

BOARD OF SELECTMEN

February 9, 2016

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 <i>One or more members of the Board of Selectmen will be available between 6:45 and 7:00 p.m. for informal discussion with citizens. While not required, citizens are encouraged to call the Selectmen's Office at (781) 455-7500 extension 204 in advance to arrange for an appointment. This enables the Board to better assure opportunities for participation and respond to citizen concerns.</i>
1.	7:00	LEGO League Appreciation
2.	7:00	Public Hearing – Change of Manager, Change of Officers/Directors – Not Your Average Joe's Amy Wilson, Proposed Manager
3.	7:00	Needham Cable Television Public Ascertainment Hearing- Verizon
4.	7:20	Update from State Representative Denise Garlick
5.	7:40	Joint meeting with School Committee and Park and Recreation Commission re: Potential Transfer of Jurisdiction for Parcels of Land
6.	8:10	Rosemary Pool Project - Dave DiCicco, Chairman and members, Park and Recreation Commission - Patty Carey, Director of Park and Recreation
7.	8:30	Town Manager - Accept Conservation Restriction - Sun Life Assurance - Accept Conservation Easement – 720 South Street - Accept and Refer Zoning - Close ATM Warrant
8.	8:45	Board Discussion Committee Reports
9.	8:50	Executive Session Exceptions 3 and 6

APPOINTMENTS

1.	Taxation Aid Committee	Jack Cogswell (term expires (6/30/2019))
2.	Needham Community Revitalization Trust Fund (Needham Crossings)	Robin Brodsky (term expires 6/30/2019)

CONSENT AGENDA *=Backup attached

1.	Accept the following donations made to the Needham Public Library during the period October 1, 2015 to January 31, 2016: The Metcalf Family donated the following books
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	in memory of long-time Library Volunteer Evelyn Metcalf: <i>Hiking! The Ultimate Natural Prescription for Health and Wellness</i> (\$14.95), and <i>Dementia with Lewy Bodies & Parkinson's Disease Dementia</i> (\$36.95); Mary Haggerty gave the library a copy of Carol Fenster's book <i>Gluten-Free 101</i> (\$19.99); Mr. & Mrs. Vimal Sodhani gave the library the following books in honor of their grandchildren Orissa Bela and Nirvan Sodhani Pandya: <i>Finders Keepers? A true Story in India</i> by Robert Arnett (\$14.95), and <i>India Unveiled: Spirit, Tradition, People</i> by Robert Arnett (\$65.00); Christianne Bayliss donated a copy of <i>Borya and the Burps: An Eastern European Adoption Story</i> by Joan McNamara to the Children's Room (\$18.00); Ted Gelsthorpe gave the library six cases of Staples multi-purpose paper (\$323.94); Needham Author Laurie A. Perkins gave the library a copy of her new book, <i>Salt and Peppered to Death</i> (\$19.00); Jeanne and Joe Gerber donated the following DVDs in memory of Laurie Ann Gerber: <i>Bought: Your Health, Now Brought to You by Wall Street</i> (\$24.95), and <i>Fed Up: It's Time to Get Real about Food</i> (\$14.99); Needham Artist Bob Larsen donated three cartoons that publicize the Friends' book sales (priceless); Visilia Laskaris--\$25.00 commission from sale of painting displayed in Friends' Gallery; Lu-Ann Caron-Leslie donated a copy of <i>The Way Around: Finding My Mother and Myself Among the Yanomami</i> by David Good (\$26.99); The Massachusetts Department of Veterans' Services gave the Children's Room a copy of <i>Veterans: Heroes in our Neighborhood</i> by Valerie Pfundstein (\$18.95); Sheikh Wahid donated copies of the following books to the library: <i>The Philosophy of the Teachings of Islam</i> (\$10.00), <i>World Crisis and the Pathway to Peace</i> (\$4.00), <i>Jihad and World Peace</i> (\$5.00), <i>Jesus in India</i> (\$10.00), <i>The Holy Qur'an; Arabic Text and English Translation</i> (\$95.00); The Estate of Robin Brant Lodewick sent the library a copy of her poetry book, <i>Rain Cycle</i> (\$15.00); Ginger Shapiro donated a puzzle, <i>Cookies, Biscuits, Galletas</i> (\$17.00); Yvonne Unger gave the library a \$40.00 commission check from the sale of a painting that was part of the Needham Art Association display; The Friends of the Needham Public Library gave the library a check for \$150.00 that was given in memory of Bernie and Eileen Ford for mystery books; Henry Hicks donated the following books: <i>The Great Boston Fire of 1872</i> by Anthony Sammarco (\$16.99), and <i>Baseball: A Literary Anthology</i> edited by Nicholas Dawidoff (\$35.00); Bruce Novak gave the library a copy of <i>Conceptual Physical Science</i>, Sixth Edition by Hewitt, Suchocki, and Hewitt (\$210.00); Lisa Vergara gave the Children's Department several bags and bins of craft supplies to use in the Craft Programs (\$200.00+); Diane Brown gave the Children's Department several bags and bins of craft supplies to use in the Craft Programs (\$100.00+); Nancy Teich gave the Children's Department fourteen costumed Build-a-Bears, plus additional clothes (\$490.00+); and Kelly Cummings donated foam blocks for the Children's Play Area (\$30.00).
2.*	Approve a request for a Special One Day Wines & Malt Beverages Only license from Carol Stento, of the Needham Women's Club to host its Needham Grand Tasting on Sunday, April 3, 2016 from 3:00 p.m. to 6:00 p.m. The event will be held in Powers Hall at Town Hall, 1471 Highland Avenue, Needham.
3.*	Approve a request from Arik Grier of Bikes Not Bombs for its event to be held on June 5, 2016. It is a bike-a-thon event that will have cyclists riding through a portion of Needham during the 40 mile route of the ride, as well as the return path of the 60 mile ride. They will be in Needham around 11:45 a.m. The Needham portion of the route has been approved by the DPW, Police, Fire and Park and Recreation departments.
4.*	Water and Sewer Abatement Order #1212.

**Certificate Of
Appreciation**

**From The
Town of Needham, Massachusetts
Board of Selectmen**

Awarded to:

RADIOACTIVE HAMBURGERS

**Congratulations to the members to the Radioactive
Hamburgers on winning the Innobation Award at
this year's LEGO League competition!**

Signed this 9th day of February, 2016

Maurice P. Handel, Chairman

Matthew D. Borrelli, Vice Chairman

Marianne B. Cooley, Clerk

Daniel P. Matthews

John A. Bulian



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

MEETING DATE: 2/9/2016

Agenda Item	Change of Manager, New Officer/Director, and Transfer of Stock, Not Your Average Joe's Restaurant
Presenter(s)	Amy Wilson, Proposed Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
Not Your Average Joe's Restaurant, 109 Chapel Street, has submitted an application for a change in manager, New Officer/Director, and a Transfer of Stock. Our review indicates that Ms. Wilson meets the statutory requirements to serve as a manager of a facility licensed to dispense alcohol. The additional filing materials seem in order.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
Suggested Motion: <i>Move that the Board of Selectmen approve and sign an application for a Change in Manager to Amy Wilson, a change in New Officer/Director, and a Transfer of Stock for Not Your Average Joe's Restaurant, 109 Chapel Street, Needham and to forward this application to the ABCC for approval.</i>			
3.	BACK UP INFORMATION ATTACHED	YES	NO
1. Petition for Change of License 2. Petitions for change 3. Retail Application 4. Certificate of Good Standing 5. Schedule of Ownership Interests 6. Vote of the Corporate Board 7. Personal Information Forms 8. Manager Application 9. Copy of legal notice All other documents related to these transactions are on file in the Town Manager's Office			



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

Print Form

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
LICENSING AUTHORITY.

ECRT CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER 203866

IF USED EPAY, CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY) 0777000002

LICENSEE NAME Not Your Average Joe's

ADDRESS 109 Chapel Street

CITY/TOWN Needham STATE MA ZIP CODE 02492

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|--|---|--|---|
| ☐ Alteration of Licensed Premises | ☐ Cordials/Liqueurs Permit | ☒ New Officer/Director | ☐ Transfer of License |
| ☐ Change Corporate Name | ☐ Issuance of Stock | ☐ New Stockholder | ☒ Transfer of Stock |
| ☐ Change of License Type | ☐ Management/Operating Agreement | ☐ Pledge of Stock | ☐ Wine & Malt to All Alcohol |
| ☐ Change of Location | ☐ More than (3) \$15 | ☐ Pledge of License | ☐ 6-Day to 7-Day License |
| ☒ Change of Manager | ☐ New License | ☐ Seasonal to Annual | |
| ☐ Other | | | |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE
CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

ALCOHOLIC BEVERAGES CONTROL COMMISSION
P. O. BOX 3396
BOSTON, MA 02241-3396



PETITION FOR CHANGE OF LICENSE

0777000002

ABCC License Number

Needham, MA

City/Town

The licensee Not Your Average Joe's respectfully petitions the Licensing Authorities to approve the following transactions:

- ☒ Change of Manager
 ☐ Alteration of Premises
☐ Pledge of License/Stock
 ☐ Cordial & Liqueurs
☐ Change of Corporate Name/DBA
 ☐ Change of Location
☐ Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

- ☒
- Change of Manager

Last-Approved Manager: Guy Hinkson

Requested New Manager:	Amy Wilson
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- ☐
- Pledge of License /Stock

Loan Principal Amount: \$ Interest Rate:

Payment Term: Lender:

- ☐
- Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

- ☐
- Change of License Type

Last-Approved License Type:

Requested New License Type:

- ☐
- Alteration of Premises: (must fill out attached financial information form)

Description of Alteration:

- ☐ Change of Location: (must fill out attached financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee

Date Signed

(If a Corporation/LLC, by its authorized representative)

12.31.15



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street, First Floor
Boston, MA 02114

PETITION FOR TRANSFER OF OWNERSHIP, TRANSFER OF STOCK, NEW OFFICER(S),
DIRECTOR(S), STOCKHOLDER(S) AND LLC MANAGER(S)

0777000002

ABCC License Number

Needham

City/Town

The licensee A. Not Your Average Joe's and the proposed transferee B. Not Your Average Joe's respectfully petition the Licensing Authorities to approve the following transfer of ownership. Any Corporation, LLC or Association, Partnership, Individual, Sole Proprietor Listed in box (A.) must submit a certificate of good standing from the Massachusetts Department of Revenue (DOR).

Is the PRESENT licensee a Corporation/LLC listed in box (A.), duly registered under the laws of the Commonwealth of Massachusetts?

☐ Yes ☐ No If YES, please list the officers, directors and stockholders, their residences, and shares owned by each.

Name	Title	Address	Stock or % Owned
See Attached Exhibit A			

Is the PROPOSED transferee a Corporation/LLC listed in box (B.), duly registered under the laws of the Commonwealth of Massachusetts?

☐ Yes ☐ No

TO: (Place an * before the name of each DIRECTOR/LLC Manager.)

Name	Title	Address	Stock or % Owned
See Attached Exhibit A			

The above named proposed transferee hereby joins in this petition for transfer of said license.

SIGNATURE OF LAST-APPROVED LICENSEE:

(If a Corporation/LLC, by its authorized representative)

SIGNATURE OF PROPOSED TRANSFEE:

Date Signed

12/19/15

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Needham

1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant: (Corporation, LLC or Individual) Not Your Average Joe's Inc

B. Business Name (if different): Not Your Average Joe's

C. Manager of Record: Guy Hinkson

D. ABCC License Number (for existing licenses only): 0777000002

E. Address of Licensed Premises: 109 Chapel Street

City/Town: Needham

State: MA

Zip: 02492

F. Business Phone: (781) 453-9300

G. Cell Phone:

H. Email: cmacdonald@nyajoes.com

I. Website: www.nyajoes.com

J. Mailing address (if different from E.): 2 Granite Avenue, Suite 300

City/Town: Milton

State: MA

Zip: 02492

2. TRANSACTION:

- ☐ New License ☒ New Officer/Director ☒ Transfer of Stock ☐ Issuance of Stock ☐ Pledge of Stock
☐ Transfer of License ☐ New Stockholder ☐ Management/Operating Agreement ☐ Pledge of License

The following transactions must be processed as new licenses:

- ☐ Seasonal to Annual ☐ (6) Day to (7)-Day License ☐ Wine & Malt to All Alcohol

IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

3. TYPE OF LICENSE:

- ☒ \$12 Restaurant ☐ \$12 Hotel ☐ \$12 Club ☐ \$12 Veterans Club ☐ \$12 Continuing Care Retirement Community
☐ \$12 General On-Premises ☐ \$12 Tavern (No Sundays) ☐ \$15 Package Store

4. LICENSE CATEGORY:

- ☒ All Alcoholic Beverages ☐ Wines & Malt Beverages ☐ Wines ☐ Malt
☐ Wine & Malt Beverages with Cordials/Liqueurs Permit

5. LICENSE CLASS:

- ☒ Annual ☐ Seasonal

6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)

NAME: Christine MacDonald

ADDRESS: Not Your Average Joe's, 2 Granite Avenue, Suite 300

CITY/TOWN: Milton STATE: MA ZIP CODE: 02186

CONTACT PHONE NUMBER: (774) 213-2949 FAX NUMBER: (774) 213-2899

EMAIL: cmacdonald@nyajoes.com

7. DESCRIPTION OF PREMISES:

Please provide a complete description of the premises. Please note that this must be identical to the description on the Form 43. **Your description MUST include: number of floors, number of rooms on each floor, any outdoor areas to be included in licensed area, and total square footage.** i.e.: "Three story building, first floor to be licensed, 3 rooms, 1 entrance 2 exits (3200 sq ft); outdoor patio (1200 sq ft); Basement for storage (1200 sq ft). Total sq ft = 5600."

First floor full service restaurant with approximately 2,945 square feet seating for 125 in restaurant and 6 at the bar for a total of 132. Front entrance and two rear exits and basement storage.

Total Square Footage: 2,945 Number of Entrances: 1 Number of Exits: 2

Occupancy Number: 132 Seating Capacity: 132

IMPORTANT ATTACHMENTS (2): The applicant must attach a floor plan with dimensions and square footage for each floor & room.

8. OCCUPANCY OF PREMISES:

By what right does the applicant have possession and/or legal occupancy of the premises?

Final Lease

IMPORTANT ATTACHMENTS (3): The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises.

Other:

Landlord is a(n):

Trust

Other:

Name:

Roma Realty Trust

Phone:

Address:

Box 1250

City/Town:

Burlington

State:

MA

Zip:

01803

Initial Lease Term: Beginning Date

02/19/1997

Ending Date

2-19/2022

Renewal Term:

5 years

Options/Extensions at:

5

Years Each

Rent:

Per Year

Rent:

\$8,964.85

Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?

Yes ☐ No ☒

If Yes, Landlord Entity must be listed in Question # 10 of this application.

If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

9. LICENSE STRUCTURE:

The Applicant is a(n):

Corporation

Other :

If the applicant is a Corporation or LLC, complete the following:

Date of Incorporation/Organization:

3/29/1999

State of Incorporation/Organization: DE

Is the Corporation publicly traded? Yes ☐ No ☐**10. INTERESTS IN THIS LICENSE:**

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license.

IMPORTANT ATTACHMENTS (4):A. All individuals or entities listed below are required to complete a Personal Information Form.B. All shareholders, LLC members or other individuals with any ownership in this license must complete a CORI Release Form (unless they are a landlord entity)

Name	All Titles and Positions	Specific % Owned	Other Beneficial Interest
Stephen Silverstein	President	5.97	
Joseph McGuire	CFO/Secretary	4.08	
Stephen Karp	Director	4.89	
Joseph O'Donnell	Director	7.59	
Albert Baldocchi	Director	.91	
BRS Restaurant Holdings LLC	Shareowner	16.89	
BRS Coinvest Restaurant Holding	Shareowner	5.12	
Tom Baldwin	Director	0	
Nicholas Sheppard	Director	0	

*If additional space is needed, please use last page.

11. EXISTING INTEREST IN OTHER LICENSES:

Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☐ No ☐ If yes, list said interest below:

Name	License Type	Licensee Name & Address
See Attached Exhibit B	Please Select	
	Please Select	
	Please Select	
	Please Select	
	Please Select	
	Please Select	

*If additional space is needed, please use last page.

Additional Space

Please note which question you are using this space for.

10. Interest In License

Doreen Thomson - Director - None

Stephen Hislop - Director - None

William Whelan - Shareowner 3.48

John Curtis - Shareowner 2.93

Eward/Holly Grace - Shareowners 2.58

Walter Stepan - Shareowner 3.48

12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☐ No ☐ If yes, list said interest below:

Name	Licensee Name & Address	Date	Reason Terminated
See Attached Exhibit B			Please Select
			Please Select
			Please Select

13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled? Yes ☐ No ☐ If yes, list said interest below:

Date	License	Reason of Suspension, Revocation or Cancellation
See Attached Exhibit B		

14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :**A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes ☐ No ☐
2. Are you a Massachusetts Residents? Yes ☐ No ☐

B.) For Corporation(s) and LLC(s) :

1. Are all Directors/LLC Managers U.S. Citizens? Yes ☒ No ☐
2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes ☐ No ☒
3. Is the License Manager a U.S. Citizen? Yes ☒ No ☐

C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes ☒ No ☐

15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:**A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes ☐ No ☐

B.) For Corporation(s) and LLC(s) :

1. Are a majority of Directors/LLC Managers **NOT** U.S. Citizen(s)? Yes ☐ No ☒
2. Is the License Manager or Principal Representative a U.S. Citizen? Yes ☒ No ☐

C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes ☒ No ☐

16. COSTS ASSOCIATED WITH LICENSE TRANSACTION:A. Purchase Price for Real Property: B. Purchase Price for Business Assets: C. Costs of Renovations/Construction: D. Initial Start-Up Costs: E. Purchase Price for Inventory: F. Other: (Specify) G: TOTAL COST H. TOTAL CASH I. TOTAL AMOUNT FINANCED

IMPORTANT ATTACHMENTS (5): Any individual, LLC, corporate entity, etc. providing funds of \$50,000 or greater towards this transaction, must provide proof of the source of said funds. Proof may consist of three consecutive months of bank statements with a minimum balance of the amount described, a letter from your financial institution stating there are sufficient funds to cover the amount described, loan documentation, or other documentation.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):

N/A

*If additional space is needed, please use last page.

18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 16(I) WILL DERIVE:

A.		
Name	Dollar Amount	Type of Financing
N/A		

*If additional space is needed, please use last page.

B. Does any individual or entity listed in §17 or §18 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes ☐ No ☒

If yes, please describe:

19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)

A.) Is the applicant seeking approval to pledge the license?

☐ Yes ☒ No

1. If yes, to whom:

2. Amount of Loan:

3. Interest Rate:

4. Length of Note:

5. Terms of Loan :

B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock?

☐ Yes ☒ No

1. If yes, to whom:

2. Number of Shares:

C.) Is the applicant pledging the inventory?

☐ Yes ☒ No

If yes, to whom:

IMPORTANT ATTACHMENTS (6): If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

20. CONSTRUCTION OF PREMISES:

Are the premises being remodeled, redecorated or constructed in any way? If YES, please provide a description of the work being performed on the premises:

☐ Yes ☒ No

21. ANTICIPATED OPENING DATE:

IF ALL OF THE INFORMATION AND
ATTACHMENTS ARE NOT COMPLETE
THE APPLICATION WILL BE
RETURNED

APPLICANT'S STATEMENT

I, Joseph McGuire the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP member
Authorized Signatory

of Not Your Average Joe's Inc, hereby submit this application for Change of Officers/Directors 1 Manager
Name of the Entity/Corporation Transaction(s) you are applying for

(hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature:

Joseph McGuire

Date:

12.19.15

Title:

CFO

MASSACHUSETTS DEPT. OF REVENUE
P.O. BOX 7066
BOSTON, MA 02204



MARK E. NUNNELLY, COMMISSIONER
CHARLENE HANNAFORD, ACTING DEPUTY COMMISSIONER

NOT YOUR AVERAGE JOES INC
2 GRANITE AVE SUITE 300
MILTON, MA 02186

T/P ID 043461276
Date 11/5/2015
Bureau CERTIFICATE

CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE

The Commissioner of Revenue certifies as of the above date, that the above named individual or entity is in compliance with its tax obligations payable under M.G.L. c. 62C, including corporation excise, sales and use taxes, sales tax on meals, withholding taxes, room occupancy excise and personal income taxes, with the following exceptions.

This Certificate certifies that individual taxpayers are in compliance with income tax obligations and any sales and use taxes, sales tax on meals, withholding taxes, and/or room occupancy taxes related to a sole proprietorship. Persons deemed responsible for the payment of these taxes on behalf of a corporation, partnership or other business entity may not use our automated process to obtain a Certificate.

This Certificate does not certify that the entity's standing as to taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law. Taxpayers required to collect or remit the following taxes must submit a separate request to certify compliance: Alcoholic Beverage Excise, Cigarette Excise, Sales Tax on Boats, International Fuels Tax Agreement, Smokeless Tobacco or Ferry Embarkation.

THIS IS NOT A WAIVER OF LIEN ISSUED UNDER GENERAL LAWS, CHAPTER 62C,
SECTION 52.

Very truly yours

A handwritten signature in black ink, appearing to read "Charlene Hannaford", is written over a horizontal line.

Charlene Hannaford, Acting Deputy Commissioner

NOT YOUR AVERAGE JOE'S

Alcoholic Beverage Control Commission
239 Causeway Street
Boston, MA 02114

As of January 2015 the Officers/Directors of Not Your Average Joe's are as follows:

Stephen Silverstein – President/Director
Joseph McGuire – CFO/Sectetary
Albert Baldochhi – Director
Stephen Karp – Director
Joseph O'Donnell – Director
Tom Baldwin – Director
Nick Sheppard – Director
Doreen Thompson – Director
Steven Hislop – Director

2 GRANITE AVE, SUITE 300
MILTON, MA 02186
T 774.213.2800 F 774.213.2899

WWW.NYAJ.COM

Schedule of Other Ownership Interests – Exhibit B

FULL NAME	TYPE OF LICENSE	LICENSE NAME AND ADDRESS	DESCRIPTION OF INTEREST	DATE OF OWNERSHIP SURRENDERED	REASON LICENSE TERMINATED
Not Your Average Joe's, Inc.	All Alcohol	Not Your Average Joe's 61 State Road Dartmouth, MA 02747	Beneficial & Financial	N/A	N/A
Not Your Average Joe's Inc	All Alcohol	Not Your Average Joe's 105 Chapel Street Needham, MA 02492	Beneficial & Financial	N/A	N/A
Not Your Average Joe's, Inc.	All Alcohol	Not Your Average Joe's 55 Main Street Watertown, MA 02472	Beneficial & Financial	N/A	N/A
Not Your Average Joe's Inc	All Alcohol	Not Your Average Joe's 16 Mazzeo Drive Randolph, MA 02368	Beneficial & Financial	N/A	N/A
Not Your Average Joe's, Inc.	All Alcohol	Not Your Average Joe's 99 Pleasant Valley Street Methuen, MA 01844	Beneficial & Financial	N/A	N/A
Not Your Average Joe's Inc	All Alcohol	Not Your Average Joe's 645 Mass Avenue Arlington, MA 02476	Beneficial & Financial	N/A	N/A
Not Your Average Joe's, Inc.	All Alcohol	Not Your Average Joe's 45 Enon Street Beverly, MA 01915	Beneficial & Financial	N/A	N/A
Not Your Average Joe's Inc	All Alcohol	Not Your Average Joe's 1 Market Square Newburyport, MA 01950	Beneficial & Financial	N/A	N/A
Not Your Average Joe's, Inc.	All Alcohol	Not Your Average Joe's 793 Iyannough Road Hyannis, MA 02601	Beneficial & Financial	N/A	N/A
Not Your Average Joe's Inc	All Alcohol	Not Your Average Joe's 305 Main Street Acton, MA 01720			

FULL NAME	TYPE OF LICENSE	LICENSE NAME AND ADDRESS	DESCRIPTION OF INTEREST	DATE OF OWNERSHIP SURRENDERED	REASON LICENSE TERMINATED
Not Your Average Joe's, Inc.	All Alcohol	Not Your Average Joe's 501 Fellsway Station Landing Medford, MA 02155	Beneficial & Financial	N/A	N/A
Not Your Average Joe's Inc	All Alcohol	Not Your Average Joe's 4C Wayside Road Burlington, MA 01803	Beneficial & Financial	N/A	N/A
Not Your Average Joe's, Inc.	All Alcohol	Not Your Average Joe's 111 Pond Street Norwell, MA 02061	Beneficial & Financial	N/A	N/A
Not Your Average Joe's Inc	All Alcohol	Not Your Average Joe's 291 Turnpike Road Westborough, MA 01581	Beneficial & Financial	N/A	N/A
Not Your Average Joe's, Inc.	All Alcohol	Not Your Average Joe's 1125 Fall River Avenue Seekonk, MA 02771	Beneficial & Financial	N/A	N/A
Not Your Average Joe's Inc	All Alcohol	Not Your Average Joe's Framingham, MA	Beneficial & Financial	Prior to 2002	Location closed
Not Your Average Joe's, Inc.	All Alcohol	Not Your Average Joe's Lexington, MA	Beneficial & Financial	2009	Location closed
Doreen Thompson	All Alcohol	Il Capriccio 88 Main Street Waltham, MA	Indirect – Married to President of Fox Warren Inc	N/A	N/A
Stephen Karp	All Alcohol	Nantucket Island Management LLC d/b/a Jared Coffin House 29 Broad Street Nantucket, MA	Beneficial & Financial	N/A	N/A

FULL NAME	TYPE OF LICENSE	LICENSE NAME AND ADDRESS	DESCRIPTION OF INTEREST	DATE OF OWNERSHIP SURRENDER	REASON LICENSE TERMINATED
Stephen Karp	All Alcohol	Nantucket Island Management LLC d/b/a Jared Coffin House 29 Broad Street Nantucket, MA	Beneficial & Financial	N/A	N/A
Stephen Karp	All Alcohol	Nantucket Island Management LLC d/b/a White Elephant Residences 19 South Beach Street Nantucket, MA	Beneficial & Financial	N/A	N/A
Stephen Karp	All Alcohol	Nantucket Island Management LLC d/b/a The Wauwinet Inn 120 Wauwinet Road Nantucket, MA	Beneficial & Financial	N/A	N/A
Stephen Karp	All Alcohol	Nantucket Island Management LLC d/b/a Brant Point Grill/White Elephant 60 Eastern Street Nantucket, MA	Beneficial & Financial	N/A	N/A
Stephen Karp	All Alcohol	Newburyport Michaels Harborside LLC d/b/a Michaels Harborside 1 Tournament Wharf Newburyport, MA	Beneficial & Financial	N/A	N/A
Stephen Karp	All Alcohol	Newburyport Michaels Harborside LLC d/b/a The Phoenix Room 10 State Street Newburyport, MA	Beneficial & Financial	N/A	N/A
Stephen Karp	All Alcohol	10 Center Street LLC d/b/a 10 Center Street 10 Center Street Newburyport, MA	Beneficial & Financial		Location closed
Joseph O'Donnell	All Alcohol	Boston Culinary Group d/b/a Suffolk Downs 111 Waldemar Avenue East Boston, MA 02128	Beneficial & Financial	N/A	N/A

FULL NAME	TYPE OF LICENSE	LICENSE NAME AND ADDRESS	DESCRIPTION OF INTEREST	DATE OF OWNERSHIP SURRENDERED	REASON LICENSE TERMINATED
Joseph O'Donnell	General OP - Wine & Malt Beverages	Boston Culinary Group The Orpheum Theatre 1 Hamilton Place Boston, MA	Beneficial & Financial	N/A	N/A
Joseph O'Donnell	CV 7 OP Wines & Malt Beverages	Boston Culinary Group d/b/a Centerplate 290 Northern Avenue Boston, MA	Beneficial & Financial	N/A	N/A
Joseph O'Donnell	Inn holder All Alcohol	Boston Culinary Group d/b/a John Harvards Restaurant 37 Corey Road Hamilton, MA	Beneficial & Financial	N/A	N/A
Joseph O'Donnell	Restaurant All Alcohol	Boston Culinary Group d/b/a Christiansen's 37 Corey Road Hamilton, MA	Beneficial & Financial	N/A	N/A
Joseph O'Donnell	Restaurant All Alcohol	Boston Culinary Group d/b/a Crane Lodge 37 Corey Road Hamilton, MA	Beneficial & Financial	N/A	N/A
Joseph O'Donnell	Restaurant All Alcohol	Boston Culinary Group d/b/a Hendricks 37 Corey Road Hamilton, MA	Beneficial & Financial	N/A	N/A
Joseph O'Donnell	Restaurant All Alcohol	Boston Culinary Group d/b/a JJ's 37 Corey Road Hamilton, MA	Beneficial & Financial	N/A	N/A

FULL NAME	TYPE OF LICENSE	LICENSE NAME AND ADDRESS	DESCRIPTION OF INTEREST	DATE OF OWNERSHIP SURRENDERED	REASON LICENSE TERMINATED
Joseph O'Donnell	All Alcohol - Restaurant	JH Restaurant Cambridge LLC 33 Dunster St. Cambridge, MA	Beneficial & Financial	N/A	N/A
Joseph O'Donnell	Pub Prewery	JH Restaurant Cambridge LLC 33 Dunster St Cambridge, MA	Beneficial & Financial	N/A	N/A
Joseph O'Donnell	All Alcohol	JH Restaurant Framingham LLC 1 Worcester Road Framingham MA	Beneficial & Financial	N/A	N/A
Joseph O'Donnell	Pub Brewery	JH Restaurant Framingham LLC 1 Worcester Road Framingham, MA	Beneficial & Financial	N/A	N/A
Joseph O'Donnell	All Alcohol	Boston Culinary Group d/b/a Fall Line Lounge Catamount Base Lodge Egremont, MA	Beneficial & Financial	N/A	N/A
Joseph O'Donnell	All Alcohol	Boston Culinary Group d/b/a Centerplate 539 Washington Street Boston, MA	Beneficial & Financial	N/A	N/A
Joseph O'Donnell	All Alcohol	Boston Culinary Group d/b/a Mass Mutual Center 1277 Main Street Springfield, MA	Beneficial & Financial	N/A	N/A
Joseph O'Donnell	Transport & Deliver Alcohol Beverages	Boston Culinary Group d/b/a Suffolk Downs 111 Waldemar Avenue East Boston, MA 02128	Beneficial & Financial	N/A	N/A

**NOT YOUR AVERAGE JOE'S, INC.
CLERK'S CERTIFICATE**

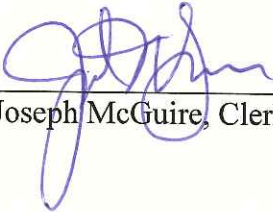
I, **Joseph McGuire, Clerk of Not Your Average Joe's, Inc.**, a Delaware corporation authorized to do business in the Commonwealth of Massachusetts (the "Corporation") having a usual place of business in Milton, MA, hereby certify that I have custody of its corporate record, and that the following is a true copy of a vote passed by the Board of Directors with a resolution that was adopted as follows:

RESOLVED: That the number of Directors of the Corporation be increased to eight (8).

RESOLVED: That Albert Baldocchi, Stephen Karp, Joseph O'Donnell, Doreen Thompson, Thomas Baldwin, Nick Sheppard and Steven Hislop be, and hereby is, elected as a Director of the Corporation.

RESOLVED: Change of Manager from Guy Hinkson to Amy Wilson for the purpose of the company liquor license in Needham

IN WITNESS WHEREOF, I hereunto subscribe my name as Clerk this 16th day of December, 2015.



Joseph McGuire, Clerk



Corporations Division

Business Entity Summary

ID Number: 043461276

[Request certificate](#)[New search](#)

Summary for: NOT YOUR AVERAGE JOE'S, INC.

The exact name of the Foreign Corporation: NOT YOUR AVERAGE JOE'S, INC.		
Merged with NYA JOE'S CONSULTING CORP. on 09-28-1999 Merged with ZG, INC. on 09-28-1999		
Entity type: Foreign Corporation		
Identification Number: 043461276		Old ID Number: 000664710
Date of Registration in Massachusetts: 06-25-1999		
Last date certain:		
Organized under the laws of: State: DE Country: USA on: 03-29-1999		
Current Fiscal Month/Day: 12/31		Previous Fiscal Month/Day: 00/00
The location of the Principal Office: Address: 2 GRANITE AVENUE SUITE 300 City or town, State, Zip code, MILTON, MA 02186 USA Country:		
The location of the Massachusetts office, if any: Address: City or town, State, Zip code, Country:		
The name and address of the Registered Agent: Name: STEPHEN SILVERSTEIN Address: 2 GRANITE AVENUE SUITE 300 City or town, State, Zip code, MILTON, MA 02186 USA Country:		
The Officers and Directors of the Corporation:		
Title	Individual Name	Address
PRESIDENT	STEPHEN TOBY SILVERSTEIN	8 EAGLE DRIVE DARTMOUTH, MA 02748 USA
TREASURER	JOSEPH MCGUIRE	35 JOANNA DRIVE FOXBORO, MA 02035 USA

SECRETARY	JOSEPH MCGUIRE	35 JOANNA DRIVE FOXBORO, MA 02035 USA
DIRECTOR	ALBERT BALDOCCHI	1601 HIGH STREET BOULDER, CO 80304 USA
DIRECTOR	STEPHEN SILVERSTEIN	24 HIGH STREET DARTMOUTH, MA 02748 USA
DIRECTOR	JOSEPH O'DONNELL	55 CAMBRIDGE PARKWAY CAMBRIDGE, MA 02412 USA
DIRECTOR	STEPHEN KARP	ONE WELLS AVENUE NEWTON, MA 02459 USA
DIRECTOR	THOMAS J BALDWIN	15 PHEASANT LANE MENANDS, NY 12204
DIRECTOR	STEVEN J HISLOP	11519 MUSKET RIM STREET AUSTIN, TX 78738 USA
DIRECTOR	DOREEN THOMPSON	770 COCHITUATE ROAD FRAMINGHAM, MA 01701 USA
DIRECTOR	NICHOLAS R SHEPPARD	8 LONG VIEW AVENUE RIVERSIDE, CT 06878 USA

Business entity stock is publicly traded: ☐

The total number of shares and the par value, if any, of each class of stock which this business entity is authorized to issue:

Class of Stock	Par value per share	Total Authorized		Total issued and outstanding
		No. of shares	Total par value	No. of shares
CWP	\$ 0.01	30,000,000	\$ 300000.00	2,784,383
PWP	\$ 0.01	16,130,000	\$ 161300.00	14,883,048



Consent

Confidential
DataMerger
Allowed

Manufacturing

View filings for this business entity:

ALL FILINGS

Amended Foreign Corporations Certificate

Annual Report

Annual Report - Professional

Application for Reinstatement

Articles of Consolidation, Foreign and Domestic

View filings

Comments or notes associated with this business entity:

New search



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street	D. ABCC License Number (If existing licensee)	077000002	
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	781.453.9300	G. EIN of License	04-346-1276	

2. PERSONAL INFORMATION:

A. Individual Name	Stephen Silverstein	B. Home Phone Number	508.328.9859	
C. Address	8 Eagle Drive			
D. City/Town	Dartmouth	State	MA	Zip Code 02748
E. Social Security Number		F. Date of Birth		
G. Place of Employment	Not Your Average Joe's Inc			

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Holds stock and stock options worth up to 5.97% of the company

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Date

12.15.15

Title

President

(If Corporation/LLC Representative)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street	D. ABCC License Number (If existing licensee)	077000002	
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	781.453.9300	G. EIN of License	04-346-1276	

2. PERSONAL INFORMATION:

A. Individual Name	Joseph McGuire	B. Home Phone Number	508.472.8360	
C. Address	35 Joanna Drive			
D. City/Town	Foxboro	State	MA	Zip Code 02035
E. Social Security Number		F. Date of Birth		
G. Place of Employment	Not Your Average Joe's Inc			

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Holds stock options worth up to 4% of the Company

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

***If additional space is needed, please use the last page**

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	12-19-15
Title	Chief Financial Officer/Secretary	(If Corporation/LLC Representative)	



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street	D. ABCC License Number (If existing licensee)	077000002	
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	781.453.9300	G. EIN of License	04-346-1276	

2. PERSONAL INFORMATION:

A. Individual Name	Stephen Karp	B. Home Phone Number	781.894.3005	
C. Address	3 Possum Road			
D. City/Town	Weston	State	MA	Zip Code 02493
E. Social Security Number		F. Date of Birth		
G. Place of Employment	New England Development			

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Shareholder with stocks worth up to 3.54% of the company

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

***If additional space is needed, please use the last page**

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Stephen B Karp

Date

9.21.2015

Title

Board of Director/Shareholder

(If Corporation/LLC Representative)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street	D. ABCC License Number (If existing licensee)	077000002	
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	781.453.9300	G. EIN of License	04-346-1276	

2. PERSONAL INFORMATION:

A. Individual Name	Joseph O'Donnell	B. Home Phone Number	617.499.2700	
C. Address	776 Boylston Street, Unit 11B			
D. City/Town	Boston	State	MA	Zip Code 02116
E. Social Security Number		F. Date of Birth		
G. Place of Employment	Belmont Capital LLC			

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Shareholder with stocks worth up to 8.71% of the company

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

John D. Sullivan

Date

8.11.2015

Title

Board of Director/Shareholder

(If Corporation/LLC Representative)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street		D. ABCC License Number (If existing licensee)	077000002
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	508-992-5637 781.453.9300		G. EIN of License	04-346-1276

2. PERSONAL INFORMATION:

A. Individual Name	Albert Baldocchi	B. Home Phone Number	303-588-8158	
C. Address	1958 Vallejo Street #3			
D. City/Town	San Francisco	State	CA	Zip Code 94123
E. Social Security Number		F. Date of Birth		
G. Place of Employment	Self Employed			

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Director/Shareholder with stock worth up to .91% of the company

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Albert Baldocchi

Date

8.11.2015

Title

Board of Director/Shareholder

(If Corporation/LLC Representative)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	210 Andover Street 109 Chapel St		D. ABCC License Number (If existing licensee)	077000002
E. City/Town	Reabody Needham	State	MA	Zip Code 01960-02492
F. Phone Number of Premise	781.453.9300		G. EIN of License	04-346-1276

2. PERSONAL INFORMATION:

A. Individual Name	Doreen Thompson	B. Home Phone Number	508.655.7355	
C. Address	101 Everett Street			
D. City/Town	Natick	State	MA	Zip Code 01760
E. Social Security Number		F. Date of Birth		
G. Place of Employment	TJX Companies			

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime? Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

NONE

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	8/11/15
Title	Board of Director	(If Corporation/LLC Representative)	



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street	D. ABCC License Number (If existing licensee)	077000002	
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	781.453.9300	G. EIN of License	04-346-1276	

2. PERSONAL INFORMATION:

A. Individual Name	Nicholas Sheppard	B. Home Phone Number	203.990.0492	
C. Address	8 Long View Avenue			
D. City/Town	Riverside	State	CT	Zip Code 06878
E. Social Security Number		F. Date of Birth		
G. Place of Employment	Bruckmann Rosser Sherrill & Co			

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

NONE

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

***If additional space is needed, please use the last page**

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

N. de Sheppard

Date

1.27.16

Title

Board of Director

(If Corporation/LLC Representative)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's		
C. Address	1109 Chapel St	D. ABCC License Number (if existing licensee)	0-7700002		
E. City/Town	Needham	State	MA	Zip Code	02492
F. Phone Number of Premise		G. EIN of License	04-346-1276		

2. PERSONAL INFORMATION:

A. Individual Name	Steven Hislop	B. Home Phone Number	615.351.8429		
C. Address	11909 Musket Rim Street				
D. City/Town	Austin	State	TX	Zip Code	78738
E. Social Security Number		F. Date of Birth			
G. Place of Employment	Chuy's				

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

N/A

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Steven Hislop

Date

9/24/15

Title

Board of Director

(If Corporation/LLC Representative)



*The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc*

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street	D. ABCC License Number (If existing licensee)	077000002	
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	781.453.9300	G. EIN of License	04-346-1276	

2. PERSONAL INFORMATION:

A. Individual Name	Thomas Baldwin	B. Home Phone Number	212.521.3733	
C. Address	15 Pheasant Lane			
D. City/Town	Menands	State	NY	Zip Code 12204
E. Social Security Number		F. Date of Birth		
G. Place of Employment	Bruckmann Rosser Sherrill & Co			

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

NONE

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Date

8.14.2015

Title

Board of Director

(If Corporation/LLC Representative)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street	D. ABCC License Number (If existing licensee)	077000002	
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	781.453.9300	G. EIN of License	04-346-1276	

2. PERSONAL INFORMATION:

A. Individual Name	Walter Stepan	B. Home Phone Number	561-630-6875	
C. Address	8583 Egret Meadow Lane			
D. City/Town	West Palm Beach	State	FL	Zip Code 33412
E. Social Security Number		F. Date of Birth		
G. Place of Employment				

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime? Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

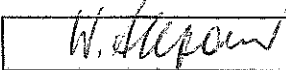
Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Shareholder with shares worth up to 3.48% of the company

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

***If additional space is needed, please use the last page**

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	10/18/2015
Title	Shareholder	(If Corporation/LLC Representative)	



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street	D. ABCC License Number (if existing licensee)	077000002	
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	781.453.9300	G. EIN of License	04-346-1276	

2. PERSONAL INFORMATION:

A. Individual Name	Holly P. Grace	B. Home Phone Number	321.377.6501	
C. Address	9736 Green Island Cove			
D. City/Town	Windermere	State	FL	Zip Code 34786
E. Social Security Number		F. Date of Birth		
G. Place of Employment	Stockworth Realty Group			

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Shareholder with shares worth up to 2.58% of the company - Grace Associates

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Holly P. Grace

Date

8/01/15

Title

Shareholder

(If Corporation/LLC Representative)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc.	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street	D. ABCC License Number (If existing licensee)	077000002	
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	781.453.9300	G. EIN of License	04-346-1276	

2. PERSONAL INFORMATION:

A. Individual Name	Edward Phelps Grace III	B. Home Phone Number	321.377.6500	
C. Address	9736 Green Island Cove			
D. City/Town	Windemere	State	FL	Zip Code 34786
E. Social Security Number		F. Date of Birth		
G. Place of Employment	Phelps Grace International, Inc			

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime? Yes ☒ No ☐

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Shareholder with shares worth up to 2.58% of the company -Grace Associates

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature C. J. Grace Date 8/21/15

Title Shareholder (If Corporation/LLC Representative)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street	D. ABCC License Number (If existing licensee)	077000002	
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	781.453.9300	G. EIN of License	04-346-1276	

2. PERSONAL INFORMATION:

A. Individual Name	John Curtis	B. Home Phone Number	407.862.0936	
C. Address	570 Manor Road			
D. City/Town	Maitland	State	FL	Zip Code 32751
E. Social Security Number		F. Date of Birth		
G. Place of Employment	Retired			

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime? Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Shareholder with stock worth up to 2.93% of the company

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	5/11/15
Title	Shareholder	(If Corporation/LLC Representative)	



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street		D. ABCC License Number (If existing licensee)	077000002
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	508.992.5637	G. EIN of License	04-346-1276	

2. PERSONAL INFORMATION:

A. Individual Name	William Whelan	B. Home Phone Number	508.994.7997	
C. Address	13635 Deering Bay Drive			
D. City/Town	Coral Gables	State	FL	Zip Code 33158
E. Social Security Number		F. Date of Birth		
G. Place of Employment				

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Shareholder with stock worth up to 3.48% of the company

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

8/11/15

Date

8.11.2015

Title

Shareholder

(If Corporation/LLC Representative)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

MANAGER APPLICATION

All proposed managers are required to complete a Personal Information Form,
and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee:	Not Your Average Joe's Inc	Business Name (dba):	Not Your Average Joe's
Address:	109 Chapel Street		
City/Town:	Needham	State:	MA
		Zip Code:	02492
ABCC License Number: (If existing licensee)	0777000002	Phone Number of Premise:	781.453.9300

2. MANAGER INFORMATION:

A. Name:	Amy Wilson	B. Cell Phone Number:	(617) 970-1980
C. List the number of hours per week you will spend on the licensed premises:	50+		

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen:	Yes ☒ No ☐	B. Date of Naturalization:		C. Court of Naturalization:	
----------------------------	---	----------------------------	----------------------	-----------------------------	----------------------

(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes ☐ No ☒

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes ☐ No ☒

If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes ☐ No ☒

If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

June 2011 - Present - Not Your Average Joe's, 2 Granite Avenue, Milton, MA 02186

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Amy Wilson

Date

7/8/15



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street		D. ABCC License Number (If existing licensee)	0777000002
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	781.453.9300	G. EIN of License	04-3461276	

2. PERSONAL INFORMATION:

A. Individual Name	Amy Wilson	B. Home Phone Number	
C. Address	429 High St		
D. City/Town	Dedham	State	MA Zip Code 02026
E. Social Security Number		F. Date of Birth	4/4/1980
G. Place of Employment	Not Your Average Joe's		

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime? Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

NONE

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature		Date	7/8/15
Title	General Manager	(If Corporation/LLC Representative)	



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Not Your Average Joe's Inc	B. Business Name (dba)	Not Your Average Joe's	
C. Address	109 Chapel Street	D. ABCC License Number (If existing licensee)	0777000002	
E. City/Town	Needham	State	MA	Zip Code 02492
F. Phone Number of Premise	781.453.9300	G. EIN of License	04-3461276	

2. PERSONAL INFORMATION:

A. Individual Name	Amy Wilson	B. Home Phone Number	
C. Address	429 High St		
D. City/Town	Dedham	State	MA Zip Code 02026
E. Social Security Number		F. Date of Birth	
G. Place of Employment	Not Your Average Joe's		

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

NONE

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

*If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Amy Wilson

Date

7/8/15

Title General Manager (If Corporation/LLC Representative)

LEGAL NOTICE

TOWN OF NEEDHAM

Notice is hereby given pursuant to Massachusetts General Law, Chapter 138 that Not Your Average Joe's located at 109 Chapel Street, Needham has made application for the following: New Officer / Director and Change of Manager.

IT IS ORDERED: That a Public Hearing be held for said application at the office of the Board of Selectmen, acting as Needham Licensing Authority, located in Town Hall in the Town of Needham on the 9th day of February 2016 at 7:00 p.m.

Board of Selectmen
Licensing Authority for the Town of Needham

Needham Times, January 28, 2016



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

MEETING DATE: 2/9/2016

Agenda Item	Needham Cable Television Public Ascertainment Hearing-Verizon
Presenter(s)	Michael Greis, Cable Advisory Television Committee

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
This hearing is mandated by the renewal provisions of the Federal Cable Act. The current cable television license held by Verizon will expire on December 4, 2016. The Town is currently involved in the federally-required ascertainment process. The purpose of tonight’s hearing is to (i) identify future cable-related community needs and interests, and (ii) review the performance of Verizon under its current cable license. The ascertainment hearing is as follows: (1) Introduction By Chairman of Hearing (see below); (2) Hear Testimony from Members of the Public; (3) Hear Presentation and Testimony from Members of the Cable Advisory Committee; (4) Opportunity for Verizon to make a Brief Statement; and (5) Closing Remarks by the Chairman, including a statement that the hearing record will remain open for fourteen (14) days to receive any additional, written comments for inclusion into the hearing record.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
1) Suggested hearing general introductory and concluding comments script. 2) Copy of Public Hearing Notice			

**TM/CABLE TELEVISION
LEGAL NOTICE
PUBLIC NOTICE
NEEDHAM CABLE TELEVISION
PUBLIC ASCERTAINMENT HEARING**

The Board of Selectmen, as statutory Issuing Authority for the Town of Needham, will conduct a public ascertainment hearing on February 9, 2016 at 7:00 PM, in Town Hall (Selectmen's Chambers), 1471 Highland Avenue, Needham, MA. The purpose of the hearing will be to review the performance of the current cable television operator, Verizon, during its current license term and to hear testimony on future cable-related needs and interests of the Needham community. Interested parties are encouraged to attend and offer testimony on any cable-related matters. Any applications and reports to be considered at the hearing are available for public inspection at the Needham Town Hall during regular business hours and for reproduction at a reasonable fee. For more information on the public hearing, please call the Town Manager's Office at (781) 455-7500.

AD#13381740
Needham Times 1/21, 1/28, 2/4/16
ZBA/720 HIGHLAND AVE.

EPSTEIN & AUGUST, LLP
ATTORNEYS AT LAW
101 ARCH STREET
BOSTON, MASSACHUSETTS 02110-1112
TEL: (617) 951-9909
Fax: (617) 951-2717
peter@epsteinandaugust.com

Peter J. Epstein

By E-Mail

TO: Christopher Coleman
FROM: Peter J. Epstein
DATE: January 24, 2016
RE: Public Ascertainment Hearing

Per your request, I have provided below a simple agenda, as well as general introductory and concluding comments that can be read by the Chairman of the Board of Selectmen at the upcoming public ascertainment hearing on February 9, 2016 for Verizon.

The ascertainment hearing can be organized as follows:

- (1) Introduction By Chairman of Hearing (see below);
- (2) Hear Testimony from Members of the Public;
- (3) Hear Presentation and Testimony from Members of the Cable Advisory Committee;
- (4) Opportunity for Verizon to make a Brief Statement; and
- (5) Closing Remarks by the Chairman, including a statement that the hearing record will remain open for fourteen (14) days to receive any additional, written comments for inclusion into the hearing record.

Massachusetts regulations require that a record be kept of the hearing, which can be stenographic, audio and/or video. The Access Corporation may also want to cablecast the hearing.

State regulations also require that adequate notice be given to the public about the hearing. Notice must have been published, in a local newspaper, at least once in two (2) successive weeks *prior to* the hearing, the first notice being not less than fourteen (14) days before the hearing. *It is my understanding that the Town has now, or is, having those two notices published as required.*

PUBLIC HEARING OPENING REMARKS

I suggest that the Chairman of the hearing open the hearing with the following comments:

Good Evening. My name is Moe Handel, and I am Chairman of the Board of Selectmen, which is the statutory Issuing Authority. Before going further, let me introduce the other members of the Board of Selectmen as well as members of the Town's Cable Advisory Committee who are in attendance here this evening.

Notice of tonight's hearing has been duly published in the Needham Times on January 21, 2016, January 28, 2016 and February 4, 2016. I will provide a copy of that notice for the public record.

Tonight's hearing is mandated by the renewal provisions of the Federal Cable Act. The current ten (10) year cable television license held by Verizon New England, Inc. will expire on **December 4, 2016**. The Town is currently involved in the federally-required ascertainment process. The purpose of tonight's hearing is to (i) identify future cable- related community needs and interests, and (ii) review the performance of Verizon under its current cable television license.

Once the Town has gathered community input, it will inform Verizon of the kinds of services and facilities that the Town expects will be provided during any possible renewal term. Thus, the testimony that you will give this evening is very important, and I encourage all of you to speak candidly and specifically about any cable-related matters. You must come up and provide testimony in order for your views to count and be a part of the official record. *So, please testify.*

When you come up to speak, please give your name and address. Because this is an ascertainment hearing for the Town, I ask that you **not** pose direct questions for Verizon to answer. **All testimony and/or inquiries should be directed through me.**

Finally, I would like to clarify that while this is an ascertainment hearing on cable television matters, there are two (2) related subjects over which the Board of Selectmen has no authority to regulate. The first is the rates that Verizon charges for its services; the second is the commercial programming that Verizon chooses to show on its cable system. I realize that these are two important issues for cable subscribers. While people are certainly free to comment on these matters this evening, it is important for everyone to realize that the Selectmen cannot mandate the specific rates that Verizon can charge, nor can the Selectmen mandate the commercial programming that Verizon carries on its Needham cable system.

With those introductory comments, I would first to call-on members of the public to testify. After that, I will call on the Town's Cable Advisory Committee to make its presentation. Please come up to the microphone to speak.

Members of the public testify first.

Cable Advisory Committee members testify second.

Finally, if a representative of Verizon is here tonight and would like to make a brief statement, you may do so now.

Verizon representative to make a brief statement

PUBLIC HEARING CONCLUDING REMARKS

If there is no further testimony that concludes tonight's public hearing. I will keep tonight's hearing open for fourteen (14) days in order to receive additional testimony. Interested parties are encouraged to submit written testimony on any renewal-related issue discussed tonight or, indeed, regarding any cable-related issue.

Written testimony or comments may be submitted to the Board of Selectmen's Office by February 23, 2016. (1e-14 days after the hearing.) Those comments should be sent to the Board of Selectmen's Office, Town Hall, 1471 Highland Avenue, Needham, MA 02492 or can be sent by email to Selectmen@needhamma.gov .

If you have any questions about tonight's hearing or the cable television renewal process, please call the Board of Selectmen's Office, at (781) 455-7500.

Thank-you all for attending tonight's public ascertainment hearing.



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

MEETING DATE: 2/9/2016

Agenda Item	Representative Update
Presenter(s)	Representative Denise Garlick

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
Representative Garlick will update the Board about the upcoming Legislative year and her work as the Chair of the Joint Committee on Elder Affairs.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
(Describe backup below)			



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

MEETING DATE: 2/9/2016

Agenda Item	Potential Transfer of Jurisdiction for Parcels of Land
Presenter(s)	Joint Meeting of the Board of Selectmen, Park & Recreation Commission, and School Committee

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
Board, Committee and Commission members will review the potential options for transfer of jurisdiction of parcels leading toward Town Meeting action.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
a. Maps of parcels under consideration for jurisdictional transfer			

Town of Needham Massachusetts 2016 Land Swap Sites



WELLESLEY

Central Ave/ Owens

Hillside School

Fire Dept.

Parcel 74

Greene's Field

Nike Site

Defazio

DEDHAM

WESTWOOD

BOSTON



Legend

- Land Swap Properties
- Interstate Highways
- Minor Roads
- Minor Roads & Ramps
- Waterbodies
- Town Boundaries

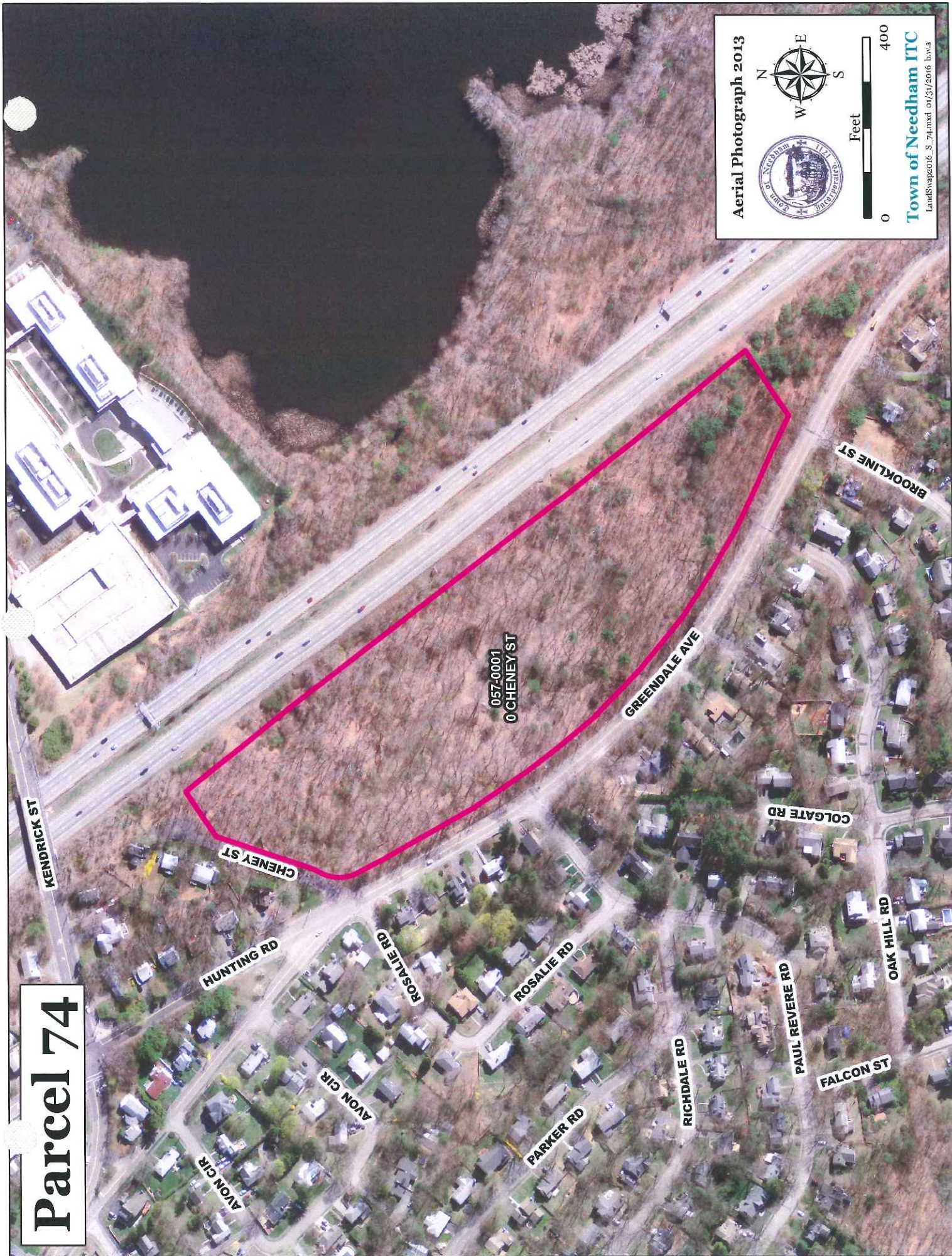
All data is for display only planning purposes only and is not to be used for legal purposes. The Town of Needham assumes no liability for errors or omissions of this data.

This map portion and the data on which it is based are not to be used for any other purpose without the written permission of the Town of Needham. All data is for display only planning purposes only and is not to be used for legal purposes. The Town of Needham assumes no liability for errors or omissions of this data.

**Town of Needham GIS
Information Technology Center**
www.NeedhamMA.gov/GIS
(800) 435-7500

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Parcel 74

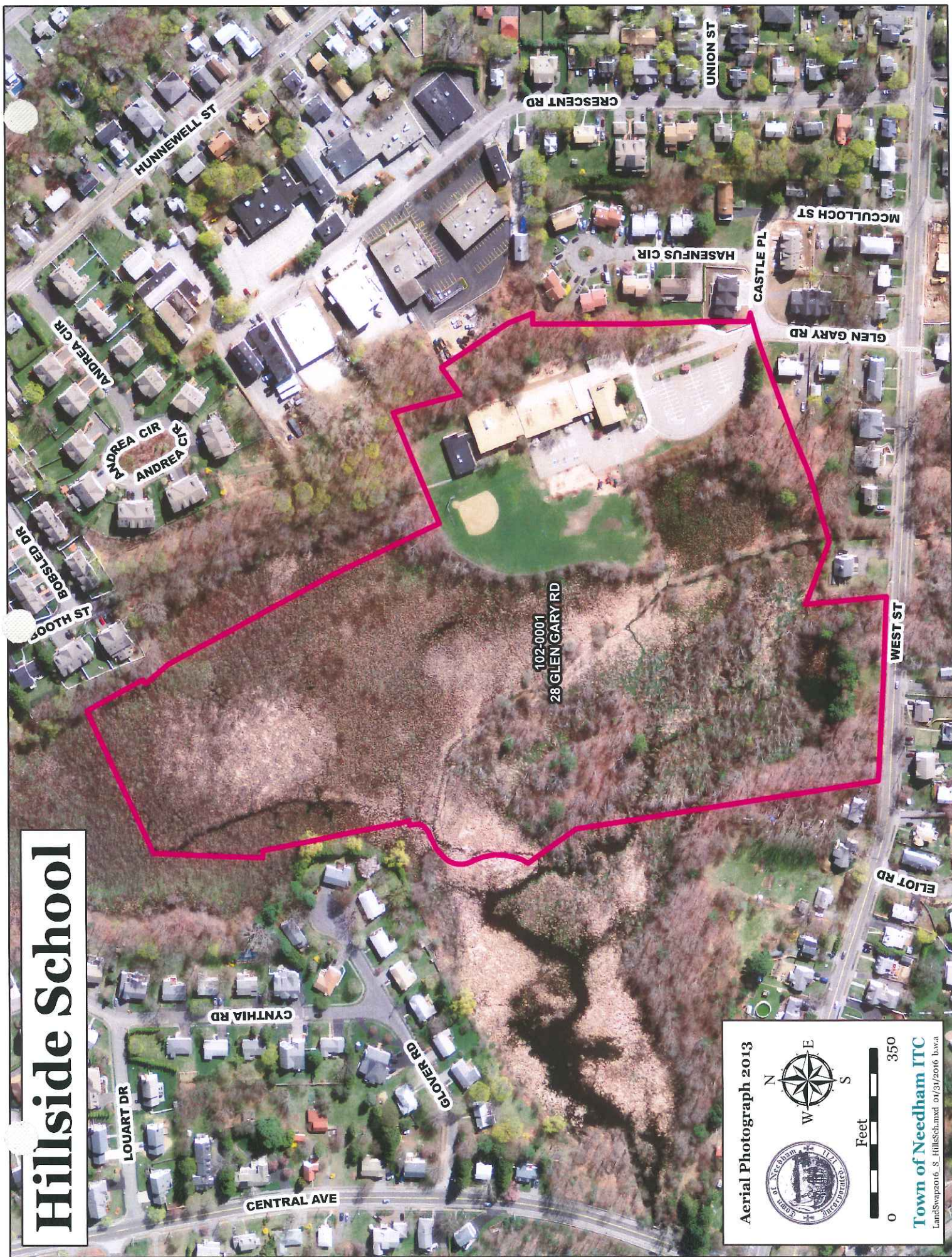


Aerial Photograph 2013



Town of Needham ITC
LandsMap2016 S 74.mxd 01/31/2016 b.w.a

Hillside School



102-0001
28 GLEN GARY RD

Aerial Photograph 2013



Feet
0 350

Town of Needham ITC
LandSwap2016_S_Hillschmid 01/31/2016 bava

Nike Site



Aerial Photograph 2013

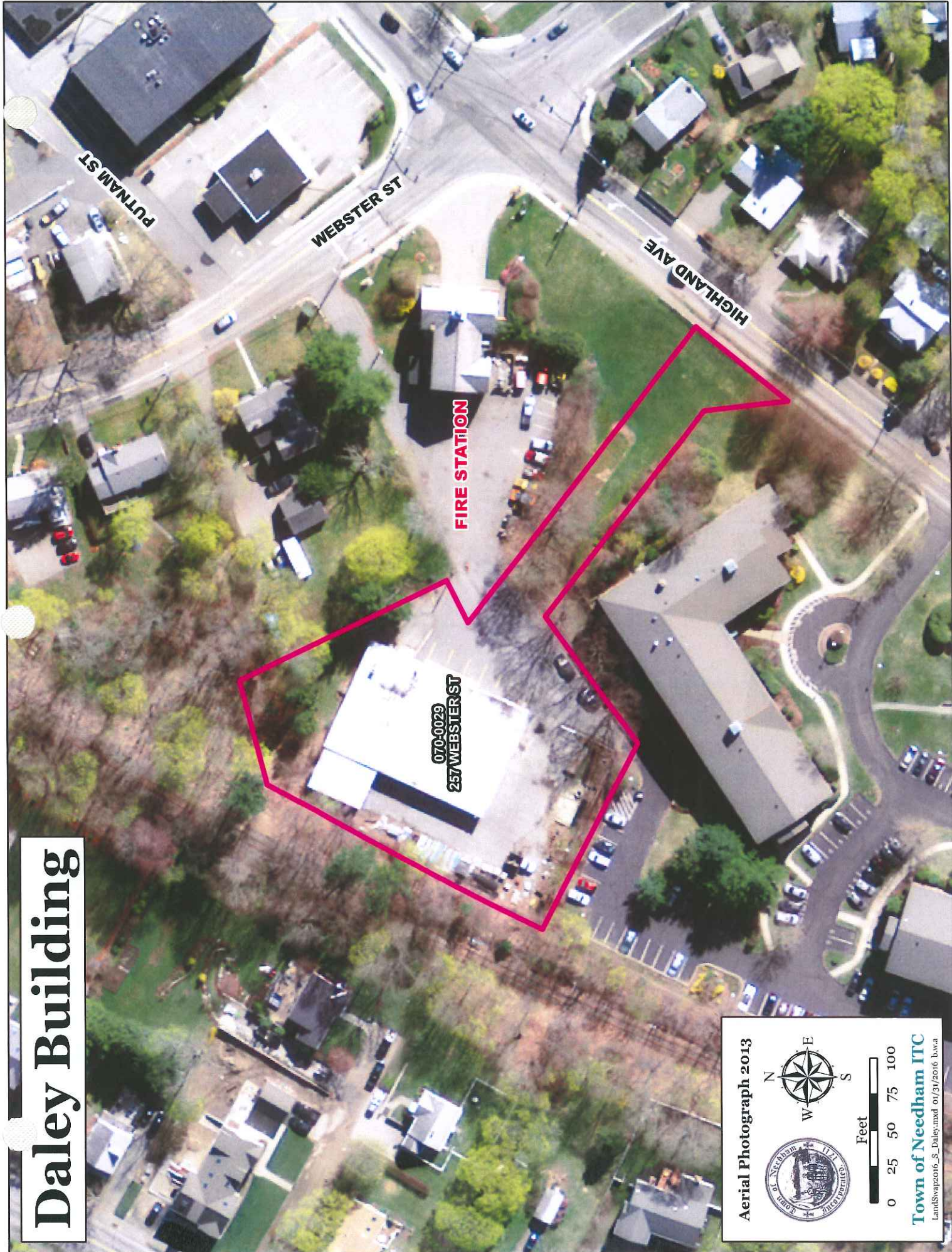


Feet
0 600

Town of Needham ITC

LandSwap2016_S_Nike.mxd 01/31/2016 bwa

Daley Building



PUTNAM ST

WEBSTER ST

HIGHLAND AVE

FIRE STATION

070-0029
257 WEBSTER ST

Aerial Photograph 2013



Feet
0 25 50 75 100

Town of Needham ITC
LandSwap2016_3_Daley.mxd 01/31/2016 b.w.a

Greene's Field



WARREN ST

050-0031.0002
0 PICKERING ST

PICKERING ST

GREAT PLAIN AVE

Aerial Photograph 2013



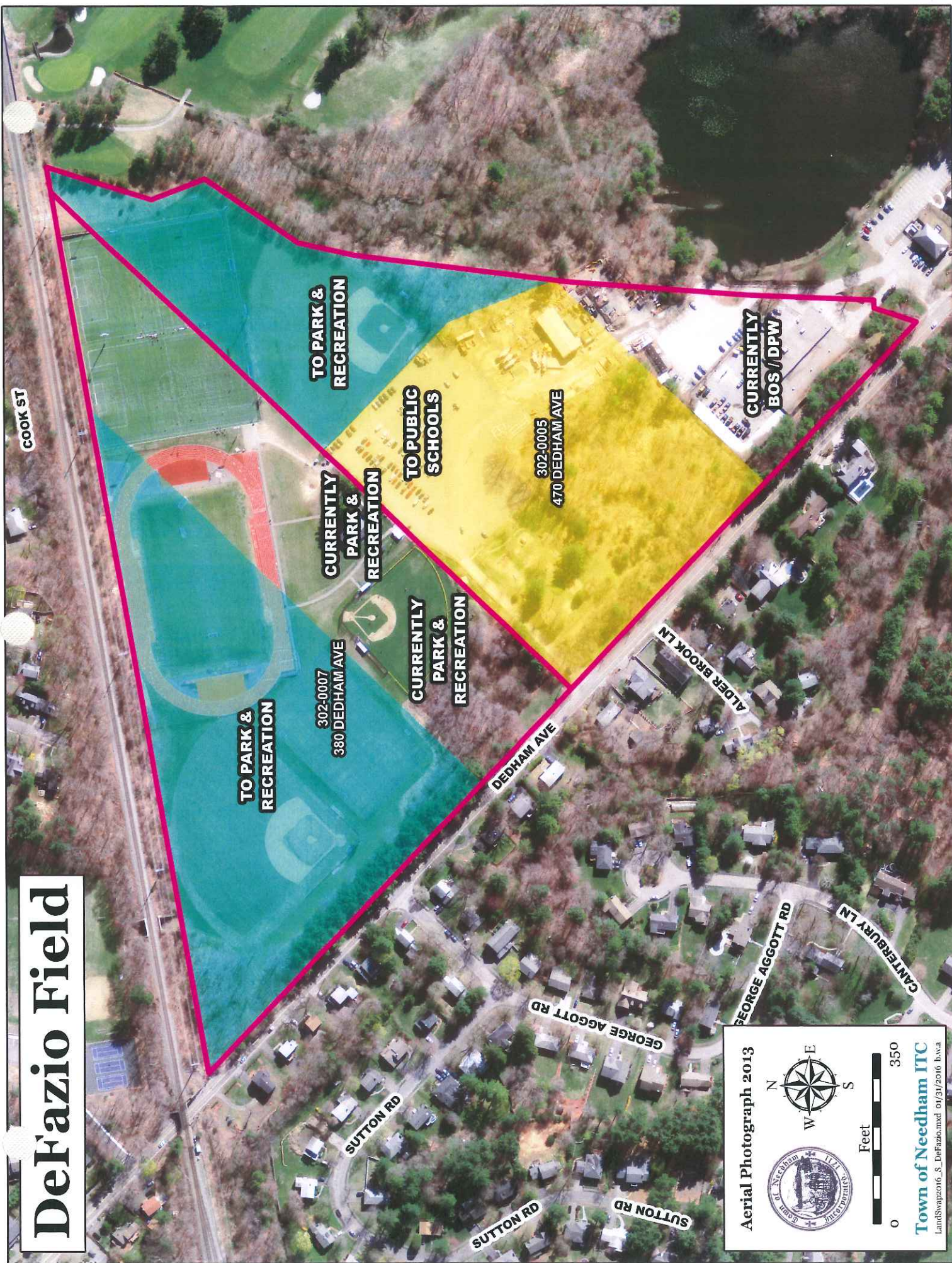
Feet

0 50 100 150

Town of Needham ITC

LandSwap2016_S_GrField.mxd 01/31/2016 b.w.a

DeFazio Field



Aerial Photograph 2013

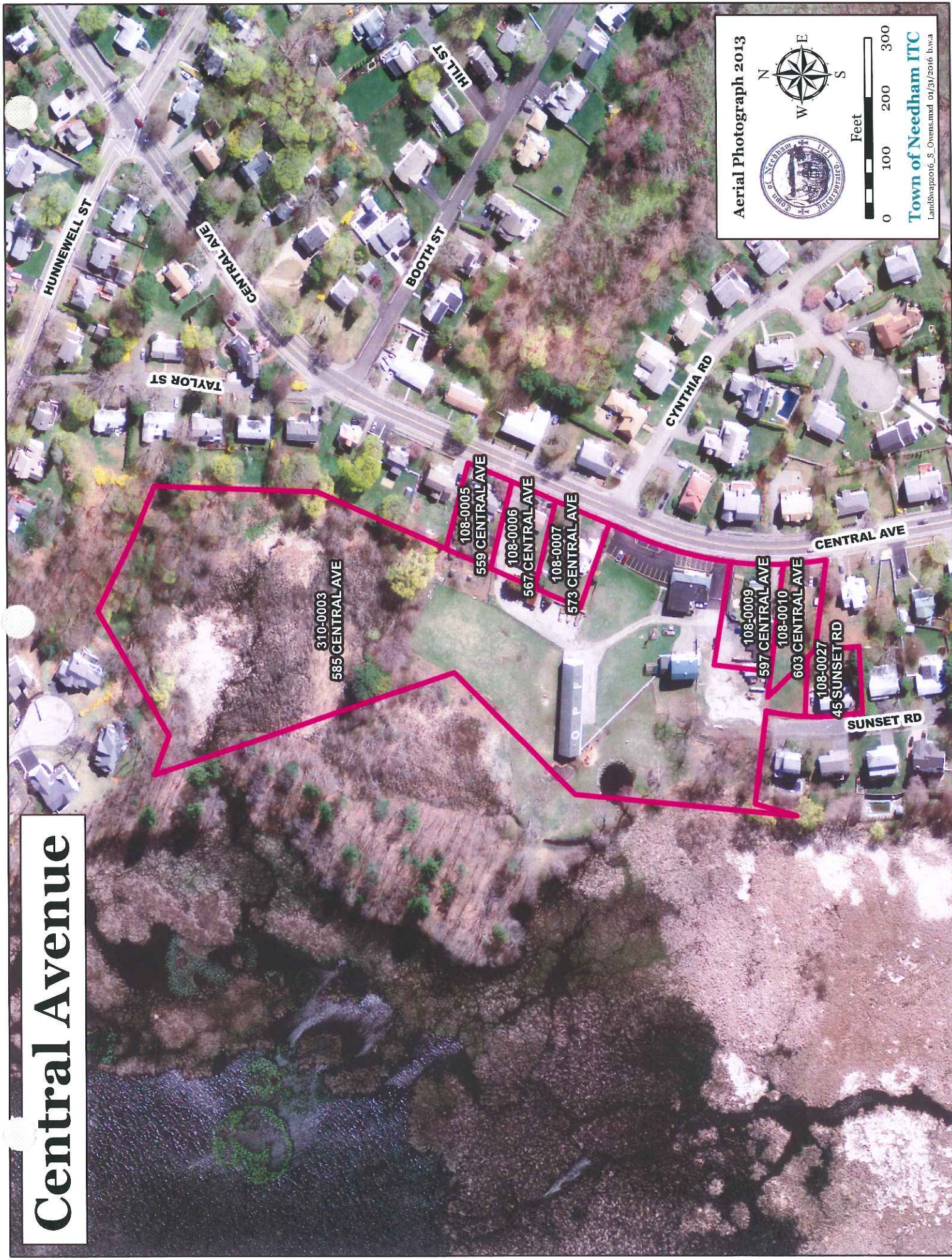


Feet
0 350

Town of Needham ITC

LandSwap2016_S_DeFazio.mxd 01/31/2016 bwa

Central Avenue



HUNNEWELL ST

TAYLOR ST

CENTRAL AVE

BOOTH ST

HILL ST

CYNTHIA RD

CENTRAL AVE

SUNSET RD

310-0003
585 CENTRAL AVE

108-0005
559 CENTRAL AVE

108-0006
567 CENTRAL AVE

108-0007
573 CENTRAL AVE

108-0009
597 CENTRAL AVE

108-0010
603 CENTRAL AVE

108-0027
45 SUNSET RD

Aerial Photograph 2013



Feet



Town of Needham ITC
Landswap2016_S_Owens.mxd 01/31/2016 b.w.a



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

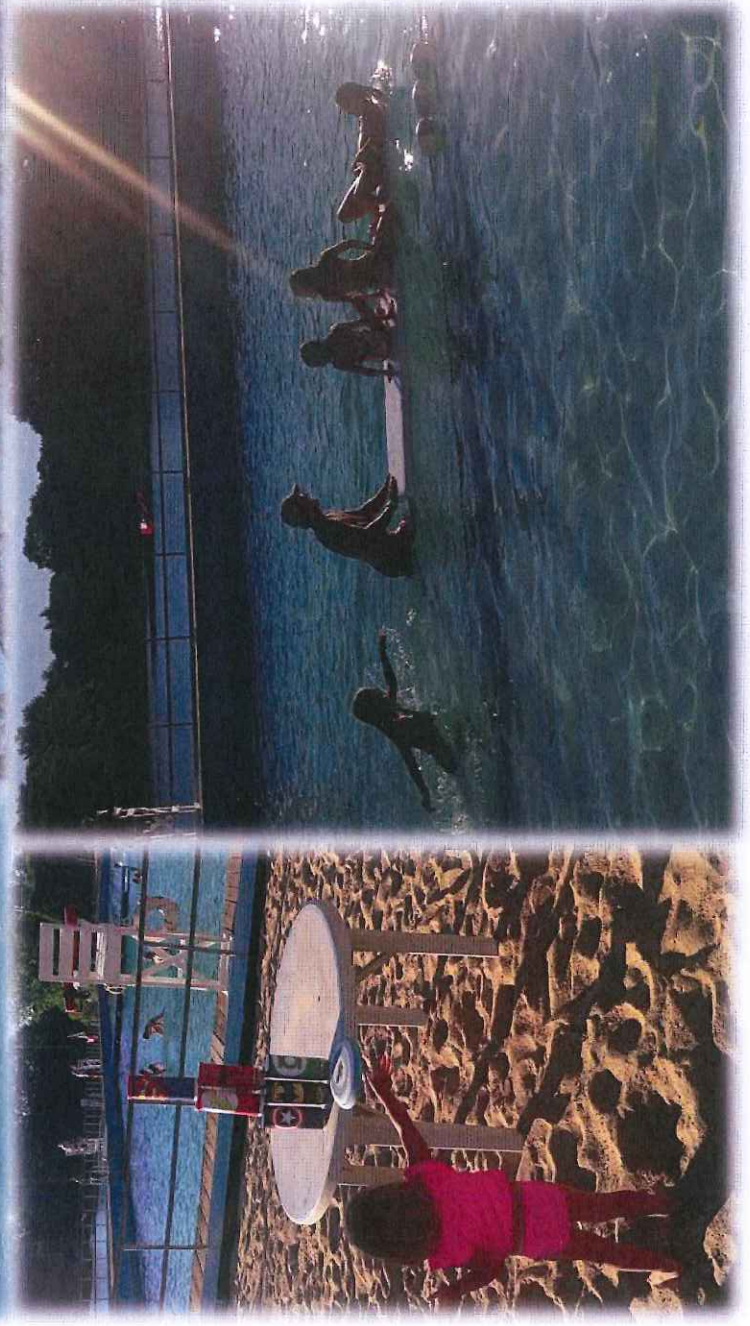
MEETING DATE: 2/9/2016

Agenda Item	Consultation – Rosemary Pool Project
Presenter(s)	Dave DiCicco, Chairman, & Members of the Park & Recreation Commission Patty Carey, Director of Park and Recreation

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
	Mr. DiCicco and members of the Commission will update the Board on the status of the Park & Recreation Commission's evaluation of options for Rosemary Pool, and will be available to answer any questions the Board may have.		
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
	a. February 3, 2016 Presentation to CPC b. Preliminary Cost Estimates		



Rosemary Recreation Complex



GUIDING PRINCIPLES

- Build a pool that best meets the needs of the town
- Build a pool that can be maintained without draining the pond
- Reduce pool size to reflect municipal pool best practice, while supporting programming needs
- Understand best location for the pool
- Consider reuse of existing infrastructure where possible to control cost
- Incorporate year-round use of the site to bring more value

DESIGN TIMELINE

July 2015

BH & A
Selected

Sept 2015

Preliminary
Options

Oct 2015

Pool
Programming
Decided

Nov 2015

Preliminary
Building & Site
Plan

Apr 2016

Final Design &
Costs

Key Decisions and Inputs

- Selected BH & A based on experience and expertise in pool design
- Determined 2 pool option best suits programming needs, and meets current utilization best practices
- Evaluated indoor options – determined Rosemary site can't support it
- Elevate the pool out of the lake
- Drive year-round usage with new building with bathhouse, programming space, and town offices

MAJOR PROJECT COST FACTORS

Pool

Size

Usage

Amenities

Location

Filtration

Building

Size

Usage

Codes &

Regulation

Reuse/Rebuild

Parking

Access

of Spaces

Location

Site

Excavation

Permitting

Drainage

Safety

Ongoing Operations and Maintenance

Guard & Safety

Pump and

Filtration

Usage

Scope of Use

Utilities

Maintenance

Seasonality

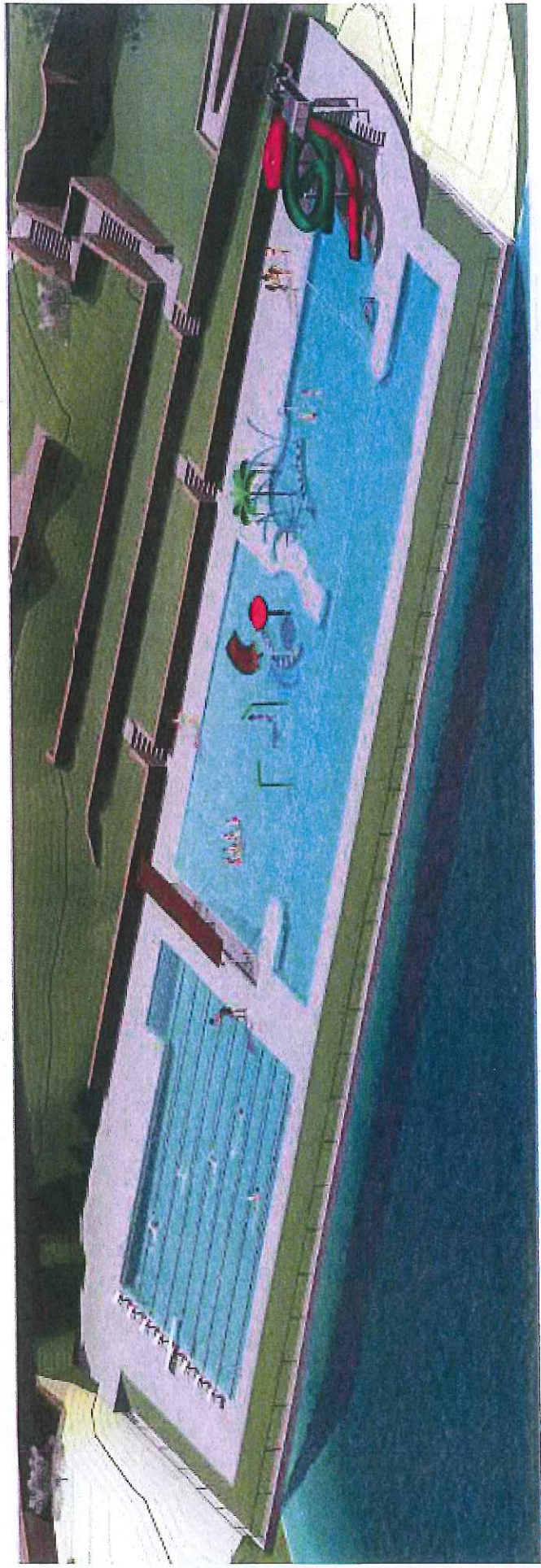
Off-season

Usage

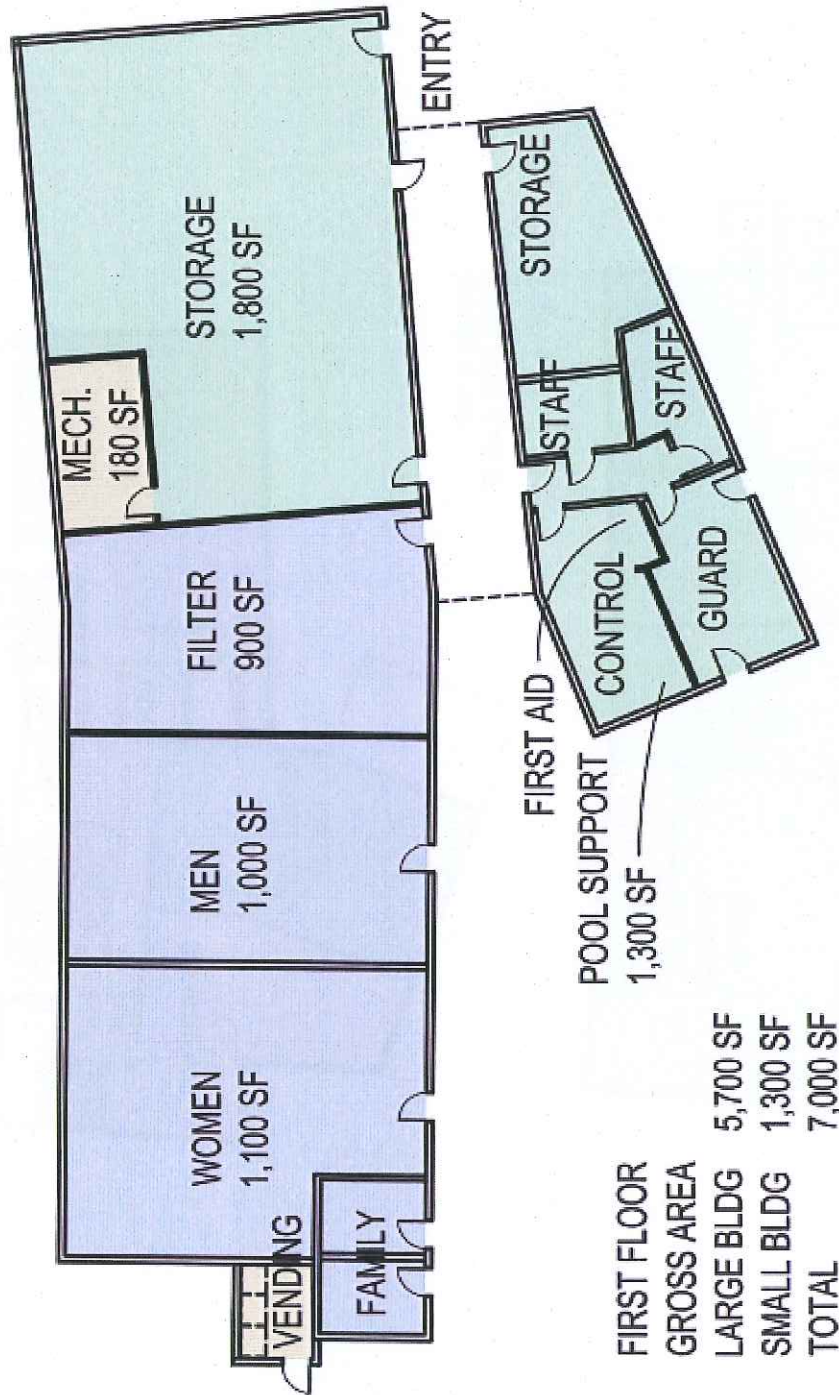
General
maintenance



PRELIMINARY POOL DESIGN

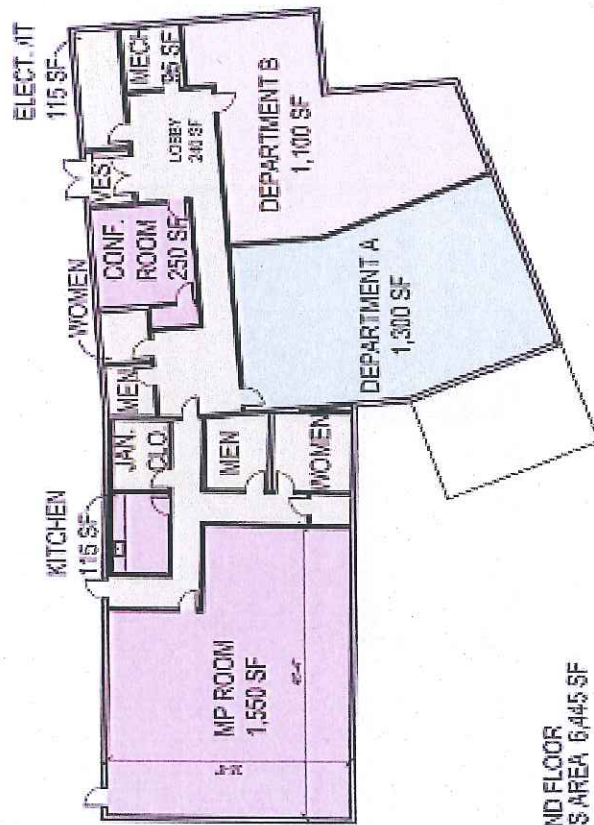


BASE BUILDING

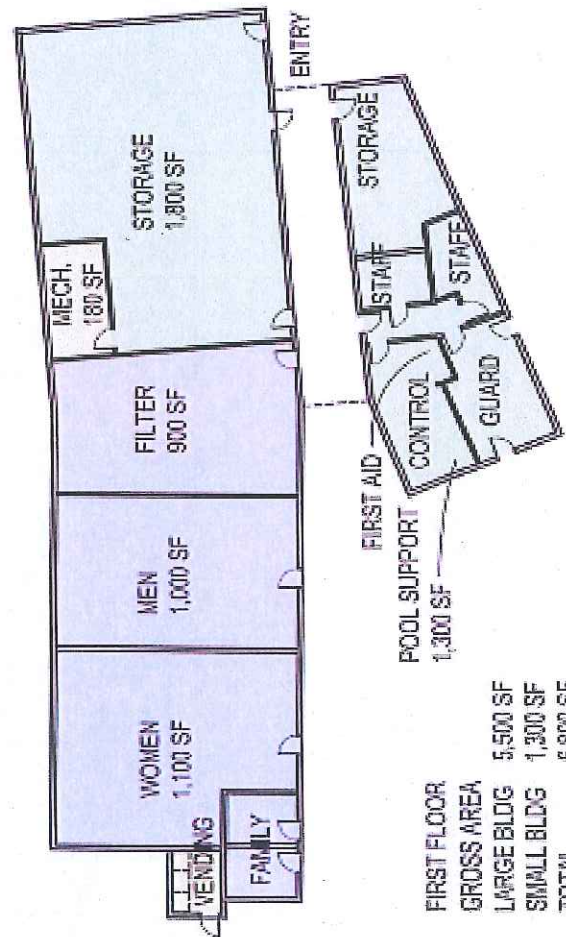


FIRST FLOOR	
GROSS AREA	5,700 SF
LARGE BLDG	1,300 SF
SMALL BLDG	7,000 SF
TOTAL	

BUILDING WITH OFFICES

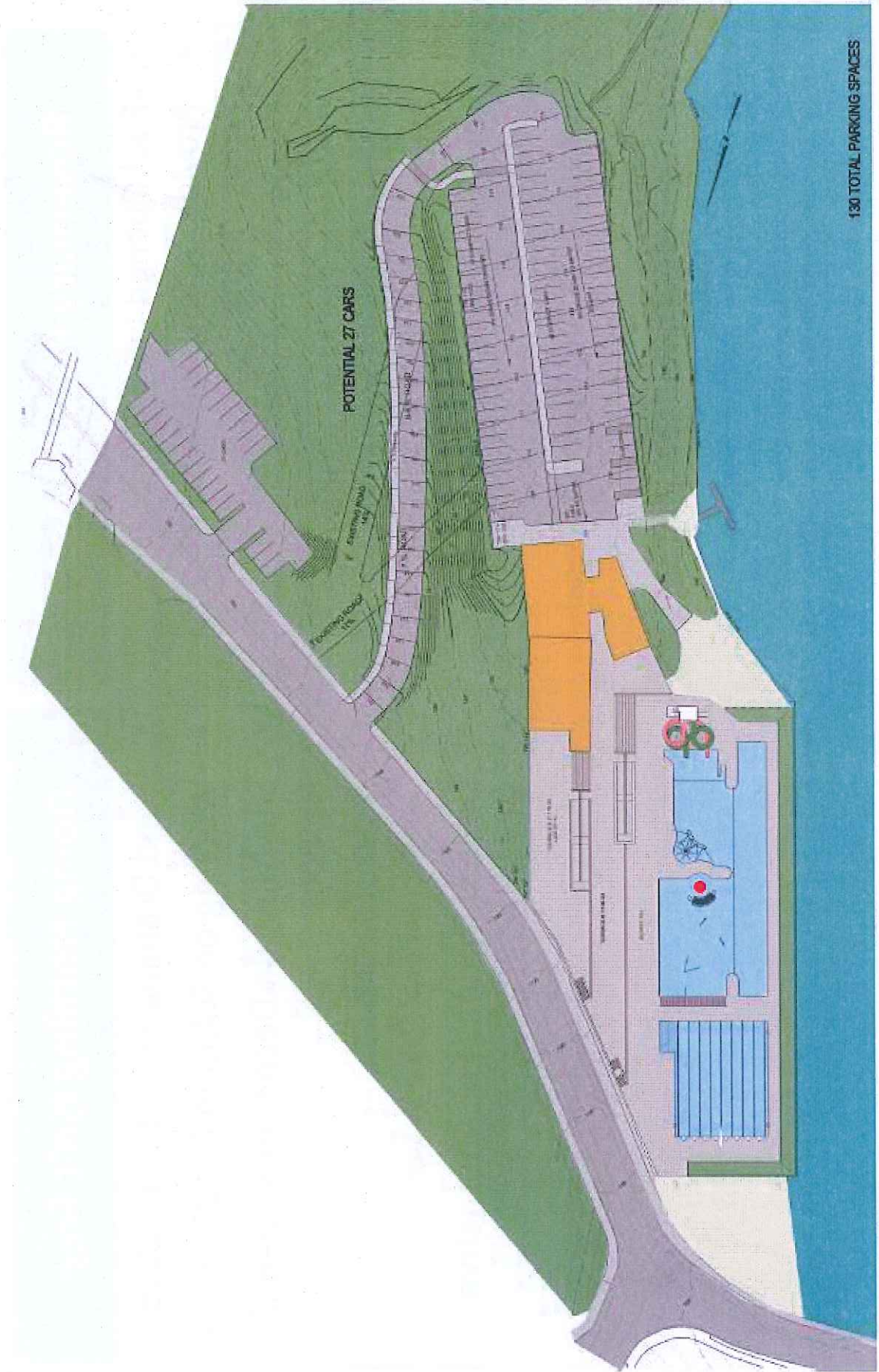


SECOND FLOOR
GROSS AREA 6,445 SF



FIRST FLOOR
GROSS AREA 5,500 SF
LARGE BLDG 1,300 SF
SMALL BLDG 1,300 SF
TOTAL 6,800 SF

PARKING



THINGS TO CONSIDER

Rosemary Pool An Asset

- Pool Opened in 1972
- Provides Affordable Summer Programming
- Teaches Swimming
- Residents Pay More Money For Higher Quality Summer Pools
- Strong Residential Support For Pool
- Lake and Surrounding Trails Can Be Enhanced
- Creates Jobs And Supports Local Economy
- An Amenity That Increases Property Value

Doing Nothing Isn't Free

- Pond Draining Permit Ends 2016
- Working on Solution For 2017
- Site Must Be Decommissioned If No Pool
 - Cost \$2-3M
 - Recreational Value In Site
- Limited Options For Alternative Site Uses

Schematic Budget Evaluation Analysis for Scoping Only

Option A - Rosemary Pool Reconstruction , new pool building, renovate extg parking

			12/21/2015
Building (Seasonal Building)	Area (sf)	Unit Cost	Total Cost
1 Demolition of existing and New Pool Support Bldg	6,800	\$ 566	\$ 3,850,000
		Subtotal	\$ 3,850,000
Pool			
1 Demolish Existing Pool	19,000		\$ 100,000
2 Swimming Pool, Pool Equipt., water features, filter, complete system	13,500		\$ 3,200,000
3 Remove Existing bulkhead, new bulkhead, concrete wall without draining Rosemary Lake			\$ 800,000
4 Pool Decks			\$ 50,000
5 Fill to raise pool to Elevation 102"	See Below		\$ -
6 Compensatory Storage	See Below		\$ -
		Subtotal	\$ 4,150,000
Terraces			
1 Accessible ramps and pedestrian stairs from entry el. 109 to pool and to upper level terraces, decks and landscape terraces			\$ 200,000
2 Restore existing terraces including additional guardrails required by code			\$ 300,000
3 Consolidate existing 3 terraces into 2 terraces	See Below		\$ -
4 Small playground and play structures			\$ 75,000
5 Spray Park- ground surface, drains & filter			\$ 100,000
		Subtotal	\$ 675,000
Parking & Site improvements outside Pool area			
1 Repave Access road, pave upper lot with increased setback and misc. sidewalk and curbing work, create lower parking lot at existing parking and , add accessible walk	94 spaces		\$ 750,000
2 Mid Terrace- Optional	See Below		\$ -
3 Specialty Fence at Rosemary St property line for access control and visual screening	1,000 ft.		\$ 150,000
4 Site improvements outside of the fence consisting of lawns, drainage, and landscape allowance including vegetated parking setback at Rosemary St upper lot			\$ 200,000
5 Site Utilities: water and sewer			\$ 100,000
6 Site Utilities: Electric / voice/ tel data & etc.			\$ 100,000
7 Existing parking at west lake lot - (no improvements)	20 spaces		\$ -
		Subtotal	\$ 1,300,000
Construction Subtotal			\$ 9,975,000
Soft Costs	A&E fees, OPM, Testing, survey, legal, bonds, permitting, Const. and Owners contingency & FF&E	22%	\$ 2,194,500
Total Preliminary Estimated Project Cost			\$ 12,169,500
Potential Additions to base cost (includes hard and soft costs)			
1 Alternate - Add 27 spaces for middle slope parking lot			\$ 500,000
2 Alternate - consolidate existing 3 terraces into 2 terraces			\$ 2,565,000
3 Alternate- Raise pool to elevation 102 with compensatory storage			\$ 675,000

Schematic Budget Evaluation Analysis for Scoping Only

Option B - Rosemary Pool Reconstruction + 3,000 sf Year-round Multipurpose Rm & support space

With new access drive and expanded parking		12/21/2015	
Building (Seasonal lower floor - year-round upper floor)	Area (sf)	Unit Cost	Total Cost
1 Demolition of existing and New Pool Support Bldg	6,800	\$ 566	\$ 3,850,000
2 Add Multipurpose Room -3,000sf & 1,500sf support	4,500	\$ 370	\$ 1,665,000
		Subtotal	\$ 5,515,000

Pool

1 Demolish Existing Pool	19,000	\$	100,000
2 Swimming Pool, Pool Equip, water features, filter, complete system	13,500	\$	3,200,000
3 Remove Existing bulkhead, new bulkhead, concrete wall without draining Rosemary Lake		\$	800,000
4 Pool Decks		\$	50,000
5 Fill to raise pool to Elevation 102"	See Below	\$	-
6 Compensatory Storage	See Below	\$	-
		Subtotal	\$ 4,150,000

Terraces

1 Accessible ramps and pedestrian stairs from entry el. 109 to pool and to upper level terraces, decks and landscape terraces		\$	200,000
2 Restore existing terraces including additional guardrails required by code		\$	300,000
3 Consolidate terraces into 2 levels	See Below	\$	-
4 Small playground and play structures		\$	75,000
5 Spray Park- ground surface, drains & filter		\$	100,000
		Subtotal	\$ 675,000

Parking & Site improvements outside Pool area

1 Provide new Access Road (less steep) with accessible sidewalk , new larger lower parking lot, repave upper lot with new setback, misc. curb & sidewalk improvements	106 spaces	\$	1,000,000
2 Mid Terrace - (Optional see below)	See Below	\$	-
3 Specialty Fence at Rosemary St property line for access control and visual screening	1,000 ft.	\$	150,000
4 Site improvements outside of the fence consisting of lawns, drainage, and landscape allowance including vegetated parking setback at Rosemary St upper lot		\$	200,000
5 Site Utilities: water, sewer, and gas for heating year-round building		\$	150,000
6 Site Utilities: Electric / voice/ tel- data & etc.		\$	100,000
7 Existing parking at west lake lot - (no improvements)	20 spaces	\$	-
		Subtotal	\$ 1,600,000

Construction Subtotal	\$ 11,940,000
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Soft Costs	A&E fees, OPM, Testing, survey, legal, bonds, permitting, Const. and Owners contingency & FF&E	22%	\$ 2,626,800
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Total Preliminary Estimated Project Cost	\$ 14,566,800
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Potential Additions to base cost (includes hard and soft costs)

1 Alternate - Add 27 spaces for middle slope parking lot	27 spaces	\$	500,000
2 Alternate - consolidate existing 3 terraces into 2 terraces		\$	2,565,000
3 Alternate- Raise pool to elevation 102 with compensatory storage		\$	675,000

Schematic Budget Evaluation Analysis for Scoping Only

Option C - Rosemary Pool Reconstruction + Year-round Multipurpose Room & Offices

			12/21/2015
Building (Seasonal lower floor - year-round upper floor)	Area (sf)	Unit Cost	Total Cost
1 Demolition of existing and New Pool Support Bldg	6,800	\$ 566	\$ 3,850,000
2 Upper floor with Multipurpose Room (2,300sf) & Office and Support space (5,000sf)	7,300	\$ 370	\$ 2,701,000
Subtotal			\$ 6,551,000
Pool			
1 Demolish Existing Pool	19,000		\$ 100,000
2 Swimming Pool, Pool Equipt. , water features, filter, complete system	13,500		\$ 3,200,000
3 Remove Existing bulkhead, new bulkhead, concrete wall without draining Rosemary Lake			\$ 800,000
4 Pool Decks			\$ 50,000
5 Fill to raise pool to Elevation 102"	See Below		\$ -
6 Compensatory Storage	See Below		\$ -
Subtotal			\$ 4,150,000
Terraces			
1 Accessible ramps and pedestrian stairs from entry el. 109 to pool and to upper level terraces, decks and landscape terraces			\$ 200,000
2 Restore existing terraces including additional guardrails required by code			\$ 300,000
3 Consolidate 3 terraces into 2 levels	See Below		\$ -
4 Small playground and play structures			\$ 75,000
5 Spray Park- ground surface, drains & filter			\$ 100,000
Subtotal			\$ 675,000
Parking & Site improvements outside Pool area			
1 Provide new Access Road (less steep) with accessible sidewalk , new larger lower parking lot, repave upper lot with new setback, misc. curb & sidewalk improvements	106 spaces		\$ 1,000,000
2 Mid Terrace - (Optional see below)	See Below		\$ -
3 Specialty Fence at Rosemary St property line for access control and visual screening	1,000 ft.		\$ 150,000
4 Site improvements outside of the fence consisting of lawns, drainage, and landscape allowance including vegetated parking setback at Rosemary St upper lot			\$ 200,000
5 Site Utilities: water, sewer, and gas for heating year-round building			\$ 150,000
6 Site Utilities: Electric / voice/ tel- data & etc.			\$ 100,000
7 Existing parking at west lake lot - (no improvements)	20 spaces		\$ -
Subtotal			\$ 1,600,000
Construction Subtotal			\$ 12,976,000
Soft Costs	A&E fees, OPM, Testing, survey, legal, bonds, permitting, Const. and Owners contingency & FF&E	22%	\$ 2,854,720
Total Preliminary Estimated Project Cost			\$ 15,830,720
Potential Additions to base cost (includes hard and soft costs)			
1 Alternate - Add 27 spaces for middle slope parking lot			\$ 500,000
2 Alternate - consolidate existing 3 terraces into 2 terraces			\$ 2,565,000
3 Alternate - Raise pool to elevation 102 with compensatory storage			\$ 675,000

Board of Selectmen

AGENDA FACT SHEET for 2/9/2016

Agenda Item: Accept Conservation Restriction

Presenter(s): Kate Fitzpatrick, Town Manager

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

On January 14th, the Conservation Commission voted to accept a Conservation Restriction for a 3.05 acre of land located off of St. Mary Street, in the rear portion of One Sun Life Executive Park property. The land abuts Hurd Brook and abuts an existing 1.67 acre parcel of land in Needham and Wellesley that is currently protected by a conservation restriction.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: That the Board accept and sign the Conservation Easement to the Town of Needham from Sun Life Assurance Company of Canada for the land referenced in the document.

3. BACK UP INFORMATION ATTACHED:

- a. Minutes of the Conservation Commission from the 10 December 2015 and 14 January 2016 meetings, where Sun Life presented the discussion item and the request for acceptance of the Conservation Restriction
- b. Original Conservation Restriction document (as signed by the Owner and the Conservation Commission), including the plan as referenced in the Conservation Restriction
- c. GIS image showing (general) location of the land

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	[no]	NA	_____
b.	Town Counsel	[yes]	no	NA	_____
c.	Finance Director	yes	[no]	NA	_____
d.	Conservation Comm.	[yes]	no	NA	_____

Disposition by BOS

Action taken: _____ Present on future Agenda: _____

Refer to/Inform: _____ Report back to BOS on: _____

Prepared by kpf

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, December 10, 2015**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo, Stephen Farr, Peter Oehlkers (8:35 pm arrival), Alison Richardson, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: James Baltimore, Marliese Baltimore, Karon S. Catrone, Frank DeMarinis, Michael Deychman, Mark Gershman, Todd Hargreaves, Ryan Murphy, John Mulvihill, Marian Rambelle, Luke Showalter, Kip Shwartz, Mary Trudeau, Todd Varrechi, Dave Volante

J. Carter Bernardo opened the public meeting at 7:35 pm.

MISCELLANEOUS BUSINESS:

Motion to approve the Meeting Minutes of November 19, 2015, as revised, by S. Farr, seconded by Alison Richardson, approved 3-0-1 S. J. Carter Bernardo abstained.

ENFORCEMENT & VIOLATION UPDATES

None

HEARINGS

LINDEN STREET/CYPRESS STREET – *continued* NOTICE OF INTENT (DEP FILE #234-741)

Applicant: Jorge Oslan, Oak Street LLC

Project: Utility work to connect the proposed utilities from Cypress Street to existing utilities in Linden Street and for the construction of Cypress Street. Portions of the work are located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. The proposed limit of work is approximately 23 feet from the limits of BVW. One tree is proposed to be removed.

Present for the Applicant: No one

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received August 27, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received August 27, 2015
- ☐ **Plan entitled: “Notice of Intent Conservation Commission Plan and Profile Intersection of Cypress & Linden Street Needham, Mass.”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. #47581, dated 8/20/15.**

J. Carter Bernardo opened the public hearing at 7:45 pm.

M. Varrell stated that the Applicant had requested a continuance until the January 14, 2016 Conservation Commission Meeting.

Motion to continue the public meeting for Linden Street/Cypress Street (DEP File #234-741) to January 14, 2016 at 7:45 pm by S. Farr, seconded by S. Soltzberg, approved 4-0-0

24 JARVIS CIRCLE – NOTICE OF INTENT (DEP FILE #234-7XX)

Applicant: Ruslan and Irina Faynstain

Owner: Louis and Lorraine Syatt

Project: Demolition of a single-family dwelling and construction of a new single-family home with associated appurtenances and landscaping; portions of which are located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Present for the Applicant: Karon S. Catrone, Michael Deychman

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received November 20, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received November 20, 2015
- ❑ **Plan entitled: “24 Jarvis Circle, Proposed Site Plan, Needham, MA”, prepared by Mikhail Deychman, stamped and signed by Richard A. Volkin, P.E. #22282, dated 11/8/15.**
- ❑ **Plan entitled: “24 Jarvis Circle, Drywell Detailed (Sheet 2 of 2), Needham, MA”, prepared by Mikhail Deychman, stamped and signed by Richard A. Volkin, P.E. #22282, dated 11/8/15.**

J. Carter Bernardo opened the public hearing at 8:00 pm.

J. Carter Bernardo stated that DEP had not issued a File Number yet and the Hearing will not be able to be closed.

Karon Skinner Catrone indicated that she had delineated the resource areas on September 12, 2015. She explained that a drainage easement is located on the property, underground, and collects drainage from Jarvis Circle, the drainage daylights at the rear of the property and discharges into a stream. K. Skinner Catrone stated that existing house is 1,506 S.F. and the proposed house is 2,310 S.F. The total impervious area existing is 1,957 S.F. and the total proposed impervious area is 2,353 S.F. Currently, 5 S.F. of the existing house is located within the 100-foot Buffer Zone and 46 S.F. of the proposed house will be located within the 100-foot Buffer Zone. A 500-gallon drywell is proposed at the rear of the house and a pervious paver patio is also proposed. The Applicant will submit specific information on the type of pavers to the Commission. The Applicant would like to remove the three (3) existing burning bush shrubs along the fence line in the back and replace them with virginia roses and gray dogwood shrubs. No other vegetation removal is proposed.

J. Carter Bernardo questioned what size compost sock was proposed for erosion control as it was not noted on the plan submitted. She requested they install a 12-inch sock. The shrubs should be removed by hand. M. Deychman replied that they would be removed by hand.

Marliese Baltimore, an abutter at 15 Ludwig Road, stated that they were pleased the Applicant is leaving the existing trees and questioned whether they plan to leave the exiting fence. The owners stated they were.

Todd Hargreaves of 18 Jarvis Circle explained that the drainage pipe located in the easement was placed there by the Town several years ago to try and alleviate flooding issues as all of Jarvis Circle drains towards 18-24 Jarvis Circle. He believes the pipe is undersized for big storm events. The storms create a sort of river that flows between the 18 and 24 Jarvis Circle properties. He questioned whether the construction would make the flooding worse. He asked if any grading was proposed to raise the house up. J. Carter Bernardo and M. Deychman confirmed the grading would remain the same. The drainage easement is shown on the plan submitted but not the diameter of the drainage pipe. Mr. Hargreaves proposed that perhaps while the site is being dug up for the project, the Town may want to install a larger

diameter drainage pipe. J. Carter Bernardo explained that the Engineering Dept. would be the ones he would want to approach regarding replacement of the pipe. The double catch basin in the road needs to be cleaned out. Mr. Hargreaves spoke with Chris Seariac of the Water and Sewer Dept., about the flooding issue and was told the Town was undertaking a water study of the entire Town which should be completed in the next few months.

Marliese Baltimore explained that the pipe she can see from her house is quite large. T. Hargreaves stated that something isn't working right, maybe the pipe is blocked. M. Baltimore is concerned the proposed construction may change the flow of the water and impact her property. J. Carter Bernardo stated that the project, as proposed, including infiltration should not create issues on her property. J. Carter Bernardo stated that the Commission will not need to have the proposed grades added to the plan as there is no change in grade proposed. She asked M. Deychman if they had performed soil testing on-site for the drywell installation. M. Deychman stated they had not but planned to prior to construction. J. Carter Bernardo said that soil testing would be conditioned into the Order of Conditions to ensure the drywell had adequate separation from the groundwater to function properly.

M. Varrell had spoken to a neighbor who requests the Applicant extend the compost stock up between #24 and #32 Jarvis Circle.

Motion to continue the public hearing, for issuance of a DEP File Number, for 24 Jarvis Circle (DEP File #234-7XX) to January 14, 2016 at 8:00 pm by S. Farr, seconded by S. Soltzberg, approved 4-0-0.

1910 CENTRAL AVENUE – NOTICE OF INTENT (DEP FILE #234-7XX)

Applicant/Owner: Ryan and Alison Murphy

Project: The demolition of a 100+ year old 2-car garage destroyed by fire and the construction of a new garage in the same footprint and of the same size. The work is located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands and Inland Bank and within the 200-foot Riverfront Area to the Charles River.

Present for the Applicant: Representative – David Burke, Owner – Ryan Murphy, Kip Schwartz - Builder

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received November 24, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received November 24, 2015
- ☐ Plan entitled: "Site Plan 1910 Central Avenue Needham, Massachusetts", prepared by Snelling & Hamel Associates, Inc., stamped and signed by John R. Hamel, P.L.S. #35029, dated 12/1/15.

J. Carter Bernardo opened the public hearing at 8:35 pm.

J. Carter Bernardo stated that DEP had not issued a File Number yet and the Hearing will not be able to be closed.

D. Burke represented the Applicant and explained the proposed project is to tear down a 100+ year old detached 2-car garage that was gutted by fire and construct a new garage of the same size in the same footprint. The closest the proposed work is to the wetlands is 42-feet. They plan to remove the existing stone foundation and pour a new concrete one. The entire project area is surrounded by existing lawn. The 100-year Flood Zone comes up to the corner of the existing building. There will only be temporary disturbance in the flood zone and the area will be stabilized with loam and seed as soon as construction is finished. Two trees will be impacted during the project including a red cedar tree and the other is a river

birch. They are hoping to dig up the trees and re-use them but if they don't survive the winter out of the ground, they will plant two trees for each tree they could not re-use.

J. Carter Bernardo requested the erosion control be upgraded to a 12-inch sock. She stated that the wetland delineation would not be approved under this Permit. The proposed drywells will be an improvement over existing conditions. The Applicant may remove the existing structure prior to the issuance of the Permit at their own risk due to possible safety concerns.

Motion to continue the public hearing, for issuance of the DEP File Number, for 1910 Central Avenue (DEP File #234-7XX) to January 14, 2016 at 8:05 pm by S. Farr, seconded by S. Soltzberg, approved 5-0-0.

CENTRAL AVENUE/ELLIOT STREET BRIDGE – *continued* NOTICE OF INTENT (DEP FILE #234-746)

Applicant: Louis Taverna, P.E., Town of Newton

Project: Rehabilitation of the historic Central Avenue/Elliot Street bridge, which spans the Charles River between Needham and Newton. Work includes the rehabilitation of walls, foundations, sidewalks, and roadway surfaces to restore load capacity. The project includes the replacement and installation of stormwater structures in roadway approaches to the bridge.

Present for the Applicant: Mark Gershman of Beta Group and Marian Rambelle of CDW Consultants, Inc.

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents, received November 6, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit, received November 6, 2015
- ☐ Plans entitled (received November 6, 2015): “Town of Needham, Massachusetts City of Newton, Massachusetts Division of Public Works Central Avenue/Elliot Street Bridge Rehabilitation” (13 Sheets), prepared by BETA, stamped and signed by Christopher Jones, P.E. No. 41025, dated November 2015.
- ☐ Plans entitled (received November 6, 2015): “Town of Needham, Massachusetts City of Newton, Massachusetts Division of Public Works Central Avenue/Elliot Street Bridge Rehabilitation” (13 Sheets), prepared by BETA, stamped and signed by Christopher Jones, P.E. No. 41025, dated November 2015 (revised November 18, 2015).
- ☐ Specification for Concrete Grout Filled Fabric Bags (Item 983.12), 3 pages, received November 19, 2015.
- ☐ Product Data Sheet for Sikament-100 SC Anti-Washout Admixture, 2 pages, received November 19, 2015.
- ☐ Final Report *Minimizing the Impact on Water Quality of Placing Grout Underwater to Repair Bridge Scour Damage* by G. Michael Fitch, dated June 2003.
- ☐ Supplemental Notice of Intent information, dated November 16, 2015 (received November 19, 2015).
- ☐ Plans entitled (received November 6, 2015): “Town of Needham, Massachusetts City of Newton, Massachusetts Division of Public Works Central Avenue/Elliot Street Bridge Rehabilitation” (13 Sheets), prepared by BETA, stamped and signed by Christopher Jones, P.E. No. 41025, dated November 2015 (revised November 30, 2015).

J. Carter Bernardo opened the public hearing at 8:45 p.m.

J. Carter Bernardo stated that she had attended the Newton Conservation Commission Hearing and understands the two Towns had pretty much the same questions, concerns and conditions. In addition, J. Carter Bernardo stated she has read the Needham Conservation Commission Meeting Minutes from the Hearing she had missed.

M. Gershman stated that a Landscape Plan had been submitted after the last meeting and included the proposed plantings for the DCR property. Four trees are proposed for removal with eight trees proposed for replacement. A. Richardson stated that she had some issues with the Landscaping Plan. The Plan proposes plantings of sugar maples which have not been doing well for some time. She would prefer they plant a cross of a sugar maple and a black maple called "Green Mountain" that do much better. In addition she would like the proposed paper birch to be changed to river birch. She also discussed relocating the proposed shrubs from the middle of the hill. J. Carter Bernardo suggested they include A. Richardson's revisions into the Order of Conditions instead of requiring a revised plan be submitted.

J. Carter Bernardo explained that the Commission will close the Hearing but will not issue the Order of Conditions until after the Newton Conservation Commission Hearing on December 17, 2016 so they can coordinate the Conditions. She asked that the Applicant authorize the Commission to go over the 21 day issuance deadline as the next Needham Conservation Commission Meeting is not until January 14, 2016. They signed the paperwork to authorize. A. Richardson had questions about the safety of the anti-washout agent they propose to use as it is a bi-polymer and the description provided doesn't give enough information. M. Gershman stated that MassDOT has used it in the past.

Motion to close the Public Hearing for the Central Avenue/Elliot Street Bridge project (DEP File #234-746) by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

108 LINDBERGH AVENUE – NOTICE OF INTENT (DEP FILE #234-7XX)

Applicant: Gene Voloshin

Owner: James and Patricia Griffith

Project: Demolition of a single-family home and in-ground pool and subsequent construction of a new single-family home with associated appurtenances and landscaping. An existing shed will be removed. A portion of the proposed work is located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Present for the Applicant: Representative – Mary Trudeau, Applicant – Gene Voloshin

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received November 23, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received November 23, 2015
- ❑ Plan entitled: "Proposed Site Plan 108 Lindbergh Avenue, Needham, MA. 02494", prepared by Mikhail Deychman, stamped and signed by Richard Volkin, P.L.S. #22282, dated 11/15/15.
- ❑ Plan entitled: "108 Lindbergh Avenue, Drywell Detailed (Sheet 2 of 2), Needham, MA", prepared by Mikhail Deychman, stamped and signed by Richard A. Volkin, P.E. #22282, dated 11/15/15.

J. Carter Bernardo opened the Public Hearing at 9:00 pm.

J. Carter Bernardo stated that DEP had not issued a File Number yet and the Hearing will not be able to be closed.

M. Trudeau described the proposed project as a tear-down of the existing single-family home and removal of the existing pool and construction of a new single-family house. Off the northeast corner of the

property, on Town-owned land is a Bordering Vegetated Wetland. M. Trudeau delineated the boundaries of the wetland but is not requesting approval of the wetland line as it is located off property. She explained that with the removal of the existing concrete swimming pool and paths around it, the total amount impervious area within the 100-foot Buffer Zone is reduced. She stated that the only proposed grading is to restore the grades around the pool area. They envision a rolling slope down to the property line as opposed to a 2-level terrace. A white pine tree is proposed for installation in the corner of the property within the 25-foot Buffer Zone. Along the rear chain-link fence are proposed 15 viburnums. In addition, the owner is proposing the installation of a row of hydrangea shrubs up-gradient of the chain-link fence.

J. Carter Bernardo asked that the entire Buffer Zone be protected by extending the erosion control line. An 18-inch sock is proposed. J. Carter Bernardo stated that she suspects that there will be grading. The pool will need to be removed off-site and the hole filled in. J. Carter Bernardo would like a plan showing the proposed contours. No trees are proposed for removal. The Order of Conditions will include a Condition to do a test pit in the area of the drywell to ensure 2-feet of separation from the groundwater. The patio is calculated as impervious but can be conditioned for use of pervious pavers. A revised plan will be submitted to show proposed grades and extension of the erosion controls.

Nancy Ridill of 102 Lindbergh Avenue questioned whether the proposed project would increase stormwater into the stream and backing it up onto her property. M. Trudeau replied that the proposed drywell and removal of the pool should create less stormwater runoff.

Motion to continue the public hearing for 108 Lindbergh Avenue (DEP File #234-7XX) for issuance of the DEP File Number and submission of a revised plan to January 14, 2016 at 8:10 pm. by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

292 FOREST STREET – NOTICE OF INTENT (DEP FILE #234-7XX)

Applicant/Owner: F & A Farms, Inc., Dave Volante

Project: This re-development project proposed at Volante Farms consists of demolition of the existing storage building and construction of two (2) new accessory barns with areas of 2,275 S.F. and 1,800 S.F. A stormwater management system is proposed to infiltrate stormwater runoff from the new buildings. In addition, the Applicant is proposing installation of a retaining wall and new gravel driveways. Portions of the proposed work are located within the 100-foot Buffer Zone. The proposed limit of work is approximately 26-feet from the limits of an intermittent stream (Bank).

Present for the Applicant: Owner – Dave Volante, Representatives – Luke Showalter and Frank DeMarinis of Sage Engineering

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received November 25, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received November 25, 2015
- ☐ **Plan entitled: “Volante Renovations, 292 Forest Street, Needham, MA., 02492”, prepared by Sage Engineering & Contracting, Inc., stamped and signed by Frank DeMarinis, P.E. #41640, dated 9/16/15.**

J. Carter Bernardo opened the Public Hearing at 9:15 pm.

J. Carter Bernardo stated that DEP had not issued a File Number yet and the Hearing will not be able to be closed.

F. DeMarinis represented the Applicant and stated that the proposed project consists of the removal of an existing barn and the construction of two barns. The existing barn was built in the late 1800's and is not on the register of historic structures. The area around the barn consists of a gravel drive and storage area for farm materials including stone and mulch. They also use the area as a staging area to attach farm equipment to farm vehicles.

An intermittent stream is located adjacent to the drive. It is a steeper area with no Bordering Vegetated Wetlands associated with it. Only Inland Bank was identified and delineated. A footbridge over the stream channel is to remain. There is a wooded area located at the bottom of the slope, adjacent to the farm fields. Farm equipment is currently stored at the bottom of the slope but will be removed and stored in the proposed barns.

The work proposed within the 25-foot Buffer Zone includes removal of the farm equipment. The entire project is located within the 100-foot Buffer Zone. The silt fence has been removed from the 25-foot Buffer Zone on the Plan. J. Carter Bernardo requested additional erosion controls. They will add straw bales or 12-inch straw wattle to the Plan. The gravel driveway located outside the 25-foot Buffer Zone will be removed. The existing "deer fence" will remain. They have revised plans showing the detail of the retaining wall. J. Carter Bernardo expressed concern regarding the gravel eroding into the wetlands if it is not compacted enough. A. Richardson pointed out that the plan calls for the removal of 5 trees and that they need to be replaced at a 2:1 ratio. They will need to revise the plans to add the replacement trees in the 100-foot Buffer Zone. F. DeMarinis asked if a farming exemption may not require the tree replacement. J. Carter Bernardo said no. She asked how tall the proposed retaining wall is. The plan shows it is 5-feet tall in places. F. DeMarinis is a structural engineer and can review the retaining wall construction.

J. Carter Bernardo asked if test pits had been done. F. DeMarinis will give the Commission results of the perc test when complete. The stormwater calculations from hydrocad do not match the plan. The datum needs to be changed. An overflow will be added to the plan. A landscape plan submitted will show limit of seeding (conservation mix) to be mowed once a year. The debris will be removed from the Buffer Zone.

Motion to continue the public hearing for 292 Forest Street (DEP File #234-7XX) for issuance of the DEP File Number, submittal of a landscape plan showing tree replacements, revised erosion controls, submission of revised drainage calculations with corrected datum and submittal of test pit results to January 14, 2016 at 8:30 pm. by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – NEEDHAM RESERVOIR B SEWER PUMP STATION REPLACEMENT PROJECT (DEP FILE #234-616)

M. Varrell stated that a proper As-Built Plan was never completed for the location of the buildings. The As-Built submitted was more of a Landscape Plan As-Built of the plantings. The plantings all appear to be healthy and in the proper locations. The Order of Conditions had specified silver maple be planted instead of the proposed sugar maples, however, sugar maples were installed. They had requested to reduce the size of the proposed black cherry trees and the Commission agreed but asked them to plant 5 instead of the 3 proposed, however, only 3 were installed.

There is no formal As-Built Plan to compare against the proposed plan to determine if the building is in exactly the same location as proposed. M. Varrell will go out to the site and do some measurements to determine if the building is in the right location.

Motion to issue a Certificate of Compliance for Needham Reservoir B Sewer Pump Station Replacement Project (DEP FILE #234-616) contingent on M. Varrell's measurements on-site by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

DISCUSSION ITEM – CONSERVATION RESTRICTION FOR SUNLIFE ASSURANCE CO., ST. MARY STREET/ECHO ROAD

John Mulvihill from Sunlife Assurance, Co., in Wellesley explained that approximately 10-years ago they had constructed an addition to their facility located in Wellesley and Needham. At that time, the Towns of Needham and Wellesley Conservation Commissions asked Sunlife to put portions of their property adjacent to Hurd Brook into a Conservation Restriction to enhance adjacent existing land containing Conservation Restrictions, as mitigation for the addition. Sunlife agreed. He explained that the paperwork for the Restriction had been completed but was never recorded and has since been misplaced.

J. Mulvihill contacted D. Anderson and asked to submit updated paperwork to be reviewed and approved by the Commission at the meeting. D. Anderson stated that she had the minutes showing the Commission had approved the Conservation Restriction on February 22, 2007. Once approved by the Conservation Commission, it will go before the Board of Selectmen for their approval. M. Varrell stated that the difference between 10-years ago and today is that the Town has a land trust in place and they may need to be listed as the Grantee for the Restriction. J. Carter Bernardo replied that L. Standley and R. Cramer are part of the Land Trust Committee. J. Mulvihill replied that Sunlife would still retain ownership of the properties under the Conservation Restriction. M. Varrell will contact Attorney Cramer and Conservation Commissioner Attorney Cory Rhoades to get their opinion on how to proceed as far as the land trust is concerned. J. Mulvihill added that the current document was sent to the "State" for review and they had made some revisions to the document. M. Varrell explained that the vote by the Commission to approve the Conservation Restriction would need to be witnessed by a Notary Public and the document stamped as well. A. Richardson asked if the Conservation Restriction allows for public use. J. Mulvihill stated that the Conservation area has a walking trail for use by its employees. M. Varrell will contact the Attorneys as discussed and arrange for a Notary to be present at the January 14, 2016 meeting.

REQUEST FOR CERTIFICATE OF COMPLIANCE – 1143 SOUTH STREET (DEP FILE #234-613)

D. Anderson explained that the original project included the demolition of a porch, deck and stairs and the construction of an addition, deck and stairs and associated site and landscaping work. They came back with an Amendment Request for approval of an extensive landscaping and invasive species removal plan. D. Anderson stated that she was pleased with way the Landscape Architect kept her informed throughout the project process and found them a pleasure to work with. There were no issues identified. There was no two-year monitoring required. J. Carter Bernardo asked that D. Anderson contact the Landscape Architect and ask that he update her in the future as to whether the invasive species control effort appears to continue to be successful.

Motion to issue a Certificate of Compliance for 1143 South Street (DEP File #234-613) by S. Farr, seconded by S. Soltzberg, approved 4-0-0.

FULLER TRAIL UPDATE AND CONSERVATION TRUST FUND AUTHORIZATION

J. Carter Bernardo stated that she had walked the Fuller Trail this past weekend and thought it was looking really nice. M. Varrell showed the Commission photos of the Fuller Trail. He explained that the

stairs off the Esker Trail would be a possible project for the SCA group or scouts. He stated that the project is essentially complete. They are finishing up a few last items. He showed them photos of the footbridge completed on the Charles River Trail.

M. Varrell explained that due to the depth of the peat encountered during installation, the contractor needed to install additional helical piers to stabilize the walkway on the Fuller Trail. The additional piers added an additional \$78,000. Including the CPA Funds and Conservation Trust Funds to date leaves a \$66,000 deficit. M. Varrell requests the Commission approve an additional \$70,000 be allocated from the Conservation Trust Fund to finish paying for the project.

Motion to authorize the expenditure of an additional \$70,000 from the Conservation Trust Fund for the Fuller Trail project construction costs by S. Farr, seconded by A. Richardson, approved 4-0-0.

1079 SOUTH STREET – DISCUSSION

M. Varrell stated that he had been approached by Architect Mark Gluesing regarding a project at 1079 South Street. The construction is underway and located outside the Commission's jurisdiction. The homeowner's had Hartney-Greymont come to their property and they examined a grove of sixteen (16), six to eight-inch caliper spruce trees located approximately 80-feet from the Bordering Vegetated Wetlands. They are asking permission to remove the trees without going through an RDA or NOI application process. They would be willing to submit a mitigation planting plan and are planning to remove invasive species as well. M. Varrell stated that in his opinion, this type of work could be considered an exempt minor activity but this is not reflected in the Bylaw. S. Farr asked if a letter from Hartney Greymont had been submitted. M. Varrell replied that there had not been a letter submitted.

J. Carter Bernardo explained that she had discussed with M. Varrell a potential revision to the Bylaw Regulations that tree removal projects at a minimum of 75-feet from the wetlands may be able to proceed with the project without submitting an RDA or NOI application for approval. Perhaps the Commission could discuss projects such as this on a case by case basis and approve them outside the Permit process. The Commission gave M. Varrell permission to review the proposed tree removal for his approval and review the planting plan when it is submitted.

Motion to adjourn the meeting by S. Farr, seconded by P. Oehlkers, approved 5-0-0.

The meeting was adjourned at 10:00 pm.

NEXT PUBLIC HEARING

Thursday, January 14, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, January 14, 2016**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo (7:40 pm arrival), Stephen Farr, Peter Oehlkers, Corey Rhoades, Alison Richardson, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Bryan Balicki, Jonathan Bracken, Roy Cramer, Kathy D'Addesio, Mikhail Deychman, Olga Geyyer, Victor Geyyer, Joyce Hastings, Bob Hentschel, Fred Keylon, Shirley Klepadlo, David Miller, John Mulvihill, Rob Olsen, Nancy Ridill, John Rockwood, Mary Trudeau, David Volante, Gene Voloshin, Christopher Watt

P. Oehlkers opened the public meeting at 7:30 pm.

MISCELLANEOUS BUSINESS:

Motion to approve the Meeting Minutes of December 10, 2015, as revised, by S. Farr, seconded by C. Rhoades, approved 4-0-0.

ENFORCEMENT & VIOLATION UPDATES

None

HEARINGS

LINDEN STREET/CYPRESS STREET – *continued* NOTICE OF INTENT (DEP FILE #234-741)

Applicant: Jorge Oslan, Oak Street LLC

Project: Utility work to connect the proposed utilities from Cypress Street to existing utilities in Linden Street and for the construction of Cypress Street. Portions of the work are located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. The proposed limit of work is approximately 23 feet from the limits of BVW. One tree is proposed to be removed.

Present for the Applicant: No one

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received August 27, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received August 27, 2015
- ☐ **Plan entitled: “Notice of Intent Conservation Commission Plan and Profile Intersection of Cypress & Linden Street Needham, Mass.”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. #47581, dated 8/20/15.**

J. Carter Bernardo opened the public hearing at 7:45 pm.

The Commission discussed the fact that the Applicant had not submitted the additional information that they had requested and the Hearing has been continued at the Applicant's request over several meetings. Abutters have arrived at several of the continued meetings only to be told that the Hearing has been continued again at the Applicant's request.

The Commission will continue to a date uncertain, require the Applicant to submit all the required additional information that was requested, re-notify abutters of the new Hearing date and pay to have the legal ad with the new Hearing date published in the newspaper.

Motion to continue the public meeting for Linden Street/Cypress Street (DEP File #234-741) to a date uncertain (the Applicant must submit the additional information requested, re-notify abutters of the new Hearing date and pay to advertise the new Hearing information in the newspaper) by S. Farr, seconded by C. Rhoades, approved 5-0-0

24 JARVIS CIRCLE – NOTICE OF INTENT (DEP FILE #234-747)

Applicant: Ruslan and Irina Faynstain

Owner: Louis and Lorraine Syatt

Project: Demolition of a single-family dwelling and construction of a new single-family home with associated appurtenances and landscaping; portions of which are located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Present for the Applicant: Michael Deychman

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received November 20, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received November 20, 2015
- ☐ Plan entitled: “24 Jarvis Circle, Proposed Site Plan, Needham, MA”, prepared by Mikhail Deychman, stamped and signed by Richard A. Volkin, P.E. #22282, dated 11/8/15.
- ☐ Plan entitled: “24 Jarvis Circle, Drywell Detailed (Sheet 2 of 2), Needham, MA”, prepared by Mikhail Deychman, stamped and signed by Richard A. Volkin, P.E. #22282, dated 11/8/15.

J. Carter Bernardo opened the public hearing at 8:00 pm.

J. Carter Bernardo stated that Hearing had been continued for the issuance of a DEP File Number, which has been issued.

Motion to close the public hearing for 24 Jarvis Circle (DEP File #234-747) by S. Farr, seconded by C. Rhoades, approved 4-0-0.

Motion to issue an Order of Conditions for 24 Jarvis Circle (DEP File #234-747) by S. Farr, seconded by C. Rhoades, approved 4-0-1 P. Oehlkers abstained.

1910 CENTRAL AVENUE – NOTICE OF INTENT (DEP FILE #234-748)

Applicant/Owner: Ryan and Alison Murphy

Project: The demolition of a 100+ year old 2-car garage destroyed by fire and the construction of a new garage in the same footprint and of the same size. The work is located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands and Inland Bank and within the 200-foot Riverfront Area to the Charles River.

Present for the Applicant: No one

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received November 24, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received November 24, 2015
- ❑ Plan entitled: “Site Plan 1910 Central Avenue Needham, Massachusetts”, prepared by Snelling & Hamel Associates, Inc., stamped and signed by John R. Hamel, P.L.S. #35029, dated 12/1/15.

J. Carter Bernardo opened the public hearing at 8:05 pm.

J. Carter Bernardo stated that Hearing had been continued for the issuance of a DEP File Number, which has been issued.

Motion to close the public hearing for 1910 Central Avenue (DEP File #234-748) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

Motion to issue an Order of Conditions for 1910 Central Avenue (DEP File #234-748) by S. Farr, seconded by P. Oehlkers, approved 4-0-1 C. Rhoades abstained.

108 LINDBERGH AVENUE – NOTICE OF INTENT (DEP FILE #234-751)

Applicant: Gene Voloshin

Owner: James and Patricia Griffith

Project: Demolition of a single-family home and in-ground pool and subsequent construction of a new single-family home with associated appurtenances and landscaping. An existing shed will be removed. A portion of the proposed work is located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Present for the Applicant: Representative – Mary Trudeau, Applicant – Gene Voloshin

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received November 23, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received November 23, 2015
- ❑ Plan entitled: “Proposed Site Plan, 108 Lindbergh Avenue, Needham, MA 02494”, prepared by Mikhail Deychman, stamped and signed by Richard A. Volkin, P.E., dated 11/15/15, final revision date 12/17/15.
- ❑ Plan entitled: “Dry Well Detail, 108 Lindbergh Avenue, Needham, MA.”, prepared by Mikhail Deychman, stamped and signed by Richard A. Volkin, P.E., 11/15/2015.

J. Carter Bernardo opened the Public Hearing at 8:10 pm.

M. Trudeau explained to the Commission that a revised plan had been submitted that included the revisions as requested by the Commission. The revised plan shows the extension of the erosion control barrier, the proposed grading, and labels the proposed patio as being constructed with permeable pavers. M. Trudeau noted one additional revision to the plan is the proposed reconstruction of the retaining wall near the pool rather than its removal as depicted on the previous plan. The Commission will have a Condition in the Order requiring the submission of a detail of the proposed retaining wall, prior to construction.

Nancy Ridill of 102 Lindbergh Avenue asked for clarification of the wall location.

Motion to close the public hearing for 108 Lindbergh Avenue (DEP File #234-751) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

Motion to issue an Order of Conditions for 108 Lindbergh Avenue (DEP File #234-751) by S. Farr, seconded by A. Richardson, approved 4-0-1 C. Rhoades abstained.

292 FOREST STREET – NOTICE OF INTENT (DEP FILE #234-750)

Applicant/Owner: F & A Farms, Inc., Dave Volante

Project: This re-development project proposed at Volante Farms consists of demolition of the existing storage building and construction of two (2) new accessory barns with areas of 2,275 S.F. and 1,800 S.F. A stormwater management system is proposed to infiltrate stormwater runoff from the new buildings. In addition, the Applicant is proposing installation of a retaining wall and new gravel driveways. Portions of the proposed work are located within the 100-foot Buffer Zone. The proposed limit of work is approximately 26-feet from the limits of an intermittent stream (Bank).

Present for the Applicant: Owner – Dave Volante, Representative – Bryan Balicki of Sage Engineering

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received November 25, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received November 25, 2015
- ☐ **Plans entitled: “Volante Renovations 292 Forest Street Needham, MA 02492”, prepared by Sage Engineering & Contracting, Inc., stamped and signed by Frank DeMarinis, P.E. #41640, dated 9/16/15 (final revision 1-14-16).**

J. Carter Bernardo opened the Public Hearing at 8:33 pm.

Bryan Balicki of Sage Engineering explained that per the Commission’s request, the formal test pits had been done and the results were favorable for infiltration and the calculations previously submitted could be used. The Applicant had submitted a request asking the Commission to consider the planting of thirty-five (35) raspberry bushes, within the 100-foot Buffer Zone, as mitigation for the proposed tree removal as opposed to following the *Town of Needham Tree Replacement Guidelines* that require tree replacement at a 2:1 ratio. D. Volante explained that the area where the mitigation plantings would be installed borders one of the farm’s fields and trees installed in that area would shade out portions of the crop. He added that he is choosing raspberry bushes because that species is already growing along the Bank of the stream on the site.

The Commission asked if D. Volante was planning to harvest the berries for commercial use as stated in the written request. D. Volante explained that he would not “net” the shrubs or try and keep animals from eating the berries. There are too few shrubs to be commercially viable and the type proposed is not suitable for commercial use.

Motion to close the public hearing for 292 Forest Street (DEP File #234-750) by S. Farr, seconded by A. Richardson, approved 4-0-1 C. Rhoades abstained.

Motion to issue an Order of Conditions for 292 Forest Street (DEP File #234-750) by S. Farr, seconded by A. Richardson, approved 4-0-1 C. Rhoades abstained.

1191 GREENDALE AVENUE – NOTICE OF INTENT (DEP FILE #234-749)

Applicant/Owner: John Doherty, St. Sebastian’s School, Inc.

Project: The proposed project consists of activities associated with the Athletic Center Renovation and repair and repaving of the South Parking Lot. Work within jurisdictional areas, consisting of the 200-foot Riverfront Area and the 100-foot Buffer Zone, includes construction of a temporary construction access road, and repair and repaving of an existing paved parking lot.

Present for the Applicant: John Rockwood, EcoTec, Inc., Attorney Roy Cramer, Fred Keylon, H.W. Moore, Rob Olsen and David Miller of Robert Olson & Associates.

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received December 23, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received December 23, 2015
- ❑ “Catch Basin Cleaning Report, St. Sebastian’s School”, dated October 25, 2014, prepared by T.G. O’Connor Contracting Corp.
- ❑ “Storm Runoff Analysis and Operation and Maintenance Plan, St. Sebastian’s School Athletic Center, Needham, Massachusetts”, dated December 16, 2015, prepared by H.W. Moore Associates, Inc.
- ❑ Plans entitled:
St. Sebastian’s School, Athletic Center. 1191 Greendale Avenue, Permit Documents, dated December 22, 2015 (except as noted).
 - b. X-1 Existing Conditions (stamped and signed December 15, 2015);
 - c. C-1 Site Utility Plan;
 - d. C-2 Erosion Control Plan;
 - e. C-3 Site Details Plan;
 - f. C-4 Site Details Plan;
 - g. AS0.1 Site Mobilization Plan;
 - h. AS0.2 Site Preparation Plan;
 - i. AS1.0 Site Layout Plan;
 - j. AS1.1 Site Materials Plan;
 - k. AS1.2 Site Grading Plan;
 - l. AS1.3 Planting Plan;
 - m. AS4.1 Site Details;
 - n. AS4.2 Site Details; and
 - o. RF-1 Existing and Proposed Riverfront Area Conditions.

J. Carter Bernardo opened the Public Hearing at 8:47 pm.

J. Rockwood of EcoTec, Inc. introduced the other Representatives present for the project including: Attorney Roy Cramer, Fred Keylon, H.W. Moore, Rob Olsen and David Miller of Robert Olson & Associates.

David Miller of Robert Olson & Associates gave an overview of the proposed project. He noted that all of the proposed activities will take place within existing lawn areas. There will be no disturbance to the hockey rink or tennis courts during construction. Any re-grading that takes place will be to match the existing contours. The existing stone walkway will remain. D. Miller explained that they had hoped to move the existing power lines along the river underground but have been notified by the electric company that it would be quite an undertaking and expensive to do so. They now plan to leave the wires in place and have revised the planting plan to reflect new tree replacement locations.

D. Miller went over the proposed tree removals and mitigation planting plan. Some tree species to be installed include: River Birch, London Plane, Oaks, Ginko, Red Maple and Tulip trees. J. C. Bernardo inquired as to when the work would begin. D. Miller replied that they would start in the summer and the work would take approximately 15-months. A. Richardson commented that she was concerned about the creation of dust so close to the river and wetland vegetation during construction. David said that they are proposing construction procedures and requirements that will address that concern.

F. Keeler of H.W. Moore went over the stormwater and erosion control sections of the project. Currently the entire 2.5 acres of the project area drains to the basin adjacent to the river. There are deep-sump catch basins in use now on the site. J. C. Bernardo stated that she found the stormwater analysis and calculations submitted to have been done well. She questioned whether they additional treatment could be provided for the hockey rink parking lot runoff, especially in light of anticipated EPA mandates for the reduction of phosphorus to the Charles River. The Applicant agreed to investigate the possibility.

The construction access drive will be lined with crushed stone. A construction gate will be closed and locked at night. Staked straw bales and silt fence will be installed as shown on the plan submitted. Inlets will be protected by silt sacks and straw bales. The tennis court perimeter will have a double row of straw bales. Silt sacks will protect most catch basins and will be added to the hockey parking lot basins. The Commission is awaiting comments from the MA Natural Heritage and Endangered Species Program as a portion of the project is located within mapped Priority and Estimated Habitats. The Applicant stated that the plans will be revised to address the comments from the Commission.

Motion to continue the public hearing for 1191 Greendale Avenue (DEP File #234-749) for a revised planting plan and a response from NHESP to January 28, 2016 at 7:45 p.m. by S. Farr, seconded by C. Rhoades, approved 5-0-0

263 NEHOLDEN STREET – REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant/Owner: Victor and Olga Geyyer

Project: After-the-fact Request for unpermitted installation of pervious paver patio and installation of sod within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. The Request also includes permission for installation of wooden steps, a small pre-fabricated shed, fencing, and additional re-sodding of lawn.

Present for the Applicant: Owners Victor and Olga Geyyer

Supporting Documents include:

- ☐ WPA Form 1 – Request for Determination of Applicability dated December 29, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received December 29, 2015
- ☐ **Plan entitled: “Conservation Commission Site Plan, 263 Nehoiden Street, Needham, Mass”, prepared by Field Resources, Inc. final revision date September 15, 2011, REVISED BY OLGA GEYER ON 12/29/2015**

J. Carter Bernardo opened the Public Hearing at 9:30 pm.

The application is an after-the-fact submittal, resulting from a previous violation. O. Geyyer explained that the 400 sq. ft. patio they had installed was constructed with pervious pavers, specifically Uni-Lock brand pavers. In addition, they re-sodded the damaged lawn to the rear of the house. The application includes a request to re-sod damaged lawn to the side of the house. They are requesting approval for installation of a small shed less than 100 sq. ft. in size with no foundation and outside the 25-foot Buffer Zone. Along Nehoiden Street they would like to replace some sections of the existing fence and along the rear of the yard where the drop-off begins they want to install a white picket fence. M. Varrell suggested language be added to the Determination of Applicability stating no woody vegetation can be removed for the project. M. Varrell noted that as no erosion controls are proposed, a Condition should be added requiring there be no exposed soils for more than 24-hours during sodding installation.

An abutter from 273 Nehoiden Street, Christopher Watt, stated that he was okay with the proposed project, as long as the patio was constructed with permeable pavers.

Motion to close the public hearing for 263 Nehoiden Street by S. Farr, seconded by Cory Rhoades, approved 5-0-0.

Motion to issue a Negative Determination of Applicability for 263 Nehoiden Street by S. Farr, seconded by C. Rhoades, approved 5-0-0.

OTHER BUSINESS

DISCUSSION ITEM – CONSERVATION RESTRICTION FOR SUNLIFE ASSURANCE CO., ST. MARY STREET/ECHO ROAD

As discussed at the previous Meeting, M. Varrell contacted Conservation Commissioner, Attorney Cory Rhoades and asked him to review the language of the Conservation Restriction as submitted. Attorney Rhoades revised some of the language and Sunlife subsequently agreed to the revisions. As a notary was required to sign off, J. Carter Bernardo had signed the document in front of a notary public in the Conservation Office.

Motion to accept the Conservation Restriction submitted by the Sunlife Assurance Co. for St. Mary Street/Echo Road by S. Farr, seconded by C. Rhoades, approved 4-0-0.

REQUEST FOR MINOR MODIFICATION – 921 SOUTH STREET (DEP FILE #234-690)

Joyce Hastings represented the Applicant, Jonathan Bracken, who was also present. J. Hastings explained that the project was for an addition, which has been completed. A loose stone wall is located to the east of the garage addition. The stone wall is holding up approximately 2-feet of material. The owner is not able to bring the riding lawn mower up between the garage and the stone wall to access the yard. The owner is proposing to move the stone wall out 10-feet to create a flat access corridor for the mower to pass. The proposed work is within existing lawn and will not require the removal of any trees or shrubs. J. Hastings noted that the proposed work was outside the 100-foot Buffer Zone but within the 200-foot Riverfront Area.

M. Varrell asked for clarification as to whether they proposed moving the stone wall and then filling up to it. J. Hastings confirmed this was the plan. M. Varrell expressed concern that the addition of fill would kill the existing trees by filling over the roots. J. Hastings explained that the fill would not impact the tree roots in the location where it was proposed.

Motion to approve the Minor Modification to the plans for 921 South Street (DEP File #234-690) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

REVIEW OF DRAFT ORDER OF CONDITIONS FOR CENTRAL AVENUE/ELLIOT STREET BRIDGE (DEP FILE #234-610)

The Commission reviewed the draft Order of Conditions for Central Avenue/Elliot Street Bridge (DEP File #234-610).

Motion to issue the Order of Conditions for Central Avenue/Elliot Street Bridge (DEP File #234-610) by S. Farr, seconded by A. Richardson, approved 4-0-1 C. Rhoades abstained.

CONTINUED DISCUSSION - REQUEST FOR CERTIFICATE OF COMPLIANCE – 40 WILDWOOD DRIVE (DEP FILE #234-610)

M. Varrell explained that the Applicant had applied for a Certificate of Compliance in 2013 but it was not granted because staff visited the site and found that the required permanent markers were not installed nor were with required plantings. M. Varrell spoke with the owner last summer and found a memo from P. Barry stating that installation of the proposed blueberry bushes was necessary but the permanent markers were not necessary. M. Varrell would like to insert a note requiring maintenance of the boundary plantings.

Motion to issue a Certificate of Compliance for 40 Wildwood Drive (DEP File #234-610) by S. Farr, seconded by C. Rhoades, approved 5-0-0.

CONSERVATION TRUST FUND

M. Varrell explained that the Commission has a CPA request in for \$50,000 to attempt to build back up the Conservation Trust Fund Account. He had researched past Meeting Minutes on the topic and found discussions that the Commission would like to keep the account with a minimum balance of \$250,000. His understanding of the purpose of keeping that amount of money in the account was in case a property came up for sale that the Town had interest in buying, the money could be used as a down payment to hold the property until the remainder of the funding was obtained. M. Varrell asked the Commission to reaffirm the monetary goal of \$250,000. The Fuller Trail project used up a portion of the fund leaving the balance at approximately \$212,000. He noted that the money invested from the account is doing very well.

The Commission discussed where the money originally came from and what it has been used for such as kiosks and signs. Other funding sources were discussed. J. Carter Bernardo noted that originally the Town Meeting would deposit money. M. Varrell agreed that his research showed \$5,000-7,000 deposited every year for a period of time. The Commission discussed if \$250,000 was still enough money to keep in in the account to meet their goals. M. Varrell will attend the CPA Meeting on January 27, 2016.

Motion to make it a goal of the Conservation Commission to have a minimum of \$250,000 available at all times in the Conservation Trust Fund by S. Farr, seconded by C. Rhoades, approved 5-0-0.

Motion to adjourn the meeting by S. Farr, seconded by C. Rhoades, approved 5-0-0.

The meeting was adjourned at 9:50 pm.

NEXT PUBLIC HEARING

Thursday, January 28, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.

Grantor: Sun Life Assurance Company of Canada
Grantee: The Town of Needham
Address of Property: Rear Portion of One Sun Life Executive Park, Wellesley, MA 02481
For title see: Book 31451, Page 392 in the Norfolk County Registry of Deeds.

CONSERVATION RESTRICTION

SUN LIFE ASSURANCE COMPANY OF CANADA, a stock life insurance company organized under the Insurance Companies Act (Canada) and having a usual place of business at One Sun Life Executive Park in Needham, Massachusetts 02481, being the sole owner for its successors and assigns ("Grantor"), hereby grants with Quitclaim covenants, to **THE TOWN OF NEEDHAM**, a Massachusetts municipal corporation having its principal office at the Office of the Board of Selectmen of the Town of Needham, Town Hall, 1471 Highland Avenue, Needham, Massachusetts 02492, acting by and through its Conservation Commission, pursuant to M.G.L. Chapter 40, Section 8C, its permitted successors and assigns ("Grantee"), for One Dollar (\$1.00) consideration paid, pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, in perpetuity and exclusively for conservation purposes, the following Conservation Restriction located in the Town of Needham, Massachusetts constituting approximately 3.05 acres ("Premises"), consisting of three (3) parcels more particularly described in **Exhibit A** attached hereto.

WHEREAS, in connection with Grantor's construction of a new office building and its expansion of an existing parking garage at Grantor's corporate headquarters campus in the Town of Needham, and in connection with a Special Permit dated March 3, 2000 granted by the Planning Board, Grantor has agreed to grant a perpetual Conservation Restriction with respect to the Premises; and

WHEREAS, the Premises provide significant scenic and aesthetic value to the public as a natural area, open space and buffer zone which has not been subjected to development incompatible with said uses; and

WHEREAS, Grantor and Grantee have the common purpose of conserving the natural values of the Premises for this generation and future generations; and

WHEREAS, Grantor and Grantee seek to create this Conservation Restriction in accordance with the provisions of M.G.L. Chapter 184 §§31-33 for the purpose of retaining the Premises in a natural, scenic, and open condition; and

WHEREAS, the Conservation Restriction hereby imposed will yield significant public benefits due to the uniqueness of the Premises, and this Conservation Restriction is consistent with state and local conservation programs in the Town of Needham, as evidenced by the approval of the Town of Needham Board of Selectmen and its Conservation Commission, and the Secretary of the Massachusetts Executive Office of Environmental Affairs.

NOW, THEREFORE, the Grantor, for itself and its successors and assigns, hereby covenants and agrees with the Grantee as follows:

I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that, except as otherwise provided herein, the Premises will be maintained in its current condition in perpetuity and exclusively for conservation purposes, predominantly in a natural, scenic and undeveloped condition, and to prevent any use or change that would materially impair or interfere with its conservation and preservation values. These values include, without limitation, those referenced above in the WHEREAS clauses.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses.

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

(1) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;

(2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise make topographical changes to the area;

(3) Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;

(4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;

(5) Creation of a cultivated (i.e., seeded, fertilized, and maintained) lawn or formal or cultivated gardens; application or use of fertilizers, fungicides, herbicides or pesticides in any quantity;

(6) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, or archaeological conservation;

(7) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their lawful duties;

(8) The disruption, removal, or destruction of the stone walls or granite fence posts on the Premises;

(9) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards further building or development requirements on this or any other parcel;

(10) The use of the Premises for more than *de minimis* commercial recreation, or for business, residential or industrial use of the Premises; and

(11) Any other use of the Premises or activity thereon which is inconsistent with the purpose of this Conservation Restriction or which would materially impair its conservation values.

B. Reserved Rights and Exceptions.

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not minimize the conservation values or purposes of this Conservation Restriction:

(1) Recreational Activities. Hiking, horseback riding, fishing, bird-watching and other non-motorized outdoor recreational activities, for Grantor's employees and invitees, that do not materially alter the landscape, and do not degrade environmental quality;

(2) Vegetation Management. In accordance with generally accepted forest management practices, selective removing of brush, pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises, including woods roads, fence lines, trails and meadows;

(3) Non-native or nuisance species. The control or removal of non-native, nuisance or invasive species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;

(4) Composting. The stockpiling and composting of stumps, trees and brush limbs and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not minimize the purposes or conservation values (including scenic values) of this Restriction;

(5) Wildlife Habitat Improvement. With the prior written permission of Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, including selective planting of native trees, shrubs and plant species and, in consultation with MA Natural Heritage and Endangered Species, alteration or restoration of rare or endangered species habitat;

(6) Archaeological Investigations. The conduct of archaeological activities following submission of an archaeological field investigation plan and its approval in writing by Grantee

and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official);

(7) Trails. The marking, clearing and maintenance of footpaths and the periodic suspension of such use where required work on the Trails so necessitates. Trails are to be not wider than 3 feet;

(8) Signs. The erection, maintenance and replacement of signs with respect to permitted use of the Premises, trail access, identity and address of the occupants, sale of the Premises, the Grantee's interest in the Premises, and the protected conservation purposes and values;

(9) Utility Work. Install utilities over, on and under the Premises to serve other land and improvements now and hereafter owned by Grantor or any of its affiliates ("Grantor's Remaining Land"), but only to the extent necessary and only to the extent such utilities cannot reasonably be installed outside of the Premises; and to trim, cutback and remove trees, vegetation and other materials to allow Grantor to effect the same; provided, however, that Grantor shall take reasonable efforts to minimize the potential extent and effect of such utility work on the Premises, and provided further that such utilities can only be installed to service existing improvements of Grantor and/or to act on permits existing as of the date hereof;

(10) Fences. To erect fences on the perimeter of the Premises but only if reasonably necessary to protect persons from any hazards or dangers; and

(11) Drainage and Other Facilities. To construct detention ponds, pipes and other drainage and/or soil conservation facilities on the Premises as are necessary to serve Grantor's Remaining Land and then only in a manner which does not substantially impair the purposes or conservation values of this Conservation Restriction.

Any work undertaken in conjunction with the reserved rights shall seek to minimize disturbance within the Premises. Upon completion of any site work performed in conjunction with the reserved rights, any disturbed areas shall be restored substantially to match the conditions with respect to soil material, grade, and vegetated ground cover that existed prior to said work; and

The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.

In connection with any of the Reserved Rights reserved by Grantor in this Conservation Restriction, or work allowed or required by permits, Grantor shall be permitted to temporarily utilize motorized vehicles for rights reserved above, and to temporarily place construction materials and equipment and put erosion control measures in place, as are necessary and in locations which do not materially detract or derogate from the purposes hereof, including scenic values, during the exercise of such rights, and upon completion of such reserved rights, Grantor shall also promptly remove all construction materials and equipment from the Premises, and

Grantor shall, to the extent reasonably practicable, promptly restore the Premises to its condition prior to the exercise of such rights.

C. Notice and Approval.

Whenever notice to or approval by Grantee is required under the provisions of paragraphs A or B, Grantor shall notify Grantee in writing, with a receipt, not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not minimize the conservation values or the purposes of this Conservation Restriction. Failure of Grantee to respond in writing within 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, and provided the requested activity is not prohibited herein, and the activity will not minimize the conservation values or purposes of the Premises.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of. The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is found to have occurred by Grantee in its sole good faith determination, unless otherwise determined by a court of competent jurisdiction.

In the event of a dispute over the boundaries of the Premises, the Grantor shall be responsible for a survey and the placement of permanent boundary markers.

B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability.

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantor's Control.

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes.

IV. ACCESS

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Proceeds.

Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction (determined at the time of the gift) bears to the value of the unrestricted property (at that time). Such proportionate value of the Grantee's property right shall remain constant.

C. Grantor/Grantee Cooperation Regarding Public Action.

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in shares equal to such proportionate value after complying with the terms of any gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

VI. ASSIGNABILITY

A. Running of the Burden.

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments.

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of herself and her successors and assigns, appoint the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on her behalf. Without limiting the foregoing, the Grantor and her successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit.

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which he divests himself of any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee within 20 days of such transfer. Failure to do either shall not impair the validity or enforceability of this Conservation

Restriction. Any transfer will comply with article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after his or her ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days, execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee or be unenforceable on that account. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General laws of Massachusetts. Any amendments to this conservation restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Art. 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Norfolk County Registry of Deeds.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative Approvals required by Section 32 of Chapter 184 of the General Laws have

been obtained, and it has been recorded in a timely manner in the Norfolk County Registry of Deeds.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Sun Life Assurance Company of Canada
One Sun Life Executive Park
Wellesley, Massachusetts 02481
Attention: General Counsel

To Grantee: Board of Selectmen
Town of Needham
Town Hall
1471 Highland Avenue
Needham, Massachusetts 02492

or to such other address as any of the above parties shall designate from time to time by written notice to the other. If the notice is returned to sender as undeliverable, notice shall be re-sent to as current an address as is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

A. Controlling Law.

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction.

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Massachusetts General Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability.

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement.

This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIV. MISCELLANEOUS

A. Pre-existing Public Rights.

Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

Attached hereto and incorporated herein are the following:

- (1) Signature and Acknowledgement Page(s) for Grantor;
- (2) Signature and Acknowledgement Pages for the Needham Conservation Commission acting for the Grantee;
- (3) Signature and Acknowledgement Pages for the Needham Board of Selectmen's Approval of the Acceptance of this Conservation Restriction Pursuant to M.G.L. Ch. 40, Sec. 8C and Approval of this Conservation Restriction Pursuant to M.G.L. Ch. 184, Sec. 32;
- (4) Signature and Acknowledgement Page for the Approval of this Conservation Restriction by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts;
- (5) Exhibit A Describing the Premises which are subject to this Conservation Restriction.

[Remainder of Page Intentionally Left Blank]

WITNESS the execution hereof under seal this 8 day of January, 2016.

Sun Life Assurance Company of Canada

By: *John B. Mulvihill*

Name:

John Mulvihill

Title:

Authorized Signer

By: *Charles S. Andes*

Name:

Charles S. Andes

Title:

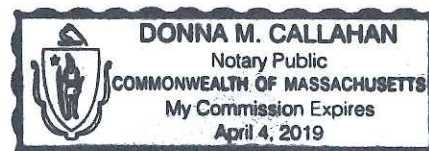
Authorized Signer

COMMONWEALTH OF MASSACHUSETTS

Norfolk County, ss:

On this 15 day of January, 2016, before me, the undersigned notary public, personally appeared John B. Mulvihill & Charles S. Andes and proved to me through satisfactory evidence of identification, which was a [Personal ID] Driver's License or personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Authorized Signer on behalf of **Sun Life Assurance Company of Canada**.

Donna M. Callahan
Notary Public
My Commission Expires: April 4 2019



ACCEPTANCE OF GRANT

The above Conservation Restriction from Sun Life Assurance Company of Canada to The Town of Needham, acting by and through its Conservation Commission, was accepted by a majority of the Conservation Commission this 8TH day of January, 2016.

Conservation Commission

By:

By:

By:

By:

By:

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

On this 8 day of January, 2016, before me, the undersigned notary public, personally appeared Janet Carter Bernardo and proved to me through satisfactory evidence of identification, which was a [] Driver's License or personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of the **Conservation Commission** for The Town of Needham.

Alexandra Clark
Notary Public

My Commission Expires:

March 18, 2022

APPROVAL OF GRANT

The above Conservation Restriction from Sun Life Assurance Company of Canada to The Town of Needham, acting by and through its Conservation Commission, was approved by a majority of the Board of Selectmen this _____ day of _____, 2016.

Board of Selectmen

By: _____

By: _____

By: _____

By: _____

By: _____

APPROVAL OF BOARD OF SELECTMEN

We, the undersigned, being a majority of the Board of Selectmen of The Town of Needham, hereby certify that at a public meeting duly held on _____, 2016, the Board of Selectmen voted to approve the foregoing Conservation Restriction from Sun Life Assurance Company of Canada to The Town of Needham, acting by and through its Conservation Commission, pursuant to Section 8C of Chapter 40 and Section 32 of Chapter 184 of the General Laws of Massachusetts.

Board of Selectmen

By: _____

By: _____

By: _____

By: _____

By: _____

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

On this _____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____ and proved to me through satisfactory evidence of identification, which was a [_____] Driver's License or personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of the **Board of Selectmen** for The Town of Needham.

Notary Public

My Commission Expires:

APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL
AFFAIRS OF THE COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Sun Life Assurance Company of Canada to The Town of Needham, acting by and through its Conservation Commission, has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Secretary of Energy and Environmental Affairs

Dated: _____, 2016

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

On this _____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____ and proved to me through satisfactory evidence of identification, which was a [_____] Driver's License or personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as the **Secretary of Energy and Environmental Affairs**.

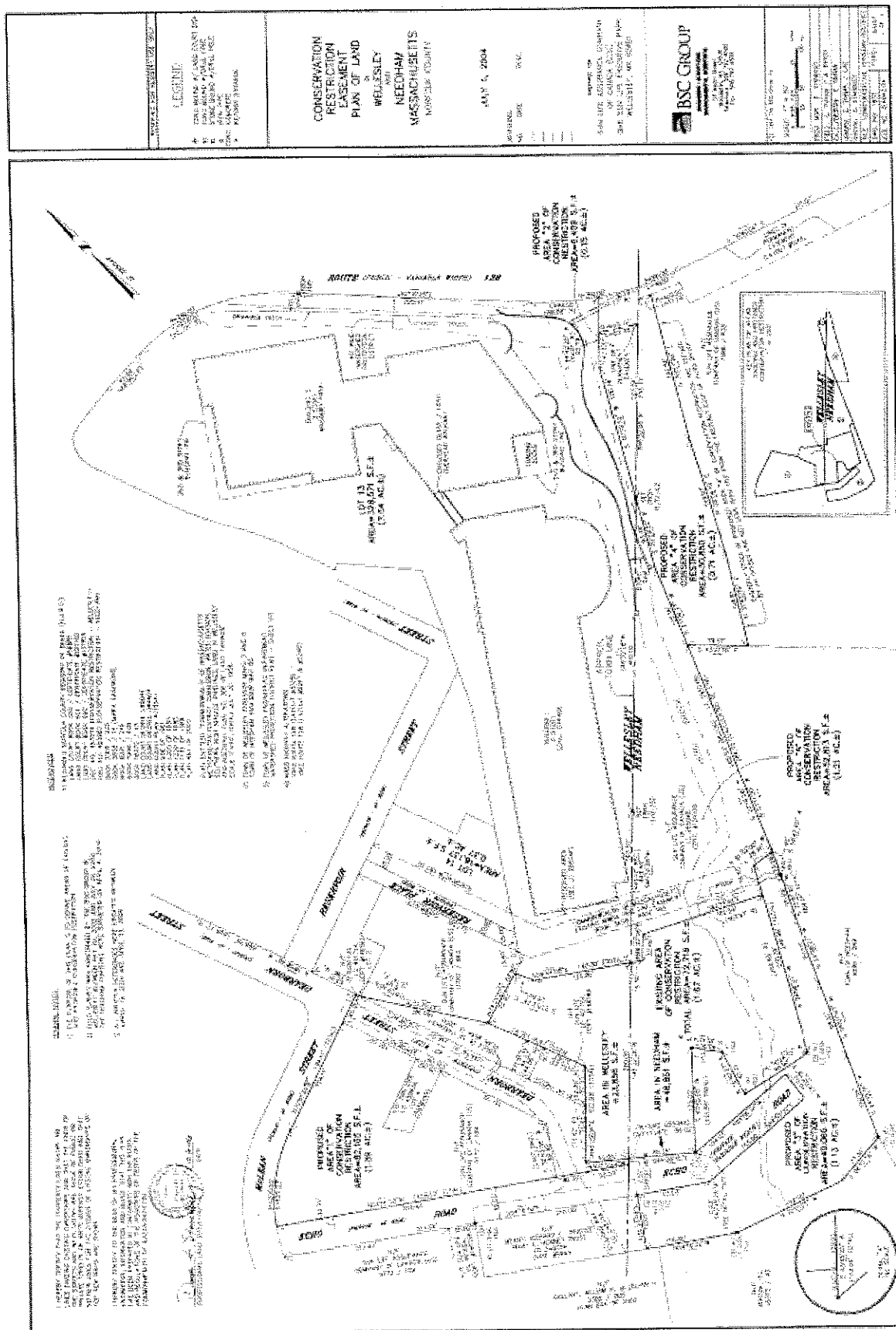
Notary Public

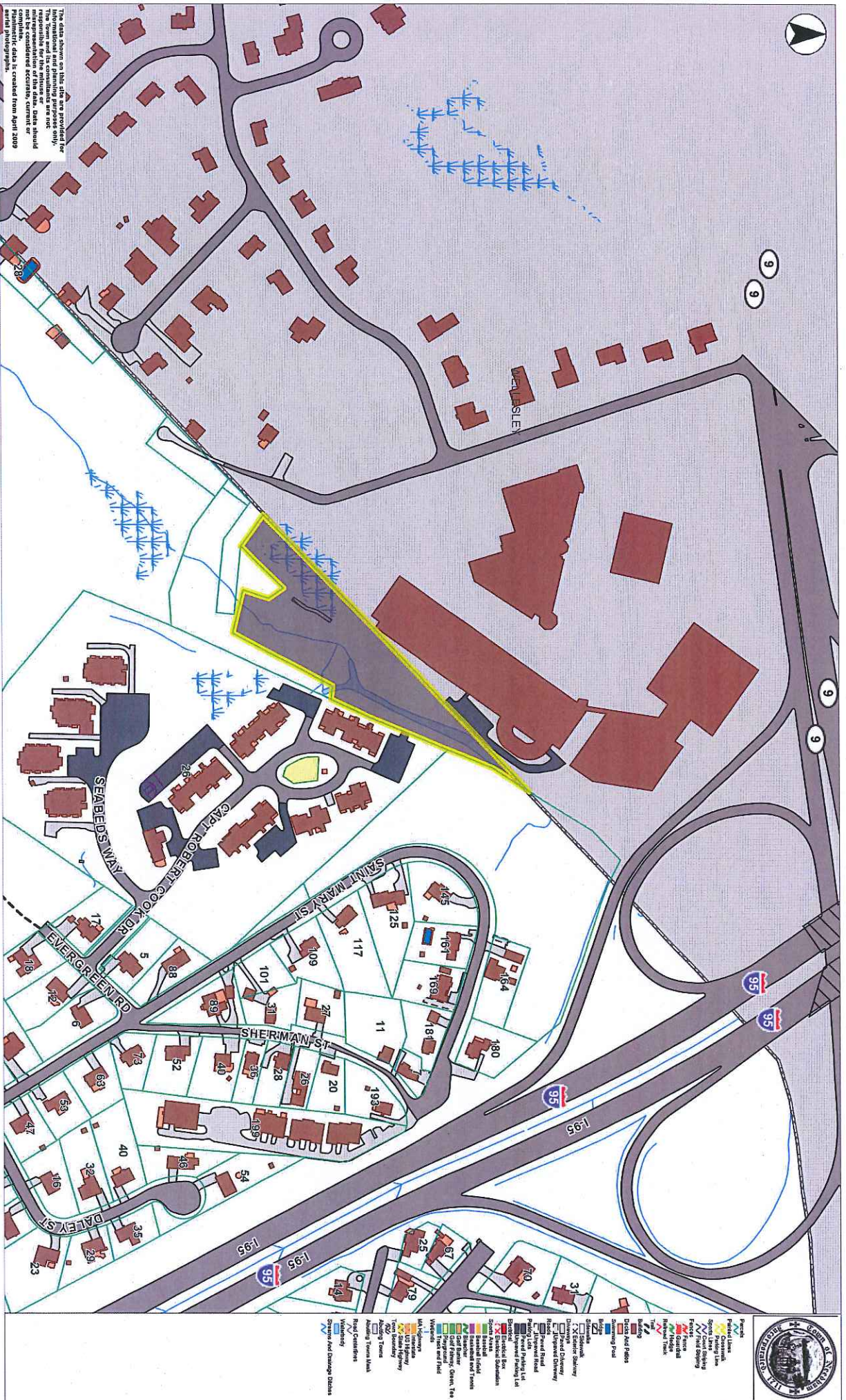
My Commission Expires:

Exhibit A

The area shown as "Proposed Area "3" of Conservation Restriction", "Proposed Area "4" of Conservation Restriction" and "Proposed Area "5" of Conservation Restriction" and having approximately 49,066 square feet or 1.13 acres, 30,850 square feet or 0.71 acres, and 52,813 square feet or 1.21 acres, respectively, as shown on a plan (the "Plan") entitled "Conservation Restriction Easement Plan of Land in Wellesley and Needham, Massachusetts", dated July 1, 2004 and prepared by BSC Group, Worcester, MA, which plan is being recorded with the Norfolk County Registry of Deeds and/or filed with the Norfolk Registry District of the Land Court simultaneously herewith.

For Grantor's title to the Premises, see Book 31451, Page 392 in the Norfolk County Registry of Deeds.





Board of Selectmen

AGENDA FACT SHEET for 2/9/2016

Agenda Item: Accept Conservation Easement

Presenter(s): Kate Fitzpatrick, Town Manager

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

On January 28th, the Conservation Commission voted to accept a Conservation Easement for a portion of the property at 720 South Street – a 3.3 acre parcel owned by Joseph L. Zink. The area abuts the Charles River and is deemed of important conservation value. An Order of Conditions issued in 2005 included a special condition that a portion of the property be permanently restricted for conservation purposes.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: That the Board accept and sign the Conservation Easement to the Town of Needham from Joseph L. Zink for 720 South Street.

3. BACK UP INFORMATION ATTACHED:

- a. Email from Grantors attorney (Kristine Hung) describing the history of the site and the current request
- b. Original Conservation Easement document (as signed by the Conservation Commission)
- c. The easement plan as referenced in the Easement
- d. GIS image showing (general) location of 720 South Street

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	[no]	NA	_____
b.	Town Counsel	[yes]	no	NA	_____
c.	Finance Director	yes	[no]	NA	_____
d.	Conservation Comm.	[yes]	no	NA	_____

Disposition by BOS

Action taken: _____ Present on future Agenda: _____

Refer to/Inform: _____ Report back to BOS on: _____

Prepared by kpf

Matt Varrell

From: Kristine Hung <khung@oarlawyers.com>
Sent: Tuesday, January 26, 2016 5:27 PM
To: Matt Varrell
Cc: Robert Orsi; Joe Zink; Nowell Bloomenthal
Subject: Conservation Easement - 720 South Street, Needham, MA
Attachments: Conservation Easement nb rl 1 22 16 B15-292 - clean.docx; Conservation Restriction.pdf; Conservation Restriction Plan.pdf; Partial Certificate of Compliance.pdf; Order of Conditions.pdf

Dear Matt,

Attached is a draft of the proposed Conservation Easement to be reviewed and informally discussed by the Needham Conservation Commission board at its meeting on Thursday, January 28, 2016. I also attach for your convenience copies of the following documents:

- (i) 2007 Conservation Restriction, dated March 23, 2007 approved by the Needham Conservation Commission and the Board of Selectman but unsigned by the State EOEA ("2007 CR");
- (ii) Plan referenced in the 2007 Conservation Restriction (the "Plan");
- (iii) 2005 Order of Conditions recorded in Book 22481, Page 211 ("2005 Order of Conditions")
- (iv) Partial Certificate of Compliance dated March 21, 2007 and recorded in Book 24720, Page 212 ("Partial COC").

By way of background, this is a residential piece of property located at 720 South Street. My client, Joe Zink, the current owner, is selling the property to Peter and Christine Palladino. The Palladino's title work revealed the 2005 Order of Conditions and the Partial COC. Special Condition #28 of the 2005 Order of Conditions required the recording of a conservation restriction. Paul Stenberg, the developer and owner at the time, prepared and signed the 2007 CR which was approved by the Needham Conservation Commission and the Board of Selectman. The document was sent to the State EOEA but was never executed despite many follow-up attempts by Paul Stenberg and the EOEA has no record of this document.

In speaking with Tom Anderson at the EOEA, he indicated that we will have to start the process from scratch because the 2007 CR is now not only too old to be approved in its current form (there have since been many changes to the State's standard form) but also because no one has an original of the 2007 CR. The current EOEA form of conservation restriction is much more burdensome than what was originally approved. Additionally, Mr. Anderson indicated that Irene Del Bano, their chief CR lawyer has recently retired and they are short staffed, so it would be a minimum of 4 weeks before they could get back to us with any comments. I am fearful that we may be in the same position as in 2007 with it getting lost at the state level.

The intent of the Conservation Restriction is to prevent any work, alteration or disturbance in the Conservation Restriction Area shown on the Plan. The Seller and Buyer propose that a Conservation Easement accomplishes this same goal. The easement would run with the land and continue in perpetuity in favor of the Town of Needham (see Paragraph 6 of the Conservation Easement). The conservation easement would also eliminate the need to have EOEA involvement and the potentially long turn-around time from them. The Conservation Commission would simply need to amend the 2005 Order of Conditions to change Conservation Restriction to Conservation Easement.

Thank you for your attention to this matter.

Kristine

Kristine H.P. Hung, Esquire

ORSI ARONE ROTHENBERG
ATTORNEYS AT LAW
160 Gould Street, Suite 320

Needham, MA 02494-2300
Telephone: 781-239-8900
Facsimile: 781-239-8909
Email: khung@oarlawyers.com
www.oarlawyers.com

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CONSERVATION EASEMENT

Joseph L. Zink, of 720 South Street, Needham, Norfolk County, Massachusetts, 02492 (the "**Grantor**") being the owner of a certain parcel of land with buildings and improvements thereon, situated in Needham, Norfolk County, Massachusetts, known and numbered as 720 South Street, and more particularly described in a Deed recorded with Norfolk County Registry of Deeds in Book 24735 Page 67 (the "**Premises**"), for good and valuable consideration, hereby GRANT to the Town of Needham, acting by and through its Conservation Commission (the "**Grantee**"), a Conservation Easement in perpetuity on a portion of the Premises as described below. Hereinafter the term "Grantor" shall mean Joseph L. Zink, and his heirs, successors and assigns.

This Easement is granted in consideration of the issuance of the hereinafter referenced Order of Conditions dated March 21, 2005 under the provisions of the Wetlands Protection Act (M.G.L. c. 131, Section 40) and the Needham General Wetlands Protection By-Law.

1. The terms of this Easement shall be in accordance with (1) an Order of Conditions, DEP File #234-454, dated March 21, 2005 (the "**Order of Conditions**") issued by the Town of Needham Conservation Commission, which Order is recorded with the Norfolk County Registry of Deeds in Book 22481, Page 211 and (ii) a Partial Certificate of Compliance dated March 21, 2007 and recorded with the Norfolk County Registry of Deeds in Book 24720, Page 212 (the "**Partial Certificate of Compliance**"), both of which are incorporated herein by reference.
2. The area of the Premises burdened by the Easement as hereinafter described shall be subject to the following, in accordance with Special Condition No. 28 of the Order of Conditions, DEP File #234-454:

No further work, alteration or disturbance shall occur within the portion of the property that falls within 1,019 linear feet of the Charles River, downslope of the existing 20-foot wide easement.

3. The portion of the Premises which is subject to this Easement is shown on a plan of land entitled "Easement Plan 720 South Street" dated February 15, 2007, Prepared by Marc N. Nyberg, 501 Great Road, Unit 104, North Smithfield RI 02876, to be recorded herewith (the "**Plan**"), as the area generally to the south of the Existing 20' Wide Easement and labeled as the "Permanent Conservation Restriction Area" on the Plan.
4. The Easement hereby conveyed does not grant to either the Grantee or the public any right to enter the Premises or any portion thereof, except that the Grantor grants to the

Grantee a permanent easement of access to enter the Premises, acting by and through its Conservation Commission or its Designees, at reasonable times and in a reasonable manner for the purposes of inspecting the "Permanent Conservation Restriction Area" and enforcing the foregoing Easement and remedying any violation thereof. The right granted hereby shall be in addition to any other remedies available to the Grantee for the enforcement of the foregoing Easement.

5. Legal Remedies of the Grantee

- a. The rights hereby granted shall include the right to enforce this Conservation Easement by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the "Permanent Conservation Restriction Area" to its condition prior to the time of the injury complained of (it being agreed that the Grantee may have no adequate remedy at law) and shall be in addition to and not in limitation of, any other rights and remedies available to the Grantee.
 - b. The Grantor, and thereafter the successors and assigns of the Grantor, covenant and agree to reimburse the Grantee for all reasonable costs and expenses (including, without limitation, counsel fees) incurred in enforcing this Easement or in remedying or abating any violation thereof.
 - c. By the acceptance of this Conservation Easement, the Grantee does not undertake any liability or obligation relating to the condition of the Premises.
 - d. If any provision of this Conservation Easement shall to any extent be held invalid, the remainder shall not be affected.
 - e. Grantee acknowledges that Grantor and his successors and assigns may request modifications to the terms of this Conservation Easement, which Grantee may grant or deny in its sole discretion.
6. The burdens of this Conservation Easement shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor then holding any interest in the Premises.
7. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Easement; the Grantor on behalf of himself and his successors and assigns appoint the Grantee their attorney-in-fact to execute, acknowledge, and deliver any such instruments on their behalf. Without

limiting the foregoing, the Grantor and his successors and assigns agree themselves to execute any such instrument upon request.

8. The Grantor agrees to incorporate by reference the terms of this Conservation Easement in any deed or other legal instrument by which he divests himself of any interest in the Premises.

[Signatures Appear On Next Succeeding Page]

This Conservation Easement is hereby executed as a sealed instrument this 29th day of January, 2016.

GRANTOR:

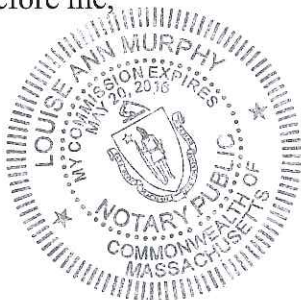


Joseph L. Zink

COMMONWEALTH OF MASSACHUSETTS

County of Norfolk, ss.

On this 29th day of January, 2016, before me, the undersigned notary public, personally appeared, Joseph L. Zink proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed to the preceding instrument, and acknowledged the foregoing instrument to be his free act and deed, before me.





Notary Public:
My Commission Expires: 5/20/16

ACCEPTANCE OF GRANT

The above Conservation Easement is accepted this 29TH day of JANUARY, 2016.

Town of Needham Conservation Commission

Abigail C. Holbyberg
[Signature]

Mike Richard
[Signature]
Steve Fan

Janet Carter Bernardo

COMMONWEALTH OF MASSACHUSETTS

County of Norfolk, ss.

On this 29 day of January, 2016, before me, the undersigned notary public, personally appeared, Janet Carter Bernardo proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose names is signed to the preceding instrument, and acknowledged the foregoing instrument to be their free act and deed, before me,

Alexandra Clee

Notary Public:

Commission Expires: March 18, 2022

Alexandra Clee

APPROVAL OF SELECTMEN

We, the undersigned, being a majority of the Selectmen of the Town of Needham, Massachusetts, hereby certify that at a meeting duly held on _____, 2016, the Selectmen voted to approve the foregoing Conservation Easement to the Needham Conservation Commission pursuant to M.G.L. c. 40, Section 8C.

Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

County of Norfolk, ss.

On this ____ day of _____, 2016, before me, the undersigned notary public, personally appeared, _____ proved to me through satisfactory evidence of identification, which was _____, to be the person whose names is signed to the preceding instrument, and acknowledged the foregoing instrument to be their free act and deed, before me,

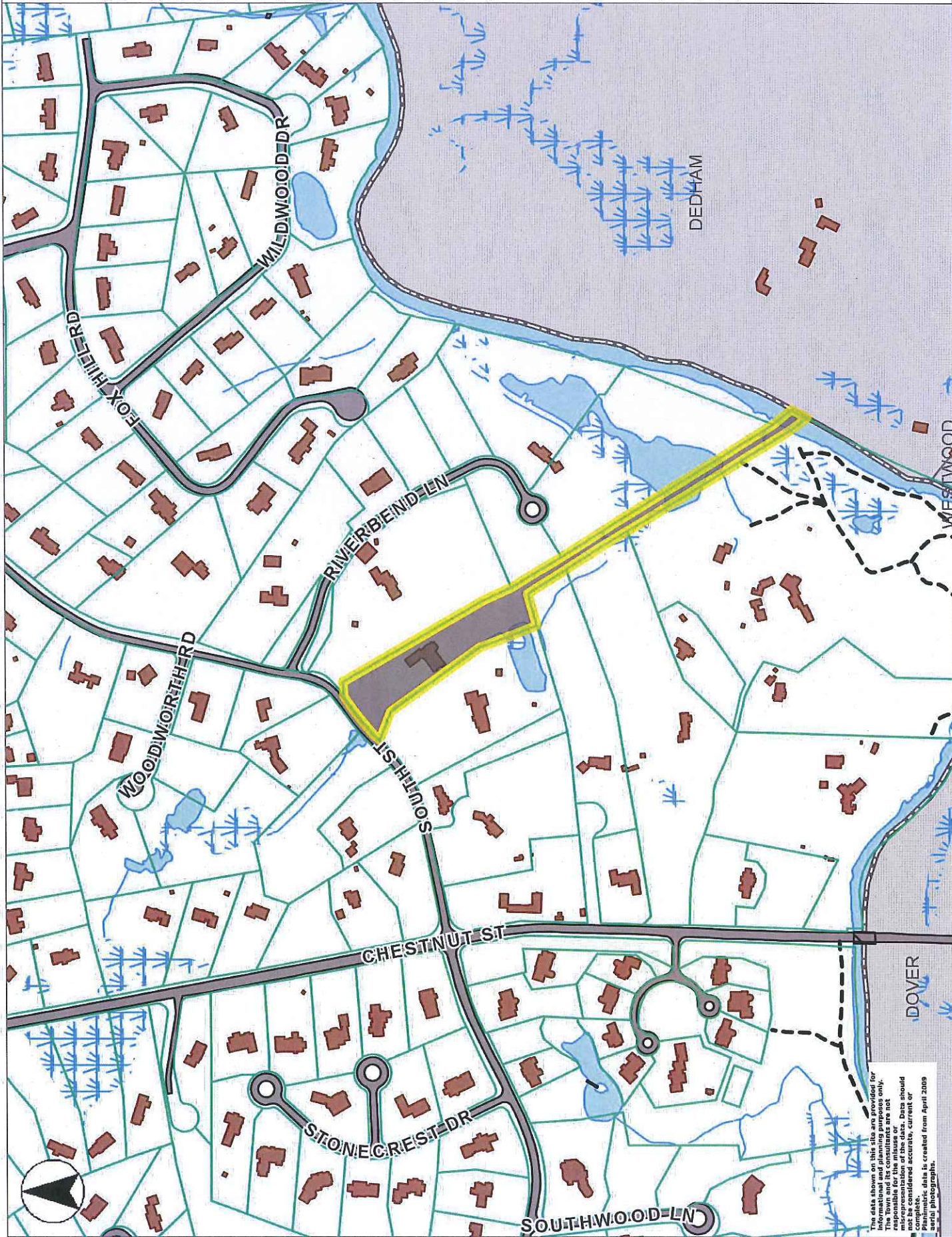
Notary Public:
My Commission Expires:

Approved as to Form
By Town Counsel:

David S. Tobin



- Parcels
- Painted Lines
 - Crosswalk
 - Parking Line
 - Spot Line Striping
 - Turn Striping
 - Field Striping
 - Fences
 - Fence
 - Guardrail
 - Hedge
 - Railroad Track
 - Trail
 - Building
 - Decks And Patios
 - Swimming Pool
 - Bridge
 - Sidewalks
 - Staircase
 - Exterior Stairway
 - Driveways
 - Paved Driveway
 - Unpaved Driveway
 - Roads
 - Paved Road
 - Unpaved Road
 - Parking Lot
 - Unpaved Parking Lot
 - Electric Meter
 - Electrical Box
 - Electrical Substation
 - Sports Areas
 - Baseball
 - Baseball Infield
 - Basketball and Tennis
 - Bleacher
 - Golf Bunker
 - Golf Fairway, Green, Tt
 - Playground
 - Track and Field
 - Wetlands
 - MA Highways
 - Interstate
 - US Highway
 - Numbered Routes
 - Town Boundary
 - Abutting Towns
 - Abutting Towns Mask
 - Road Centerlines
 - Waterbody
 - Streams And Drainage Ditch

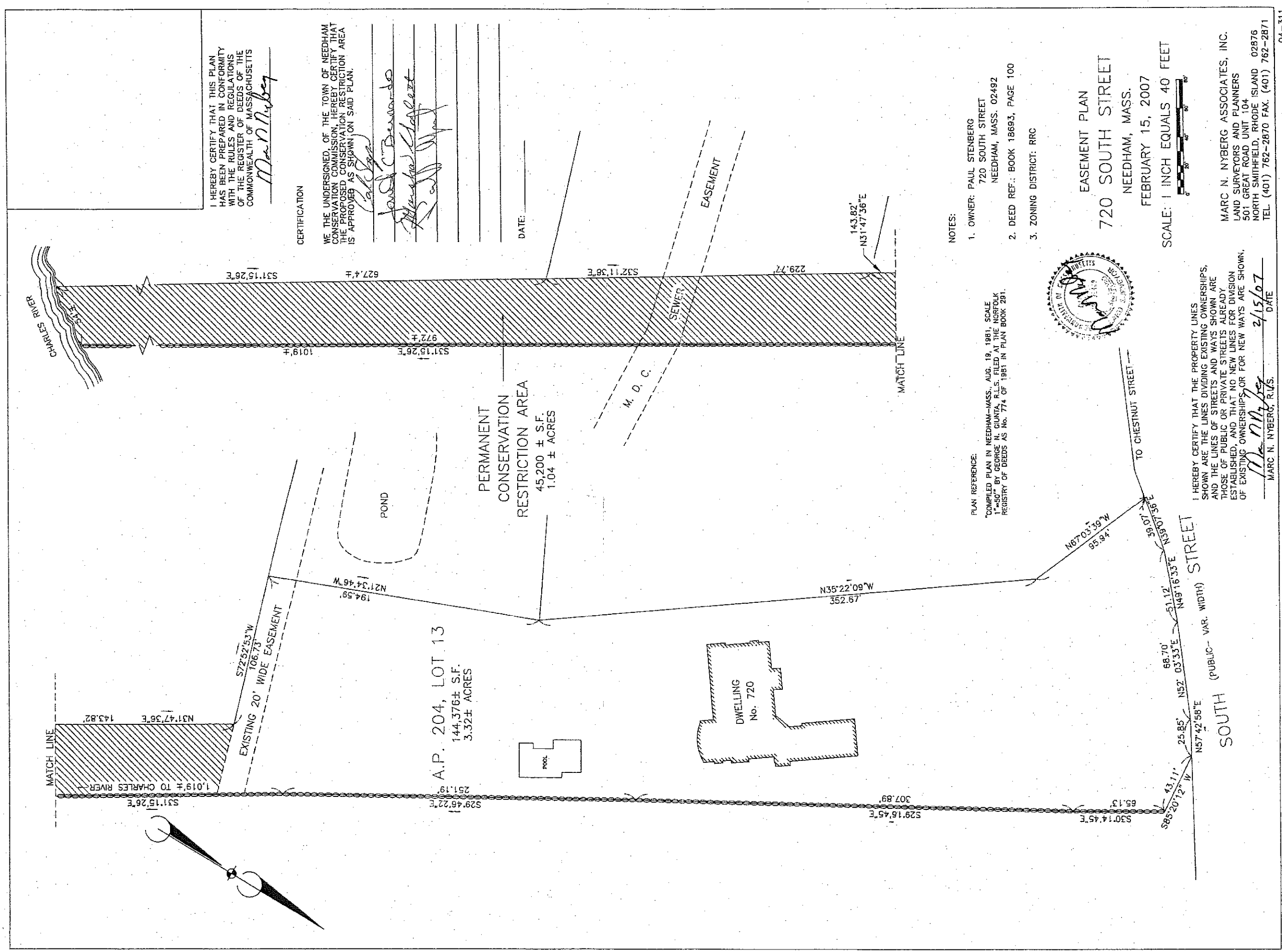


The data shown on this site are provided for informational and planning purposes only. The town and its consultants are not responsible for the use of the data. Data should not be considered accurate, current or reliable. Aerial photography data is created from April 2009.

0 500 1100 ft

Printed on 01/29/2016 at 08:08 AM

720 South Street



I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS

Marc N. Nyberg

CERTIFICATION

WE, THE UNDERSIGNED, OF THE TOWN OF NEEDHAM CONSERVATION COMMISSION, HEREBY CERTIFY THAT THE PROPOSED CONSERVATION RESTRICTION AREA IS APPROVED AS SHOWN ON SAID PLAN.

Paul Stenberg

George N. Nyberg

Robert J. Clark

William J. Clark

DATE: _____

NOTES:

1. OWNER: PAUL STENBERG
720 SOUTH STREET
NEEDHAM, MASS. 02492
2. DEED REF.: BOOK 18693, PAGE 100
3. ZONING DISTRICT: RRC

PLAN REFERENCE:
"COMPILED PLAN IN NEEDHAM-MASS., AUG. 19, 1981, SCALE 1"=50' BY GEORGE N. NYBERG, R.L.S., FILED AT THE NORFOLK COUNTY REGISTER OF DEEDS AS No. 774 OF 1981 IN PLAN BOOK 291.



EASEMENT PLAN
720 SOUTH STREET
NEEDHAM, MASS.

FEBRUARY 15, 2007
SCALE: 1 INCH EQUALS 40 FEET



I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

Marc N. Nyberg
DATE: 2/15/07
MARC N. NYBERG, R.L.S.

MARC N. NYBERG ASSOCIATES, INC.
LAND SURVEYORS AND PLANNERS
501 GREAT ROAD UNIT 104
NORTH SMITHFIELD, RHODE ISLAND 02876
TEL. (401) 762-2870 FAX. (401) 762-2871



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

MEETING DATE: 2/9/2016

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

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
At its meeting of January 26, 2016, the Planning Board voted to place the following articles on the warrant for the 2016 Annual Town Meeting: Amend Zoning By-Law- Mixed-Use Overlay District; Amend Zoning By-Law- Map Change to Mixed-Use Overlay District; Amend Zoning By-Law- Permitted Uses in New England Business Center District; Amend Zoning By-Law- Maximum Building Bulk; Amend Zoning Map- Special Permit Granting Authority in Center Business District; Amend Zoning By-Law- Retaining Walls; Amend Zoning By-Law- Minimum Side and Rear Line Setbacks: Accessory Structures. 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 is not discretionary.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<i>Suggested Motion:</i> 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; Amend Zoning By-Law- Permitted Uses in New England Business Center District; Amend Zoning By-Law- Maximum Building Bulk; Amend Zoning Map- Special Permit Granting Authority in Center Business District; Amend Zoning By-Law- Retaining Walls; Amend Zoning By-Law- Minimum Side and Rear Line Setbacks: Accessory Structures.			
3.	BACK UP INFORMATION ATTACHED	YES	NO
a. Letter from Lee Newman, Director of Planning & Community Development dated February 4, 2016 b. Proposed Warrant articles c. M.G.L. c. 40A Section 5			



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

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

PLANNING

February 4, 2016

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

Re: Zoning Articles for 2016 Annual Town Meeting

Dear Kate:

The Planning Board at its meeting of January 26, 2016 voted to place the following articles on the warrant for the May 2016 Annual Town Meeting: (1) Amend Zoning By-Law – Mixed-Use Overlay District; (2) Amend Zoning By-Law – Map Change to Mixed-Use Overlay District; (3) Amend Zoning By-Law – Permitted Uses in New England Business Center District; (4) Amend Zoning By-Law – Maximum Building Bulk; (5) Amend Zoning Map – Special Permit Granting Authority in Center Business District; (6) Amend Zoning By-Law – Retaining Walls; and (7) Amend Zoning By-Law – Minimum Side and Rear Line Setbacks: Accessory Structures. Accordingly, please find the above-named articles as approved by the Planning Board for inclusion in the warrant of the 2016 Annual Town Meeting.

As you know, the Board of Selectmen will need to accept the articles and to then forward them to the Planning Board for review, public hearing and report. Please have the Selectmen act on the enclosed articles at their next meeting of Tuesday, February 8, 2016, so that the Planning Board can meet its statutory obligations. The Planning Board plans to schedule the public hearing on the articles for Tuesday, March 15, 2016.

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

Very truly yours,

NEEDHAM PLANNING BOARD

Lee Newman
Director of Planning and Community Development

cc: Planning Board

Enclosure

ARTICLE 1: AMEND ZONING BY-LAW – 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, Classes of Districts, 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, Mixed-Use Overlay District, 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 individual development sites that are currently 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) within the area 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 in Needham.

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 Definitions

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.

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.

Mixed-Use Project: Residential uses alone or in combination with retail, commercial, office, municipal, and/or service establishments, as may be approved by the Planning Board for the MUOD by issuance of the MSP.

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 Review may be used for a use different from that approved 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 mixed use project's 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, if chosen to be made by an applicant, 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, or make any improvement not approved by the MSP, or change to a different use from that approved by MSP, 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 multifamily dwellings above commercial uses in the MUOD. Single, two-family, or three family dwellings are not allowed.

MSP and other special permits must be obtained prior to or in conjunction with the Site Plan Review application. In subsequent applications seeking modifications to construct any structure, or make any improvement not approved by the MSP, or change to a different use from that approved by the MSP, those modifications must be obtained prior to or in conjunction with the application to modify the Site Plan Review decision.

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, 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 changed to a different use 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 this Zoning By-Law in regards to the granting of special permits.

When the application is for a MSP, the Planning Board shall consider, in addition to the criteria set forth in other sections of the Zoning By-Law with regard to the granting of special permits, whether the MUOD project complies with the use regulations, dimensional requirements and performance standards set forth herein. 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, site maintenance, 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 Norfolk Registry District of 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, continued monitoring of off-site 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 at the applicant's expense.

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 has expired with no appeal having been filed, or any filed appeal has been finally determined by a court of competent jurisdiction, the provisions of the underlying zoning shall solely govern the use and development of the property comprising the MUOD. At the time the MSP and Site Plan Review decisions are final, provided that the requirements of G.L. ch.40A, Section 6 paragraph 1 are met, 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; provided, however, that the Planning Board may, upon application filed prior to such expiration, extend the MSP for one additional time period of up to three years. Nothing in this section is intended nor shall it be construed to affect the protections afforded special permits under G.L. ch.40A, Section 6.

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 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 and/or lot size. 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% but not more than 70% of all dwelling units within any MUOD project shall be one-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 Massing

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.

3.14.9.4 Screening and Buffer Requirements

A MUOD project shall provide an appropriate visual barrier between features of the MUOD 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 Zoning 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 a 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 Mixed-Use 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 CMR56, 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 restriction or other suitable restriction (hereinafter the "Restriction") shall assure this condition. The Restriction shall run with the land and, without limiting the foregoing, shall be structured to survive any and all foreclosures.

- (b) Where the Affordable Units are proposed for sale, the continuing enforcement of the Restriction through subsequent re-sales shall be the subject of a Monitoring Agreement.
- (c) The Restriction and Monitoring Agreement shall be drafted in compliance with State requirements, as amended from time to time, and guidelines promulgated thereunder. The Restriction 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 Affordable 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 as to the sale of an Affordable Unit shall be granted to the Town or its designee for a period not less than 90 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 at least 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 required.
- (i) All required Affordable Units must be built within the MUOD project 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.

(c) In Section 7.6 Planning Board Subsection 7.6.1 Special Permit Granting Authority, by inserting

the words “3.14” between the words “3.10” and “4.2.4””

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted.

Article Information: As part of its ongoing mission to evaluate Town-wide economic conditions and to make recommendations to promote and encourage new and existing businesses, the Council of Economic Advisors (“the CEA”) has been studying the implementation of a residential overlay in the Mixed-Use-128 and adjacent Highland Commercial-128 zoning districts in Needham Crossing, which overlay was first recommended in the Goody Clancy Zoning and Land Use Planning Study in 2001. To assure that any residential overlay proposal would, firstly, have in and of itself a positive fiscal impact and, secondly, have a positive economic impact on surrounding target areas, the CEA secured funding from the Massachusetts Housing Partnership and engaged the services of John Connery of Connery Associates to draft the required zoning article and to provide a formal fiscal analysis of its impact. After months of study, meetings with businesses, owners and residents in the area, and analysis, the recommended zoning approach was forwarded to the Board of Selectmen. Public hearings on the zoning proposal were held by the Planning Board in September of 2015. The article before you represents the zoning approach as recommended by the Planning Board for adoption of Town Meeting.

The zoning amendment establishes the purposes to be served by the Mixed-Use Overlay District including: permitting a mix of residential and commercial uses on the same site or within the District, establishing controls which will facilitate responsible development while protecting the Town's fiscal and other interests, permitting flexible development on individual lots, and providing additional housing. The amendment sets out the procedure for seeking a Master Special Permit from the Planning Board in the Overlay and establishes specific special permit and site plan review requirements.

Based on fiscal projections, the amendment would allow for the establishment of a Mixed-Use Overlay District in which up to 250 units of residential units in the Overlay would be permitted. The number and makeup of the units was determined to provide a long-term sustainable positive tax base. Units in any project would be at least forty percent, but not more than seventy percent, one-bedroom. Ten percent of such housing would be affordable so that the Town would maintain the percentage required of its housing stock as affordable under the requirements of MGL Chapter 40B. Because the type of development most likely to provide a positive overall economic impact are larger residential facilities (on a somewhat smaller scale than Charles River Landing), the zoning provides for a two-acre minimum lot size. Unlike Downtown residential development, the zoning plan does not recommend isolated smaller residential projects over commercial ones. Single family, two-family and three-family development are not allowed. The amendment also sets out the off-street parking requirement for the residential units—1.5 parking spaces per unit (except for affordable units which is 1 parking space per unit). Any commercial development within the project must meet the underlying zoning districts' parking requirements.

Most of the dimensional requirements of the underlying zoning districts are incorporated into the Overlay. The amendment permits the allowable Floor Area Ratio to be increased to 3.0 (not including parking garages or structures) in order to incent the residential development. Like the underlying zoning, the amendment permits the Planning Board to waive dimensional requirements (except height and/or lot size restrictions) up to 25% by special permit. The amendment also provides guidelines for landscaping, massing of buildings or structures, screening and buffer requirements, roadways for access and egress, parking and loading and storm water management. The Planning Board is also expressly authorized to engage a peer review consultant at the applicant's expense.

Because the Planning Board, CEA and study consultant have concluded future development of the Mixed Use-128 and adjacent Highland Commercial-128 zoning districts depends on Needham's ability to be responsive to the requirements of future development, they are recommending adoption of the Overlay. Providing sufficient multi-family housing for workers is necessary for the continuing development of our economic engine in Needham Crossing. Town Meeting has been supportive of the flexible zoning needed to incent businesses to locate in Needham Crossing and it has been successful. This is the next step.

**ARTICLE 2: 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 be Adopted.

Article Information: This article describes the geographical boundaries of the new Mixed-Use Overlay District. The Mixed-Use Overlay District would include all land located in the Mixed-Use-128 (MU-128) District. The Mixed-Use-128 (MU-128) District is bounded by Route 128 to the west, the rear lot lines of properties on Highland Avenue to the south, the Charles River to the east, and the elevated rail line to the north. Also included in the Mixed-Use Overlay District is the portion of the Highland Commercial-128 (HC-128) District located north of Highland Avenue. The affected portion of the Highland Commercial-128 District includes all properties fronting on the north side of Highland Avenue between Route 128 and the Needham/Newton Town line. The district boundary typically follows the rear lot lines of properties along the north side of Highland Avenue to a depth of 200 feet.

ARTICLE 3: AMEND ZONING BY-LAW – PERMITTED USES IN NEW ENGLAND BUSINESS CENTER DISTRICT

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

- (a) Amend Section 3.2.4 Uses in the New England Business Center District, Subsection 3.2.4.1, Permitted Uses, by deleting from the first sentence of paragraph (j) the words “only” and “multi-story” so that the section shall now read as follows:

“(j) On the ground floor of a building, consumer and commercial service establishments dealing directly with the general public; business service centers; retail establishments; pharmacies (not affiliated with Group Practices as defined in Section 3.2.4.1, physical therapy, alternative medicine, wellness treatments such as acupuncture, yoga, chiropractic and/or nutrition services); day care uses (other than adult day care establishments requiring a special permit under Section 3.2.4.2 (b) hereof); indoor athletic and exercise facilities; and laundry and dry-cleaning pick-up stations where processing is done elsewhere. Except for day care uses and indoor athletic and exercise facilities, each business establishment shall be limited to 15,000 square feet of floor area.

- (b) Amend Section 3.2.4 Uses in the New England Business Center District, Subsection 3.2.4.2, Uses Permitted by Special Permit, by deleting from the first sentence of paragraph (f) the words “provided they are located on the ground floor of a multi-story building” and by adding a new sentence to the end of the section so that the entire section shall now read as follows (new language added):

“(f) Eat in or take-out restaurants or other eating establishments, including coffee shops. Further provided that drive-thru restaurants or other eating establishments are prohibited. Each eat in or take-out restaurant or other eating establishments, including coffee shops, shall be limited to 15,000 square feet of floor area.”

Or take any other action relative thereto.

ARTICLE 4: AMEND ZONING BY-LAW – MAXIMUM BUILDING BULK

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

- (a) Amend Section 4.4, Dimensional Requirements for Commercial Districts, Subsection 4.4.2, Maximum Building Bulk, by revising paragraph (c) thereof so that it shall read as follows (new language underlined):

“(c) Buildings and structures which are located on property in the Chestnut Street Business District are not limited to the maximum lot coverage requirements of this Section 4.4.2 as specified in Table 1, but shall have a maximum floor area ratio of 0.7. Notwithstanding the foregoing to the contrary and subject to all other requirements of the district, the Planning Board acting as a special permit granting authority may issue a special permit in the Chestnut Street Business District that exempts the floor area of an underground parking garage and the floor area of the underground portion of a building devoted in whole or in part to the parking of automobiles from being counted as floor area for purposes of determining maximum floor area ratio.”

- (b) Amend Section 4.4, Dimensional Requirements for Commercial Districts, Subsection 4.4.2, Maximum Building Bulk, by revising paragraph (e) thereof so that it shall read as follows (new language underlined):

“(e) In other Commercial Districts (ASB, HAB) there is no limitation on lot coverage, but buildings shall not be constructed, reconstructed, extended, enlarged or arranged so that the following floor area ratios are exceeded. The limits for mixed uses on the same premises shall be interpolated between the limits below in proportion to their floor areas.

(1) For eating establishments, or any use providing service to patrons while in autos, or any use having gas pumps the maximum floor area ratio shall be 0.35.

(2) For all other uses in these districts the maximum floor area ratio shall be 0.7.

Notwithstanding the foregoing to the contrary and subject to all other requirements of the district, the Planning Board acting as a special permit granting authority may issue a special permit in the Avery Square Business District and Hillside Avenue Business District that exempts the floor area of an underground parking garage and the floor area of the underground portion of a building devoted in whole or in part to the parking of automobiles from being counted as floor area for purposes of determining maximum floor area ratio.”

Or take any other action relative thereto.

**ARTICLE 5: AMEND ZONING BY-LAW – SPECIAL PERMIT GRANTING AUTHORITY IN
CENTER BUSINESS DISTRICT**

To see if the Town will vote to amend the Needham Zoning By-Law, Section 7.4, Site Plan Review, Subsection 7.4.2, Definitions, by adding the underlined language at the end of the fifth paragraph, so that the entire paragraph shall now read as follows (new language underlined):

“In the Center Business District, a MAJOR PROJECT is any construction project which creates or adds gross floor area; or any project which involves a change in part or all of an existing building or lot from one use category to another as defined under Subsection 3.2.2 of this By-Law and which results in an increase in the number of required parking spaces by 10 or more new off-street parking spaces or which results in an increase in the required number of loading spaces; or any project which results in the construction of any additional off-street parking spaces; or any project which results in any new curb- or driveway-cut. Notwithstanding the aforementioned if a special permit is otherwise required under Subsection 1.4 or Subsection 3.2.2 of this By-Law the project shall be deemed a MAJOR PROJECT.”

Or take any other action relative thereto.

ARTICLE 6: AMEND ZONING BY-LAW – RETAINING WALLS

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

- (a) Amend Section 1.3 Definitions, by adding the following term and definition in the appropriate alphabetical location as follows:

“Retaining Wall - A wall or terraced combination of walls used at a grade change to hold soil and other earth material at a higher position. Retaining walls may be attached to or independent from other structures. The exposed side of a retaining wall shall be known as a “face”. The area between a lower wall and a successive higher wall shall be known as a “terrace.”

- (b) Amend Section 1.3 Definitions, by revising the existing definition of the term “Structure”, so that the entire definition shall now read as follows: (new language underlined):

“Structure – anything constructed or erected, the use of which requires a fixed location on the ground or attached to something located on the ground including an artificial or a constructed swimming pool having a depth of water of two (2) feet or more or a water surface area of at least one hundred (100) square feet when filled to capacity, but excluding a fence, boundary wall, retaining wall, public utility pole, public utility supporting device or a structure with less than one hundred square foot ground coverage and a height of less than eight (8) feet.”

- (c) Amend Section 6, Special Regulations, by inserting a new Subsection 6.11, Retaining Walls, to read as follows:

“6.11 Retaining Walls

6.11.1 Purpose and Intent

The Town of Needham adopts this section to accomplish and ensure the following:

- (a) To allow for the review of retaining walls of a size that may impact surrounding buildings, land, and uses;
- (b) To require the construction of retaining walls in a manner consistent with engineering and construction best practices; and
- (c) To lessen the impact of large retaining walls on abutting properties and the public by encouraging the use of landscaping and aesthetically pleasing design elements.

6.11.2 Applicability

The regulations and requirements contained herein shall apply to all retaining walls erected in the Town of Needham.

6.11.3 General Provisions

- (a) Determining Retaining Wall Height - The height of a retaining wall shall be the distance from the grade at the base of the face of the wall to the top of the finished wall. Terraced walls shall be measured in the same manner.

- (b) Walls Within Yard Setbacks – No retaining wall shall be built within the required yard setback except a retaining wall (i) with a face not greater than four (4) feet in height at any point and a length that does not exceed forty (40) percent of the lot's perimeter, or (ii) as allowed by a Special Permit issued in accordance with Subsection 6.11.5 of this Section. Notwithstanding the above, retaining walls may graduate in height from four (4) to seven (7) in height when providing access to a garage or egress entry doors at the basement level, measured from the basement or garage floor to the top of the wall. The wall is limited to seven (7) feet in height for not more than 25% of the length of the wall.
- (c) Walls Outside Yard Setbacks. No retaining wall with a face greater than twelve (12) feet in height shall be built except as allowed by Special Permit issued in accordance with Subsection 6.11.5 of this Section.
- (d) Fall Protection - All retaining walls over four (4) feet in height shall be required to provide fall protection if so determined by the Building Inspector. Fall protection systems may include, but shall not be limited to, permanent landscaping or fencing as approved by the Building Inspector.
- (e) Terracing - Terracing of retaining walls is allowed and encouraged. In a terraced retaining wall system, if two (2) retaining walls are separated by a distance at least one times (1x) the height of the higher of the two (2) walls, the walls shall be considered as separate walls; if two (2) retaining walls are separated by a distance less than one times (1x) the height of the higher of the two (2) walls, the walls shall be considered as a single wall.
- (f) Nonconforming Retaining Walls - Retaining walls legally constructed prior to the adoption of these regulations shall be allowed to remain in their existing state; however, significant changes or alterations to such walls shall be made in conformity with these regulations. The repair and routine maintenance, as determined by the Building Inspector, of nonconforming retaining walls shall be allowed without requiring conformity with these regulations.

6.11.4 Design Review and Permitting

- (a) Design Review - Design Review shall be required for all retaining walls requiring a special permit. The Design Review Board shall review retaining walls in accordance with Section 7.7, Design Review, and shall consider such requests under those criteria contained in Subsection 7.7.4, Design Criteria, of Section 7.7. The Design Review Board shall submit an advisory recommendation to the applicant and the permit granting authority prior to the issuance of a special permit.
- (b) Permitting - A building permit shall be required, consistent with the requirements of the Town of Needham Building Department, for all retaining walls that retain four (4) or more feet of unbalanced fill.

6.11.5 Special Permit Provisions

The Board of Appeals shall consider requests for special permits in accordance with this Section and Section 7.5 of the Zoning Bylaw and a Special Permit for a retaining wall may be issued provided the Board of Appeals finds:

- (a) That the retaining wall will not cause an increase of water flow off the property;
- (b) That the requested retaining wall will not adversely impact adjacent property or the public;
- (c) That the report of the Design Review Board has been received and considered.
- (d) Amend Section 7.7 Design Review, Subsection 7.7.2, Design Review Board, Subparagraph 7.7.2.2, Authority and Specific Powers, by revising the first paragraph, so that the entire paragraph shall now read as follows: (new language underlined):

“The Design Review Board shall review requests for site plan review and approval submitted in accordance with Section 7.4 Site Plan Review and requests for special permits in accordance with Section 4.2.5 Planned Residential Development, Section 4.2.4 Flexible Development and Section 6.11 Retaining Walls and, for a minor project that only involves a change in the exterior façade of a building in the Center Business District, shall review and may approve such façade change.”

- (e) Amend Section 7.7 Design Review, Subsection 7.7.2, Design Review Board, Subparagraph 7.7.2.2, Authority and Specific Powers, by adding a new sentence at the end of the fourth paragraph, so that the entire paragraph shall now read as follows: (new language underlined):

“It shall evaluate such requests based on Subsection 7.7.4 Design Criteria below. Its findings and recommendations, along with any suggested restrictions and conditions, shall be transmitted to the applicant and Planning Board, acting as a special permit granting authority for “Major Projects” under Site Plan Review, Planned Residential Developments and Flexible Developments and to the applicant and Board of Appeals, acting as a special permit granting authority, under Section 6.11 Retaining Walls. Such advisory reports of the Design Review Board shall be transmitted to the Building Inspector and applicant in all other instances as described in the two paragraphs above for “Minor Projects” under Site Plan Review, building permits in all non-residential districts and sign permits. For a minor project that only involves a change in the exterior of a building in the Center Business District, the Design Review Board shall be the review and approval entity for such façade changes.”

Or take any other action relative thereto.

ARTICLE 7: AMEND ZONING BY-LAW – MINIMUM SIDE AND REAR LINE SETBACKS: ACCESSORY STRUCTURES

To see if the Town will vote to amend the Needham Zoning By-Law , Section 4.2, Dimensional Regulations in Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence , and Institutional Districts, Subsection 4.2.3, Minimum Side and Rear Line Setbacks: Accessory Structures, by revising the paragraph, so that the entire subsection shall now read as follows (new language underlined):

“4.2.3 Minimum Side and Rear Line Setbacks: Accessory Structures

No accessory building or structure, excepting fences, shall be constructed, altered or relocated so that any part thereof shall be less than ten (10) feet from any other building or structure or less than five (5) feet from the side or rear lines of the lot on which such building or structure is located. Notwithstanding the foregoing five (5) foot setback from the rear or side lines of the lot, any accessory building or structure which exceeds 15’ in height must comply with the underlying district’s rear and/or side setback requirements. Notwithstanding the foregoing, an accessory pergola need not comply with the requirements of the preceding sentences but said pergola must comply with all dimensional setback requirements from abutting properties and from streets and ways, and said pergola shall not be constructed or placed in a position where it would prevent the use of a designated fire lane or reduce access to any building. For purposes of this paragraph, “pergola” means an open frame structure consisting of colonnades or posts with a latticework roof designed to support climbing plants, either standing alone or attached to another building or structure. Notwithstanding the foregoing, an accessory building or structure associated with a pool use which is less than eleven (11) feet in height and has less than one-hundred (100) square feet of ground coverage need not comply with the foregoing ten (10) foot distance from any other building or structure requirement as said requirement pertains to the placement of the accessory building or structure from the edge of the pool, provided that such accessory building or structure is placed no less than eight (8) feet from the edge of the pool.”

Or take any other action relative thereto.

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

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

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

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

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

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

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

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

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

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

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

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



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

MEETING DATE: 2/9/2016

Agenda Item	Close Annual 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 2016 Annual Town Meeting.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<i>Suggested Motion:</i> That the Board vote to close the warrant for the 2016 Annual Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel and Bond Counsel.			
3.	BACK UP INFORMATION ATTACHED	YES	NO
a. Draft Warrant dated February 5, 2016			

TOWN OF NEEDHAM



2016 ANNUAL TOWN MEETING WARRANT

Election: Tuesday, April 12, 2016

Business meeting: Monday, May 2, 2016

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

DRAFT 2.5.16

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

**WARRANT FOR THE ANNUAL TOWN MEETING
TUESDAY, APRIL 12, 2016
TOWN OF NEEDHAM
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

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

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

Precinct A	-	The Center at the Heights
Precinct B	-	The Center at the Heights
Precinct C	-	Newman School - Gymnasium
Precinct D	-	Newman School - Gymnasium
Precinct E	-	Broadmeadow School - Performance Center
Precinct F	-	Needham High School – Gymnasium
Precinct G	-	Needham High School – Gymnasium
Precinct H	-	Broadmeadow School - Performance Center
Precinct I	-	William Mitchell School - Gymnasium
Precinct J	-	William Mitchell School - Gymnasium

DRAFT 2.5.16

Warrant for the Annual Town Meeting

Monday, May 2, 2016 at 7:30 p.m. at Needham Town Hall

ARTICLE 2: COMMITTEE AND OFFICER REPORTS

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

HUMAN RESOURCE ARTICLES

ARTICLE 3: ESTABLISH ELECTED OFFICIALS' SALARIES

To see if the Town will vote to fix the compensation of the following elected officers of the Town as of July 1, 2016, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	
Town Clerk with 6 years of service in that position	
Selectmen, Chairman	\$1,800
Selectman, Others	\$1,500

INSERTED BY: Personnel Board
FINANCE COMMITTEE RECOMMENDS THAT:
PERSONNEL BOARD RECOMMENDS THAT:

Article Information: In accordance with M.G.L. Chapter 41, Section 108, the Town must annually vote to set the salary and compensation for any elected Town officials who receive compensation. The Town Clerk salary has been separated into two categories, newly elected Town Clerk, and Town Clerk with at least six years of service. This is done because Town elections are held in April and Town Meeting would not have a chance to vote on the salary of a newly elected Clerk until after the incumbent had been receiving a higher rate of pay for several months. It has been the practice of the Personnel Board to provide the Town Clerk, the only full-time elected official, with benefits close to that of other full-time employees. Payment for longevity, as well as buy-back of sick leave and vacation no later than the time of separation from Town service, is included in the recommended salary and compensation article. This article also includes provision for a one-time distribution of accumulated and unused vacation leave as of June 30, 2000; such payment to be made no later than the time of separation from Town service.

The annual stipends for the members of the Board of Selectmen have remained unchanged since 1977.

ARTICLE : FUND COLLECTIVE BARGAINING AGREEMENT – FIRE UNION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Fire Union, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2017; or take any other action relative thereto.

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

Article Information: At the time of the printing of the warrant, the parties had not reached agreement on this contract.

ARTICLE : FUND COLLECTIVE BARGAINING AGREEMENT – 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' Union, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2017; or take any other action relative thereto.

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

Article Information: At the time of the printing of the warrant, the parties had not reached agreement on this contract.

**ARTICLE : FUND COLLECTIVE BARGAINING AGREEMENT – BUILDING
CUSTODIAN AND TRADESMAN INDEPENDENT ASSOCIATION**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Building Custodian and Tradesman 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: At the time of the printing of the warrant, the parties had not reached agreement on this contract.

FINANCE ARTICLES

ARTICLE : ACCEPT CHAPTER 73, SECTION 4 OF THE ACTS OF 1986

To see if the Town will vote to accept, for fiscal year 2017, the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, which amends Chapter 59 of the General Laws relative to real estate property tax exemptions, and approve an increase in the amount of 100% for each eligible exemption; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Acceptance of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, permits the Town to grant an additional exemption to certain taxpayers who are surviving spouses, surviving minors of deceased parents, persons over the age of 70, certain veterans and disabled veterans and their surviving spouses, parents of veterans who died in wartime service and blind individuals, and who qualify for an exemption under any one of the following clauses of Section 5 of Chapter 59 of the General Laws: Clauses 17, 17C, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C, 42 or 43. The additional exemption shall be uniform for all exemptions but shall not exceed one hundred percent of a taxpayer's original exemption. No taxpayer may pay less tax than paid in the preceding year, except through the application of General Laws, Chapter 58, Section 8A or Chapter 59, Section 5, clause 18. The taxable valuation of the taxpayer's property shall not be less than ten percent of its fair cash value. Town Meeting must approve the additional exemption on an annual basis. In fiscal year 2016, the cumulative increase above the statutory limit was 100%.

ARTICLE : APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$13,222 for the purpose of funding the Needham Property Tax Assistance Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$13,222 be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The 2009 Annual Town Meeting voted to establish a Property Tax Assistance Program. The goal of the Board of Selectmen is to set a target annual appropriation for the fund equal to the amount of private contributions to the Town's statutory voluntary tax relief program during the preceding fiscal year, up to a maximum appropriation of \$25,000 (2008 dollars). The voluntary fund received \$13,222 in fiscal year 2015.

ARTICLE : APPROPRIATE FOR SENIOR CORPS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$15,000 for the purpose of funding the Senior Corps program, said sum to be spent under the direction of the Town Manager and to meet this appropriation that \$15,000 be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Senior Corps is a program whereby qualified elderly and disabled property owners may work up to 100 hours for the Town. In turn, the individuals are paid up to \$1,000 per year, which is applied to their property tax bills.

ARTICLE : APPROPRIATE FOR EMERGENCY PREPAREDNESS PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$100,000 for the purpose of funding an emergency preparedness program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$100,000 be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$590,000 for the purpose of funding the Public Facilities Maintenance Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that \$400,000 be transferred from Free Cash and \$190,000 be transferred from Overlay Surplus; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Public Facilities Maintenance Program has been removed from the cash capital article given that the program supports maintenance activities, and many of the projects do not meet the definition of capital expenditure. The program includes annual maintenance of public buildings throughout the Town and School Department, including, but not limited to, asbestos abatement, duct cleaning, painting, and other repairs and necessary upgrades. Unless circumstances require otherwise, the FY2017 program will fund duct cleaning at the Hillside School, Public Services Administration Building, Library, and Eliot School, flooring replacement at the Broadmeadow and Pollard Schools, wood floor refinishing, renovation of two bathrooms, replacing seats in the auditorium and replacing lockers at the Pollard School, and Xeriscaping at Needham High School.

ARTICLE : APPROPRIATE THE FY2017 OPERATING BUDGET

To see what sums of money the Town will vote to raise, appropriate, and/or transfer for the necessary Town expenses and charges, and further that the operating budget be partially funded by a transfer from the parking meter fund in the amount of \$70,000, from Free Cash in the amount of \$1,763,165, from the overlay surplus in the amount of \$500,000, from amounts reserved for debt exclusion offsets in the amount of \$93,445, and \$456,313 to be raised from CPA receipts; and further that the Town Manager is authorized to make transfers from line item **X** to the appropriate line items in order to fund the classification and compensation plan approved in accordance with the provisions of Section 20B(5) of the Town Charter, and to fund collective bargaining agreements approved by vote of Town Meeting; and further that the Town Manager is authorized to expend from line item 4 in order to meet expenses for post-employment health and life insurance benefits for eligible retirees from the fund established for that purpose; or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT:

ARTICLE : APPROPRIATE THE FY2017 RTS ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Solid Waste and Recycling Division of the Department of Public Works during fiscal year 2017, under the provisions of M.G.L. Chapter 44, Section 53F ½:

{INSERT NEW CHART}

and to meet this appropriation that \$1,420,000 be raised from the tax levy and transferred to the RTS Enterprise Fund; or take any other action relative thereto.

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

Article Information: The Town of Needham provides residents with recycling and waste disposal services at the Town's Recycling Center and Transfer Station (RTS). The RTS is a residential drop-off facility with a pay-per-throw program. To use the RTS, residents must obtain a special sticker which is affixed to the windshield of the vehicle transporting recycling and/or trash into the RTS. Residents may purchase special bags for their non-recyclable trash disposal or may haul trash into the center and have it weighed before disposing, paying a fee. These fees combined cover some of the costs of operating the RTS. The RTS is one of the most utilized facilities within the Town - approximately 75% of Needham residents directly utilize the facility. The majority of the remaining 25% of Needham residents utilize the RTS through subscription hauler services. The RTS also provides disposal and recycling services for many Town departments along with material processing and snow dump services for the Department of Public Works. The RTS also provides a variety of other specialty recycling options for residents such as books, clothing, and many others.

ARTICLE : APPROPRIATE THE FY2017 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Sewer Division of the Department of Public Works during fiscal year 2017, under the provisions of M.G.L. Chapter 44, Section 53F ½:

{INSERT NEW CHART}

and to meet this appropriation that \$519,846 be raised from the tax levy and transferred to the Sewer Enterprise Fund, and \$404,156 be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

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

Article Information: This article funds the operation of the Town's sanitary sewer system. The Town's sewage collection system consists of more than 130 miles of collector and interceptor sewers, 6,500 sewer manholes, and nine sewer pump stations. The Town's sewer system is a collection system that discharges its wastewater to the Massachusetts Water Resources Authority (MWRA) system for treatment. Approximately 65% of the Town's sewer collection system is a gravity-only system, and 35% of the sewer system is pumped into the gravity system. Needham has two principal points of discharge into the MWRA system and nine other public locations where subdivisions discharge to the MWRA system. Personnel maintain and operate 22 sewer pumps, motors, switchgear, gates, valves, buildings, and grounds contained in nine pumping facilities located throughout town.

The Division also oversees the collection and transportation of Stormwater (drains program) originating from rain and snow storms for discharge into streams, brooks, rivers, ponds, lakes, flood plains and wetlands throughout town. Stormwater and associated discharges are now considered by the federal government as potentially contaminated, and have come under increasingly strict discharge performance standards. The intention is to reduce or eliminate contaminants contained in the flow washed from ground surfaces considered to be harmful to the environment.

The Sewer Enterprise Fund reimburses the general fund for costs incurred and paid by General Fund budgets, e.g., employee benefits, property and casualty insurance, financial and billing expenses, and other administrative and operational support costs. The Sewer Enterprise Fund budget is a self-supporting account. Sewer user fees and charges cover the cost of the sewer operations and the general fund payment supports the drains program.

ARTICLE : APPROPRIATE THE FY2017 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to raise and/or transfer and appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2017, under the provisions of M.G.L. Chapter 44, Section 53F ½:

{INSERT NEW CHART}

or take any other action relative thereto.

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

Article Information: This article funds the Town's water system. The Town's water distribution system is a single service pressure zone system supplied by two sources. The Town's primary source of water is the Charles River Well Field which is able to produce up to 4.6 million gallons of water per day (the Town is registered for approximately 4.0 million gallons of water per day). The current water withdrawal permit from the Department of Environmental Protection (DEP) allows approximately 2.9 million gallons of water per day to be pumped. The Charles River Well Field consists of three groundwater-pumping stations. Needham's second water source is a connection to the Massachusetts Water Resources Authority (MWRA) surface water supply originating at the Quabbin Reservoir and delivered through the Metrowest Tunnel and the Hultman Aqueduct. This water is pumped into the Needham system at the St. Mary's Pumping Station located at the corner of St. Mary Street and Central Avenue. This supply is used when the Town's demand for water is greater than the local supply, and serves as a backup should the Town's wells need to be taken off-line. Water Division staff operate the water treatment plant and also operate, maintain, and repair the Town-wide water distribution system. The system is comprised of more than 135 miles of water mains, 1,166 public hydrants, 3,400 water gate valves, and 9,800 water service connections. This system supports approximately 14,100 installed meters.

The Water Enterprise Fund reimburses the general fund for costs incurred and paid by general fund budgets, e.g., employee benefits, property and casualty insurance, financial and billing expenses, and other administrative and operational support costs. The Water Enterprise Fund budget is a self-supporting account. Water user fees and charges cover the entire cost of operations.

ARTICLE : CONTINUE DEPARTMENTAL REVOLVING FUNDS

To see if the Town will vote to authorize and continue revolving funds for certain Town departments pursuant to the provisions of M.G.L. Chapter 44, Section 53E ½ for the fiscal year beginning July 1, 2016:

Revolving Fund	Spending Authority	Revenue Source	Use of Funds	FY 2017 Budget
Memorial Park	Memorial Park Trustees	Food Concessions	Improvements to Memorial Park	\$4,000
Local Transportation	Council on Aging Director	MBTA, Grants, Program Receipts	Transportation Program for COA	\$60,000
Water Conservation	DPW Director	Sale of Water Conservation Devices	Encourage Residential Water Conservation	\$10,000
Home Composting Bin Account	DPW Director	Sale of Bins	Purchase of additional home Composting Bins	\$3,000
Youth Services Activities	Youth Services Director	Program Receipts	Costs related to Youth Service and Community Programs	\$25,000
Traveling Meals Program	Health Director	Program Receipts	Costs related to Traveling Meals	\$75,000
Immunization Fund	Health Director	Program Receipts	Costs associated with Immunization and Educational Programs	\$25,000
School Transportation Program	School Committee	Fee-Based Transportation Program Receipts	Pupil and Other District-wide Transportation	\$819,000
Facility Activity Use	Director of Facility Operations	Fee-Based Facility Use	Community Facility Use	\$250,000

or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information and Summary of M.G.L., Chapter 44, Section 53E ½: A revolving fund established under the provisions of M.G.L., Chapter 44, Section 53E ½ must be authorized annually by vote of Town Meeting. The fund shall be credited only with the departmental receipts received in connection with the programs supported by such revolving fund, and expenditures may be made from the revolving fund without further appropriation, subject to the provisions of Section 53E ½. The Annual Town Meeting authorization for each revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from such fund; and (4) a limit on the amount which may be expended from such fund in the ensuing year. In any fiscal year, the Board of Selectmen and the Finance Committee may approve an increase in the amount to be spent from the revolving fund, but in no event shall any agency, board, department or officer be authorized to expend in

any one fiscal year more than one percent of the amount raised by the Town by taxation in the most recent fiscal year for which a tax rate has been certified pursuant to M.G.L., Chapter 59, Section 23.

ARTICLE : AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS

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

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Town receives funding from the Commonwealth of Massachusetts for road construction projects. Approval of Town Meeting is required in order for the Town to receive and expend the funds. The Massachusetts Department of Transportation (MassDOT) will distribute Chapter 90 funding only after it has been authorized by the Legislature and the Governor. At the time of the printing of the warrant, the FY2017 award amounts had not been released.

ZONING / LAND USE ARTICLES

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

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

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:
PLANNING BOARD RECOMMENDS THAT:

Article Information:

ARTICLE : 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, as follows:

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

PLANNING BOARD RECOMMENDS THAT:

Article Information:

**ARTICLE : AMEND ZONING BY-LAW – PERMITTED USE IN NEW ENGLAND
BUSINESS DISTRICT**

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

Or take any other action relative thereto

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:
PLANNING BOARD RECOMMENDS THAT:

Article Information:

ARTICLE : AMEND ZONING BY-LAW – MAXIMUM BUILDING BULK

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

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:
PLANNING BOARD RECOMMENDS THAT:

Article Information:

**ARTICLE : AMEND ZONING BY-LAW – SPECIAL PERMIT GRANTING AUTHORITY
IN CENTER BUSINESS DISTRICT**

To see if the Town will vote to amend the Needham Zoning By-Law by

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:
PLANNING BOARD RECOMMENDS THAT:

Article Information:

ARTICLE : AMEND ZONING BY-LAW – RETAINING WALLS

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

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:
PLANNING BOARD RECOMMENDS THAT:

Article Information:

**ARTICLE : AMEND ZONING BY-LAW – MINIMUM SIDE AND REAR LINE
SETBACKS: ACCESSORY STRUCTURES**

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

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:
PLANNING BOARD RECOMMENDS THAT:

Article Information:

GENERAL ARTICLES / CITIZENS' PETITIONS / COMMITTEE ARTICLES

**ARTICLE : CITIZENS PETITION – NEEDHAM TOWN MEETING – FOOD TRUCK
ARTICLE**

Section 1: Definitions

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

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

- 2.1 Food trucks may be located in public right of way areas as designated by the article. A food truck may not be located in or on any portion of a designated public right of way when and where such

location would prevent the safe use of the public right of way by motor vehicles, pedestrians, and/or customers. The vending location shall not otherwise interfere with the movement of motor vehicles in the area.

- 2.2 Authorize the following locations for food trucks
 - a: Needham Center – adjacent to the town common – no more than two trucks
 - b: Needham Heights – adjacent to the heights common – no more than one truck
 - c: Second Avenue across the street from Charles River Landing
 - d: First Avenue across the street from 40 A Street
 - e: Cabot Place, once all constructions projects have been completed on the street
- 2.3 Food trucks shall comply with applicable provisions of the Town of Needham General By-laws with respect to locations near schools and recreation facilities.
- 2.4 Food trucks must be positioned at least 15 feet from the customer entrance of a traditional (brick and mortar) restaurant.
- 2.5 Food trucks shall be positioned on designated right of way areas and shall not block drive entrances, exits, access to loading and/or service areas, or emergency access and fire lanes. Food trucks must also be positioned at least 20 feet away from fire hydrants, any fire department connection, driveway entrances, alleys, and handicapped parking spaces.
- 2.6 Each year, the Board of Selectmen shall establish an open period from December 1 to January 30 of the following year for applications to operate a food truck in public right of way areas. Should the number of applicants exceed available locations within the public right of way, then the Town Manager will create an equitable distribution of available locations among qualified applicants. If locations are available after the close of the open period and after issuance to those applicants who applied during the open period, then applicants may apply after the open period but any permits issued will be on a first come first served basis.
- 2.7 Food Truck vendors shall comply with all local, county and state tax regulations, including but not limited to retail sales applicable to food and beverages.

Section 3: Public Safety and Nuisance Prevention

- 3.1 Food truck vendors must obtain requisite licenses or permits for operation from the Needham Health Department, Police Department, Fire Department, and Board of Selectmen.
- 3.2 Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be accordance with the State Building Code.
- 3.3 Grease must be contained and disposed of in accordance with State Sanitary Code.
- 3.4 Grey water must be contained and disposed of in accordance with State Sanitary Code.
- 3.5 Food trucks must have the following fire extinguisher on board during hours of operation: one 15 lb. multipurpose subject to the determination of the Fire Chief or his designee.
- 3.6 Food trucks may not operate as a drive-in/drive-up/drive-through operation. All service must be walk-up by customers.

- 3.7 Trash and recycling receptacles shall be provided for customers and trash and recyclables shall be removed from the site daily.
- 3.8 If a food truck is proposed to operate after dark, the vendor must provide appropriate lighting.
- 3.9 No signage shall be allowed other than signs permanently attached to the motor vehicle and a portable menu sign no more than 9 square feet in display area on the ground in the customer waiting area.
- 3.10 No food truck shall make or cause to be made any unreasonable or excessive noise or odor.
- 3.11 No food truck shall set up tables, chairs, umbrellas or similar facilities (except standing counters and tables without chairs or stools).

Section 4: Permitting

- 4.1 A food truck will be licensed by the Town's Health Department and Fire Department before issuance or renewal of the Food Truck Permit from the Board of Selectmen, which must be prominently displayed on the truck.
- 4.2 A fee in the amount of \$250.00 annually for an up-to five day a week seasonal permit shall be paid upon issuance of the Food Truck Permit. Fee is regardless of the number of days per week licensed.
- 4.3 Food truck vendors must obtain requisite insurance, bonding and workers compensation as required from time to time by the Board of Selectmen.
- 4.4 Food Truck vendors must obtain a Massachusetts Hawker and Peddler License (issued through the Police Department).
- 4.5 Violation of any of the provisions of this Section may result in revocation of the permits and licenses issued to the vendor to operate in Needham.
- 4.6 A fee in the amount of \$25 for a permit valid for up to one week ("Limited Food Truck Permit") shall be paid upon the issuance of the Limited Food Truck Permit. Such permit shall be issued only to the extent spaces are available; that is, not otherwise occupied by seasonal Food Truck Permit holders. Seasonal permit requests shall have precedence over limited ones. All regulations related to seasonal food trucks apply.

INSERTED BY: Doug Fox et. Al.

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : AMEND GENERAL BY-LAW - HISTORIC DEMOLITION DELAY

To see if the Town will vote to amend Section 2.11 of the General By-laws by deleting the number "6" in sections 2.11.5.5.4, 2.11.5.5.5, and 2.11.5.5.6 and inserting in place thereof the number "12"; and by

deleting in sections 2.11.5.6 and 2.11.5.8 the word “Inspector” and inserting in place thereof the word “Commissioner”; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : AMEND GENERAL BY-LAW – FUTURE SCHOOL NEEDS COMMITTEE

To see if the Town will vote to amend the Town’s General Bylaws by deleting Section 2.7.2.1 and inserting in place thereof the following:

“2.7.2.1 There shall be a Future School Needs Committee consisting of seven members, two appointed by each of the Finance Committee, the School Committee and the Board of Selectmen and one member by the Town Moderator. The Chairman shall be designated from time to time by vote of the Committee. It shall be the responsibility of the Future School Needs Committee to review professionally-developed estimates of the Town's current and projected student population, and to provide information, guidance and feedback to the demographer in developing these estimates. The appointees shall have a background in demography, urban planning, business/economics, or a related field, if qualified individuals with the necessary expertise are available for appointment.”

and by inserting a new section 2.7.2.2 as follows:

“2.7.2.2 Initially three members shall be appointed for the term of three (3) years (one each by the Finance Committee, School Committee and Board of Selectmen), three members shall be appointed for a term of two (2) years (one each by the Finance Committee, School Committee and Board of Selectmen), and one (1) member shall be appointed for a term of one (1) year (by the Town Moderator). Thereafter, as the term for which the members were initially appointed expires, their successors shall be appointed for a term of three (3) years each. In the event of a vacancy occurring in the membership other than by the expiration of the term of a member, a successor shall be appointed to serve the balance of the unexpired term.”

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : ACCEPT ACCESS EASEMENT – OAK AND CYPRESS

To see if the Town will vote to authorize the Selectmen to accept from Oak Street LLC a Declaration of Restrictive Covenant, and a back-up easement; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**ARTICLE : CHANGE OF USE OF PROPERTY FOR
MUNICIPAL/EDUCATIONAL/RECREATIONAL/PARKLAND**

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : HOME RULE PETITION / ARTICLE 97 CHANGE OF USE OF PROPERTY

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE : APPROPRIATE FOR SEABEDS WAY EMERGENCY REPAIR

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$567,000 for Seabeds Way Emergency repair, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : APPROPRIATE FOR COMMUNITY HOUSING SPECIALIST

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$60,000 for Community Housing Specialist, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : APPROPRIATE FOR MEMORIAL FIELD DRAIN IMPROVEMENTS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$490,500 for Memorial Field drain improvements, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : APPROPRIATE FOR TRAIL IMPROVEMENTS – STUDENT CONSERVATION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$25,000 for trail improvements – student conservation, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : APPROPRIATE TRANSFER TO CONSERVATION FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for transfer to conservation fund, and to meet this appropriation that said sum be transferred from the Open Space Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : APPROPRIATE FOR ROSEMARY LAKE SEDIMENT REMOVAL DESIGN

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$118,000 for Rosemary Lake sediment removal, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : APPROPRIATE FOR ROSEMARY RECREATION COMPLEX DESIGN

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$550,000 for Rosemary Recreation Complex design, to be spent under the direction of the Town Manager/PPBC, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : APPROPRIATE FOR PURCHASE OF OPEN SPACE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,000,000 for purchase of open space, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA Free Cash; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE : APPROPRIATE TO COMMUNITY PRESERVATION FUND

To see if the Town will vote to hear and act on the report of the Community Preservation Committee; and to see if the Town will vote to appropriate a sum pursuant to M.G.L. Chapter 44B from the estimated FY2017 Community Preservation Fund revenues, or to set aside certain amounts for future appropriation, to be spent under the direction of the Town Manager, as follows:

Appropriations:

A. Administrative and Operating Expenses of the Community Preservation Committee	\$82,000
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Reserves:

B. Community Preservation Fund Annual Reserve	\$1,537,037
C. Community Housing Reserve	\$292,700
D. Historic Resources Reserve	\$0
E. Open Space Reserve	\$292,700

or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: Town Meeting and voters approved the Community Preservation Act in 2004. The Fund receives monies through a 2.0% surcharge on local real estate property tax bills with certain exemptions. Adoption of the Act makes the Town eligible to receive additional monies on an annual basis from the Massachusetts Community Preservation Fund. Any expenditure from the Community Preservation Fund must be both recommended by the Community Preservation Committee (CPC) and approved by Town Meeting. The law requires that at least 10% of the revenue be appropriated or reserved for future appropriation for each of the following purposes: community housing, historic preservation and open space. The Town traditionally sets aside 11% to account for any changes to the revenue estimate or State match that may occur during the year. Up to 5% of the annual revenue estimate may be utilized for the administrative and operational expenses of the Community Preservation Committee. At the end of the fiscal year, unspent administrative funds return to the CPA Annual Reserve.

CAPITAL ARTICLES

ARTICLE : RESCIND DEBT AUTHORIZATIONS

To see if the Town will vote to rescind a portion of certain authorizations to borrow, which were approved at prior town meetings, where the purposes of the borrowing have been completed, and/or it was unnecessary to borrow the full authorization:

{INSERT NEW CHART}

or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: When a project is financed by borrowing, the project has been completed, and the bills have been paid, the balance of the authorization that was not borrowed and not reserved for other project obligations may be rescinded. A Town Meeting vote to rescind prevents the Town from borrowing the amount rescinded, and frees up borrowing capacity. In some cases, the full appropriation for a project is not required, due to changes in scope, cost saving measures, or favorable bids.

ARTICLE : APPROPRIATE FOR GENERAL FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate \$1,566,117 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that \$1,514,117 be transferred from Free Cash and \$52,000 be transferred from Article 36 of the 2011 Annual Town Meeting; or take any other action relative thereto:

Group	Description	Recommended	Amendment
Public Safety	Police & Fire Department Expansion Feasibility Study	\$90,000	

Group	Description	Recommended	Amendment
Public Schools	School Copier Replacement	\$39,330	
Public Schools	School Furniture	\$45,000	
Public Schools	Technology Replacement	\$307,750	
Public Schools	High School Classroom Expansion Alternatives Feasibility Study	\$50,000	
Public Schools	Pollard Locker Replacement	\$41,157	
Public Schools	High School Gym Upgrade	\$130,557	
Public Works	Fuel Island Relocation & Upgrade Design	\$131,000	
Public Facilities	Energy Efficiency Upgrade Improvements	\$38,154	
Community Services	Memorial Park Building & Grounds Feasibility Study	\$50,000	
General Fund/Multiple	Fleet Replacement Program	\$643,169	
		\$1,566,117	

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

POLICE & FIRE DEPARTMENT EXPANSION & RECONSTRUCTION FEASIBILITY STUDY

The Police/Fire Station ("Station #1"), originally built in 1931, was reconstructed in 1988 – 1989. The amount of space that was originally allocated within the building for the Police and Fire Departments is no longer sufficient to accommodate changes in operations, changing personnel needs, technology upgrades, and security improvements. Areas for review during the feasibility study in the Police Department include: locker space for female officers is not adequate to meet existing and future needs; the evidence and property storage space is not sufficient; interview space and interview recording requirements must be expanded and improved to comply with current standards; there is limited space available for members of the Department to meet with the public; space is insufficient for a combined public safety dispatch center; and holding cells do not meet standards. Areas for review in the Fire Department include: apparatus bays are too small for modern fire trucks; the maintenance garage is too small to perform routine maintenance work; certain areas are not accessible to the public; the existing office space is insufficient for the needs of administrative staff; and storage space is not sufficient. Files, plans and permits are split between two small unsecured basement spaces; and the hose tower is no longer necessary due to modern day equipment. The study will include a review of the operational needs of both departments, facility assessment, assessment of spatial needs within existing/ expanded facility, an alternative study for demolition and rebuilding of a new facility, consideration of phasing/swing space, and a cost comparison of addition, renovation or rebuilding.

SCHOOL COPIER REPLACEMENT School photocopiers are located in all the schools and the administration building, and are used both by administrative and teaching staff. Teachers use the machines to reproduce classroom materials, including homework sheets, exams, teaching packets, etc. Currently the School Department owns 48 copy machines. The FY2017 request will replace four copy machines. Copier replacement is planned on a lifecycle analysis, which projects when a copier should be replaced based on actual usage and the manufacturer's total estimated capacity. Copiers that are heavily

used are replaced more frequently than copiers that are lightly used. A seven-year maximum is assumed for most machines, even if they have not yet reached maximum copy allowances, given the additional operating expense associated with servicing and maintaining older equipment, as well as the difficulty in obtaining replacement parts. This analysis assumes that copiers are re-deployed around the District, as needed, to match copier use with equipment capacity.

SCHOOL FURNITURE This request continues the replacement cycle for school furniture in poor and fair condition at Hillside, Mitchell, Newman and Pollard. In these schools, furniture is 10-20+ years old and in a state of disrepair after decades of heavy use. As of FY2015, all furniture in poor condition has been replaced at these schools. The FY2017 funding request will continue the replacement of furniture in fair condition at these schools, and will allow for the purchase of furniture needed for enrollment growth.

TECHNOLOGY REPLACEMENT This request is for funding to purchase School Department technology, including computers, printers, and servers. Also included in the request are funds for infrastructure upgrades to the School Department data network. The FY2017 request of \$648,450 represents a \$196,750 increase over the FY2017 projection submitted previously in the FY2016-2020 CIP. Of the \$648,450 requested, only \$307,750 meets the Town's definition of capital to be eligible for funding in the CIP. The \$196,750 increase requested in FY2017 consists of \$159,750 in hardware replacement, \$31,000 in elementary network wiring and \$6,000 in new Audio Visual equipment.

The FY2017-2021 School Technology request includes several changes from prior years. One change is the reconfiguration of the K-5 technology model from a desktop computer-based model to a digital device model. The current model for technology is one teacher desktop computer and two to three student desktop computers per classroom, all of which are hard-wired to the network. In addition, classrooms in Grades 1-5 contain an interactive whiteboard (IWB). Most of the current student desktops are between five and ten years old and are not capable of running today's current web applications. The new elementary model classroom consists of a teacher laptop, three classroom Digital Learning Devices (DLDs) and an IWB. The DLDs would be connected to a wireless network. The new model includes one or two shared carts of DLDs per school for class project and school-wide testing purposes. The FY2017 CIP allocates \$178,000 to purchasing the DLD devices.

To support the new DLD technology model the elementary classrooms need access to a sufficient wireless network. The FY2017 CIP increase includes \$78,500 in funding for networking (\$31,000) and wireless hardware (\$47,500) for the Hillside and Mitchell Schools.

The FY2017-2021 School technology request reflects a plan for replacing IWBs throughout the District. While the industry standard replacement cycle is five years, the plan includes funds to maintain a six-year cycle, which requires the replacement of approximately 30 IWB/year. The average cost of replacing an IWB is \$5,000.

The FY2017-2021 request includes funds to implement a pilot 1 to 1 (BYOD) initiative at Needham High School at a cost of \$35,000 for 100 DLDs. There is \$35,000 in the FY2017 CIP request to purchase 100 DLDs to pilot 1 to 1 (BYOD) at the High School.

Finally, the District is proposing to change the replacement cycle for school technology, to remain consistent with the new DLD model. Currently, desktop devices are replaced on a seven-year (or more) cycle. The FY2017-FY2021 CIP request reflects a shorter, three-year replacement cycle for DLDs (reflecting their shorter lifespan) and a four-year cycle for teacher laptops.

HIGH SCHOOL CLASSROOM EXPANSION ALTERNATIVES FEASIBILITY STUDY This project will provide funding to study classroom expansion alternatives at Needham High School. The District

has determined that there is a need to add classroom space at Needham High School to support the anticipated student population increase above the design capacity of the school. Since 2008, several spaces at NHS have been repurposed to function as classrooms, however the number available is below the identified need. The October 2014 Special Town Meeting approved \$200,000 to subdivide two large classroom spaces into four classrooms. In addition, the School Committee has been evaluating several possible construction options, including the construction of six modular-type classrooms near the epicenter of the school and in close proximity to the academic core. In response to concerns about the overall cost and affordability of the proposed project, the School Department has requested \$50,000 to study possible alternatives involving the creation of administrative and storage space to enable further conversion of space within the academic areas to classroom use and/or the construction of classroom space in other areas of the building.

POLLARD MIDDLE SCHOOL LOCKER REPLACEMENT The current lockers at the Pollard school are too small to accommodate the storage needs of the modern student population. The width of the existing lockers is only 6" - the proposed replacement lockers are 12" wide. In FY2016, half of the lockers (600 units) were replaced. This funding will complete the locker replacement project at the Pollard School, which is not scheduled for renovation or reconstruction in the near term.

HIGH SCHOOL GYM UPGRADE The High School A Gym was not included in the 2009 renovation project. The bleachers are beyond their useful life and are proposed for replacement in FY2017. The bleachers that are currently installed are difficult to maintain and use, requiring frequent repair. Future projects proposed for the A Gym include lighting replacement in FY2018, and flooring and equipment reconfiguration in FY2019 and FY2020. This gym is a high demand space and is in constant use by the Schools and community.

FUEL ISLAND RELOCATION & UPGRADE DESIGN The Town is reliant on the fuel dispensing system at the DPW for the majority of its diesel vehicles and all of its gasoline vehicles. Currently DPW, Fire Department, School Department, and other Town vehicles rely on this filling station. As of September 1, 2013, the DPW filling location became the sole location for Police Department vehicles. The Police Department consumes a large volume of gasoline, and the new reliance on this station represents a dramatic increase over previous demand. The reasons for relocation and replacement of the system include the general age and condition of the station, the location of current station (including its proximity to wetlands and groundwater table, susceptibility to flooding, and compatibility with the potential expansion of the DPW operations building), inadequate access and maneuverability, and insufficient capacity. This funding request supports the design of the relocation and replacement of the gas/diesel island.

PUBLIC FACILITIES ENERGY EFFICIENCY UPGRADE IMPROVEMENTS The Public Facilities Department completed an engineering study for energy upgrades at ten key buildings in 2011. An Energy Efficiency Upgrade Improvements plan was implemented after the results of the study illustrated that the Town's investment in selected and recommended energy upgrades would pay for themselves within 10 years. Unless circumstances dictate otherwise, fiscal year 2017 funding will be allocated to retro-commissioning the HVAC controls at the High School, and replacing parking lot HID lighting with LED lighting at the High Rock School, Public Safety Building, and the High School.

MEMORIAL PARK BUILDING & GROUNDS FEASIBILITY STUDY This funding will support a full review of the Memorial Park Building and grounds, leading to recommendations for the renovation and/or reconstruction of the building to meet the current needs of the park and the community. The current facility has storage located on the lower level, and public restrooms accessed from the exterior. On the upper level, there are two meeting spaces, a kitchenette, restrooms and storage rooms. The 2014 Facilities Master Plan anticipated that community needs would likely require construction of a new

building, with rooms directly related to the use of the park (meeting rooms, restrooms, concession, storage) as well as upper floor space to meet other community recreation needs.

ATHLETIC FACILITY (MEMORIAL PARK) RECREATION IMPROVEMENTS This project is intended to address drainage issues at Memorial Field Complex, by capturing storm water as it enters the field complex from the up-gradient surfaces at the High School. The goal is to capture as much of the water as possible before it reaches the playing fields below. Once captured, the storm water will be directed to perforated drainage pipes embedded in gravel within the lower parking lot. Under certain conditions, the existing draining system is overwhelmed, and the natural grass fields become water logged, leaving them in a weakened state and subject to disease and weed and insect infestation.

The Town's fleet replacement program was established in FY2015. This represents a budget and schedule for the Town's rolling stock fleet of appropriately 200 vehicles, trailers, and large specialized attachments. General purpose vehicles include pickup trucks, a variety of sedans, SUV's, vans, and police vehicles (75). They comprise approximately 37 percent of the entire fleet. General purpose vehicles are utilized in every department and are relatively interchangeable. The replacement of these vehicles can proceed on a regular schedule and should be considered part of the Town's base recurring costs. The Town relies on a number of trailers for the purpose of moving tools and equipment, hauling trash and debris, and transporting special equipment. The Town has 47 trailers which represents approximately 23 percent of the fleet. Specialized, high value vehicles, and snow and ice equipment comprise of the other 40 percent of the fleet. These vehicles and equipment are just as integral to Town operations as the general purpose vehicles, but serve the unique purposes of specific departments or divisions. Included in this group are high value vehicles such as ambulances, large dump trucks, fire engines, street sweepers, and others for which appropriations need to be planned.

CORE FLEET REPLACEMENT Unless circumstances require otherwise, the core fleet replacement planned for FY2017 includes the following:

Unit/Division	Year	Replacement	Amount
120/Highway	2004	Utility Trailer	\$23,031
706/PFD	2006	Econoline Van	\$35,073
C2/Fire	2010	Ford Expedition	\$56,635
C3/Fire	2008	Ford Explorer	\$46,116
C43/Fire	2013	Ford Explorer	\$35,123
404/HHS	2004	Ford 350 Van	\$87,354

FLEET REPLACEMENT – SPECIALIZED EQUIPMENT Unless circumstances require otherwise, the fleet replacement – specialized equipment planned for FY2017 includes the following:

Unit/Division	Year	Replacement	Amount
47/Highway	2007	10 Wheel Dump	\$223,109
70/Parks	2009	F550 Dump	\$68,363
71/Parks	2009	F550 Dump	\$68,363

ARTICLE : APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,700,000 for improvements and repairs to the Town's infrastructure including but not limited to roads, bridges, sidewalks, intersections, drains, brooks and culverts, to be spent under the direction of the Town Manager, and to meet this appropriation that \$950,000 be transferred from Free Cash and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$750,000 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: *The Public Works Infrastructure Program allows the Department of Public Works to make improvements and repairs to Town infrastructure, including but not limited to roads, bridges, sidewalks, intersections, drains, brooks and culverts.*

Street Resurfacing *This program is essential to ensure the structural and surface integrity of the Town's 123 linear miles of accepted streets. The primary strategy of this program is asphalt paving and incidental work. Incidental work may include asphalt berm curb, new grass shoulders, corner reconstruction including handicapped ramps, minor drainage improvements, street sign replacement, traffic markings, and signs. Applying this repair strategy in a timely manner will extend the useful life of the roadway for up to 15 years. Installing a monolithic asphalt berm curb better defines the edge of road, improves drainage and protects the shoulder from erosion. The average useful life for asphalt paving is 15 years; target funding for street resurfacing in FY2017 is \$621,000.*

Traffic Signal & Intersection Improvements *This program funds traffic signal improvements and intersection improvements, and new traffic signal installations where none currently exist. No funding is targeted for this program in FY2017.*

Sidewalk Program *This Program funds improvements to the network of sidewalks throughout the community. There are over 160 miles of accepted sidewalks in Needham, and more than half do not comply with current standards and require significant improvements including the installation of handicapped ramps. All sidewalk improvements must comply with Federal and State laws and construction standards. Current estimates have identified over \$20,000,000 in backlogged sidewalks in need of repair. The average useful life for asphalt sidewalk is over 30 years. Unless circumstances dictate otherwise, the target funding for the sidewalk program in FY2017 is \$404,000.*

Storm Drain Capacity Improvements *This program provides funding to improve roadway drainage capacity. The Town's Stormwater Master Plan has identified a number of areas throughout Needham where improvements are required to resolve flooding problems and illicit discharge. Locations for improvements have been prioritized within the plan. Since the issuance of the Stormwater Master Plan, numerous multi-unit developments have been built or are planned in the Town. These developments include new roads with drainage structures and roof or sump connections that are then connected to existing Town systems. These new connections have increased the load on the Town's drainage system and caused flooding in some areas. Unless circumstances dictate otherwise, FY2017 funding is targeted for Taylor Street / Central Avenue – Engineering (\$32,500) and Hunnewell Street/Ardmore Road Engineering, Design & Construction - \$437,500).*

Storm Drain System Repairs *This request is to replace drainage infrastructure within Town easements that are discovered through investigation work. This request is part of the Town's plan to identify and improve drainage throughout the Town. This funding will allow the Department to replace a badly*

damaged 100 foot section of 18" reinforced concrete drain pipe within a Town easement adjacent to 470 South Street. This replacement includes extensive wetland consulting and permitting which is a major factor in the cost of this project. Unless circumstances dictate otherwise, FY2017 funding is targeted for 470 South Street/Construction (\$80,000) and for various locations to upgrade or repair the system (\$25,000).

Brooks and Culverts – Repair and Maintenance *The increasing number of severe storms has resulted in numerous complaints and subsequent investigations of the Town's brooks, streams and culverts. The Brooks & Culverts Program will address poorly draining brooks, streams, waterways and culverts throughout the Town that have been severely damaged by heavy rains/storms in the past. Flooding has caused the failure of retaining walls, resulting in extensive erosion and silt deposits in brooks and streams. The silt has provided a medium for vegetation and affected the flow of water, and the situation has resulted in the loss of useable abutting property and flooded basements. The current conditions are beyond the means of DPW equipment and personnel. Such repairs require detailed investigation, plan of recommended improvements, design drawing and specifications, environmental permitting and bidding of construction to be overseen by the Town's Engineering Division. This will eventually return the waterways to a condition that the DPW will be able to maintain. The EPA is currently finalizing stronger requirements for stormwater and permitting under the NPDES permit. The Town will need to continue to demonstrate its efforts regarding cleaning and improvements to water quality of brooks and culverts. Unless circumstances dictate otherwise, FY2017 funding is planned for continued wall repair in various locations (\$100,000).*

ARTICLE : APPROPRIATE FOR RTS ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$215,927 for RTS Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that \$22,073 be transferred from Article 42 of the 2007 Annual Town Meeting, and the \$188,000 be transferred from RTS Enterprise Fund Retained Earnings; or take any other action relative thereto.

Group	Description	Recommended	Amendment
RTS	Swap Loader with Attachments	\$120,000	
RTS	Property Improvements	\$68,000	
RTS	Stormwater Plan	\$50,000	
		\$188,000	

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

SWAP LOADER WITH ATTACHMENTS *This article will address two operational concerns at the RTS. The packer truck at the RTS is five years old – half of its estimated life – but requires numerous repairs due to the nature of the piece of equipment. The Town has had to rent a packer during down times, with corresponding delays in service. Additionally, there is a need for a more efficient watering system at the RTS to minimize the dust onsite and to aid in the composting process by keeping the*

compost wet in summer months so it can continue to process. These two needs can be addressed with the conversion of existing unit #5 (a 2011 Six Wheel Dump Truck) into a Swap Loader truck. Unit #5 will be converted and both a Packer body and water tank body will be purchased. This will increase the utilization of unit #5 and address the two pressing operational issues without the need to expand the RTS equipment inventory. The Swap Loader truck can be used with the proposed packer body while the existing Packer truck is being serviced or repaired, and can provide additional collection capacity during busy times of the year and during special events when additional trash pick-up is required. The proposed mobile water tank body will be utilized during those spring, summer and fall months when the compost area is dry and in need of dust control to prohibit dust from interfering with operations.

RTS PROPERTY IMPROVEMENTS This article will fund improvements to the Recycling & Transfer Station (RTS) facility to increase efficiency, comply with regulatory requirements, and improve functionality. FY2017 funding is proposed for the installation of anti-litter fencing (\$32,000) and the replacement of a retaining wall (\$36,000). The fencing project includes the installation of 850 linear feet of anti-litter fencing to reduce the amount of litter that is blown out of the facility onto the street and across Central Avenue to Claxton Field and the Town Forest. The fencing will significantly reduce or negate the need for staff to clean up Claxton Field or enter the wetlands to remove litter. The foundation walls at the rear of the transfer station are steep and held in place with an engineered Gabion retaining wall system (a wire mesh filled with rock). The wall is starting to fail as the wire mesh is coming apart. To repair the retaining wall and replace it with a new interlocking concrete block system, the existing Gabion system will be removed, the site prepared for the new wall, and new concrete installed.

RTS STORMWATER PLAN The Recycling and Transfer Station (RTS) composting operation is presently operating pursuant to a Conservation Commission Negative Determination of Applicability (NDA). This NDA was put in place as a result of potential adverse impacts to the wetlands from the compost operations. The NDA calls for the mitigation of potential stormwater issues at the site. At the present time, untreated stormwater runoff is entering a perennial stream that feeds the wetlands abutting the composting operations. In order to be compliant with the NDA this project will include the design of a silt detention basin at the compost area, the design of a new detention basin at the base of the landfill that will control stormwater runoff from the Materials Processing Area and the road behind the Salt Shed, design of the regrading of the materials processing area to ensure that all stormwater runoff is diverted from the wetlands, design of a stormwater management collection system for the proposed paving of the road behind the Salt Shed, and investigation and design of the drainage system adjacent to the Salt Shed.

ARTICLE : APPROPRIATE FOR RTS FLEET REPLACEMENT

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$269,000 for RTS Fleet Replacement, to be spent under the direction of the Town Manager, and to meet this appropriation that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$269,000 under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

FLEET REPLACEMENT – SPECIALIZED EQUIPMENT Unless circumstances require otherwise, the RTS fleet replacement – specialized equipment planned for FY2017 includes the following:

Unit/Division	Year	Replacement	Amount
104/RTS	2007	Front-End Loader	\$269,000

ARTICLE : APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$73,860 for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that \$10,335 be transferred from Article 69 of 2006 Annual Town Meeting and \$63,525 be transferred from Sewer Enterprise Fund retained earnings; or take any other action relative thereto.

Group	Description	Recommended	Amendment
Sewer	Sewer Main Extension Zone 1 & 2 Design	\$73,860	

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

There are eight homes with private septic systems in Needham that are within Massachusetts Department of Environmental Protection's Zone II areas. The Town has prioritized the extension of the sewer system to allow these homes to connect as part of its aquifer protection mandate. The Zone I and Zone II aquifer protection area for the Charles River Well No. 1 encompasses an area that includes private septic systems. Zone I includes land within the protective four hundred (400) foot radius around an existing or potential public water supply well or well field. Zone II includes the area of an aquifer that would potentially be affected by nearby septic systems. All three of Needham's wells are located in an area that is vulnerable to contamination from nearby septic systems, and extending the sewer main to allow access to homes within Zones I & II will reduce this risk. The sewer main ends at 827 Charles River Street, and the extension would run from 828 Charles River Street to Winding River Road and extend 712 feet up Winding River Road. This new sewer main will allow five homes that are currently on septic systems to connect to the Town sewer, subject to a betterment fee. FY2017 funding will support the design of 712 linear feet of 8" gravity sewer pipe installation and five sewer manholes.

ARTICLE : APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$976,604 for Water Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that \$976,604 be transferred from Water Enterprise Fund retained earnings; or take any other action relative thereto.

Group	Description	Recommended	Amendment
Water	Fire Flow Improvements Study	\$20,000	
Water	Water Service Connections	\$200,000	
Water	Water System Rehabilitation Program	\$82,000	
Water	Fleet Replacement Program	\$43,679	
		\$345,679	

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

FIRE FLOW IMPROVEMENTS STUDY The Water System Master Plan has identified fire flow adequacy as a priority improvement. A fire flow adequacy analysis was conducted under maximum daily demand that determined that the existing system is unable to meet the minimum 20 pounds per square inch of pressure (psi) in the higher elevations of Town – Tower Hill and Birds Hill. The proposed feasibility study will provide options for meeting the minimum psi level in the most cost-effective manner.

WATER SERVICE CONNECTIONS The primary purpose of this program is to remove old iron pipe water services that may contain lead from the water distribution system. Old water services are to be replaced prior (at least one year) to a road reconstruction/paving project. If this project is not funded it leaves an element of the subsurface infrastructure susceptible to failure before the useful life of the reconstructed roadway has been realized. Prior appropriations are currently under contract with water service connection replacements estimated to be one and one half years ahead of the road resurfacing program. The FY2017 funding will provide approximately one year's value of water service replacements, which will fall in line with the road resurfacing program schedule. System wide, there are approximately 1,100 services that still need to be replaced in the system.

WATER SYSTEM REHABILITATION PROGRAM Water infrastructure requires ongoing attention and periodic replacement, and portions of the Town's water infrastructure are 75+ years old and approaching the end their useful life. A diligent rehabilitation program encompassing maintenance, repair, and replacement ensures a continual supply of water to the public. The Department of Public Works prioritizes replacement of water pipes based upon pipe condition, water break history, and adequacy of water flow to fire hydrants. Unless circumstances require otherwise, FY2017 funding is intended for engineering and design for a new 8" main for Alfreton Road from Highland Avenue to Webster Street (500 l.f.), engineering and design for a new 8" main on Bennington Street from High Street to Concord Street (650 l.f.), and engineering and design for a new 8" main on Country Way (1,200 l.f.).

FLEET REPLACEMENT Unless circumstances require otherwise, the Water core fleet replacement – specialized equipment planned for FY2017 includes the following:

Unit/Division	Year	Replacement	Amount
26/Water	2011	F150 to F250	\$43,679

TOWN RESERVE ARTICLES

ARTICLE : APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$994,496 to the Athletic Facility Improvement Fund, as provided under Chapter 46 of the Acts of 2003, and as further amended by Section 19 of Chapter 140 of the Acts of 2003, said sum to be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

The December 31, 2015 balance in the fund was \$1,973,058.

ARTICLE : APPROPRIATE TO CAPITAL IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate a sum to the Capital Improvement Fund, as provided under M.G.L., Ch. 40, Sec. 5B as recently amended by Section 14 of Chapter 46 of the Acts of 2003 and Section 19 of Chapter 140 of the Acts of 2003, 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 Explanation: Under Article 58 of the May 2004 Annual Town Meeting, the Town voted to establish the General Fund Cash Capital Equipment and Facility Improvement Fund for the purpose of setting aside funds for future capital investment. Over time, as the fund grows and is supported, it will be one of the tools in the overall financial plan of the Town. Maintaining and supporting such funds is looked upon favorably by the credit rating industry. The December 31, 2015 balance in the fund was \$669,913.

ARTICLE : APPROPRIATE TO CAPITAL FACILITY FUND

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Capital Facility Fund as provided under the provisions of M.G.L. Chapter 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, 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: Established at the 2007 Annual Town meeting, this fund is intended to be part of the Town's planning strategy for addressing capital facility maintenance needs by providing a reserve to address extraordinary building repairs and related expenses at times when other resources are unavailable. The purpose of this fund is to allow the Town, from time to time, by appropriation, to reserve funds for design, maintenance, renovation or reconstruction relating to the structural integrity, building envelope or MEP (mechanical, electrical, plumbing) systems of then existing capital facilities. The December 31, 2015 balance in the fund was \$1,309,428.

ARTICLE : APPROPRIATE TO DEBT SERVICE STABILIZATION FUND

To see if the Town will vote to raise and/or transfer and appropriate \$612,595 to the Debt Service Stabilization Fund, and to meet this appropriation that \$362,595 be raised from the Tax Levy and \$250,000 be transferred from Free Cash; or take any other action relative thereto.

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

Article Information:

ARTICLE : APPROPRIATE TO STABILIZATION FUND

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Stabilization Fund, said sum to be raised from the Tax Levy; or take any other action relative thereto.

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

Article Information: Municipalities are authorized under M.G.L. Chapter 40, Section 5B to establish stabilization funds. Monies appropriated to the Stabilization Fund remain in the fund and carry forward from one fiscal year to another. The interest earned on the stabilization fund remains with the fund. The money from the Stabilization Fund can be appropriated for any lawful municipal purpose. Appropriations both into and from the fund require a two-thirds majority vote of Town Meeting.

Although the monies in the general Stabilization Fund may be appropriated for any lawful purpose, it is recommended that appropriations from the Stabilization Fund be limited to extraordinary unforeseen events or exceptionally negative fiscal conditions. Maintaining this fund serves an important function in that it represents the Town's commitment to prudent financial planning. State law restricts the amount that may be maintained in stabilizations funds to not more than ten percent of the Town's prior year tax levy, and not more than ten percent of the Town's equalized valuation, which is calculated bi-annually by the Department of Revenue. As of December 31, 2015, the balance in the fund was \$3,913,385.

ARTICLE 50: OMNIBUS

To see if the Town will vote to raise by taxation, transfer from available funds, by borrowing or otherwise, such sums as may be necessary for all or any of the purposes mentioned in the foregoing articles, especially to act upon all appropriations asked for or proposed by the Selectmen, or any Town officer or committee, to appoint such committees as may be decided upon and to take action upon matters which may properly come before the meeting; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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 7 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 under our hands at Needham aforesaid this 9th day of February 2016.

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

(month) (day

2016

DRAFT 2.5.16



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

MEETING DATE: 02/09/2016

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

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

pd. \$25
ck #6234

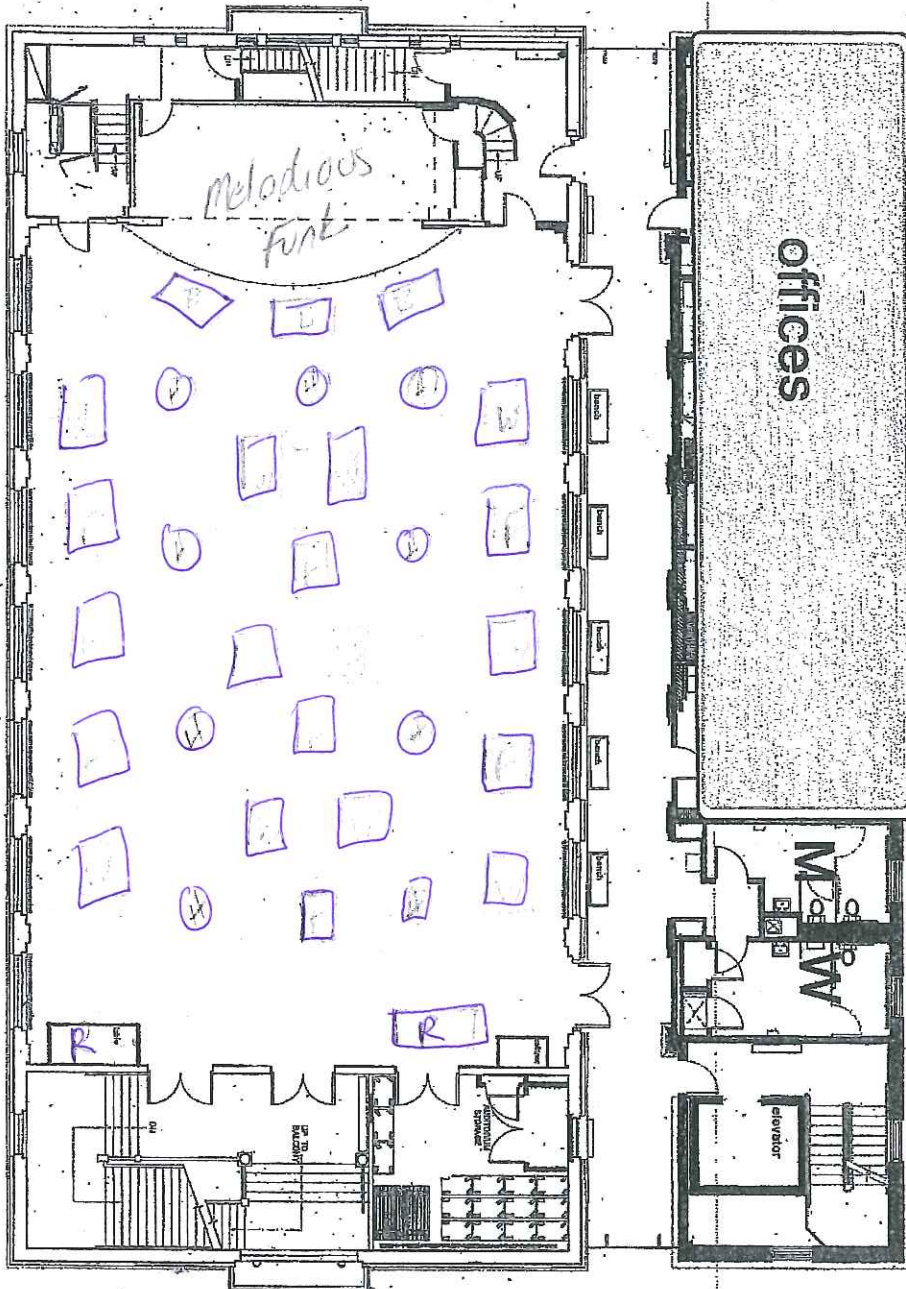
**ONE DAY SPECIAL LICENSE
TOWN OF NEEDHAM BOARD OF SELECTMEN
EVENT INFORMATION SHEET**
(Please complete and attach event flyer or other information.)

Event Manager Name (Name that will appear on license)	Needham Women's Club		
Event Manager Address	P.O. Box 920583, Needham, MA 02492		
Event Manager Phone Number	508-380-5784 (Carol Stento)		
Organization Representing (if applicable)			
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	☒ Non-profit ☐ For profit ☒ Proof of non-profit status is attached Form of Proof: _____		
Name of Event	Needham Grand Wine Tasting		
Date of Event	4-3-2016		
License is for Sale of:			
☒ Wines & Malt Beverages Only ☐ All Alcoholic Beverages (for non-profit groups only)			
Requested Time for Liquor License	FROM:		TO:
		3pm	6pm
Are tickets being sold in advance for this event?	☒ YES	\$ 35 /per ticket	☐ NO
		prior to event	
Is there an admission fee for this event?	☒ YES	\$ 45 /per ticket	☐ NO
		week B/Y	
Are you using dues collected to purchase alcohol for this event?	☐ YES		☒ NO
How many people are you expecting at this event?	max. capacity - Powers Hall		
Name & address of event location. Please attach proof of permission to use this facility.			
Powers Hall			
Who will be serving the alcohol to your guests?			
wine distributors - suppliers of Needham Center Fine Wines			
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate).			
N/A - This is a tasting event.			
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.			
Attendees will have the opportunity to taste various wines from different distributors who will have tables throughout the hall			
☒ I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04))			
Event Manager Signature:			Date:
Carol J. Stento			1/29/2016

Grand Tasting 2016

CHAPEL STREET

James Hugh Powers Hall
Needham Town Hall



Furniture

Available:

- 13 (18) 60"x30" tables
- (6) 72"x30" folding tables
- (8) 96"x30" tables
- 350 audience chairs

F - Food
W - wine
B - beer
R - receipt
2 - 1st floor
H - high top tables

HIGHLAND AVENUE

Chairs:
Hall floor can accommodate 330 chairs with center aisle.

Balcony seats 90 not available for events with alcohol.

Dimensions for hall and stage contained in online regulations.

Drawing scale will only be accurate when printed on 11"x17" paper at 100%.

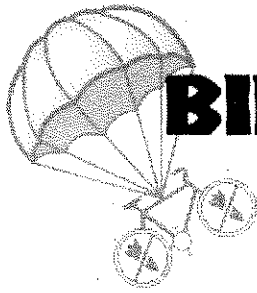
NEEDHAM TOWN HALL
Needham, Massachusetts

SKF-2

Drawing Number:

Scale: 3/8"=1'-0"

I will send insurance certificate in early January.



BIKES NOT BOMBS

284 Amory Street • Jamaica Plain, MA 02130
phone: 617-522-0222 • fax: 617-522-0922
www.bikesnotbombs.org • mail@bikesnotbombs.org

To Nikki Witham and Needham Town Hall,

Bikes Not Bombs will holding our 29th annual fundraising bike ride, the Bike-A-Thon, on Sunday June 5th, 2016 (with a raindate of June 19th).

The same as in previous years, some of our cyclists will be passing through Needham. I've filled out the Road Event form, same as last year, but I'm including more information in this letter.

I want to mention up front that there are no points along our route where we plan to block, obstruct, or in any way interfere with vehicular or pedestrian traffic. This is not a race, and it is not a single mass of cyclists who stay together. Upon leaving the starting point in Jamaica Plain, each cyclist rides at their own pace, and they will be spread out over multiple miles and integrated into the normal flow of traffic. We give out a suggested route for cyclists to follow, and each cyclist is on the road as an individual, riding safely and single file on the road as would any other recreational cyclist. We will be instructing all riders to obey all traffic laws. These cyclists will also be experienced and comfortable with safely integrating themselves into the normal flow of traffic. We expect the impact on Sunday traffic to be negligible, as it has been on this same route each year, and we are not requesting any assistance from town authorities on the day of the event.

There are no spectators, stops, volunteer stations, parking, etc in Needham. It will only be cyclists on the road as a part of normal traffic.

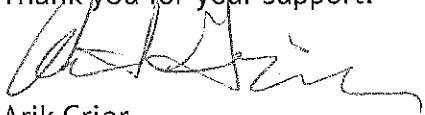
This will be our 29th year of running this event smoothly and safely! Each of these heroic cyclists in the event raises money to support our nonprofit bicycle programs. Our youth programs in Jamaica Plain help inner-city teens learn safe bicycling skills and mechanics skills, while earning their own bike. These bikes help them get to school or work and the skills lay a foundation for professional development that will help them get jobs.

I've attached a map of our route in 2015. We plan to use this same route. Riders will:

- Enter Needham on Chestnut St going N
- Turn left on High Rock St going W
- Turn right on Central Ave going N and leave Needham

Riders will start to trickle into Needham around 11:45 am. The total mileage for each rider within the town of Needham is about 5 miles, and riders will average about 15 mph, so we expect each rider to spend about 20 minutes on Needham roads. We expect our last riders will have exited Needham by 4:30pm.

Thank you for your support!

A handwritten signature in black ink, appearing to read 'Arik Grier', written over a horizontal line.

Arik Grier
Operations Director



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

emailed 1/5/16

INTERNAL USE ONLY

☒ DPW	☒ Police
☒ Fire	☐ OTM
☒ Park & Rec	
☐ PFD	☐ Paid

TYPE OF EVENT: (check all that apply)

☐ RUN ☐ WALK ☒ BICYCLE ☐ MOTORCYCLE

Name of Event:

Bike-A-Thon

Name of Organization:

Bikes Not Bombs

**Has this event been conducted in other
Towns in the past?** ☒ YES ☐ NO

If yes, name of Town and date:

In Needham etc.

Organization Mailing Address:

Bikes Not Bombs
294 Amory St., JP, MA 02130

☒ **Organization
is
Not-for-Profit**

Organization Billing Address (if Police Detail is required):

same as above

Primary Contact:

Arik Grier

Contact Title:

Operations Director

Contact Address:

same as above

Contact Phone (Day):

617-522-0222 x100

Contact Phone (Cell):

857-719-6713

Contact Email:

arik@bikesnotbombs.org

Event Date(s):

June 5, 2016
(raindate June 19)

Date Expected to be in Needham:

← same

Earliest Time Expected in Needham: 11:45 am	Latest Time Expected in Needham: 4:30 pm
Number of Expected Participants: 400 cyclists, each in Needham for ~20min over the course of 5 hrs.	Number of Expected Spectators at Peak Time: no spectators
Are participants charged a fee? ☒ YES ☐ NO	
Estimated Number of Vehicles: 0	What type of Parking is required: none
Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked: No parking, no spectators	
Are event organizers available to meet with members of the Town to plan event? Yes	
Do event organizers foresee the need for any road closures (subject to police review)? No	
What will be done in case of inclement weather? Raindate of June 19	
Will neighborhoods be impacted by parking and traffic? No	
What activities are planned for the start of the race (if in Needham)? Not in Needham	
What activities are planned for the end of the race (if in Needham)? Not in Needham	
What facilities are needed for the start of the race (if in Needham)? Not in Needham	

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

Not in Needham

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

4 hrs and 45 min that some cyclists will be on Needham roads

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

No

Will volunteers be placed along the route?

No

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

No

Will there be any food served? (contact Needham Health Dept: 781-455-7500 x262)

No

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?

No

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

No spectators. We have EMTs who can be dispatched to Needham.

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?

Some

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

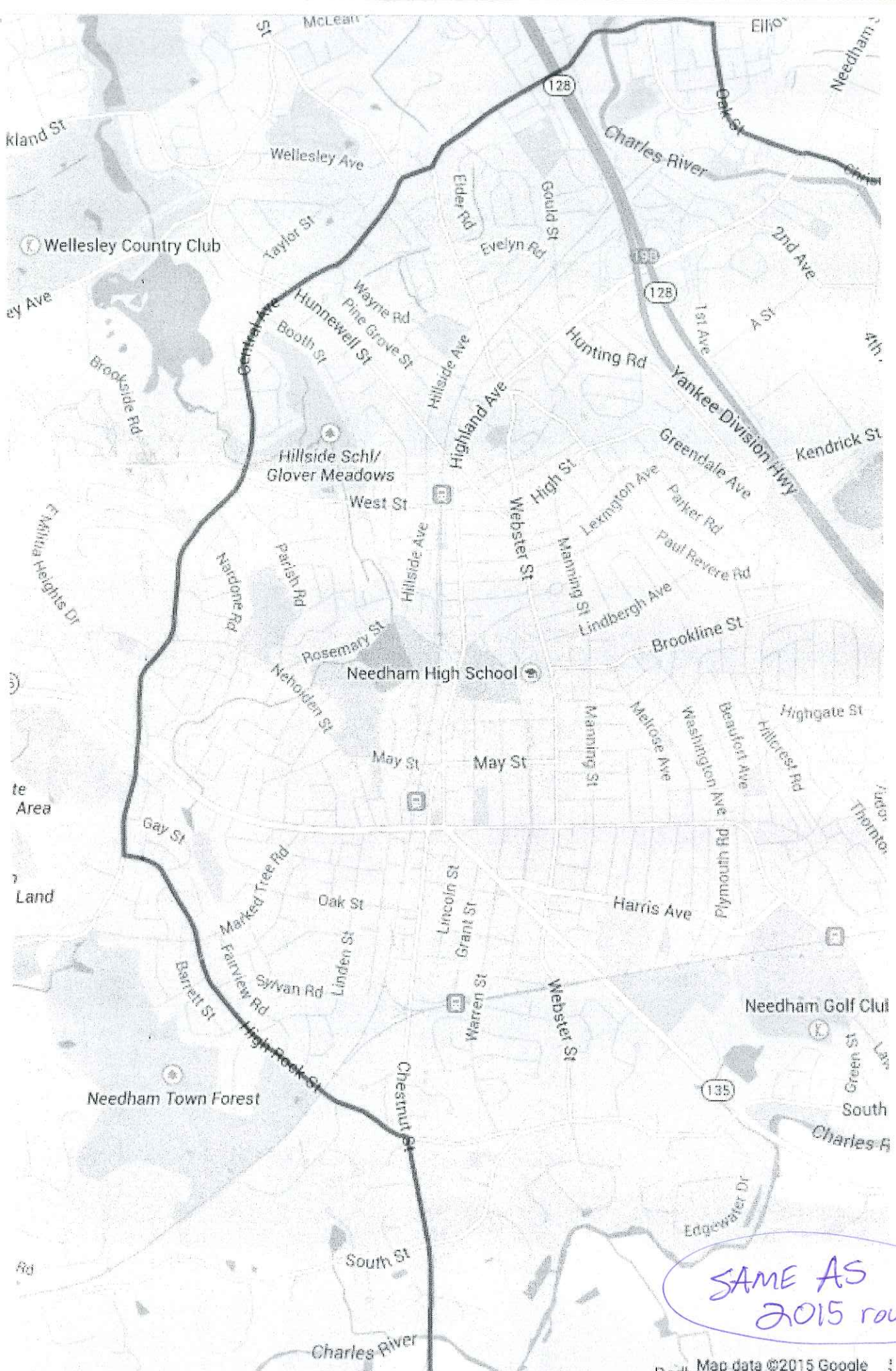
Cyclists are spread out, at their own pace, in the normal flow of traffic

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

Yes, see above

What is the plan to handle trash?

Cyclists do not stop in Needham - no trash.



SAME AS
2015 route

Town of Needham
Water Sewer Billing System
Adjustment Form

DEPARTMENT OF PUBLIC WORKS

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

WHEREAS the appropriate divisions of the Department of Public Works have submitted to you the following commitment(s) on the dates listed below for the collection of water, sewer revenue and

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

Water Sales:	-\$525.66
Water Irrigation:	-\$470.40
Water Admin Fees	\$0.00
Sewer Sales:	-\$946.62
Transfer Station Charges:	\$0.00
Total Abatement:	-\$1,942.68

Order #: 1212

Read and Approved:

[Signature] 2/4/2016
Assistant Director of Public Works

[Signature]
Director of Public Works

For the Board of Selectmen

Date: 2/9/16

Town of Needham
Water Sewer Billing System
Adjustment Form

Prepared By:	Last Name	First Name	Customer ID#	Location ID#	Street Number	Street Name	Irrigation Water	Domestic Water	Sewer	Total	Reason	Corrected Last Read Y/N
DB	Levin	Eugene	28687	3062	115	Woodledge Road	\$0.00	-\$285.23	-\$493.91	-\$779.14	ACC	N
DB	Cuttler	David	39455	3018	76	Edwardel Road	-\$470.40	\$0.00	\$0.00	-\$470.40	ACC	N
DB	Alfridi	Nadime	31359	19368	1297	Central Avenue	\$0.00	-\$137.53	-\$183.01	-\$320.54	ACC	N
JO	Council on Aging (1)						\$0.00	-\$102.90	-\$269.70	-\$372.60	COA	N
Total:										-\$1,942.68		

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

Legend:

O.I. = O.I. reading slower than inside meter causing large bill when inside meter is read.
 TWN = Town Project caused damage to private property
 EC = Extenuating Circumstances
 Equip = Equipment Malfunction
 UEW = Unexplained water loss
 ACC = Accidental Water Loss
 BP = Billing Period beyond 100 days
 COA = Council on Aging