is a child 16 yrs or younger at a post that adult has to be the parent of that child or children. We discourage real little kids with parents due to the distraction factor. If there are high school kids at a post, there has to be at least a senior or junior there and the same number of boys and girls. There also has to be 4 high school kids at a post, which usually happens, because they want to hang out with each other. So 2 girls and 2 boys, no less. They earn community service time for hours worked through the Needham Track Club that John Hrones manages. All the volunteers (road marshals) have to have working and charged cell phones. Each post has at least one working cell phone. During the volunteer training they are also encouraged to call the police or fire dept. for any reasons they think it is necessary. We have never had the need to call the police or fire. We also know that we have many medical people running in the race and are also race volunteers.

We have a medical table at the YMCA building. We have only treated some scrapes in the past. We have a large medical box with a full medical kit. We have a doctor and nurse team dedicated to the first aid table throughout the race. What usually happens is that other doctors and nurses hover around and chat at that table. They are encouraged to be looking at people for frostbite (if it is really cold) and other health issues. One year it was minus 5 degrees and the other year it was 55 degrees. We have several ER doctors and nurses running the race.

Traffic cones are put out between 8-8:30am and checked by the volunteers who go out at 10:40am. The two RDs will make an announcement at the start telling the runners if there are any pot holes or other issues on the road like construction, etc. Every 7 years our race is on a Sunday and we have met with each church along the route to get their input, recommendations, and concerns. Runners are encouraged to run on the right hand side of the road by all the volunteers. There is usually not a lot of traffic on New Year's Day between 11-11:45am.

Each volunteer post is relieved of their duty only when the police car comes around with the last runner/walker. The two RDs are informed by mile 1 and mile 2 who is the last runners. A police detail is assigned that task to trail the last runner to the finish line. Another volunteer after the race ends is responsible for all the cones. We do not want cars to be hitting the cones.

We have no water stops along the route. We have not received any complaints about that. We are usually not looking for hydration problems on January 1st.

At the end of the race; we ask volunteers if they saw anything weird, bad, and unusual on the route that was overlooked. We also meet with the police contact person and review if they saw or had to deal with any problems. We have not had any problems yet. We talk to the medical team and others to see if they reported any problems.

At the YMCA, we survey the day before all the floors, hallways and stairs to make sure they are safe and dry. We have 3 traffic monitors directing people throughout the YMCA. John Hrones has been one of them for a few years. We try to get people outside so we do not have a massive amount of people in the building. It is the YMCA pool building. The pool is closed that day.

We have a microphone and speaker on the table outside the YMCA and all the wires are taped down. We have plenty of water and bagels and sports drinks at the finish area. We also have 3 people directing runners to stay off the road after the race and to be aware of cars driving around and people crossing the street. We will also have this year one guy dedicated to keep people off the grass of a house near the finish line, so people do not slip on the wet or snowy grass.