

BOARD OF SELECTMEN

April 13, 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>
	7:00	Arbor Day Proclamation 2016
1.	7:00	Board Reorganization
2.	7:00	Public Hearing – New All Alcohol License – Ko Bistro, Inc., 250 Chestnut Street • Peter Lim, Attorney • Li Feng Lin, Proposed Manager
3.	7:15	Department of Public Works • Approve & Sign Records, Witnessing the Perambulation of the Town Boundaries • Central Avenue/Elliot Street Bridge Project Inter-Municipal Agreement
4.	7:20	Town Manager • Close STM Warrant • Positions on Warrant articles • Town Manager Report
5.	7:40	2016 Annual Town Meeting Preparation – Zoning Amendments • Lee Newman, Director of Planning & Community Development • Jeanne McKnight, Chair, Planning Board
6.	8:00	Board Discussion • Committee Reports

APPOINTMENTS

	No appointments	
--	-----------------	--

CONSENT AGENDA *=Backup attached

1.	Approve the calendar year 2016 Spring Licenses as follows. This approval is predicated on the receipt of all completed required paperwork before April 30, 2016. <table> <tr> <td>Establishment</td><td>License Type</td></tr> <tr> <td>Veteran's Taxi of Newton, LLC</td><td>Taxi/Livery</td></tr> </table>	Establishment	License Type	Veteran's Taxi of Newton, LLC	Taxi/Livery
Establishment	License Type				
Veteran's Taxi of Newton, LLC	Taxi/Livery				

	A&D Limousine Lt. Manson H. Carter Post 2498 VFW Building Association, Inc. Second Time Around Closet Exchange – Best of the Mall Closet Exchange – Designer & Boutique Closet Exchange – Consignment Drop Off Closet Exchange – Last Chance Store Cherry Picked Crosby Jewelers, Inc. Segaloff’s Jewlers Janet Cotter Design Needham Bowl Away	Taxi/Livery Pool Table Sale of Second Hand Articles Sale of Second Hand Articles Sale of Second Hand Articles Sale of Second Hand Articles Sale of Second Hand Articles Sale of Second Hand Articles Sale of Second Hand Articles Sale of Second Hand Articles Bowling Alley				
2.*	Approve a One Day Special Wines & Malt Beverages License for Kaitlyn Ferrini, of Riverside Community Care to hold its Spring Fling event on June 7, 2016 from 6:00 p.m. to 8:00 p.m. The event will be held at Copley Motorcars, 37 Chestnut Street, Needham.					
3.*	Approve a request from the Natick Rotary to hold its Tour de Natick bike event on Sunday, June 19, 2016. The Needham portion of the route involves only a short leg of the longer, 25 mile course which begins at 8:00 am. The section of the route going through Needham is from Charles River Street at the Dover line to South Street at the Dover line. The route that the riders will take through Needham has been approved by the following departments: DPW, Police, Fire and Park and Recreation.					
4.	Accept a \$100 donation made to the Needham Community Revitalization Trust fund from the Needham Open Studios.					
5.*	Approve road race event form from Christopher George of the Sean Biggs Memorial Foundation, to hold its 5K race/ 1 mile walk in Needham on November 13, 2016 from 7:00 a.m. to 12:00 p.m. The race application has been approved by the following departments: DPW, Police, Fire, and Park and Recreation.					
6.*	Water & Sewer Abatement Order No. 1215					
7.	Accept a \$250 donation made to Needham Youth Services from Louise Condon Realty. The monies will be used to sponsor Needham Youth Services Programs.					
8.*	Approve a One Day Special Wines & Malt Beverages License for Robert Timmerman of Needham Knights of Columbus to host “Take Delaney to the Beach” Trivia Night on April 22, 2016 from 6:30 p.m. to 11:00 p.m. The event will be held at the Needham Knights of Columbus, 1211 Highland Avenue, Needham.					
9.	Grant permission for the following residents to hold block parties:					
Name		Address	Party Location	Party Date	Party Rain Date	Party Time
Sheila Eisenstadt		91 Fairfield St.	Same	6/10/16	6/11/16	6pm-9pm
Julie Hannon		32 Jarvis Circle	Corner of Jarvis Circle & Nardone Rd. to the end of Jarvis Circle near Central	6/11/16	6/12/16	1:30pm-6:30pm

2016 ARBOR DAY PROCLAMATION

- WHEREAS, In the year 1646 in the then Town of Boston of the Massachusetts Bay Colony the first recorded Public Tree planting in the New World took place as a Community effort involving men, women and children; and
- WHEREAS, The planting was not accomplished for private gain or individual benefit but rather it was public in nature for the relief of travelers because trees had long been recognized as providing tremendous benefits to the well being of mankind; and
- WHEREAS, When Needham became the 88th incorporated community in the Commonwealth of Massachusetts in 1711, its inhabitants were mostly land hungry settlers from Boston who had come to the wilderness to farm on the open land of the Great Plain; and
- WHEREAS, The Lessons of the Settlers had been learned. The practice of tree planting had continued on the Plain to reduce the erosion of the precious topsoil by wind and water; and
- WHEREAS, Trees are one of our greatest resources. They provide food and shelter, moderate temperatures, reduce noise pollution, provide wind breaks, establish a habitat for wildlife; and
- WHEREAS, Trees in our Town of Needham help beautify the area by providing Summer and Fall colors, interesting sizes and shapes, beautiful flowers and fruit and increased property value; and
- WHEREAS, The Town of Needham wishes to be recognized as a Tree City U.S.A. by the National Arbor Day Foundation and desires to continue its tree planting ways.
- NOW, THEREFORE, we the Board of Selectmen of the Town of Needham do hereby proclaim the last Friday in April as Arbor Day in the Town of Needham and we encourage our residents to support all efforts to protect our trees and woodlands for future generations to come.

Our Children, our Trees, our Future.

BOARD OF SELECTMEN

NEEDHAM BOARD OF SELECTMEN RE-ORGANIZATION MEETING FOR APRIL 13, 2016

1. Town Clerk swears in the Elected Officials.
2. Chairman calls for nominations for the re-organization of the Board of Selectmen.

Chairman: _____

Vice Chairman: _____

Secretary/Clerk: _____

3. Members now change to new seating arrangement.
4. The Board of Selectmen regular meeting schedule for the year.

May 10, 2016	September 6, 2016	December 6, 2016	March 14, 2017
May 24, 2016	September 20, 2016	December 20, 2016	March 28, 2017
June 14, 2016	October 4, 2016	January 10, 2017	*April 12, 2017
June 28, 2016	October 18, 2016	January 24, 2017	April 25, 2017
July 19, 2016	*November 9, 2016	February 14, 2017	* Wednesday
August 16, 2016	November 22, 2016	February 28, 2017	

5. Committee Secretary for Board of Selectmen: ☐ Sandy Cincotta

6. Recording Secretary for Board of Selectmen: ☐ Mary Hunt

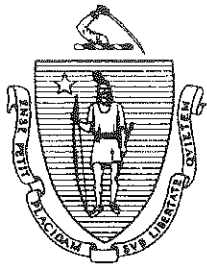


**Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 4/13/2016

Agenda Item	Public Hearing- New Alcoholic License for Ko Bistro, Inc. (250 Chestnut Street)
Presenter(s)	Peter Lim, Attorney Li Feng Lin, Proposed Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED			
Mr. Lim will present an application for an All Alcoholic License for Ko Bistro, a new restaurant that will be located at 250 Chestnut Street. The restaurant will consist of 3,530 SF, all located on the 1st floor. The main dining area is composed of two separate dining rooms: one with a five-seat sushi bar, two smaller dining rooms and a general seating area with tables and chairs; and another dining room containing a seven-seat service bar and a general seating area with tables and chairs. Total seating is for 104 patrons. Also included in this level is the kitchen, prep areas, rest rooms and storage. There is one main entrance at the front of the building and two emergency exits from the front and rear of the building. Mr. Lim also seeks for the applicant a waiver of the Town of Needham Regulations for the Sale of Alcoholic Beverages Section 3.1 Service Bar/Waiting Area. There is one hospital located within the 500' radius of proposed premises and M.G.L. Chapter 138 section 15A requires a vote of the Board after public hearing. No written comment was received by the hospital with respect to this hearing.				
2.	<table border="1"><tr><td>VOTE REQUIRED BY BOARD OF SELECTMEN</td><td>YES</td><td>NO</td></tr></table>	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO		
Suggested Motions: (A) That the Board of Selectmen approve the application for a new All Alcohol License under the Town of Needham Rules and Regulations Applicable To The Sale of Alcoholic Beverages in Restaurants and Function Rooms for Ko Bistro, Inc., Li Feng Lin, Proposed Manager, and including a waiver of the Town of Needham Regulations for the Sale of Alcoholic Beverages, Section 3.1, Service Bar/Waiting Area and to forward the approved Alcohol License application to the ABCC for approval. (B) That the Board of Selectmen determines that the premises are not detrimental to the activities of the Deaconess Glover Hospital.				
3.	<table border="1"><tr><td>BACK UP INFORMATION ATTACHED</td><td>YES</td><td>NO</td></tr></table>	BACK UP INFORMATION ATTACHED	YES	NO
BACK UP INFORMATION ATTACHED	YES	NO		
<table border="1"><tr><td> 1. Form 43 2. Retail Application for License 3. Floorplan 4. Manager Application 5. Personal Information 6. Articles of Organization 7. Vote of the Corporate Board 8. Lease Agreement </td><td> 9. Legal Notice Information & Abutter Info 10. M.G.L. Chapter 138 Section 15A Personal and/or confidential parts of the application are on file in Office of the Town Manager and will be included in the application sent to ABCC. </td></tr></table>			1. Form 43 2. Retail Application for License 3. Floorplan 4. Manager Application 5. Personal Information 6. Articles of Organization 7. Vote of the Corporate Board 8. Lease Agreement	9. Legal Notice Information & Abutter Info 10. M.G.L. Chapter 138 Section 15A Personal and/or confidential parts of the application are on file in Office of the Town Manager and will be included in the application sent to ABCC.
1. Form 43 2. Retail Application for License 3. Floorplan 4. Manager Application 5. Personal Information 6. Articles of Organization 7. Vote of the Corporate Board 8. Lease Agreement	9. Legal Notice Information & Abutter Info 10. M.G.L. Chapter 138 Section 15A Personal and/or confidential parts of the application are on file in Office of the Town Manager and will be included in the application sent to ABCC.			



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

☐ For Reconsideration

FORM 43
MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

ABCC License Number

City/Town

Local Approval Date

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|---|--|---|---|
| ☒ New License | ☐ New Officer/Director | ☐ Pledge of License | ☐ Change Corporate Name |
| ☐ Transfer of License | ☐ Change of Location | ☐ Pledge of Stock | ☐ Seasonal to Annual |
| ☐ Change of Manager | ☐ Alteration of Licensed Premises | ☐ Transfer of Stock | ☐ Change of License Type |
| ☐ Cordials/Liqueurs Permit | ☐ Issuance of Stock | ☐ New Stockholder | ☐ Other <input type="text"/> |
| ☐ 6-Day to 7-Day License | ☐ Management/Operating Agreement | ☐ Wine & Malt to All Alcohol | |

Name of Licensee

KO BISTRO, INC.

EIN of Licensee

810765679

D/B/A

Manager

LI FENG LIN

ADDRESS:

250 CHESTNUT STREET

CITY/TOWN:

NEEDHAM

STATE

MA

ZIP CODE

02492

ANNUAL

Annual or Seasonal

ALL ALCOHOL

Category: (All Alcohol; Wine & Malt; Wine,
Malt & Cordials; Wine; Malt)

RESTAURANT

Type: (Restaurant, Club, Package
Store, General On Premises, Etc.)

Granted under Special Legislation? Yes ☐ No ☒

If Yes,

Chapter

Year

Complete Description of Licensed Premises:

FIRST FLOOR PREMISES LOCATED AT 250 CHESTNUT STREET, NEEDHAM, CONSISTING OF 3,530 SQUARE FEET OF SPACE WITH A DINING ROOM AND FULLY EQUIPPED KITCHEN.

Application Filed:

2/22/2016

Advertised:

NEEDHAM TIMES

Abutters Notified:

Yes ☒ No ☐

Date & Time

Date & Attach Publication

Licensee Contact Person for Transaction

PETER LIM, ESQ.

Phone:

(617) 451-3441

ADDRESS:

65 HARRISON AVENUE, SUITE 407

CITY/TOWN:

BOSTON

STATE

MA

ZIP CODE

02111

Remarks:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

ABCC Remarks:

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Needham

1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual) Ko Bistro, Inc.

B. Business Name (if different) :

C. Manager of Record: Li Feng Lin

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

E. Address of Licensed Premises: 250 Chestnut Street

City/Town: Needham

State: MA

Zip: 02492

F. Business Phone:

G. Cell Phone: (617) 595-0319

H. Email: ko88lin@yahoo.com

I. Website:

J. Mailing address (if different from E.):

City/Town:

State:

Zip:

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: Peter Lim, Esq.

ADDRESS: 65 Harrison Ave., Suite 407

CITY/TOWN: Boston STATE: MA ZIP CODE: 02111

CONTACT PHONE NUMBER: (617) 451-3441 FAX NUMBER: (617) 451-1899

EMAIL: plim1998@aol.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 premises located at 250 Chestnut Street, Needham consisting of 3530 square feet of space with a dining room and fully equipped kitchen.

Total Square Footage: 3530 Number of Entrances: 1 Number of Exits: 2

Occupancy Number: Seating Capacity: 104

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: John E. Malone Realty Trust Phone:

Address: 20 Chestnut Street, #4 City/Town: Needham State: MA Zip: 02492

Initial Lease Term: Beginning Date 1/1/2016 Ending Date 12/31/2025

Renewal Term: 2 Options/Extensions at: 5 Years Each

Rent: \$81,190.00 Per Year Rent: \$6,765.83 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): Other :

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

State of Incorporation/Organization:

Date of Incorporation/Organization:

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
Li Feng Lin	Pres/Treas/Secy/Dir	100%	liquor manager

*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
Li Feng Lin	\$12 Restaurant	Owner of Ko Sushi & Grill at 25 Hayward Street, Hopkinton, MA
	Please Select	
	Please Select	
	Please Select	
	Please Select	
	Please Select	

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

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
			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

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:	\$80,000.00
D. Initial Start-Up Costs:	
E. Purchase Price for Inventory:	
F. Other: (Specify)	
G: TOTAL COST	\$80,000.00
H. TOTAL CASH	\$80,000.00
I. TOTAL AMOUNT FINANCED	\$0.00

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):

Personal funds

*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

*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.

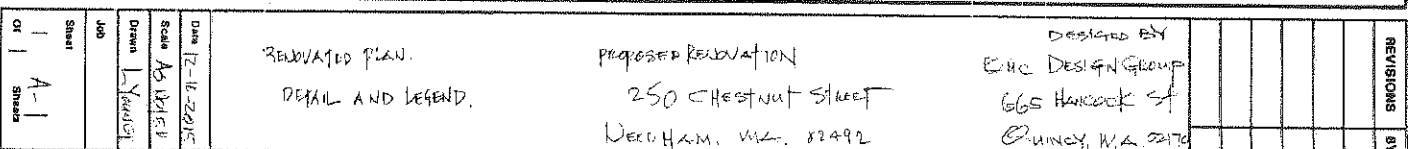
20. CONSTRUCTION OF PREMISES:

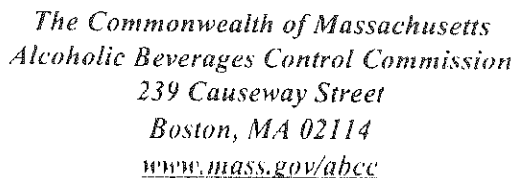
Are the premises being remodeled, redecorated or constructed in any way? If YES, please provide a description of the work being performed on the premises: ☒ Yes ☐ No

Replace existing bathrooms, remodel new vestibule, add sushi bar and some remodeling of the existing dining rooms at 250 Chestnut Street, Needham.

21. ANTICIPATED OPENING DATE: 06/1/2016

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





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.

Legal Name of Licensee: Ko Bistro, Inc. Business Name (dba): Ko Bistro

Address: 250 Chestnut Street

City/Town: Needham State: MA Zip Code: 02492

ABCC License Number: Phone Number of Premise:

(If existing licensee)

A. Name: Li Feng Lin B. Cell Phone Number: 617-595-0319

C. List the number of hours per week you will spend on the licensed premises: 40

A. Are you a U.S. Citizen: Yes ☒ No ☐ B. Date of Naturalization: 10/23/2007 C. Court of Naturalization: Boston, MA

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

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: Owner of Ko Sushi & Grill, Inc. 25 Hayward St, Hopkinton, MA

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

Skipjack Seafood, Foxboro, MA 2010-2011, Nori Sushi, Braintree, MA 2006-2010

Signature

Date _____

2/12/2016



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 Ko Bistro, Inc.

B. Business Name (dba) Ko Bistro

C. Address 250 Chestnut Street

D. ABCC License Number
(If existing licensee)

E. City/Town Needham

State MA

Zip Code 02492

F. Phone Number of Premise

G. EIN of License 810765679

2. PERSONAL INFORMATION:

A. Individual Name Li Feng Lin

B. Home Phone Number

C. Address 1195 Boylston Street

D. City/Town Newton

State MA

Zip Code 02464

E. Social Security Number

F. Date of Birth

G. Place of Employment

Ko Sushi & Grill, 25 Hayward St., Hopkinton, MA

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 (i.e. percentage ownership).

100 % ownership.

*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

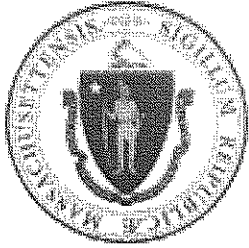
Date

2/12/2016

Title

President

(If Corporation/LLC Representative)



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$250.00

Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108-1512
Telephone: (617) 727-9640

Articles of Organization

(General Laws, Chapter 156D, Section 2.02; 950 CMR 113.16)

Identification Number: 001199824

ARTICLE I

The exact name of the corporation is:

KO BISTRO, INC.

ARTICLE II

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. C156D have the purpose of engaging in any lawful business. Please specify if you want a more limited purpose:

ARTICLE III

State the total number of shares and par value, if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding Num of Shares
		Num of Shares	Total Par Value	
CNP	\$0.00000	275,000	\$0.00	10,000

G.L. C156D eliminates the concept of par value, however a corporation may specify par value in Article III. See G.L. C156D Section 6.21 and the comments thereto.

ARTICLE IV

If more than one class of stock is authorized, state a distinguishing designation for each class. Prior to the issuance of any shares of a class, if shares of another class are outstanding, the Business Entity must provide a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding and of each series then established within any class.

ARTICLE V

The restrictions, if any, imposed by the Articles of Organization upon the transfer of shares of stock of any class are:

ARTICLE VI

Other lawful provisions, and if there are no provisions, this article may be left blank.

Note: The preceding six (6) articles are considered to be permanent and may be changed only by filing appropriate articles of amendment.

ARTICLE VII

The effective date of organization and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a *later* effective date is desired, specify such date, which may not be later than the 90th day after the articles are received for filing.

Later Effective Date: 1/1/2016 **Time:** 07:00 AM

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the Articles of Organization.

a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:

Name: LI FENG LIN
No. and Street: 1195 BOYLSTON STREET
City or Town: NEWTON **State:** MA **Zip:** 02464 **Country:** USA

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	LI FENG LIN	1195 BOYLSTON STREET NEWTON, MA 02464 USA
TREASURER	LI FENG LIN	1195 BOYLSTON STREET NEWTON, MA 02464 USA
SECRETARY	LI FENG LIN	1195 BOYLSTON STREET NEWTON, MA 02464 USA
DIRECTOR	LI FENG LIN	1195 BOYLSTON STREET NEWTON, MA 02464 USA

d. The fiscal year end (i.e., tax year) of the corporation:
December

e. A brief description of the type of business in which the corporation intends to engage:

OWN AND OPERATE A RESTAURANT

f. The street address (post office boxes are not acceptable) of the principal office of the corporation:

No. and Street: 1195 BOYLSTON STREET
City or Town: NEWTON **State:** MA **Zip:** 02464 **Country:** USA

g. Street address where the records of the corporation required to be kept in the Commonwealth are located (post office boxes are not acceptable):

No. and Street: 1195 BOYLSTON STREET

City or Town: NEWTON State: MA Zip: 02464 Country: USA

which is

☒ its principal office ☐ an office of its transfer agent
☐ an office of its secretary/assistant secretary ☐ its registered office

Signed this 4 Day of December, 2015 at 11:10:44 AM by the incorporator(s). *(If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)*

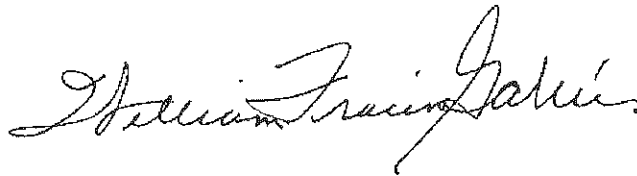
LI FENG LIN, INCORPORATOR

© 2001 - 2015 Commonwealth of Massachusetts
All Rights Reserved

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

December 04, 2015 11:10 AM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, stylized initial 'W'.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

**CERTIFICATE OF VOTE
KO BISTRO, INC.**

The undersigned, Clerk of KO Bistro, Inc., a Massachusetts corporation with a business address at 250 Chestnut Street, Needham, Massachusetts,

DOES HEREBY CERTIFY:

At a joint meeting of the Board of Directors of KO Bistro, Inc., duly called and held on January 2, 2016 at 1195 Boylston Street, Newton, MA, at which a quorum was present and acted throughout, the Board of Directors and Shareholders unanimously adopted the following resolution, which has not been modified or rescinded:

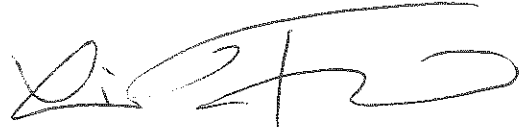
RESOLVED, that KO Bistro, Inc. apply for a new all alcohol liquor license with the Town of Needham.

VOTED that Li Feng Lin appointed the liquor license manager for KO Bistro, Inc.

VOTED that Attorney Peter Lim of Lim & Associates, PC petition the Town of Needham for the approval of the wine and malt liquor license application to KO Bistro, Inc.

Executed under seal this 2nd day of January, 2016.

KO Bistro, Inc.

A handwritten signature in black ink, appearing to read 'Li Feng Lin', written over a horizontal line.

By: Li Feng Lin, Clerk

NET COMMERCIAL LEASE

1. **PARTIES:** KAREN A. FRUCI, TRUSTEE OF THE AMENDED AND RESTATED DECLARATION OF TRUST OF THE JOHN E. MALONE REALTY TRUST dated December 18, 2006 and recorded in the Norfolk County Registry of Deeds in Book 24445, Page 59, of 20 Chestnut Street Suite # 4, Needham, MA 02492, or such other address as it may have from time to time, LESSOR which, expression shall include its successors, and assigns where the context so admits, does hereby lease to KO BISTRO, INC of 1195 Boylston Street, Newton, MA 02464, LESSEE, which expression shall include its successors, and assigns where the context so admits, and the LESSEE hereby leases the following described premises:
2. A) **"PROPERTY":** The land and building known as 232 Chestnut Street, Needham, MA 02492, Parcel #046-033-000.

B) **"PREMISES" OR "LEASED PREMISES":** Known as and numbered 250 Chestnut Street, Needham, MA 02492 consisting of approximately 3,530 +/- Square Feet, of rentable space on the street level along with access to the lower parking lot through the rear of the building which is part of the above identified "Property". The Premises are delivered by the LESSOR in "as is & where is" condition with the exception of the LESSOR creating a stairwell to the lower level with an access door to the back of the property to be used for delivery purposes only for which the LESSEE acknowledges, agrees and accepts said Premises.
3. **TERM:** The term of this lease shall be for a period of TEN (10) YEARS commencing on January 1, 2016 and ending on December 31, 2025. LESSEE may, at its option, so long as it is then in possession of the Leased Premises, as constituted at the termination date of the Lease, and is not in default under the terms of the Lease beyond any applicable grace periods, extend the term of this lease for two (2) separate consecutive ADDITIONAL (5) FIVE YEAR TERMS, as outlined below, by serving written notice thereof upon the LESSOR between not less than twelve (12) months prior to the end of its initial term and first option period respectively otherwise this option to extend shall be deemed null and void. Upon the service of said NOTICE this lease and 2nd option period, when applicable, shall be extended without the necessity of the execution of any further instrument or documents. Said extended terms shall be upon the same terms, provisions and conditions herein contained, other than the BASE RENT which shall be the fair rental value of the Premises (but in no event less than the rental as set forth in Paragraph 4 for the last year of the first term, or if for the 2nd option period not less than the Base Rent for the last year of the 1st option period, plus any applicable escalations as detailed hereinafter) based upon the rate per square foot which at the time this option is exercised prevails for similar office suites and/or buildings in Needham, MA.
4. **BASE RENT:** For the term of this lease, LESSEE shall pay to the LESSOR rent at the following rates:

Years 1 through 3 (January 1, 2016-December 31, 2018) in the annual amount of **EIGHTY ONE THOUSAND ONE HUNDRED NINETY AND 00/100 (\$81,190.00)** per annum in monthly installments of **SIX THOUSAND SEVEN HUNDRED SIXTY FIVE AND 83/100 (\$6,765.83)** per month, on or before the first day of each month;

Years 4 and 5 (January 1, 2019-December 31, 2020) in the annual amount of **NINETY ONE THOUSAND SEVEN HUNDRED EIGHTY AND 00/100 (\$91,780.00)** per annum in monthly installments of **SEVEN THOUSAND SIX HUNDRED FORTY EIGHT AND 33/100 (\$7,648.33)** per month, on or before the first day of each month;

Years 6 and 7 (January 1, 2021-December 31, 2022) in the annual amount of **NINETY SEVEN THOUSAND SEVENTY FIVE AND 00/100 (\$97,075.00)** per annum in monthly installments of **EIGHT THOUSAND EIGHTY NINE AND 58/100 (\$8,089.58)** per month, on or before the first day of each month;

Years 8, 9 and 10 (January 1, 2023-December 31, 2025) in the annual amount of **ONE HUNDRED SEVEN THOUSAND SIX HUNDRED SIXTY FIVE AND 00/100 (\$107,665.00)** per annum in monthly installments of **EIGHT THOUSAND NINE HUNDRED SEVENTY TWO AND 08/100 (\$8,972.08)** per month, on or before the first day of each month; and

the aforementioned Base Rent Commencement date shall be on the 1st day of the seventh month from the Lease start date (January 1, 2016) unless the LESSEE opens for business to the general public at a date prior in time. Then the Base Rent shall commence and be paid per diem until the beginning of the next month at which point the LESSEE shall pay monthly thereafter. During the six (6) month period, or shorter depending upon Tenant's opening, during which the LESSEE'S Base Rent is waived, the LESSEE will not be responsible for Base Rent aforementioned but LESSEE shall be responsible for its pro-rata share of all CAM and other charges, including but not limited to real estate taxes, insurance, snow plowing and the like and all utilities separately metered and servicing the rental unit including but not limited to electricity, gas, cable and water/sewer use charges.

5. SECURITY DEPOSIT AND LAST MONTHS' RENT: Upon the execution of this lease, the LESSEE shall pay to the LESSOR the amount of **THIRTEEN THOUSAND FIVE HUNDRED THIRTY ONE AND 66/100 (\$13,531.66)**, which shall be for the security deposit and last month's rent. Said funds shall not accrue interest for the benefit of the Lessee nor be kept in an escrow account. The security deposit shall be returned to LESSEE within thirty (30) days after the date LESSEE vacates the property, however, its return is subject to LESSEE'S full compliance with the conditions set forth herein.

6. ADDITIONAL RENT: Additional rent, as provided herein, shall be paid within twenty (20) days of a statement from the LESSOR.

A.) REAL ESTATE TAXES: For the initial term and any option period LESSEE shall pay 25.5% percent of the total real estate tax assessed by the Town of

NEEDHAM, Massachusetts on the "PROPERTY", during each fiscal year of this lease, or any extension thereof, and proportionately for any part of a year.

B.) INSURANCE EXPENSES: For the initial term and any option period LESSEE shall pay 25.5% percent of the cost of the "All Risk" property and Liability Insurance Policy for the insurable interest of the LESSOR in the "PROPERTY".

C.) OTHER EXPENSES: For the initial term and any option period LESSEE shall pay 25.5% percent of the common area maintenance expenses and other taxes and betterments on the "PROPERTY" including, but not limited to services by the LESSOR such as snow plowing, sweeping, landscaping, and building maintenance. Including but not limited to HVAC, plumbing and electrical repairs solely serving the Leased Premises shall be paid 100 % by LESSEE. Further, Lessee shall be responsible for the replacement and failure of said HVAC system. During the term of this Lease, Lessee shall maintain the HVAC in good repair and order and have regular maintenance performed on said system at least once annually and shall provide Lessor with written evidence of same. The Lessee further covenants and agrees that it shall keep in good repair and order all fixtures and equipment, at the premises and make all repairs at its sole cost and expense. All work, repairs and replacements shall be performed in a good and workmanlike manner and also with all necessary permits and approvals obtained in accordance with local and state building codes after first informing the Lessor of same and obtaining Lessor's written consent which shall not be unreasonably withheld. Roof, exterior walls, foundation, and structural members shall be the sole responsibility of LESSOR. In no event shall Additional Rent include capital improvements by the LESSOR. LESSOR shall provide adequate documentation of such Other Expenses upon LESSEE's written request.

D.) NO SETOFF: All taxes, charges, costs, and expenses which the LESSEE is required to pay hereunder, together with all interest and penalties that accrue, shall be deemed to be ADDITIONAL RENT, and in the event of non-payment by the LESSEE, the LESSOR shall have all the rights and remedies with respect thereto as the LESSOR has for the non-payment of the BASE RENT. All BASE RENT shall be payable to LESSOR without notice or demand, and ADDITIONAL RENT will be payable without abatement, deduction or setoff. No payment by the LESSEE or receipt by the LESSOR of a lesser amount than the rent stipulated in this lease shall be deemed other than a payment on account of the earliest rent due, nor shall any endorsement or statement on any check or on any letter accompanying any check or payment prejudice LESSOR'S rights to recover the balance of the rent or to pursue any other remedy provided for in this lease. All rent and ADDITIONAL RENTS shall be paid to LESSOR at such address as LESSOR shall from time to time designate by written notice to LESSEE. Until further notice, all such rent and ADDITIONAL RENT shall be paid to LESSOR at: 20 Chestnut Street, Suite #4 Needham, MA 02492.

7. UTILITIES: The LESSEE shall pay, as they become due, all bills for electricity, gas, cable and other utilities (whether they are used for furnishing heat, air

conditioning or other purposes) that are furnished to the leased premises and separately metered or procured.

LESSOR shall have no obligation to provide utilities or equipment other than the utilities and equipment within the premises as of the commencement date of this lease, the maintenance of which thereafter shall be the sole responsibility of the LESSEE. In the event LESSEE requires additional utilities or equipment, the installation and maintenance thereof shall be the LESSEE'S sole obligation, provided that such installation shall be subject to the written consent of the LESSOR.

8. USE OF LEASED PREMISES: The LESSEE shall use the leased premises only for a restaurant serving food and beverages including alcoholic beverages all in accordance and as permitted pursuant to the Town of Needham's governing boards, provided any such use receives and is conducted in accordance with all required permits and approvals under applicable Federal, State and municipal laws and regulations, including, without limitation, the Town of Needham Zoning By-Laws and Sign By-Laws, its Planning Board, its Sign Review Board, its Zoning Board of Appeals, its Design Review Board, its Board of Selectman and the Commonwealth of Massachusetts Alcoholic Beverages Control Commission.

9. COMPLIANCE WITH LAWS: The LESSEE acknowledges that no trade or occupation shall be conducted in the leased premises or use made thereof which will be unlawful, improper, noisy or offensive, or contrary to any Federal or State law or any municipal by-law or ordinance in force in the Town of NEEDHAM.

10. FIRE INSURANCE: The LESSEE shall not permit any use of the leased premises which will make voidable any insurance on the property of which the leased premises are a part, or on the contents of said property, or which shall be contrary to any law or regulation from time to time established by the New England Fire Insurance rating Association, or any similar body succeeding to its powers. The LESSEE shall on demand reimburse the LESSOR all extra insurance premiums caused by the LESSEE'S use of the premises.

11. MAINTENANCE:

LESSEE'S OBLIGATIONS: The LESSEE agrees to maintain the leased premises in the same condition as they are at the commencement of the term or as they may be put in during the term of this lease, damage by fire and other casualty and reasonable wear and tear and obligations and defaults of LESSOR only excepted and whenever necessary, to replace plate glass and other glass therein, (unless covered under insurance required in Paragraph 6B above) acknowledging that the leased premises are now in good order and the glass whole. The LESSEE shall not permit the leased premises to be overloaded, damaged, stripped, or defaced, nor suffer any waste. LESSEE shall obtain written consent of LESSOR before erecting any sign on the premises, subject to LESSEE'S obtaining necessary permits from the Town of NEEDHAM, but in any event LESSEE shall be permitted to maintain signs of the current size and location as exist at the initiation of this Lease so long as same are in compliance with the Town of Needham.

LF MAF

LESSOR'S OBLIGATIONS: The LESSOR agrees to maintain the exterior walls, foundation, roof and structural members of the building on the "PROPERTY" of which the leased Premises are a part in the same condition as it is at the commencement of the term or as it may be put in during the term of this lease, reasonable wear and tear, damage by fire and other casualty only excepted, unless such maintenance is required because of the LESSEE or those for whose conduct the LESSEE is legally responsible.

12. ALTERATIONS - ADDITIONS:

A.) The LESSEE shall not make structural alterations or additions to the leased premises, but may make non-structural alterations, additions, modifications and changes LESSEE deems reasonable, appropriate and necessary provided the LESSOR consents thereto in writing, which consent shall not be unreasonably withheld or delayed and further that all such improvements shall be designed, constructed and maintained in accordance with all applicable federal, state and municipal, laws, statutes, rules, regulations, ordinance and bylaws; (ii) all such improvements shall be designed and constructed in a good and workmanlike manner consistent with applicable industry standards and practices. All such allowed alterations shall be at LESSEE'S sole cost and expense and shall be in quality at least equal to the present construction. LESSEE shall not permit any mechanics' liens, or similar liens, to remain upon the leased premises for labor and material furnished to LESSEE or claimed to have been finished to LESSEE in connection with work of any character performed or claimed to have been performed at the direction of LESSEE and shall cause any such lien to be released of record forthwith without cost to LESSOR. Any alterations or improvements made by the LESSEE shall become the property of the LESSOR at the termination of occupancy as provided herein.

B.) LESSEE may further install upon the Premises such fixtures including but not limited to trade and non equipment, appliances, signs, counters, shelving, light fixtures, contents, and other store equipment as LESSEE deems desirable and all of said items shall become LESSOR's property upon installation and remain at the Premises upon expiration or termination of this Lease unless LESSOR deems otherwise at which time LESSEE shall be charged with its proper removal and repair of all damage areas as a result of its removal.

13. ASSIGNMENT - SUBLEASING: The LESSEE shall not assign or sublet the whole or any part of the leased premises without LESSOR'S prior written consent, which consent shall not be unreasonably withheld. If the LESSOR permits a sublease or assignment, LESSEE shall remain liable to LESSOR for the payment of all rent and for the full performance of the covenants and conditions of this lease. Transfer of the assets of LESSEE to another party shall constitute a sublet under this clause.

14. SUBORDINATION: This lease shall be subject and subordinate to any and all mortgages, deeds of trust and other instruments in the nature of a mortgage, and/or

a lien or liens on the property, now or at any time hereafter, and the LESSEE shall, when requested, promptly execute and deliver such written instruments as shall be necessary to show the subordination of this lease to said mortgages, deeds of trust or other such instruments in the nature of a mortgage along with estoppel certificates so-called.

- 15. QUIET ENJOYMENT:** So long as LESSEE is not in default under the covenants and agreements of this lease, LESSEE'S quiet and peaceable enjoyment of the leased premises shall not be disturbed or interfered with by LESSOR or by any person claiming by, through or under LESSOR.
- 16. LESSOR'S ACCESS:** The LESSOR or agents of the LESSOR may, at reasonable times, enter to view the leased premises and may remove placards and signs not approved in accordance with applicable sign regulations of the Town of NEEDHAM and may show the leased premises to others, at any reasonable time during business hours, and within twelve (12) months before the expiration of the term or option period, may affix to any suitable part of the leased premises a notice for letting or selling the leased premises or property and keep the same so affixed without hindrance or molestation.
- 17. INDEMNIFICATION AND LIABILITY:** The LESSEE shall indemnify, defend and save the LESSOR harmless from all loss and damage occasioned by the use or escape of water or by the bursting of pipes, as well as from any claim or damage resulting from its neglect. The removal of snow and ice from the sidewalks (front and rear) bordering upon the leased premises shall be the LESSEE'S responsibility. Further, LESSEE shall indemnify and save harmless the LESSOR from and against, any and all injury, loss or damage, including reasonable attorney's fees, and any and all claims therefore, to any person or property of any nature caused wholly or in part by any action, omission, or negligence of the LESSEE, its employees, invitees, agents, servants, contractors, suppliers, licensees or any one claiming under the LESSEE, which should occur in or about the Leased Premises, and the LESSOR shall not be liable for any injury, loss or damage to the person or property of the LESSEE, its employees, invitees, agents, servants, contractors, suppliers, licensees or anyone claiming under the LESSEE, from any action, omission or negligence on the part of the LESSEE, or for any reason whatsoever including but not limited to any fire, repair or sales of any kind whatsoever, explosion, falling plaster, breakage, leakage or obstruction to any water or soil pipe or electric wiring and disposal of hazardous materials, including but not limited to paint, turpentine or other hazardous products, food products, alcoholic beverages and waste products as a result of the preparation of consumables except as may be caused by the negligence or intentional conduct of LESSOR or its agents. LESSEE agrees to properly dispose of said waste and products as described above and in the event that a hazardous waste (21E Site Assessment) problem develops or is discovered, and such problem is solely the result of LESSEE's disposal of said waste and products, then the LESSEE agrees to correct said hazardous waste problem at its sole cost and expense and indemnify the LESSOR, its agents, heirs, beneficiaries, trustees and the like from any claims resulting from same or other casualty from any cause whatsoever.

18. LESSEE'S LIABILITY INSURANCE: The LESSEE shall, at its sole cost and expense, maintain with respect to the leased Premises and the property comprehensive Public/General liability insurance coverage (including but not limited to Dram shop coverage) in the amount of \$2,000,000 with property damage insurance in limits of \$2,000,000.00 in responsible companies qualified to do business in Massachusetts and in good standing therein, insuring the LESSOR as well as LESSEE against injury, death or damage to persons, guests, clients, employees, visitors and the like and damage to property as provided. The LESSEE shall deposit with the LESSOR certificates for such insurance at or prior to the commencement of the term, and thereafter within thirty (30) days prior to the expiration of any such policies. All such insurance certificates shall provide that such policies shall not be canceled without at least (10) days prior written notice to each assured named therein, including the LESSOR. LESSOR to be named as an additional named insured, ATIMA. All LESSEE'S improvements, furniture, furnishings, equipment, fixtures and personal property on the Property shall be at LESSEE'S sole risk.

19. MUTUAL WAIVER OF SUBROGATION: The LESSOR and LESSEE hereby waive all rights of subrogation which either has or which may arise hereafter against the other for any damage to premises, property or business caused by any perils covered by fire and extended coverage, building, contents and business interruption insurance, or for which either party may be reimbursed as a result of insurance coverage affecting any loss suffered by it; provided, however, that the foregoing waiver shall apply only to the extent of any recovery made by the parties hereto under any policy of insurance now or hereafter issued; and, further provided, that the foregoing waivers do not invalidate any policy of insurance of the parties hereto, now or hereafter issued, it being stipulated by the parties hereto that such waivers shall not apply in any case which would result in the invalidation of any such policy of insurance.

20. FIRE, CASUALTY - EMINENT DOMAIN: Should a substantial portion of the leased premises be substantially damaged by fire or other casualty, or be taken by eminent domain, the LESSOR may elect to terminate this lease. When such fire, casualty, or taking renders the leased premises unsuitable for their intended use, a just and proportionate abatement of rent shall be made, and the LESSEE may elect to terminate this lease if:

- a) The LESSOR fails to give written notice within thirty (30) days of intention to restore leased premises, or
- b) The LESSOR fails to restore the leased premises to a condition substantially suitable for their intended use within ninety (90) days of said fire, casualty or taking.

The LESSOR reserves, and the LESSEE grants to the LESSOR, all rights which the LESSEE may have for damages or injury to the leased premises for any taking by eminent domain, except for a separate reward to the LESSEE'S for its fixtures, property or equipment.

LF KAF

21. DEFAULT AND BANKRUPTCY: In the event that:

a) The LESSEE shall default in the payment of any installment of rent or other sum herein specified and such default shall continue for seven (7) days after receipt of written notice of such failure to pay; or

b) The LESSEE shall default in the observance or performance of any other of the LESSEE'S covenants, agreements, or obligations hereunder, including additional rents, and such default shall not be corrected within thirty (30) days after written notice thereof; or

c) The LESSEE shall be declared bankrupt or insolvent according to law, or, if any assignments shall be made of LESSEE'S property for the benefit of creditors, then the LESSOR shall have the right thereafter, to regain possession of the leased premises by legal process, to declare the term of this lease ended, and without prejudice to any legal remedies which might be otherwise used for arrears of rent or other default. The LESSEE shall indemnify the LESSOR against all loss of rent and other payments which the LESSOR may reasonably incur by reason of such termination during the residue of the term. If the LESSEE shall default, after reasonable notice thereof, in the observance or performance of any conditions or covenants on LESSEE'S part to be observed or performed under or by virtue of any of the provisions in any article of this lease, the LESSOR, without being under any obligation to do so and without thereby waiving such default, may remedy such default for the account and at the expense of the LESSEE. If the LESSOR makes any expenditures or incurs any obligations for the payment of money in connection therewith, including but not limited to, reasonable attorney's fees, in instituting, prosecuting or defending any action or proceeding, such sums paid or obligations incurred, shall be paid to the LESSOR by the LESSEE as additional rent.

22. NOTICE: Any notice from the LESSOR to the LESSEE relating to the leased premises or to the occupancy thereof, shall be deemed duly served if mailed to the LESSEE by registered or certified mail, return receipt requested, at the "PREMISES". Any notice from the LESSEE to the LESSOR relating to the leased premises or to the occupancy thereof, shall be deemed duly served, if mailed to the LESSOR by registered or certified mail, return receipt requested, postage prepaid, addressed to the LESSOR at 20 Chestnut Street Suit #4, Needham, MA 02492, or at such address as the LESSOR may from time to time advise in writing. All rent shall be paid and notices sent to the LESSOR at 20 Chestnut Street Suite #4, Needham, MA 02492. Changes of address shall be designated by LESSOR to LESSEE or LESSEE to LESSOR in writing by certified mail, when appropriate.

23. SURRENDER: The LESSEE shall at the expiration or other termination of this lease remove all LESSEE'S goods and effects from the leased premises, (including without hereby limiting the generality of the foregoing, all signs and lettering, affixed or painted by the LESSEE, either inside or outside the leased premises). LESSEE shall deliver to the LESSOR the leased premises and all keys, locks thereto, and other fixtures connected therewith and all alterations and additions made to or upon the leased premises, in the same condition as they were

at the beginning of the lease term or as they were put in during the term hereof, reasonable wear and tear and damage by fire or other casualty only excepted. In the event of the LESSEE'S failure to remove any of LESSEE'S property from the premises, LESSOR is hereby authorized, without liability to LESSEE for loss or damage thereto, and at the sole risk of LESSEE, to remove and store any of the property at LESSEE'S expense, or to retain same under LESSOR'S control or to sell at public or private sale, without notice, any or all of the property not so removed and to apply the net proceeds of such sale to the payment of any sum due hereunder, or to destroy such property.

24. LATE PAYMENTS: Any payment of Rent, including Base Monthly Rent or additional rent or any other payments due hereunder, which are not received within five (5) days after the due date shall be subject to a late fee charge equal to five (5%) percent of the unpaid amount except in the case of municipal charges which will accrue charges of fourteen (14%) per annum of the outstanding balance.

25. LIMITATIONS ON RECOURSE: LESSEE specifically agrees to look solely to LESSOR'S interest in the Premises for the recovery of any judgments from LESSOR. LESSOR (and its shareholders, venturers, and partners, and their shareholders, venturers and partners and all of their officers, directors and employees) will not be personally liable for any such judgments. The provisions contained in the preceding sentences are not intended to, and will not, limit any right that LESSEE might otherwise have to obtain injunctive relief against LESSOR or relief in any suit or action in connection with enforcement or collection of amounts which may become owing or payable under or on account of insurance maintained by LESSOR.

26. BROKERAGE: LESSEE warrants and represents to LESSOR and LESSOR represents and warrants to LESSEE that it has dealt with no broker or other person entitled to a Broker's commission in connection with the negotiation or execution of this Lease or the consummation of the transaction contemplated hereby except Craig A. Barker of Boston Real Estate Advisors whose fee shall be paid solely by the LESSOR and each agrees to hold the other harmless and indemnify the other against all damages, claims, losses and liabilities, including legal fees, incurred by the other, arising out of or resulting from the failure of its representation and warranty.

27. OTHER PROVISIONS: Personal Guarantee marked "A" attached hereto and incorporated herein by reference.

28. FORCE MAJEURE: Any delay or failure in the performance by either Party hereunder shall be excused if and to the extent caused by the occurrence of a Force Majeure. For purposes of this Agreement, Force Majeure shall mean a cause or event that is not reasonably foreseeable or otherwise caused by or under the control of the Party claiming Force Majeure, including acts of God, fires, floods, explosions, riots, wars, hurricane, sabotage terrorism, vandalism, accident, restraint of government, governmental acts, injunctions, labor strikes (excluding such labor strikes by Tenant's agents, servants and employees), and other like events that are beyond the reasonable anticipation and control of the Party affected thereby, despite such Party's reasonable efforts to prevent, avoid, delay, or mitigate the effect of such acts, events or

occurrences, and which events or the effects thereof are not attributable to a Party's intentional conduct or failure to perform its obligations under this Lease.

29. GOVERNING LAW, INTERPRETATION AND FORUM: This Lease is entered into in the Commonwealth of Massachusetts and shall be construed, governed and conformed in accordance with the laws of the Commonwealth of Massachusetts, without regard to its conflict of laws provision. Should any provision of this Lease be declared invalid, illegal or unenforceable by any court of competent jurisdiction and cannot be modified to be enforceable, such provision shall immediately become null and void, leaving the remainder of this Lease in full force and effect. Any claim, dispute, litigation or complaint relating to and/or arising from this Lease shall be brought in a Massachusetts Court of competent jurisdiction.

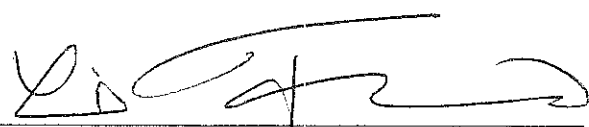
30. AMENDMENT: This Lease may not be modified, altered or changed except upon the express joint written consent of both Parties wherein specific reference is made to this Lease.

31. RECORDING: This Lease shall not be recorded, but the parties shall execute a notice of lease which shall be recorded.

32. This lease shall be contingent upon LESSEE'S receiving all necessary approvals and permits to operate a restaurant with full liquor license at the PREMISES within six (6) months of the execution of this Lease.

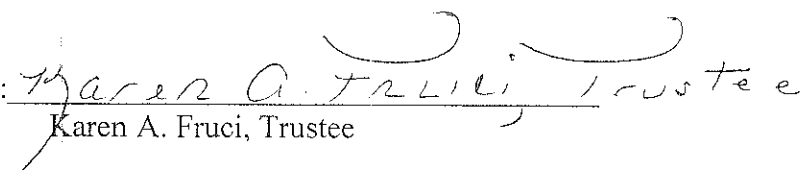
IN WITNESS WHEREOF, the said parties hereunto set their hands and seals this 11th day of December, 2015.

LESSEE: KO BISTRO, INC

BY: 

LI FENG LIN, President & Treasurer

LESSOR: KAREN A. FRUCI, TRUSTEE OF THE AMENDED AND
RESTATED DECLARATION OF TRUST OF THE JOHN E. MALONE
REALTY TRUST

BY: 

Karen A. Fruci, Trustee

"A"

**KAREN A. FRUCI, TRUSTEE OF THE AMENDED AND RESTATED
DECLARATION OF TRUST OF THE JOHN E. MALONE REALTY TRUST,
LESSOR and KO BISTRO, INC, LESSEE**

PERSONAL GUARANTY

In consideration of the LESSOR executing the aforesaid lease and other good and valuable consideration the receipt and sufficiency whereof is hereby acknowledged, the undersigned guarantees to the LESSOR full and prompt performance of all covenants of the LESSEE contained in the aforesaid lease, including the payment of all rent, additional rent and any other sums payable by the LESSEE thereunder. The undersigned waives acceptance hereof and the necessity for presentment, demand, protest and notices of default or any other notice of every kind and description, and all suretyship defenses and defenses in the nature thereof and consents to any indulgence granted to the LESSEE by the LESSOR and consents to any extension, subleasing or assignment of the aforesaid lease and agrees that this guaranty shall continue in full force and effect during any such extension, subleasing or assignment. The undersigned agrees that his obligation hereunder shall be joint and several with that of the LESSEE and that the LESSOR need not first have to proceed against the LESSEE but may initially proceed jointly or separately against the undersigned.

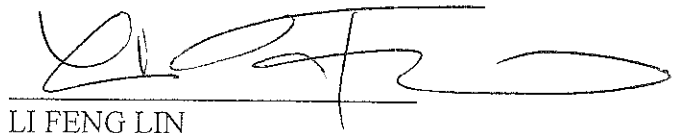
This personal guaranty and the rights of LESSOR established by same shall not be affected by any proceeding in any court, including any bankruptcy or assignment for the benefit of creditors, which may be instituted by a third party, the LESSEE or the undersigned.

Signed as a sealed instrument on this 11th day of December, 2015.

Witness to:



Guarantor:


LI FENG LIN



TOWN OF NEEDHAM

TOWN HALL
1471 Highland Avenue
Needham, MA 02492-2669

Office of the
BOARD OF SELECTMEN

TEL: (781) 455-7500
FAX: (781) 449-4569
TDD: (781) 455-7558

LEGAL NOTICE

TOWN OF NEEDHAM

Application for a New All Alcoholic Liquor License

Notice is hereby given pursuant to Massachusetts General Laws, Chapter 138, that Ko Bistro, Inc., Li Feng Lin, Manager, has applied for a new All Alcohol Liquor License as a Restaurant at 250 Chestnut Street, Needham. The location is all on one level at street level with one entrance in front of building and two emergency exits from the front and rear of the building. The main dining area is composed of two separate dining areas: one with a five-seat sushi bar, two smaller dining rooms and a general dining area with tables and chairs, and another dining area with a seven-seat service bar and a general dining area with tables and chairs. Total seating is for 104 patrons.

IT IS ORDERED that a public hearing be held for said application at the office of the Board of Selectmen acting as the Needham Licensing Authority located in the Town Hall, 1471 Highland Avenue on the 13th day of April 2016 at 7:00 o'clock p.m.

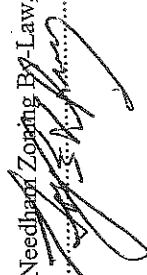
Board of Selectmen
Licensing Board for the Town of Needham

To be published in Needham Times
March 24, 2016 edition

250 CHESTNUT STREET

OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	STATE ZIP	PARCEL ID	PROPERTY ADDRESS
DEACONESS-GLOVER HOSPITAL CORPORATION		148 CHESTNUT ST	NEEDHAM	MA 02492	1990470005500000	148 CHESTNUT ST
GRANVILLE INVESTMENTS, LLC		167 CHESTNUT ST	NEEDHAM	MA 02492	1990470008000000	165 CHESTNUT ST
PICARDO, STEPHEN R. TR, 17 OAK ST REALTY	C/O 57 DEDHAM AVE LLC	264 EDGEWATER DR	NEEDHAM	MA 02492	1990470008200000	17 OAK ST
GRANVILLE INVESTMENTS LLC		167 CHESTNUT ST	NEEDHAM	MA 02492	1990470008300000	0 OAK ST
173 CHESTNUT STREET LLC		12 EATON RD	NEEDHAM	MA 02492	1990470008400000	173 CHESTNUT ST
COHEN, DONALD A. TR.	GEORGE F. HASKELL 2012 IRREVOCAL	173 STRATFORD RD	NEEDHAM	MA 02492	1990470008500000	199 CHESTNUT ST
EV-ELMVIEW REALTY LLC		946 GREAT PLAIN AVE	NEEDHAM	MA 02492	1990470008600000	10 OAK ST
RICHARDS, PAUL C		14 OAK ST	NEEDHAM	MA 02492	1990470008700000	14 OAK ST
20 OAK STREET LLC		1116 GREAT PLAIN AVE SL	NEEDHAM	MA 02492	1990470008800000	20 OAK ST

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



250 CHESTNUT STREET

OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	STATE	ZIP	PARCEL ID	PROPERTY ADDRESS
KI HOMES LLC	THE GRANT REALTY TRUST	9 HIGH ROCK ST	NEEDHAM	MA	02492	1990460000200000	68 KIMBALL ST
LONDON, EILEEN M., TR.		103 GRANT ST	NEEDHAM	MA	02492	1990460000300000	103 GRANT ST
KNEELAND, JOANNE		109 GRANT ST	NEEDHAM	MA	02492	1990460000400000	109 GRANT ST
MALPOCHER, ADAM R. &	MALPOCHER, KATHRYN J.	115 GRANT ST	NEEDHAM	MA	02492	1990460000500000	115 GRANT ST
PETRINI CORPORATION		187 ROSEMARY ST	NEEDHAM	MA	02494	1990460001900000	320 CHESTNUT ST
BRIARWOOD PROPERTY LLC		150 LINCOLN ST	NEEDHAM	MA	02492	1990460002100000	150 LINCOLN ST
BURKE, GEORGIA A.	ATT: GEORGIA BURKE-BERG	20 GARFIELD ST	NEEDHAM	MA	02492	1990460002200000	20 GARFIELD ST
SMITH, STEVEN B. +	SMITH, JOY CATTANACH	146 LINCOLN STREET	NEEDHAM	MA	02492	1990460002300000	146 LINCOLN ST
LUPO, ELIZABETH A.	C/O 138 LINCOLN STREET LLC	119 HARWICH ROAD	NEEDHAM	MA	02492	1990460002400000	138 LINCOLN ST
HEINZ, KARL P.		132 LINCOLN ST	NEEDHAM	MA	02492	1990460002500000	132 LINCOLN ST
KEVORKIAN, ELIZABETH	C/O BALMER, CHRISTINE & JAMES	76 KIMBALL ST	NEEDHAM	MA	02492	1990460002600000	76 KIMBALL ST
FAHEY, LIAM + FAHEY, PATRICIA L., TRS	115 LINCOLN ST REAL ESTATE TRUST	115 LINCOLN STREET	NEEDHAM	MA	02492	1990460002700000	115 LINCOLN ST
HUARD, ROBERT F. &	HUARD, MARION T.	123 LINCOLN ST	NEEDHAM	MA	02492	1990460002800000	123 LINCOLN ST
REIDY SUZANNE J.		129 LINCOLN STREET	NEEDHAM	MA	02492	1990460002900000	129 LINCOLN ST
PAGANO, GRACE	MURPHY, PATRICIA G.	137 LINCOLN ST	NEEDHAM	MA	02492	1990460003000000	137 LINCOLN ST
MURPHY, JAMES R. &		143 LINCOLN STREET	NEEDHAM	MA	02492	1990460003100000	143 LINCOLN ST
PETRINI, L. & SON INC		187 ROSEMARY ST	NEEDHAM	MA	02494	1990460003200000	266 CHESTNUT ST
MALONE, JOHN E TRUSTEE	JOHN E. MALONE REALTY TRUST	20 CHESTNUT ST, SUITE 4	NEEDHAM	MA	02492	1990460003300000	232 CHESTNUT ST
DEACONESS-GLOVER HOSPITAL CORPORATION		148 CHESTNUT ST	NEEDHAM	MA	02492	1990460003400000	237 CHESTNUT ST
DEACONESS-GLOVER HOSPITAL CORPORATION		148 CHESTNUT ST	NEEDHAM	MA	02492	1990460003500000	0 CHESTNUT ST
DEACONESS-GLOVER HOSPITAL CORPORATION	C/O DASUCO INC. TR.	148 CHESTNUT ST	NEEDHAM	MA	02492	1990460003600000	0 CHESTNUT ST
SOKOLOWSKI, MICHAEL TR	BERNARD, GERTRUDE W.	20 FREEMAN PLACE	NEEDHAM	MA	02492	1990460003700000	20 FREEMAN PL
BERNARD, JOHN A. +		72 PAUL REVERE RD	NEEDHAM	MA	02494	1990460003800000	30 FREEMAN PL
EEYORE PRODUCTIONS INC.		146 WARREN ST	NEEDHAM	MA	02492	1990460003900000	40 FREEMAN PL
MALONE, JOHN E TRUSTEE	JOHN E. MALONE REALTY TRUST	20 CHESTNUT ST, SUITE 4	NEEDHAM	MA	02492	1990460004000000	33 CHESTNUT PL
SALAMONE, DOUGLAS & DUNN, SELENE, TRS.	C/O SDS NOMINEE TRUST	1 SHEPARD LN	NEEDFIELD	MA	02052	1990460004100000	40 CHESTNUT PL
NOWAK, EDWARD J., JR. +	NOWAK, JOHN A., TRS.	266 VILLAGE STREET	MILLIS	MA	02054	1990460004200000	35 CLYDE ST
VTH LLC		34 SUMMIT AVE	BRAINTREE	MA	02184	1990460004400000	33 MARSH RD
PETRINI CORPORATION		187 ROSEMARY ST	NEEDHAM	MA	02492	1990460004500000	23 MARSH RD
TRAMONTOZZI, EGIDIO TR. &	TRAMONTOZZI, JOAN R. TR.	20 BRIDGE STREET	NEEDHAM	MA	02494	1990460004600000	16 CLYDE ST
NEEDHAM COMMUNITY TELEVISION		257 CHESTNUT ST	NEEDHAM	MA	02492	1990460004700000	257 CHESTNUT ST
PETRINI, L + SON INC		187 ROSEMARY STREET	NEEDHAM	MA	02494	1990460004800000	267 CHESTNUT ST
MALONE, JOHN E TRUSTEE	JOHN E. MALONE REALTY TRUST	20 CHESTNUT ST, SUITE 4	NEEDHAM	MA	02492	1990460004900000	283 CHESTNUT ST
MCINERNEY LLC		42 MT VERNON AVE	NEEDHAM	MA	02492	1990460005000000	297 CHESTNUT ST
ROSENTHAL, MARC L. TR.	MARLYN REALTY TRUST	P. O. BOX 81115	WELLESLEY	MA	02481	1990460005100000	315 CHESTNUT ST
MORIARTY, DANIEL D &	FRIEDRICHS-MORIARTY, ROBIN	69 KIMBALL ST	NEEDHAM	MA	02492	1990470002300000	69 KIMBALL ST
ONEILL, DANIEL S &	ONEILL, CARINA J	75 KIMBALL ST	NEEDHAM	MA	02492	1990470002400000	75 KIMBALL ST
CONNOLLY, THOMAS J. + COSENTINO, RONALD H		111 LINCOLN ST	NEEDHAM	MA	02492	1990470002500000	104 LINCOLN ST
SCHMIDT, THOMAS KELLEY		98 LINCOLN ST	NEEDHAM	MA	02492	1990470002600000	98 LINCOLN ST
BETH ISRAEL DEACONESS HOSPITAL		148 CHESTNUT ST	NEEDHAM	MA	02492	1990470005300000	111 LINCOLN ST
MALONE, JOHN E., TR.	JOHN E. MALONE REALTY TRUST	20 CHESTNUT ST, SUITE 4	NEEDHAM	MA	02492	1990470005400000	214 CHESTNUT ST
SHERRY D CONDOMINIUM	MASTER DEED	214 CHESTNUT STREET	NEEDHAM	MA	02492	1990470005500000	214 CHESTNUT ST
MALONE, JOHN E., TR.	JOHN E. MALONE REALTY TRUST.	20 CHESTNUT ST, STE 4	NEEDHAM	MA	02492	1990470005600000	214 CHESTNUT ST
NEWTON, ROBERT C.		515 HIGH ROCK ST	NEEDHAM	MA	02492	1990470005700000	214 CHESTNUT ST
MALONE, JOHN E., TR.	JOHN E. MALONE REALTY TRUST	20 CHESTNUT ST, SUITE 4	NEEDHAM	MA	02492	1990470005800000	214 CHESTNUT ST

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



Print

PART I ADMINISTRATION OF THE GOVERNMENT**TITLE XX PUBLIC SAFETY AND GOOD ORDER****CHAPTER 138 ALCOHOLIC LIQUORS**

Section 15A Application for licenses; statement of beneficial interests; corporate stock transfers; filing notation; publication of notice; hearing; plan of premises; transfers; notice to abutting property owners; complaints; appeals; cancellation of licenses

Section 15A. All applications for an original license under sections twelve and fifteen shall be made on a form or forms to be prescribed by the commission and shall include a sworn statement by the applicant giving the names and addresses of all persons who have a direct or indirect beneficial interest in said license. No stock in a corporation holding a license to sell alcoholic beverages shall be transferred, pledged, or issued without first obtaining the permission of the local licensing authorities and the commission. Provisions of this section shall not apply to stockholders of a corporation whose stock is listed for sale to the general public with the Securities and Exchange Commission and who hold less than ten per cent of the outstanding stock entitled to vote at the annual meeting of said corporation. Notation of the date and hour of filing shall be made on every application. Within ten days after receipt of any such application, the local licensing authorities shall cause a notice thereof to be published at the expense of the applicant. Such notice shall be published in the city or town wherein the license is intended to be exercised or, if no newspaper is published in such city or town, in a newspaper, published within the commonwealth, providing general circulation in such city or town, or if there is no newspaper providing general circulation in such city or town, then in a daily newspaper published in the county wherein such license is intended to be exercised. After such publication the name of the newspaper publishing such notice shall be noted by the local licensing authorities on the application for a license. The notice shall set forth the name of the applicant in full, the kind of license applied for, a description of the location and area where the license is intended to be exercised, designating, if practicable, the street and number. No application shall be acted upon by the local licensing authorities except after hearing thereon which shall be held not sooner than ten calendar days after the publication of such notice. An affidavit of the person making such publication on behalf of such authorities, together with an attested copy of the notice published, shall be filed in the office of such authorities, and a certified copy of such affidavit shall be prima facie evidence that such notice has been published in accordance with this section. Where there are no premises actually in existence at the time the application is made, the applicant may file with the local licensing authorities a plan showing the actual dimensions of premises which are to be constructed on which the license is to be exercised. The local licensing authorities may thereafter grant a license upon the condition that such license shall issue upon completion of

such premises according to said plan, and the decision of the licensing authorities as to whether or not said plan has been complied with shall be final.

Every applicant for an original license under section twelve, fifteen or thirty A, or for a transfer of such a license from one location to another, or an applicant for a change in the description of a licensed premises, or someone in his behalf, shall, within three days after publication as hereinbefore provided, cause a copy of the published notice to be sent by registered mail to each of the persons appearing upon the assessors' most recent valuation list as the owners of the property abutting on the premises where the license is intended to be exercised and, if a school, which gives not less than the minimum instruction and training to children of compulsory school age required by chapter seventy-one, or a church or hospital, is located within a radius of five hundred feet from said premises, to such school, church or hospital. The notice sent to such school, church or hospital shall indicate the necessity of a written objection to prevent the issuance or transfer of such license under the provisions of section sixteen C. An affidavit of the applicant or of the person mailing such notice in his behalf, together with an attested copy of the notice mailed, shall be filed in the office of the local licensing authorities, and a certified copy of such affidavit shall be prima facie evidence that such notice has been mailed in accordance with this section. If any abutter or the authorities in charge of any such school, church or hospital shall make complaint in writing to the local licensing authorities that such license was granted or transferred hereunder without such notice having been mailed to him or them as required hereby, and after due hearing it appears that such notice was not mailed as aforesaid, the local licensing authorities may cancel the license. Any person who has filed a complaint with the local licensing authorities under this section who is aggrieved by the action of such authorities in refusing to cancel a license hereunder or by their failure to act upon such a complaint within a period of thirty days may appeal to the commission in writing within five days following receipt of written notice of such action or within five days following the expiration of the thirty day period, and the commission may, after hearing, cancel such a license and in such event, shall send notice of the cancellation to the local licensing authorities. Nothing herein contained shall be construed to prohibit a licensee whose license has been cancelled by the local licensing authorities under authority contained in this section from appealing to the commission as provided in section sixty-seven. No application by the same applicant for the same type of license to be exercised on the same premises may be filed within one year of the date of his last prior application except in the discretion of the licensing authorities.



Board of Selectmen
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 04/13/2016

Agenda Item	Approve and Sign Records, Witnessing the Perambulation of the Town Boundaries.
Presenter(s)	Richard P. Merson, DPW Director Anthony L. Del Gaizo, Town Engineer

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
All Massachusetts Towns are required to have at least two selectmen locate and witness their town boundary markers every five years (per M.G.L. Chapter 42, Section 2). Perambulation of the Town of Needham's bounds was performed on March 5, 2016. The attached records complete the notification process to the neighboring towns.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	<u>X</u> YES	__ NO
<i>"To approve and sign the attached records that the Town boundary markers were witnessed during the perambulation which took place, March 5, 2016."</i>			
3.	BACK UP INFORMATION ATTACHED	<u>X</u> YES	__ NO
(Describe backup below) a.) <i>Record Information of the Town boundary</i>			



TOWN OF NEEDHAM

TOWN HALL
1471 Highland Avenue
Needham, MA 02492-2669

Office of the
BOARD OF SELECTMEN

TEL: (781) 455-7500
FAX: (781) 449-4569
TDD: (781) 455-7558

April 13, 2016

PERAMBULATION OF NEEDHAM TOWN LINE -- DEDHAM

We, the undersigned, have perambulated the Town Line between Dedham and Needham and renewed the marks on the monuments.

The Town Line begins at the center of the Charles River at the corner between Boston, Dedham and Needham, opposite the mouth of the Long Ditch. Thence, following Long Ditch southwesterly to a stone monument within the M.D.C. Reservation, about 500 feet north of Needham Street, called D-N-1 Witness Mark. Thence, a slight angle still southwesterly about 720 feet to stone monument called D-N-2 Witness Mark on the south side of Needham Street at the north bank of the Charles River. Thence, continuing in a straight line to the center of the Charles River. Thence, running generally westerly by the center of the Charles River to a point opposite a stone monument of the southeast bank of the Charles River to a corner between Dedham, Needham and Westwood, the monument being known as D-N-W Witness Mark and being on the line between Dedham and Westwood.

This line was perambulated March 5, 2016.

Needham Board of Selectmen



TOWN OF NEEDHAM

TOWN HALL
1471 Highland Avenue
Needham, MA 02492-2669

Office of the
BOARD OF SELECTMEN

TEL: (781) 455-7500
FAX: (781) 449-4569
TDD: (781) 455-7558

April 13, 2016

PERAMBULATION OF NEEDHAM TOWN LINE – DOVER

We, the undersigned, have perambulated the Town Line between Dover and Needham and renewed the marks on the monuments.

The Town Line begins at the center of the Charles River at a point opposite a stone monument on the southeast bank of the Charles River that forms a corner between Dover, Needham and Westwood, the monument being known as D-D Witness Mark and being on the line between Dover and Westwood. Said monument having been set at a time when the line was between Dover and Dedham, prior to the date when Westwood was incorporated from Dedham.

This line was perambulated March 5, 2016.

Needham Board of Selectmen



TOWN OF NEEDHAM

TOWN HALL
1471 Highland Avenue
Needham, MA 02492-2669

Office of the
BOARD OF SELECTMEN

TEL: (781) 455-7500
FAX: (781) 449-4569
TDD: (781) 455-7558

April 13, 2016

PERAMBULATION OF NEEDHAM TOWN LINE – WELLESLEY

This is to certify that we, the Selectmen of Needham, have this 5th day of March 2016 perambulated the boundary lines between Needham and Wellesley and renewed the marks on the monuments at the following locations:

1. Off Charles River Street, Needham
- 1.A. Winding River Road
2. Grove Street
3. Cartwright Road
4. Great Plain Avenue
5. Forest Street
6. Brookside Road
7. Wellesley Avenue at Rosemary Brook
8. Wellesley Avenue, Wellesley
Hunnewell Street, Needham
9. Oakland Street, Wellesley
Wellesley Avenue, Needham
10. Cedar Street
11. Worcester Road (Route 9) and
Route 128 (Interstate 95) Interchange

Needham Board of Selectmen



TOWN OF NEEDHAM

TOWN HALL
1471 Highland Avenue
Needham, MA 02492-2669

Office of the
BOARD OF SELECTMEN

TEL: (781) 455-7500
FAX: (781) 449-4569
TDD: (781) 455-7558

April 13, 2016

PERAMBULATION OF NEEDHAM TOWN LINE – WESTWOOD

We, the undersigned, have perambulated the Town Line between Westwood and Needham and renewed the marks on the monuments.

The Town Line begins at the center of the Charles River at a point opposite a stone monument on the southeast bank of the Charles River that forms the corner between Dedham, Needham and Westwood, the monument being known as D-N-W Witness Mark and being on the line between Dedham and Westwood. Thence, southwesterly to a point at the center of the Charles River at a point opposite a stone monument being known as D-D Witness Mark and being on the line between Westwood and Dover. Said monument having been set at a time when the line was between Dover and Dedham prior to the date when Westwood was incorporated from Dedham

This line was perambulated March 5, 2016.

Needham Board of Selectmen



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

MEETING DATE: 4 /13 /2016

Agenda Item	Central Avenue/Elliot Street Bridge Project Inter-Municipal Agreement
Presenter(s)	Richard P Merson, Director of Public Works

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
	The Central Ave/Elliot St Bridge is owned by the Town of Needham and the City of Newton. The Bridge is in need of significant rehabilitation due to instability in the arch stones. Monitoring of the stone arches has revealed movement of the stones, two stones being dislodged, and several stones being crushed. The last Monitoring report dated March 21, 2016 revealed insignificant movement since the last report in January 2016. Several bridge rehabilitation options were studied and the optimum design that complied with existing laws and regulations was selected. The project was put out to bid by the City of Newton on March 24, 2016. Aetna Bridge Company was selected as the lowest responsive bidder for \$3.787M, including an incentive payment to minimize the duration of bridge closure. An undetermined portion of the cost (roughly \$235,450) will be paid by Eversource to underground some of the conduits crossing the bridge, including some of the existing overhead wires. An Inter-municipal Agreement has been created to reimburse the City of Newton for Needham's share of the bridge construction cost. The Agreement shares the cost 50% - 50% between the municipalities with the exception of the stone facing required by the Newton Upper Falls Historic District which will be paid entirely by the City of Newton.		
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	<u>X</u> YES	<u> </u> NO
	<i>"That the Selectmen vote to approve and sign the Inter-municipal Agreement between the Town of Needham and the City of Newton for the rehabilitation of the Central Avenue/Elliot Street Bridge."</i>		
3.	BACK UP INFORMATION ATTACHED	<u>X</u> YES	<u> </u> NO
(Describe backup below)			
1. Inter-Municipal Agreement			

CITY OF NEWTON CONTRACT NO. L-6184

TOWN OF NEEDHAM CONTRACT NO. 15DPW171D

AGREEMENT BETWEEN THE TOWN OF NEEDHAM, MASSACHUSETTS AND

THE CITY OF NEWTON, MASSACHUSETTS

FOR

ELLIOT STREET – CENTRAL AVENUE BRIDGE IMPROVEMENTS

This Agreement made this the ____ day of _____ 2016 by and between the Town of Needham, Massachusetts, acting through its Town Manager with the approval of its Board of Selectmen, hereinafter called the “Town,” and the City of Newton, Massachusetts, acting by and through its Mayor hereunto duly authorized by Order of its City Council, Order No. _____ and dated _____, but without personal liability to himself, hereinafter called the “City,”

WITNESSETH:

Whereas, Bridge #N-4-1/N-12-3 (the “Bridge”) is located over the Charles River at the Town/City line between Needham and Newton; and

Whereas, the Bridge links the City at Elliot Street, to the Town at Central Avenue; and

Whereas, ownership and maintenance of the Bridge is shared equally between the City and the Town; and

Whereas, the Bridge is in need of major rehabilitation; and

Whereas, the Town contracted with the BETA Group, Inc. for consulting engineering services for the investigation and design of repairs and rehabilitation of the Bridge, which work has been completed and paid for by the Town; and

Whereas, the City contracted with the BETA Group, Inc. for consulting engineering services for the investigation and design of repairs and rehabilitation of the Bridge, which work has been completed and paid for by the City; and

Whereas the City and the Town wish to provide for the repairs to the Bridge with the City being the lead community to award and supervise the contract for said repair;

Now therefore, for and in consideration of the promises, the mutual covenants herein recited and other good, valuable, and sufficient considerations, the parties hereto agree as follows:

1. The City shall prepare and put out invitations for bids for the repairs to the bridge in accordance with the plans and designs of BETA Group, Inc., receive and review said bids and award the Contract for the repairs to the bridge to a Contractor, all in accordance with G. L. Ch 30, sec. 39M and all other applicable provisions of law.
2. The City shall make progress payments for material and services to the Contractor awarded the contract, pursuant to the terms of the Contract.
3. The City shall invoice the Town for fifty (50%) percent of the amount approved for payment to the Contractor by the City.
4. Payment by the Town to the City shall be made within thirty (30) days of receipt of invoices from the City. With any request for payment, the City shall provide a copy of the invoice(s) from Contractor showing the total amount(s) billed to the City.
5. Within seven (7) days of receipt of invoices from the City, the Town shall have the opportunity to inspect the work and object to payments for work not completed according to the contract documents, whereupon the City and Town shall confer to agree as to what should be paid. If they do not agree, Beta Group, Inc. will determine what portion of the disputed amount will be paid and the Town shall pay the City fifty (50%) percent of that amount and the City shall pay the Contractor one hundred (100%) percent of that amount. With respect to an unpaid portion of a disputed amount which is subsequently determined to be owed to the Contractor in accordance with the Contract, the Town shall pay the City fifty (50%) percent of such amount and the City shall pay the Contractor one hundred (100%) percent of such amount.
6. Any undisputed amounts unpaid by the Town after thirty (30) days of receipt of invoices from the City are subject to interest at the same rate the City is required to pay for funds in order to make payments to the Contractor. The Town hereby agrees to pay any interest incurred by the City due to such late payment by the Town.
7. The total Contract amount shall not exceed \$4,000,000.00. The Town's total obligation to pay the City hereunder shall not exceed the lesser of fifty (50%) percent of the total amount invoiced to the City pursuant to the Contract, or \$2,000,000.00. In the event that unanticipated subsurface conditions necessitate change orders which would increase the total Contract amount to more than \$4,000,000.00, then it is understood and agreed that the City and the Town Manager shall each use best efforts to secure each party's (50%) percent portion of the additional funding needed to complete the unanticipated work and to amend this Agreement accordingly.
8. This Agreement shall be effective upon the action of the Board of Selectmen of the Town, and action by the Mayor of the City as authorized by the City Council.
9. It is mutually agreed and understood that this Agreement shall remain in full force as until completion of the services to be performed by the Contractor pursuant to the Contract or until such time as it may be amended or replaced by a new agreement, but in any event, not to exceed a total of three (3) years.

10. It is mutually agreed that construction cost associated with the additional scope of work, as required by vote of the Newton Upper Falls Historic Commission on January 14, 2016, shall be excluded from this agreement, and that this cost shall be borne exclusively by the City of Newton. This item is defined as follows:

“The concrete piers on the north side of the bridge will be faced with the rough-cut stone (and not with granite).”

11. BETA Group Inc. shall provide engineering services during construction, for the duration of the construction period. The City and Town shall each contract separately with BETA Group Inc. for these services, and shall each be responsible for fifty 50% of the cost of these services.

12. The City shall provide a full-time resident construction inspector for the duration of the Bridge construction. The cost of the salary of the resident construction inspector is included as part of this Agreement, and shall be shared equally by the City and the Town subject to a maximum of \$35,000 for each party, which is not to be included within the maximum set forth in paragraph 7 of this agreement.

The two parties have caused their legal corporate signatures and seals to be hereunto affixed by their proper officers, thereunto duly organized on the day of the year first above written.

THE TOWN OF NEEDHAM

THE CITY OF NEWTON

Kate Fitzpatrick
Town Manager

James McGonagle,
Commissioner of Public Works

Comptroller of Accounts:

Chairman

Approved as to form:

Selectman

City Solicitor

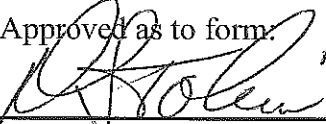
Selectman

Contract Approved:

Selectman

Setti D. Warren,
Mayor

Selectman

Approved as to form:


David S. Tobin
Needham Town Counsel

I hereby certify that there are funds available in account # _____ in an amount up to \$2,000,000.00 to fund this Agreement.

Title
Town of Needham



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

MEETING DATE: 4/13/2016

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

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Town Manager will recommend that the Board vote to close the warrant for the May 9, 2016 Special 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 May 9, 2016 Special 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 April 8, 2016			

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

MONDAY, MAY 9, 2016

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

Draft 4.8.2016

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

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

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

MONDAY, THE NINTH DAY OF MAY, 2016

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

HUMAN RESOURCE ARTICLES

ARTICLE 1: 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 2: 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 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 and 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.

FINANCE ARTICLES

ARTICLE 3: FIRE PRE-PLANNING INSPECTION PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$55,000 for a Fire Pre-Planning Inspection Program, to be spent under the direction of the Town Manager, and to meet this appropriation that \$55,000 be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: *This funding will enable the Fire Prevention Division to secure the services of an inspector to conduct pre-fire planning inspections of Town buildings, schools, and commercial establishments. Information gathered at these inspections - such as pictures, floor plans, hazardous material locations and amounts – will be entered into the public safety computer-aided dispatch database and will be readily accessible to emergency responders and dispatchers. Approximately 1,400 sites require information gathering and input, which will be completed over 2 to 2 ½ years.*

ARTICLE 4: AMEND THE FY2016 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2016 Operating Budget adopted under Article 16 of the May 2015 Annual Town Meeting, and amended under Article 9 of the November 2, 2015 Special Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
27A	HHS Salary & Wages	\$1,186,457	\$1,148,360
27B	HHS Expenses	\$245,245	\$283,342

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 5: APPROPRIATE FOR PAYMENT OF UNPAID BILLS OF PRIOR YEARS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$5,916 for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Needham, as follows, and that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

Department	Vendor	Description	Fiscal Year	Amount
DPW	Global Montello Group Corp	Fuel	2015	\$5,541
Public Facilities	East Coast Security Services, Inc.	Annunciator Programming	2014	\$375

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: State law requires Town Meeting action in order for the Town to make payment for bills received after the close of the fiscal year or in excess of appropriation.

GENERAL ARTICLES / CITIZENS' PETITIONS / COMMITTEE ARTICLES

ARTICLE 6: AUTHORIZE MINUTEMAN SCHOOL BONDING

To see if the Town will approve the amount of \$144,922,478 for the purpose of paying costs of designing, constructing and originally equipping a new district school, to be located at 758 Marrett Road, Lexington, Massachusetts, and for the payment of all other costs incidental and related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Building Committee. To meet this appropriation, the District is authorized to borrow said amount, under and pursuant to Chapter 71, Section 16(d) of the General Laws, and the District Agreement, as amended, or pursuant to any other enabling authority. The District acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that the District may receive from the MSBA shall not exceed the lesser of (i) forty four and three quarters percent (44.75%) of eligible, approved Project costs, as determined by the MSBA, or (ii) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be

reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information:

CAPITAL ARTICLES

ARTICLE 7: APPROPRIATE FOR PROPERTY ACQUISITION

To see if the Town will vote to raise and/or transfer and appropriate \$762,500 for the acquisition of real property known as 609 Central Avenue (Assessors Map 108, Lot 11), and for associated costs, to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L., Chapter 44, Section 7; and further that this is an emergency measure necessary for the immediate preservation of the safety and convenience of the Town, and therefore final vote of the Town Meeting passing this measure shall be immediately operative; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information:

ARTICLE 8: APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate a sum 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 a sum be transferred from Free Cash and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow a sum under M.G.L., Chapter 44, Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT:

Article Explanation: Information to follow.

ARTICLE 9: 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 10: APPROPRIATE TO CAPITAL IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$29,296 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, and that \$8,050 be transferred from Article 32 of the 2010 Annual Town Meeting and \$21,246 be transferred from Article 36 of the 2011 Annual Town Meeting; 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 11: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate a sum to the Athletic Facility Improvement Fund, as provided under 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:

ARTICLE 12: APPROPRIATE TO DEBT SERVICE STABILIZATION FUND

To see if the Town will vote to raise and/or transfer and appropriate a sum to the Debt Service Stabilization Fund, as provided under 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
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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

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

Given into our hands at Needham aforesaid this 13th day of April, 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:

Draft 4.8.2016



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

MEETING DATE: 4/13/2016

Agenda Item	Positions on Warrant Articles
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
The Board will review articles contained in the Annual and Special Town Meeting Warrants.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
<i>Suggested Motion:</i> That the Board vote to support (not to support) article _____ in the Annual Town Meeting Warrant. That the Board vote to support (not to support) article _____ in the Special Town Meeting Warrant.			
3.	BACK UP INFORMATION ATTACHED	YES	NO
a. Status of Articles (4.8.16) b. Annual and Special Town Meeting Warrants provided under separate cover			

Status of Articles 4.8.2016

#	Article	Status	BOS Position	FC Position	BOS	FC
1	Annual Town Election					
2	Committee And Officer Reports					
3	Establish Elected Officials' Salaries		Adopt	Adopt	Dan	
4	Fund Collective Bargaining Agreement – Fire Union				Dan	
5	Fund Collective Bargaining Agreement – Police Superior Officers' Association				Dan	
6	Fund Collective Bargaining Agreement – Building Custodian and Tradesman Independent Association				Dan	
7	Accept Chapter 73, Section 4 of the Acts of 1986		Adopt	Adopt	Moe	
8	Appropriate for Needham Property Tax Assistance Program		Adopt	Adopt	Moe	
9	Appropriate for Senior Corps		Adopt	Adopt	Moe	
10	Appropriate for Emergency Preparedness Program		Adopt	Adopt	Marianne	
11	Appropriate for Public Facilities Maintenance Program		Adopt	Adopt	John	
12	Appropriate the FY2017 Operating Budget		Adopt	Adopt	Matt	
13	Appropriate the FY2017 RTS Enterprise Fund Budget		Adopt	Adopt	John	
14	Appropriate the FY2017 Sewer Enterprise Fund Budget		Adopt	Adopt	John	
15	Appropriate the FY2017 Water Enterprise Fund Budget		Adopt	Adopt	John	
16	Continue Departmental Revolving Funds		Adopt	Adopt	Matt	
17	Authorization to Expend State Funds for Public Ways		Adopt	Adopt	Matt	
18	Amend Zoning By-Law – Mixed-Use Overlay District		Defer		Moe	
19	Amend Zoning By-Law – Map Change to Mixed-Use Overlay District		Defer		Moe	
20	Amend Zoning By-Law – Permitted Uses in New England Business Center District		Defer		Moe	
21	Amend Zoning By-Law – Maximum Building Bulk		Defer		John	
22	Amend Zoning By-Law – Special Permit Granting Authority in Center Business District		Defer		Moe	

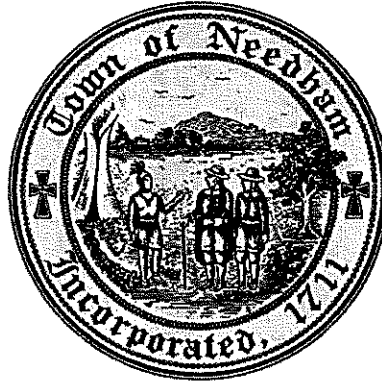
Status of Articles 4.8.2016

23	Amend Zoning By-Law – Retaining Walls		Defer		Marianne	
24	Amend Zoning By-Law – Minimum Side and Rear Line Setbacks: Accessory Structures		Defer		Marianne	
25	Citizens Petition – Needham Town Meeting – Food Truck Article		Defer		John	
26	Amend General By-Law - Historic Demolition Delay		Adopt	No position	Moe	
27	Amend General By-Law – Future School Needs Committee		Defer		Matt	
28	Accept Access Easement – Oak and Cypress		Adopt	No position	John	
29	Transfer of Property for Municipal Use – Greendale Avenue	Amend	Adopt		Dan	
30	Transfer of Property for Municipal Use – Hillside School, Daley Building & Nike Site		Adopt		Dan	
31	Transfer of Property for Parkland Use – Greene’s Field & A Portion of DeFazio Park		Adopt		Dan	
32	Transfer of Property for Recreational Use – A Portion of DeFazio Park		Adopt		Dan	
33	Transfer of Property for Educational Use – A Portion of DeFazio Park & Central Avenue (“Owen’s Farm”)		Adopt		Dan	
34	Home Rule Petition – Change in Use of Property on Greendale Avenue under Article 97	Amend	Adopt		Dan	
35	Appropriate for Community Housing Specialist		Defer	Adopt	Moe	
36	Appropriate for Memorial Field Drain Improvements		Defer	Adopt	Matt	
37	Appropriate for Trail Improvements – Student Conservation		Defer	Adopt	Matt	
38	Appropriate Transfer to Conservation Fund		Defer	Not Adopt	Dan	
39	Appropriate for Rosemary Lake Sediment Removal Design		Defer	Adopt	John	
40	Appropriate for Rosemary Recreation Complex Design		Defer		Matt	
41	Appropriate to Community Preservation Fund		Defer		Matt	
42	Rescind Debt Authorizations		Adopt	Adopt	Matt	
43	Appropriate for General Fund Cash Capital		Adopt	Adopt	Matt	

Status of Articles 4.8.2016

44	Appropriate for Public Works Infrastructure Program		Adopt		Marianne	
45	Appropriate for RTS Enterprise Fund Cash Capital		Adopt	Adopt	Marianne	
46	Appropriate for RTS Fleet Replacement		Adopt	Adopt	Marianne	
47	Appropriate for Sewer Enterprise Fund Cash Capital		Adopt	Adopt	Marianne	
48	Appropriate for Water Enterprise Fund Cash Capital		Adopt	Adopt	Marianne	
49	Appropriate to Athletic Facility Improvement Fund		Defer		Matt	
50	Appropriate to Debt Service Stabilization Fund		Defer		Matt	
51	Appropriate to Stabilization Fund		Defer		Marianne	
52	Omnibus		Defer		Matt	

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

TOWN OF NEEDHAM
DRAFT 4.8.2016

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

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	\$79,750
Town Clerk with 6 years of service in that position	\$96,500 (1)
Selectmen, Chairman	\$1,800
Selectman, Others	\$1,500

- (1) In addition, such compensation shall also include payment of longevity in the amount of \$6,755, the accumulation of 15 days of non-occupational sick leave per fiscal year, and payment for 25%

of unused sick leave at the time of retirement from Town Service in accordance with M.G.L. c. 32 or sooner, in an amount not to exceed \$53,574. The annual salary of \$96,500 includes compensation for five weeks of vacation leave, any unused portion of which will be paid at the time of separation from Town service in an amount not to exceed \$9,928. No later than the time of separation from Town service, the Town Clerk shall also be paid for seven (7) weeks of accrued, unused vacation time in an amount not to exceed \$13,900; or take any other action relative thereto.

INSERTED BY: Personnel Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

PERSONNEL BOARD RECOMMENDS THAT: Article be Adopted

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 4: 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: Recommendation to be Made at Town Meeting

PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

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

ARTICLE 5: 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 Association, 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: Recommendation to be Made at Town Meeting

PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

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

ARTICLE 6: 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: Recommendation to be Made at Town Meeting

PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

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

FINANCE ARTICLES

ARTICLE 7: 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 be Adopted

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 8: 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 be Adopted

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 9: 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 be Adopted

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 10: APPROPRIATE FOR EMERGENCY PREPAREDNESS PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$70,000 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 \$70,000 be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Municipal emergency management includes not only planning for the safety of residents, visitors, and businesses, but also the security of municipal assets including buildings and personnel. The request would provide funding to develop and revise emergency plans (which have not

been updated to reflect the Town's growth in the last decade), to train staff members and inform the public about those plans, and to test the staff members' knowledge and capability to successfully execute those plans by means of drills and exercises. All of these activities will be undertaken with the overall goal of ensuring that the Town of Needham will quickly and appropriately respond to protect the health and safety of the community during man-made emergencies, severe weather, and natural disasters. The project will be overseen by the Town's Director of Public Health and Fire Chief, and is anticipated to take up to two years to complete.

ARTICLE 11: 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 12: 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 \$800,000, 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 8 to the appropriate line items in order to fund the classification and compensation plan approved in accordance with the provisions of Section 20B(5) of the Town Charter, and to fund collective bargaining agreements approved by vote of Town Meeting; and further that the Town Manager is authorized to expend from line item 5 in order to meet expenses for post-employment health and life insurance benefits for eligible retirees from the fund established for that purpose; or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted as Shown on **Pages X - X**

ARTICLE 13: 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:

**RTS Enterprise
FY2017**

Line #	Description	FY2015		FY2016		FY2017		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
101A	Salary & Wages	\$665,545	10.0	\$739,993	10.0	\$766,816	10.0	
101B	Expenses	\$1,204,176		\$1,153,651		\$1,200,969		
101C	Operating Capital	\$79,318		\$86,000		\$86,500		
101D	Debt Service	\$117,108		\$150,000		\$150,000		
102	Reserve Fund	Transfers Only		\$25,000		\$25,000		
TOTAL		\$2,066,147	10.0	\$2,154,644	10.0	\$2,229,285	10.0	
FY2017 Budget Percentage Change from FY2016 Budget								3.5%

and to meet this appropriation that \$1,420,000 be raised from the tax levy and transferred to the RTS Enterprise Fund, and that \$20,096 be transferred from RTS Retained Earnings; or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

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 for 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. Additionally, the RTS provides a variety of other specialty recycling options for residents such as books, clothing, and many others.

FY2017 will be the third year with the new funding model for the Recycling and Transfer Station Enterprise, which now includes a higher contribution from the General Fund to offset the loss of revenue collected through the annual sticker fee that was paid by residents. This payment, along with pay-per-throw bags and other rubbish disposal fees and miscellaneous revenue, provides the funds to support and operate the center. The General Fund contribution of \$1,420,000 for FY2017 is the same as FY2016. Direct financing of the facility through the tax levy expands access to the facility, and recognizes the

“public good” aspect of many of the recycling, yard waste, and waste ban item disposal services. The contribution was held flat through the use of retained earnings, an increase in recycling revenue and pay-to-throw charges, and rental income from SolarCity the operator of the solar array on RTS property.

The recommended operating budget for FY2017 is \$2,229,285 or \$74,641 (3.5%) more than the FY2016 budget. The \$26,823 (3.6%) change in salary and wages line reflects the collective bargaining agreement for FY2017 with the Union. The RTS has 10 full-time employees, of which 8 are members of the NIPEA union. The \$47,318 (4.1%) increase in the expense line results primarily from higher cost for solid waste hauling and disposal (\$21,926); use of an outside service to grind wood waste due to the removal of wood grinder from service, which was offset in part by the expenses no longer incurred for repairs to the wood grinder (\$8,900); and rental of excavator annually for material moving (\$8,000). The balance of the increase is for various operational expenses that are higher due to contract prices, volume, and/or increased activity. The operating capital line is \$500 (0.6%) more than FY2016 and the funds are used to replace an open top trailer and roll-off containers. The open top trailer is used to haul trash to the waste to energy plant in Millbury. The roll-off containers are used by residents to drop off trash and recycling; these are part of an annual replacement schedule.

Debt service is level funded at \$150,000, and supports the debt capacity requirements to continue the current RTS operations. The reserve fund is level dollar as well for FY 2016.

The RTS also reimburses the General Fund for costs incurred and paid by the general fund budgets, e.g., employee benefits, property and casualty insurance, financial and billing expenses, and other administrative and operational support costs.

ARTICLE 14: 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:

Sewer Enterprise FY2017

Line #	Description	FY2015		FY2016		FY2017		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	Salary & Wages	\$930,174	12.0	\$987,170	12.0	\$1,019,922	12.0	
201B	Expenses	\$338,417		\$402,011		\$415,585		
201C	Capital Outlay	\$24,442		\$50,000		\$50,000		
201D	MWRA Assessment	\$5,466,144		\$5,462,757		\$5,718,107		
201E	Debt Service	\$1,338,092		\$1,500,000		\$1,500,000		
202	Reserve Fund	Transfers Only		\$35,000		\$35,000		
TOTAL		\$8,097,269	12.0	\$8,436,938	12.0	\$8,738,614	12.0	
FY2017 Budget Percentage Change from FY2016 Budget								3.6%

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 be Adopted

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 severe 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.

Budget Line	FY2017 Sewer Operations	FY2017 Drains Program	FY2017 Recommended Budget	FY2016 Sewer Operations	FY2016 Drains Program	Current FY2016 Sewer Budget
Salary & Wages	\$650,739	\$369,183	\$1,019,922	\$634,673	\$352,497	\$987,170
Expenses	\$264,922	\$150,663	\$415,585	\$260,020	\$141,991	\$402,011
Capital Outlay	\$50,000	\$0	\$50,000	\$50,000	\$0	\$50,000
MWRA Assessment	\$5,718,107	\$0	\$5,718,107	\$5,462,757	\$0	\$5,462,757
Debt Service	\$1,500,000	\$0	\$1,500,000	\$1,500,000	\$0	\$1,500,000
Reserve Fund	\$35,000	\$0	\$35,000	\$35,000	\$0	\$35,000
Total	\$8,218,768	\$519,846	\$8,738,614	\$7,942,450	\$494,488	\$8,436,938
	FY2017 Sewer Operations \$ Change	FY2017 Drains Operations \$ Change	FY2017 Sewer Enterprise \$ Change	FY2017 Sewer Operations % Change	FY2017 Drains Operations % Change	FY2017 Sewer Enterprise % Change
Salary & Wages	\$16,066	\$16,686	\$32,752	2.5%	4.7%	3.3%
Expenses	\$4,902	\$8,672	\$13,574	1.9%	6.1%	3.4%
Capital Outlay	\$0	\$0	\$0	0.0%		0.0%
MWRA Assessment	\$255,350	\$0	\$255,350	4.7%		4.7%
Debt Service	\$0	\$0	\$0	0.0%		0.0%
Reserve Fund	\$0	\$0	\$0	0.0%		0.0%
Total	\$276,318	\$25,358	\$301,676	3.5%	5.1%	3.6%

The operating budget of \$8,738,614 for FY2017 is \$301,676 more than the current FY2016 budget, an increase of 3.6%. This increase is mainly due to the increase in the MWRA assessment for the Town's sewerage and wastewater disposal. The increase in the assessment represents nearly 86% of the total increase in the budget for FY2017. No new spending requests were presented with this budget. The Sewer Enterprise Fund budget includes the costs of the drains program because the daily work is performed by Enterprise Fund staff and operationally it is more effective to budget and monitor this work through the Sewer Enterprise Fund budget. However, the costs not associated with Sewer operations are

funded by taxation and not by Sewer use fees. The preceding table provides a breakout between the sewer operations and the drains program to compare the budget change in the two operations from the current year.

The FY2017 Sewer operations portion of the budget is \$276,318 higher, an increase of 3.5% over the current year. The preliminary MWRA assessment for FY2017 is \$255,350 more than the current appropriation. The final assessment from the MWRA will be affected by the amount of sewer rate relief that is provided to the Authority by the Commonwealth, which will not be known until after the budget is voted by the Legislature and approved by the Governor. The FY2017 drains operations portion of the budget is \$25,358 (5.1%) more than the current year.

The salary and wages line is \$1,019,922 for FY2017 which is an increase of \$32,752 or 3.3%. The sewer division has 12 full-time employees of which 11 are members of the NIPEA union. The Town and the Union have a collective bargaining agreement in place for FY2017. There is no increase in the number of funded positions.

The increase in expense line is due to inflationary, regulatory, and monitoring efforts. The expense line is \$415,585 which is \$13,574 or 3.4% more than the current year. The increase is primarily attributable to higher electric and natural gas costs. The cost per kWh is increasing and natural gas use is higher because of the new sewer pump station (Reservoir B) which opened last year. Most other expense changes were offsetting where an increase in one expense type was offset by a decrease in another expense.

The operating capital line is level funded at \$50,000 for FY2017. This budget line pays for grinder replacements and allows the department to continue its annual \$25,000 allocation for sewer pump and small power equipment replacement. The plan for FY2017 is the replacement of the Great Plain Avenue Pump Station grinder and replacement of pump (#2) at the West Street pump station.

The sewer debt service budget line is also level dollar at \$1,500,000 for FY2017, which is in keeping with the overall sewer capital infrastructure-funding plan for long term investments. The reserve fund is level dollar for FY2017. The budget plan for FY2017 includes the use of \$404,156 from sewer retained earnings. The \$519,846 to be transferred from the tax levy is to pay for drains-related programs.

The Sewer Enterprise Fund also 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 15: 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:

**Water Enterprise
FY2017**

Line #	Description	FY2015		FY2016		FY2017		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
301A	Salary & Wages	\$1,049,485	16.0	\$1,105,680	16.0	\$1,134,686	16.0	
301B	Expenses	\$1,055,256		\$1,034,526		\$1,079,267		
301C	Capital Outlay	\$19,197		\$30,500		\$4,000		
301D	MWRA Assessment	\$1,193,697		\$1,012,962		\$1,043,468		
301E	Debt Service	\$1,545,746		\$1,550,000		\$1,550,000		
302	Reserve Fund Transfers Only			\$75,000		\$75,000		
TOTAL		\$4,863,381	16.0	\$4,808,668	16.0	\$4,886,421	16.0	
FY2017 Budget Percentage Change from FY2016 Budget								1.6%

or take any other action relative thereto.

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

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 overall operating budget for FY2017 is \$77,753 (3.6%) more than the FY2016 budget. One of the contributing factors in the increase for FY2017 is the MWRA assessment for the Town's use of water. The MWRA bills the Town for actual water consumption in the calendar year preceding the new fiscal year; the FY2017 water assessment is based on CY2015 water use. The Town's use of MWRA water was up approximately 9% from the prior year. The preliminary water assessment for FY2017 is \$1,043,468 which is \$30,506 (3.0%) more than the assessment for FY2016. The final assessment from the MWRA is not expected until the end of the State budget process.

Water Production	2013	2014	2015
Water Production*	1,267.8	1,235.9	1,256.8
Water Production from MWRA	354.8	279.0	304.1
Water Production from Town Wells	913.0	956.9	952.7
Percentage from MWRA	28.0%	22.6%	24.2%
*millions of gallons			
Water meters replaced	945	1,224	1,153
Percentage of the total number of water meters in place for that year	6.7%	8.4%	7.8%

The salary and wage expense line shows an increase of \$29,006 (2.6%) over the FY2016 budget. The Enterprise Fund has 16 full time employees of which 13 are unionized. Twelve employees are members of the NIPEA union and one employee is a member of the ITWA union. The Town has collective bargaining agreements with both unions for FY2017. As with the RTS and Sewer enterprise budgets, there is no increase in the number of funded positions.

The Water Enterprise Fund expense line is \$44,741 higher than the current budget, approximately 4.3% more. The increase results from higher energy costs (\$33,533) increase in repairs and maintenance (\$14,500), other purchase of services (\$11,000), communications (\$8,600), and various other expenses (\$2,500). The increase was offset in part by reductions in professional and technical services (\$14,525), governmental charges (\$5,000), vehicle supplies (\$4,467), and other supplies (\$1,400). The higher energy costs are in electricity and natural gas for similar reasons as the Sewer Enterprise saw, higher charge for electricity for FY2017 and opening of the new pump station which converted from oil to natural gas. The cost for natural gas is less than the cost would have been if it new facility remained on oil heat. The increase costs for repairs include road trench repairs when water pipes are accessed by digging in the public way. Communication expenses are higher due to the increased rate charged to the Town for telemetering and emergency dialers. The reduction to the professional and technical expense and other supplies is based on contracts and anticipated demand for service. Vehicle supplies are lower due to much lower diesel and gasoline costs.

The operating capital amount of \$4,000 is \$26,500 (87%) less than budgeted for FY2016. The budget provides for a nominal power equipment replacement allowance. Debt service is level funded at \$1,550,000, which is based on approved projects, and is in keeping with the overall water capital infrastructure-funding plan for long term investments. The water reserve fund is level dollar for FY2017

The Water Enterprise Fund also 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 16: 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	FY2017 Budget
Memorial Park	Memorial Park Trustees	Food Concessions	Improvements to Memorial Park	\$4,100
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 be Adopted

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 17: AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS

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

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

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 awards amounts had not been released.

ZONING / LAND USE ARTICLES

ARTICLE 18: 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 for a MUOD Project 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.

If the proponent elects to proceed under the zoning provisions of the underlying district, the Zoning By-Laws applicable in the underlying district shall control and the provisions of the Mixed-Use Overlay District shall not apply.

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 prior to or in conjunction with obtaining any Site Plan Review approvals for a MUOD Project as provided in the Section 7.4 Site Plan Review.

MUOD 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.

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.

Site Plan Review: The Site Plan Review as provided in Section 7.4 that an applicant must obtain as part of approval for any MUOD Project.

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 Site Plan Review application.

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 MUOD 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 of a particular MUOD Project. All construction and associated improvements in a MUOD Project 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 MSP in the MUOD: multifamily dwellings (defined herein as four or more dwelling units) and multifamily dwellings above commercial uses. 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 for a MUOD Project. In subsequent applications seeking modifications of a MSP to construct any structure or make any improvement to a MUOD Project not approved by the MSP, or change to a different MUOD Project 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 the first paragraph of G.L. ch.40A, Section 6 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 12.5% 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, as determined by the Planning Board, between physical features of the MUOD Project and public streets and abutting properties. For example, 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 MUOD 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 MUOD Projects shall include Affordable Units; further at least 12.5% 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.
- (b) Each Affordable Unit must be constructed and an occupancy permit obtained at the rate of at least one Affordable Unit for every seven market rate units.
- (c) 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.
- (d) 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, architects, 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 may 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: Recommendation to be Made at Town Meeting

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 March of 2016. 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. Twelve and one-half (12.5) 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 establishments. Single family, two-family and three-family developments 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 abutting 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 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 19: AMEND ZONING BY-LAW – MAP CHANGE TO MIXED-USE

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: Recommendation to be Made at Town Meeting

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 20: 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”, “multi-story” and “indoor athletic and exercise facilities” and from the second sentence of paragraph (j) the words “and indoor athletic and exercise facilities” 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); and laundry and dry-cleaning pick-up stations where processing is done elsewhere. Except for day care uses, 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.

INSERTED BY: Planning Board

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

Article Information: In the 2011, Town Meeting adopted sweeping changes in the New England Business Center ("NEBC") Zoning District, both as to uses and as to dimensional requirements. At that time, retail, consumer services, restaurants and similar uses dealing directly with the general public were allowed either by right or by special permit on the ground floor of multistory buildings only. Since those amendments, the Council of Economic Advisors ("CEA"), a committee established by the Board of Selectmen to evaluate Town-wide economic conditions and make recommendations to promote and encourage new and existing businesses, has been monitoring the zoning changes and analyzing the impacts on development. Because of market forces, there is a continued demand for rehabilitation/redevelopment of existing industrial one-story buildings. There is also a need for consumer facilities in the Needham Crossing area generally and in the NEBC specifically. To that end the CEA has recommended and the Planning Board has agreed that these facilities should be allowed in one story buildings.

The proposed amendment to Section 3.2.4.1(j) would allow as of right consumer and commercial service establishments dealing directly with the general public, business service centers, retail establishments, pharmacies not associated with certain medical uses, day care uses, and laundry and dry-cleaning pick-up stations on the ground floor of any building, by deleting the requirement that the building be multistory. The requirement that all but day care facilities be limited to 15,000 sq. ft. per establishment remains unchanged.

With the proposed deletion of the requirement that certain as of right businesses be limited to the ground floor only of multistory buildings, an inconsistency was created with respect to "indoor athletic and exercise facilities". Under the current By-Law "indoor athletic and exercise facilities" were allowed by right on the ground floor only of multistory buildings but by special permit elsewhere. Because of the nature and size of the facilities allowed (and their attendant parking demands), it is recommended that all such facilities be allowed by special permit wherever occurring.

The proposed amendment to 3.2.4.2(f) would allow by special permit eat-in or take-out restaurants and other eating establishments, including coffee shops, in all buildings on any floor, by deleting the requirement that the building be multistory and that the facility be on the ground floor. The additional language, limiting such establishments to 15,000 sq. ft., inserts a provision unintentionally left unclear by the original language.

ARTICLE 21: 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 now 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 now 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.

INSERTED BY: Planning Board

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

Article Information: At present, underground parking areas are included in the calculation of Floor Area Ratio. As a result, there is no incentive to create underground parking, as it would reduce the maximum size of the building above. This article would allow the Planning Board to grant a special permit to exempt underground parking areas from the calculation of Floor Area Ratio in the Chestnut Street Business District, Avery Square Business District and Hillside Avenue Business District where current parking is limited.

The article seeks to further the recommendations contained in the Needham Center Development Plan and Highland Avenue Planning study which endorsed the promotion of mixed-use and housing development in the Chestnut Street Business, Avery Square Business and Hillside Avenue Business districts in the longer term. Dimensional requirements are a major element in enabling improvements and creating usable spaces. The proposed amendment would remove an existing dimension impediment to mixed-use and housing development in the named districts thereby allowing such desired upgrades to move forward.

**ARTICLE 22: 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 Planning Board shall be the Special Permit Granting Authority as to the use.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

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

Article Information: Historically, the Planning Board has had sole jurisdiction as relates the issuance of special permits in the Center Business District. When this Section 7.4.2 of the Needham Zoning By-Law was amended in 2014 to lower the threshold requirement for the issuance of a site plan special permit in the Center Business District, the Planning Board's singular special permit jurisdiction was inadvertently affected. The purpose of this article is to reinstate such jurisdiction by specifically naming the Planning Board as the special permit granting authority for all permits related to use irrespective of whether site plan review has been triggered.

ARTICLE 23: 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 revising 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.

INSERTED BY: PLANNING BOARD

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

Article Explanation: This article would amend the Zoning By-Law by adding a new section (Section 6) creating a tiered approach for regulating retaining walls over 4 feet in height. Under current zoning regulations retaining walls covering less than one hundred square feet and having a height of less than 8 feet are unrestricted as to location on the lot. Retaining walls exceeding the noted parameters are defined as structures governed by the building height and setback standards of the zoning district in which they are located. This later provision effectively permits a retaining wall having a height of 35 feet to be placed 5 feet from a side property line as-of-right in the Single Residence B zoning district.

In recent years, the construction of retaining walls has increased, most notably in and around terrain-challenged lots creating irreversible, permanent effects on the Town's overall landscape, its neighborhoods, and abutting properties. Often, retaining walls are used to create or expand usable open space on residential lots to accommodate parking areas, play areas, and other outdoor landscape features and uses (e.g., patios). The expansion of land through the use of large retaining walls can create unsightly structures along property lines, and these large structures can impact safety and the aesthetics of public spaces along streets, and create stormwater run-off issues. The proposed amendment provides for formal review of these potential impacts and modest setback requirements. The retaining wall provisions would be applicable to all districts and uses including residential, commercial, and institutional properties, including those below the already established thresholds for review under the Town's existing Site Plan Review approval by-law.

In summary, the proposed retaining wall regulations would allow retaining walls less than 4 feet in height and having a length not exceeding 40 percent of the lot's perimeter to proceed as-of-right; such shorter walls would be exempt from the building permit, design review and setback requirements of the underlying district. Taller walls greater than 4 feet in height would require an increased level of review depending on height and required setback from front, side and rear property lines.

The review process would begin with retaining walls over 4 feet in height, and as the walls increase in height so would the level of review. The review process requires retaining walls between 4 and 12 feet to acquire a building permit from the Town's Building Inspector prior to construction. Any of these retaining walls located within the setback area also require a special permit. This requirement is consistent with the State Building Code requirement for retaining walls over 4 feet in height. A special permit is also required for all retaining walls over 12 feet in height from the Zoning Board of Appeals, prior to the issuance of the building permit. As part of the special permit process the retaining walls will

be reviewed by the Design Review Board. The Board of Appeals and Design Review Board would assess the preservation and enhancement of landscaping, including how proposed retaining walls would be harmonious with the general appearance of neighboring properties through location, design, and proposed landscaping. The Board of Appeals and Design Review Board would also assess whether the height, scale, materials, textures, and colors of proposed retaining walls are harmonious with the terrain, use, scale and architecture of existing buildings (and hardscapes/landscapes) within their vicinity. A finding would further be required by the Board of Appeals stating that the requested retaining wall did not adversely impact adjacent property or the public.

In the setback areas terraced retaining walls that are 4 feet or less in height and are separated by a distance at least one times the height of the taller wall would be considered separate walls and would be exempt from review. Terraced retaining walls that are separated by a distance less than one times the height of the taller wall are considered as a single wall having a height equal to the sum total of the heights of each wall and would need to meet applicable provisions of the regulations. Allowance is provided for retaining walls located within the required setback area which provide access to a garage or egress doors at the basement level. In those circumstances the height of the retaining wall may graduate in height from 4 to 7 feet with the wall limited to 7 feet in height for not more than 25% of the wall's overall length.

A survey of the zoning by-laws of comparable communities to Needham indicates that most of these communities have by-laws restricting retaining walls. Usually these by-laws simply classify retaining walls in excess of 4 feet as structures, which requires all such walls to comply with building setback requirements. The Planning Board believes that in many cases retaining walls greater than 4 feet are justified to improve the use of property while not adversely affecting neighboring properties. As a result, the proposed by-law does not impose any absolute limitations but seeks to impose increasing levels of review as walls increase in height.

**ARTICLE 24: 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 for 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 fifteen (15) feet 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.

INSERTED BY: Planning Board

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

Article Information: Accessory structures, like sheds and detached garages, are allowed under the current Zoning By-Law to be within five feet of the side or rear property line in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional districts. With the proliferation of construction, the Building Commissioner and the Planning and Community Development Department have received numerous complaints about such accessory structures being built within five feet of a neighboring property even though they are two or two and a half stories tall. Allowing 35 foot structures to be constructed so close to the property line is not consistent with the spirit of the Zoning By-Law with regard to accessory structures and creates a massing not intended. The amendment would require any accessory structure over 15' in height to comply with the zoning district's rear and/or side setback requirements.

GENERAL ARTICLES / CITIZENS' PETITIONS / COMMITTEE ARTICLES

ARTICLE 25: 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: Recommendation to be Made at Town Meeting

Article Information: The above article was submitted by the petitioners in accordance with provisions provided by the Town's Charter Part 2, Section 12A.

ARTICLE 26: 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: No Position Taken

Article Information: This article would extend the Historic Demolition Delay By-law from the current six months to twelve months. The Board of Selectmen adopted a goal to work to preserve the traditional New England structures that are included in the Town's Inventory of Historic Places because they contribute to the architectural fabric of the community. The longer moratorium may provide developers seeking to demolish such assets with an incentive to preserve them instead. Only structures that are

included on the Town's Inventory of Historic Places are subject to the By-law, and inclusion on the inventory is voluntary. The article would also update the title of the Building "Commissioner" from the prior title of "Inspector."

ARTICLE 27: 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, mathematics, 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: Recommendation to be Made at Town Meeting

Article Information: For many years, the Future School Needs Committee - volunteers who have generously offered their time and expertise - has provided estimated student enrollment information to assist the School Committee, Town Boards, and Town Meeting to anticipate and understand the current and projected student population. Over time, the projections have typically provided good short-term enrollment information based on historical enrollment and census data. However, even a small variance between projected and actual enrollment can result in the development of a budget that provides for too many or too few classrooms in a given year. The recommended proposal would reconstitute the Future School Needs Committee so that its primary charge would be to review and make recommendations regarding professionally developed enrollment estimates, as opposed to the prior practice of developing the estimates itself. The proposal also ensures the involvement of the Town boards involved in the school capital planning process – the Board of Selectmen, the School Committee, and the Finance Committee – in the committee appointment process.

ARTICLE 28: **ACCEPT ACCESS EASEMENT – OAK AND CYPRESS**

To see if the Town will vote to authorize the Selectmen to accept a grant of back-up easement from Jorge L. Oslan, Manager, Oak Street LLC on a plan entitled “Definitive Plan of the Subdivision of Land in the Town of Needham, 66 Oak Street, Needham, Massachusetts,” prepared by Field Resources, Inc., 281 Chestnut Street, Needham, MA 02492, Lakeview Engineering Associates, Civil Engineers, P.O. Box 787, Hudson, Massachusetts, Sheet 1 of 5, Lotting Plan, dated August 15, 2011, revised August 30, 2011, November 29, 2011, December 21, 2011, December 11, 2013, March 31, 2014, December 30, 2014, April 6, 2015 and November 5, 2015 (for information only), on file with the Needham Planning Board; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Article Information: As a condition of approval of the Oak Street Subdivision, the Planning Board required that the Developer grant the Town and abutters a Back-Up Easement that is included in the roadway layout for Cypress Street. The Back-up Easement grants to the Town and abutters the right to use the back-up area for the purpose of turning vehicles around. Town Meeting approval of such easements is required in order for them to be effective.

ARTICLE 29: **TRANSFER OF PROPERTY FOR MUNICIPAL USE – GREENDALE AVENUE**

To see if the Town will vote to transfer the control of a parcel of land known as “Parcel 74” on Greendale Avenue (Assessors’ Map 57, Parcel 1), containing 11.7 acres more or less, from the Park and Recreation Commission to the Board of Selectmen for general municipal purposes in accordance with M.G.L. Chapter 40, Section 15A; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article Information: The Board of Selectmen, School Committee, and Park and Recreation have engaged in an evaluation of the primary jurisdictional authority of certain parcels of with the goal of ensuring the appropriate stewardship of all Town land. This article would transfer the primary jurisdiction of the property known as “Parcel 74” on Greendale Avenue from the Park and Recreation Commission to the Board of Selectmen for general municipal use. While no plans have been developed for the specific use of the parcel, it is evident that access to land for municipal operations will be needed in the future. Because this property was acquired as parkland, a home rule petition and Act of the Legislature will be required to finalize this transfer. A formal survey of the area is underway and a more specific legal description will be presented as an amendment to the article.

ARTICLE 30: **TRANSFER OF PROPERTY FOR MUNICIPAL USE – HILLSIDE SCHOOL, DALEY BUILDING & NIKE SITE**

To see if the Town will vote to transfer the control of parcels known as 28 Glen Gary Road/Hillside School (Assessors Map 102, Parcel 1) consisting of 24 acres more or less; the Nike Site (Assessors Map 306, Parcel 11), consisting of 19.1 acres more or less; and the Daley Building Site (Assessors Map 70,

Parcel 29), consisting of 40,232 square feet more or less, from the School Committee to the Board of Selectmen for general municipal purposes in accordance with M.G.L. Chapter 40, Section 15A; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article Information: The Board of Selectmen, School Committee, and Park and Recreation have engaged in an evaluation of the primary jurisdictional authority of certain parcels of with the goal of ensuring the appropriate stewardship of all Town land. This article would transfer primary jurisdictional authority from the School Committee to the Board of Selectmen for the Hillside School and the Daley Building Site for general municipal use. The Board of Selectmen and School Committee intend to enter into a Memorandum of Understanding setting forth the terms of use of the Hillside School while it remains in active school use.

ARTICLE 31: TRANSFER OF PROPERTY FOR RECREATIONAL USE – GREENE’S FIELD & A PORTION OF DEFazio PARK

To see if the Town will vote to transfer the control of the parcel known as Greene’s Field (Assessors Map 50, Parcel 31.02), consisting of 2 acres more or less, and a portion of DeFazio Park (Assessors Map 302), consisting of 4.71 acres more or less beginning at a point on the southerly jurisdictional line of the Park & Recreation Commission, said point being 709.74’ distant from the easterly sideline of Dedham Avenue where an iron rod was set; thence running S45°15’46”E a distance of 518.63’; thence turning and running N07°06’51”E a distance of 299.99’; thence turning and running N12°37’43”E a distance of 195.50’; thence turning and running N17°28’38”E a distance of 468.62’ to an iron rod set on the southerly sideline of the MBTA right of way; thence turning and running along said MBTA right of way S80°12’28”W a distance of 52.25’ to an iron rod set on the southerly sideline of said MBTA right of way; thence turning and running S43°45’08”W along said southerly jurisdictional line of the Park & Recreation Commission a distance of 777.36’ to the point of beginning, from the Board of Selectmen to the Park and Recreation Commission for recreational use in accordance with M.G.L. Chapter 40, Section 15A; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article Information: The Board of Selectmen, School Committee, and Park and Recreation Commission have engaged in an evaluation of the primary jurisdictional authority of certain parcels of with the goal of ensuring the appropriate stewardship of all Town land. This article would transfer Greene’s Field and a portion of the DeFazio Field Complex from the Board of Selectmen to the Park and Recreation Commission for recreational use.

ARTICLE 32: TRANSFER OF PROPERTY FOR RECREATIONAL USE – A PORTION OF DEFazio PARK

To see if the Town will vote to transfer the control of and a portion of DeFazio Park (Assessors Map 302), consisting of 10.66- acres more or less, beginning at a point on the easterly sideline of Dedham Avenue at the intersection of the southerly sideline of the MBTA right of way where an iron rod was set;

thence running along said easterly sideline of Dedham Avenue S46°14'52"E a distance of 828.62' to an iron rod; thence turning and running N43°45'08"E along a jurisdictional line of the Park & Recreation Commission a distance of 1121.10' to a point on the southerly sideline of the MBTA right of way where an iron rod was set; thence turning and running along said MBTA right of way sideline S80°12'28"W a distance of 1394.52' to the point of beginning, from the School Committee to the Park and Recreation Commission for recreational purposes in accordance with M.G.L. Chapter 40, Section 15A; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article Information: The Board of Selectmen, School Committee, and Park and Recreation have engaged in an evaluation of the primary jurisdictional authority of certain parcels of with the goal of ensuring the appropriate stewardship of all Town land. This article would transfer a portion of DeFazio Field Complex from the School Committee to the Park and Recreation Commission for recreational use.

ARTICLE 33: TRANSFER OF PROPERTY FOR EDUCATIONAL USE – A PORTION OF DEFAZIO PARK & CENTRAL AVENUE ("OWEN'S FARM")

To see if the Town will vote to transfer the control of a portion of DeFazio Park (Assessors Map 302) consisting of 9 acres more or less, beginning at a point on the easterly sideline of Dedham Avenue where an iron rod was set adjacent to the entrance driveway to DeFazio Athletic Complex, said point being at the intersection of the southerly jurisdictional line of the Park & Recreation Commission and the easterly sideline of Dedham Avenue; thence running southerly along the sideline of Dedham Avenue S46°14'52"E a distance of 563.00'; thence turning and running N43°45'08"E a distance of 641.12'; thence turning and running N07°06'51"E a distance of 74.41'; thence turning and running N45°15'46"W a distance of 518.63'; thence turning and running S43°45'08"W along said southerly Park & Recreation Commission jurisdictional line a distance of 709.74' to the point of beginning, a portion of DeFazio Park (Assessors Map 302) consisting of 0.27 acres more or less, beginning at a point on the easterly lot line of the DeFazio Complex lot 15.90 feet south of the intersection of said easterly lot line of the DeFazio Complex lot and the southerly Town of Needham Lease Line to the Golf Course where an iron pipe was found; thence running S 07°06'51" W a distance of 72.81'; thence turning and running S 04°14'32" W a distance of 21.72'; thence turning and running S 53°28'31" W a distance of 339.16'; thence turning and running N 43°45'08" E a distance of 409.47' to the point of beginning, and the property known as Owen's Farm and adjacent parcels (Assessors Map 310 parcel 3, and Assessors Map 108 parcels 5, 6, 7, 9, 10, and 27) consisting of 10.31 acres more or less from the Board of Selectmen to the School Committee for educational purposes in accordance with M.G.L. Chapter 40, Section 15A ; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article Information: The Board of Selectmen, School Committee, and Park and Recreation have engaged in an evaluation of the primary jurisdictional authority of certain parcels of with the goal of ensuring the appropriate stewardship of all Town land. This article would transfer the parcel of land known as Owen's Farm and a portion of the DeFazio Park Complex from the Board of Selectmen to the School Committee for educational purposes. The Board of Selectmen, School Committee and Park and Recreation Commission intend to enter into a Memorandum of Understanding setting forth the terms of

use of the parking lot at DeFazio Park until such time as the area is needed for school construction.

**ARTICLE 34: HOME RULE PETITION – CHANGE IN USE OF PROPERTY ON
GREENDALE AVENUE UNDER ARTICLE 97**

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

AN ACT RELATIVE TO THE CHANGE FROM PARKLAND USE TO GENERAL MUNICIPAL USE OF A PORTION OF THE PROPERTY KNOWN AS “PARCEL 74” ON GREENDALE AVENUE IN THE TOWN OF NEEDHAM

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

SECTION 1. The Town of Needham is authorized to change the use the property known as “Parcel 74” on Greendale Avenue which portion is more fully described in the following section, from parkland use to general municipal use in accordance with the authority set forth in Article of Amendment 97 of the Constitution.

SECTION 2. The portions of the property hereby affected by the change in use are identified as follows: a parcel of land known as “Parcel 74” on Greendale Avenue (Assessors’ Map 57, Parcel 1), containing 11.7 acres more or less.

SECTION 3. This act shall become effective upon passage.

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article Information: Because this property was acquired as parkland, a home rule petition and Act of the Legislature will be required to finalize this transfer contemplated under Article 29. A formal survey of the area is underway and a more specific legal description will be presented as an amendment to the article.

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE 35: 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 Community Housing Reserve; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee

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

Article Information: This article would provide partial funding of the Town's Community Housing Specialist for the next three years, continuing the practice of using a combination of CPA funds and the General Fund to support the position. This position provides technical and administrative support related to affordable housing issues, supporting various Town boards and departments, coordinates with state agencies, and assists in the implementation of the Town's housing goals.

ARTICLE 36: APPROPRIATE FOR MEMORIAL FIELD DRAIN IMPROVEMENTS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$310,000 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: Recommendation to be Made at Town Meeting

Article Information: The design for this project was completed with a prior CPA funding authorization, with two possible phases of work detailed. This article would fund the first phase including construction of drainage improvements at Memorial Park, with the installation of a larger containment system at the base of the hill that will re-direct run-off to a system that will be built under the parking lot. The storm water will eventually discharge into the ground water. If funded, the work would begin during the second week of July, with installation and repair and overlay of the parking lot completed prior to the first day of school. Though the synthetic turf fields drain well, the current drainage system at the base of the hill isn't adequate for extreme storms, so the run-off crosses over the synthetic turf fields and settles into the natural grass diamond. Once the new system is in place, the park will be monitored to see if a second phase of work might be needed on the natural grass diamond to improve drainage. This funding request is only for phase one. Since the application was filed in December, DPW has continued to work with the designer to refine the scope of work, resulting in a reduction of the request for funding from \$490,500 to \$310,000.

ARTICLE 37: APPROPRIATE FOR TRAIL IMPROVEMENTS – STUDENT CONSERVATION ASSOCIATION

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: Recommendation to be Made at Town Meeting

Article Information: Funding under this article will allow the Conservation Department to invite the Massachusetts Student Conservation Association to Needham to make trail improvements over the next two summers at various locations, possibly including Ridge Hill Reservation, Farley Pond Conservation,

and Rosemary Lake trails. The funds will cover the fee for the group, in ten day project segments, plus materials needed for the projects. The Town will provide a location for the team to camp while working on the projects. With an appropriation from the CPA funds, this organization successfully completed several projects at Ridge Hill during the summer of 2015.

ARTICLE 38: APPROPRIATE TRANSFER TO CONSERVATION FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$25,000 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: Recommendation to be Made at Town Meeting

Article Information: The Conservation Commission requested that \$50,000 be transferred to the Conservation Fund. This fund was established in 1963, under MGL Ch. 40, Sec. 8C, to provide financial resources for the purchase of open space. CPA funds were previously transferred to the Conservation Fund in 2008 and 2009. After the CPC received input from various Town boards and held its public hearing, the Committee determined that \$25,000 would be the appropriate amount to transfer to the fund and that the Committee will consider future requests.

ARTICLE 39: 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 design, 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: Recommendation to be Made at Town Meeting

Article Information: This article would fund the design for removal of sediment in Rosemary Lake. The Town has been completing projects along Rosemary Brook, improving the quality of water that leads into Rosemary Lake. The next step is to remove the sediment from Rosemary Lake, which will lead to better water quality downstream, as Rosemary Brook continues through Needham Heights, eventually meeting the Wellesley water lands and then the Charles River.

ARTICLE 40: 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 and Permanent Public Building Committee, 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: Recommendation to be Made at Town Meeting

Article Information: This article will fund the second phase of the design of this project - finalizing the design documents and advancing the project through various permitting agencies. The concept is to build two smaller pools within the current pool, providing summer recreational swimming as well as a fitness/competitive pool. The building would be partially re-used, with an addition to meet the requirements for the outdoor pool, and to have year-round use on the new second floor for Park and Recreation programming space and offices for two Town departments, including Park and Recreation. Only the portions of the project related to outdoor recreation are eligible for CPA funding.

ARTICLE 41: 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

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: Recommendation to be Made at Town Meeting

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 42: RESCIND DEBT AUTHORIZATION

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:

Project	Town Meeting	Article	Authorized	Rescind
Senior Center	2011 STM November	14	8,051,808	\$11,758
Total				\$11,758

or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

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 43: APPROPRIATE FOR GENERAL FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate \$1,491,117 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that \$1,439,117 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 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	\$65,000	
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	

Group	Description	Recommended	Amendment
Community Services	Memorial Park Building & Grounds Feasibility Study	\$50,000	
General Fund/Multiple	Fleet Replacement Program	\$643,169	
		\$1,491,117	

INSERTED BY: Board of Selectmen

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

Article Information:

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 scope of the proposed \$65,000 feasibility study would be to: a) Investigate and understand the High School's current and anticipated educational program; b) Review and reconsider all existing design documentation that has been prepared and discussed over the last year to determine classroom needs, based on a 1,700 – 1,800 enrollment range; c) Consider alternatives for new, reconfigured and/or expanded classrooms, office and/or storage space within the building, as well as alternatives for building expansion to accommodate additional classrooms; d) Provide renovation/ construction phasing options over a two to five-year period; and e) Provide a cost-effective recommendation to the Permanent Public Building Committee and School Committee that address long-term classroom, office and/or storage space needs at NHS.

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.

FLEET REPLACEMENT 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

Unit/Division	Year	Replacement	Amount
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 44: 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: Recommendation to be Made at Town Meeting

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 45: APPROPRIATE FOR RTS ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$238,000 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 that \$215,927 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	

Group	Description	Recommended	Amendment
RTS	Stormwater Plan	\$50,000	
		\$238,000	

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

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 46: 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.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: **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 47: 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 be Adopted

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 48: APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$345,679 for Water Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that \$345,679 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 be Adopted

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 49: 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, and to meet this appropriation that \$994,496 be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article Information: The 2012 Annual Town Meeting approved the creation of an athletic facility stabilization fund to set aside capital funds for renovation and reconstruction of the Town's athletic facilities and associated structures, particularly at Memorial Park and DeFazio Park Field Complex. The replacement of the synthetic turf fields at Memorial Park and DeFazio Park Field Complex is estimated to be \$2.5 million in the 2020 timeframe, and \$344,496 of the recommended appropriation is intended for these fields: \$44,496 from the annual method of benchmarking to Park and Recreation administrative fee receipts, and \$300,000 from Free Cash. FY2017 represents the second in a five year plan to allocate \$300,000 per year to fully fund the synthetic turf replacement. The recommended appropriation also includes \$650,000 in support of the effort, begun in FY2016, for the renovation or reconstruction of the Memorial Park Building. Additional funds will be recommended over the next several years, as circumstances permit, and a feasibility study for the Memorial Park building is proposed under Article 43. The December 31, 2015 balance in the fund was \$1,973,058.

ARTICLE 50: APPROPRIATE TO DEBT SERVICE STABILIZATION FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$612,595 to the Debt Service Stabilization 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, 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: Recommendation to be Made at Town Meeting

Article Information: The November 2, 2015 Special Town Meeting approved the creation of a Debt Service Stabilization Fund (DSSF) to set aside funds to pay certain debt obligations. This fund is intended to be part of the Town's overall planning strategy for addressing capital facility needs. The fund provides added flexibility by smoothing out the impact of debt payments in years when the debt level is higher than is typically recommended. The fund would also be beneficial at times when interest rates are higher than expected. The plan for the fund is designed to ensure that the monies are not depleted in

a single year, and that the amount available for appropriation is known before the budget year begins. The FY2017 recommended funding is based on the amount of net revenue estimated from the Town's participation in the solar array/net metering program (\$362,595), and assumes a reallocation of the additional \$250,000 appropriated to the debt service budget in FY2016 for a total of \$612,595.

ARTICLE 51: 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: Recommendation to be Made at Town Meeting

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 52: 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



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

MEETING DATE: 4/13/2016

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

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



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

MEETING DATE: 4/13/2016

Agenda Item	2016 Annual Town Meeting Preparation – Zoning Amendments
Presenter(s)	Lee Newman, Director of Planning & Community Development Jeanne McKnight, Chair, Planning Board

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
	Ms. Newman and Ms. McKnight will provide the Board with a description of and rationale behind the zoning articles on the Annual Town Meeting Warrant.		
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	NO
3.	BACK UP INFORMATION ATTACHED	YES	NO
	a. 2016 Annual Town Meeting Warrant provided under separate cover. b. Draft May 9, 2016 Special Town Meeting Warrant provided under separate cover.		



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

MEETING DATE: 04/13/2016

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			

**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)	Kaitlyn Ferrini		
Event Manager Address	270 Bridge St., Needham, MA 02466		
Event Manager Phone Number	781-320-5391		
Organization Representing (if applicable)	Riverside Community Care		
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: <u>TAX EXEMPT LETTER</u>		
Name of Event	Spring Fling		
Date of Event	June 7, 2016		
License is for Sale of:			
☒ Wines & Malt Beverages Only — wine only ☐ All Alcoholic Beverages (for non-profit groups only)			
Requested Time for Liquor License	FROM:	TO:	
	6:00 pm	8 pm	
Are tickets being sold in advance for this event?	☒ YES	\$ 35 /per ticket	☐ NO
Is there an admission fee for this event?	☐ YES	\$ /per ticket	☒ NO
Are you using dues collected to purchase alcohol for this event?	☐ YES	☒ NO	
How many people are you expecting at this event?	125		
Name & address of event location. Please attach proof of permission to use this facility.			
Copley Motorcars, 37 Chestnut St., Needham, MA 02492			
Who will be serving the alcohol to your guests?			
Christopher Strange and Kathleen Connolly			
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).			
Christopher Strange and Kathleen Connolly — proof of training certificates attached.			
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.			
Guests will be served alcohol. Floor Plan attached			
☒ 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:	Kaitlyn Ferrini		Date: 3/21/16

Riverside Community Care

THE HELP YOU NEED CLOSE TO HOME

Riverside Community Care's Spring Fling

When: Tuesday, June 7, 2016
6:00 – 8:00 PM

Where: Copley Motorcars, Needham

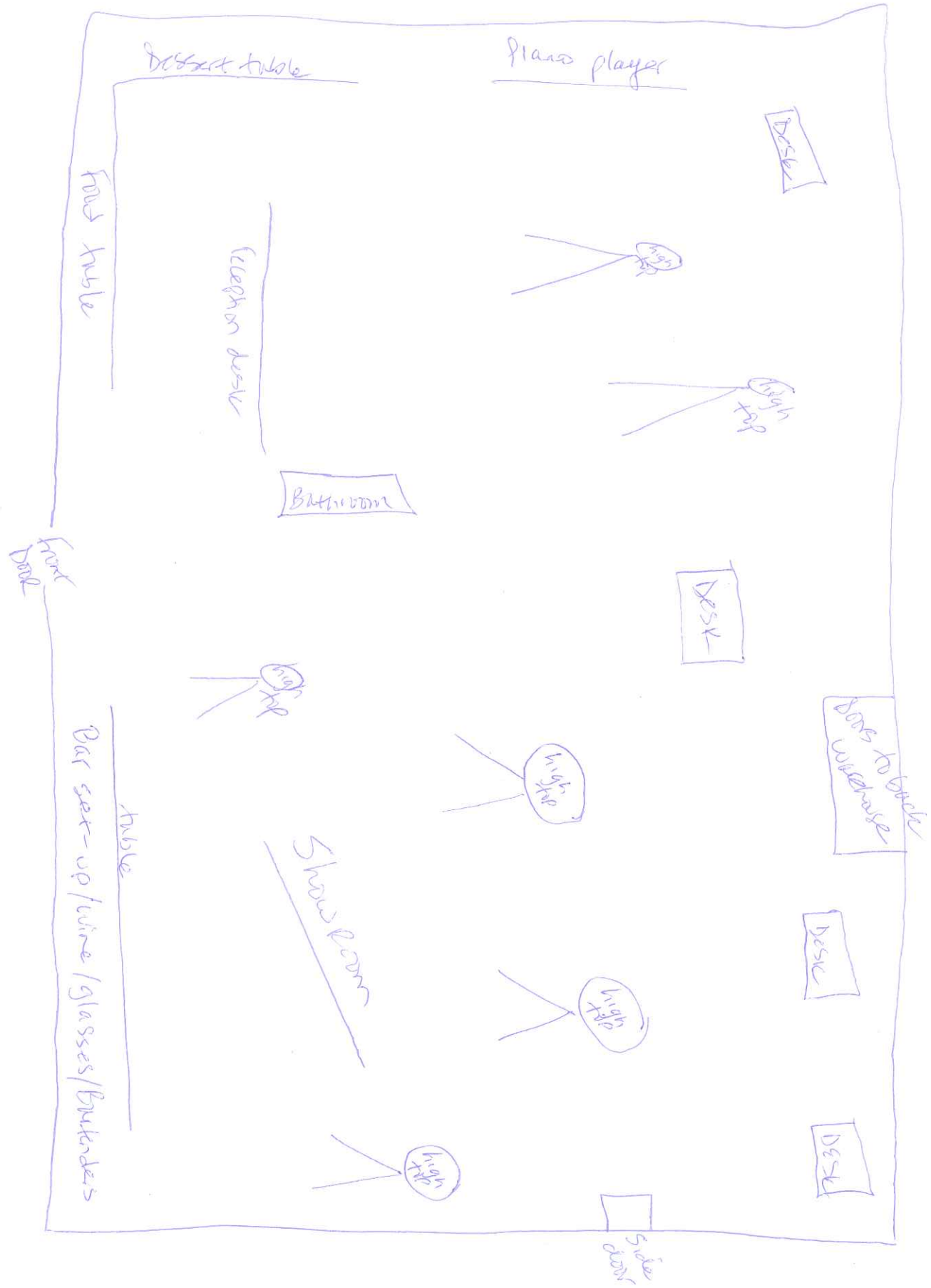
Admission: \$35 or suggested donation of \$100, \$75 or \$50

What: The Spring Fling is an opportunity for people in our community to learn more about Riverside and the services we offer. The event is a cocktail party, hosted by Copley Motorcars and catered by Bakers Best. We will also have a short program. The Spring Fling will bring together longtime supporters and new friends to hear firsthand how Riverside makes a difference in the lives of individuals, families, and communities.

For more information, contact Kaitlyn Ferrini at 781-320-5391 or kferrini@riversidecc.org.

Copkey motor cars - 37 crushed st, Needham

Riverside Community Care
Spring Fling - Reception 6/7/16





Town of Needham, Massachusetts Road Event Form

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:

Tour de Natick

Name of Organization:

Natick Rotary Charitable Corp

Has this event been conducted in other Towns in the past? ☒ YES ☐ NO

If yes, name of Town and date:

X
Natick/Dover/Needham/Sherborn

Has this event been held in Needham in the past? ☒ YES ☐ NO

If yes, are you repeating the same route as in prior year(s)? ☒ YES ☐ NO

Organization Mailing Address:

P.O. Box 16
Natick MA, 01760

☒ **Organization
is
Not-for-Profit**

Organization Billing Address (if Police Detail is required):

Primary Contact:

Marc Soloway

Contact Title:

Event Co-Chair

Contact Address:

P.O.Box 16, Natick, MA 01760

Contact Phone (Day):

Contact Phone (Cell):

508-688-4741

Contact Email:

soloway.marc@gmail.com

Event Date(s): Sunday June 19th, 2016 Father's Day	Date Expected to be in Needham: Same
Earliest Time Expected in Needham: 8:20 am	Latest Time Expected in Needham: 8:45
Number of Expected Participants: 40	Number of Expected Spectators at Peak Time: 0
Are participants charged a fee? ☒ YES ☐ NO	
Estimated Number of Vehicles: X None	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: 	
Are event organizers available to meet with members of the Town to plan event? ☒ YES ☐ NO	Do event organizers foresee the need for any road closures (subject to police review)? ☐ YES ☒ NO
What will be done in case of inclement weather? Rain or Shine Event	
Will neighborhoods be impacted by parking and traffic? No expected issues	
What activities are planned for the start of the race (if in Needham)? 	
What activities are planned for the end of the race (if in Needham)? 	

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

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

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

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

Planning on the use of stakes and placards to denote turns

Will volunteers be placed along the route?

As Needed

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?

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

Standard 911

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?

Are businesses open during the time of the event?

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

No

<i>Are there any churches/houses of worship located along the event route? Will church/house of worship services take place during the event?</i>	No
<i>What is the plan to handle trash?</i>	Expecting the participants to be courteous

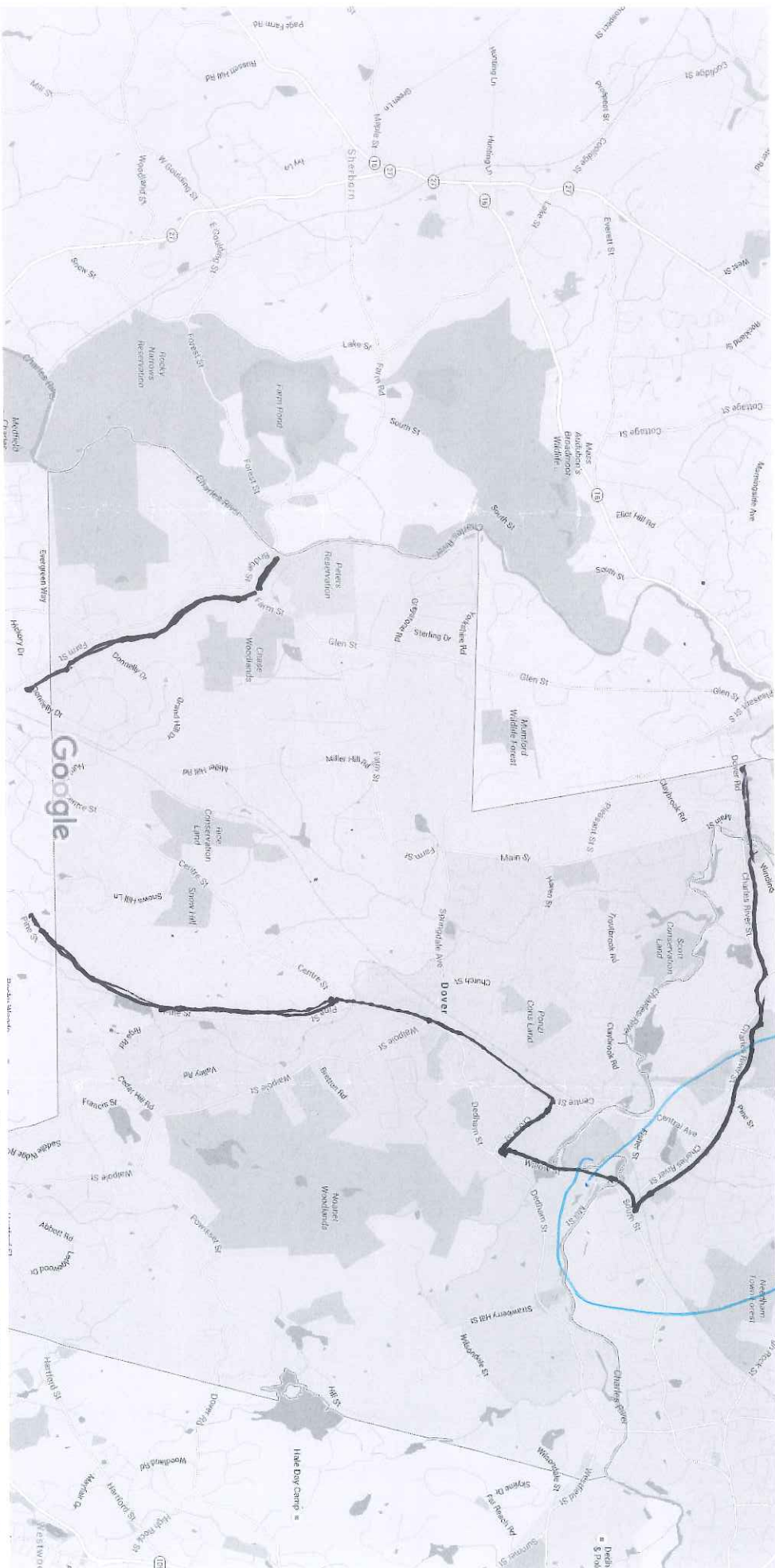
Please return the completed application and attachments to the Office of the Town Manager, Needham Town Hall, 1471 Highland Avenue, Needham, MA 02492:

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

PLEASE NOTE:

For Road Events scheduled more than 4 months out from application receipt date, a soft hold will be placed on the date, but final approval will not be granted until under the 4 month window. This is due to unforeseen conditions which may impact this event.

Google Maps Dover, MA



Need more

Map data ©2016 Google 2000 ft

emailed 3/10/16



Town of Needham, Massachusetts Road Event Form

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:

BiggSteps Sk

Name of Organization:

Sean D. Biggs Memorial Foundation

Has this event been conducted in other
Towns in the past? ☒ YES ☒ NO

If yes, name of Town and date:

Sister race in Kansas in Sept. of
2013, 2014, 2015

Has this event been held in Needham in
the past? ²⁰¹³
²⁰¹⁴ ☒ YES ☐ NO ²⁰¹⁵

If yes, are you repeating the same route as
in prior year(s)? ☒ YES ☐ NO

See Map
Attached

Organization Mailing Address:

99 Pond Ave #523 Brookline MA
02445

☒ Organization
is
Not-for-Profit

Organization Billing Address (if Police Detail is required):

Attn: Chris George

394 Cherry St Newton MA 02465

Primary Contact:

Chris George

Contact Title:

Race Director

Contact Address:

394 Cherry St
Newton MA 02465

Contact Phone (Day): -work

617-502-9619

Contact Phone (Cell):

339-227-0083

Contact Email:

Chris@biggsteps.org

Event Date(s): 11/13/16	Date Expected to be in Needham: 11/13/16
Earliest Time Expected in Needham: Set Up 7:00 am	Latest Time Expected in Needham: Site closed 12:00 pm (approx)
Number of Expected Participants: 300	Number of Expected Spectators at Peak Time: 50
Are participants charged a fee? ☒ YES ☐ NO	
Estimated Number of Vehicles: 75	What type of Parking is required: Broadmeadow School lot + Side Streets
Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked: School Parking lot and then signs and marshalls (with flags) will direct cars to Thornbury St., Tudor Road; Rockwood Lane - Parking on one side of street only; No Parking on Broadmeadow or Bird St.	
Are event organizers available to meet with members of the Town to plan event? ☒ YES ☐ NO	Do event organizers foresee the need for any road closures (subject to police review)? ☐ YES ☒ NO However, we will work with Police details and adhere to their recommendations.
What will be done in case of inclement weather? Cancellation or re-schedule to 11/20/16. This will only be cancelled if there is Thunder & Lightning.	
Will neighborhoods be impacted by parking and traffic? For approximately 45 minutes - 9:15 to 10 am. No complaints received in 3 years of hosting this event.	
What activities are planned for the start of the race (if in Needham)? Announcements + DJ (begins playing at about 8:30 am). Bouncy House (parking lot); Lawn games (parking lot) (Ladder Toss - cornhole)	
What activities are planned for the end of the race (if in Needham)? Awards Ceremony (parking lot), raffle/silent auction.	

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

Broadmeadow Elementary bathrooms + parking lot.

We will ask Principal Gaberman's permission to use cafeteria if it is raining or very cold (sub 35°F)

We hire a custodian from Broadmeadow to be on site.

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

Same.

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

Runners are expected to be off the road by 45 min after the begins.

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

We have custom signs. I will ask Lt. Forbes if we can borrow road cones again.

Will volunteers be placed along the route?

Yes at all turns, mile markers some intersections + high traffic areas.

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

Yes - DJ - noise kept low until 9:00am for neighbors

Will there be any food served? (contact Needham Health Dept: 781-455-7500 x262)

Bananas, bagels, coffee, water.

Will portable toilets be used? List locations.

Yes - end of parking lot - delivered Saturday evening, 16 hours before event. Removed the Sun. N. J. Elmwood + Gt. Plain - SEE MAP

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

Yes 1/2 way point Elmwood + Gt. Plain - SEE MAP

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

N/A.

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

- 1) Running lane created by cones on Gt. Plain Ave and Greendale Ave.
- 2) Course Marshalls.
- 3) Police Details
- 4) Beth Israel Nurses Set up Med Tent @ Start/Finish

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, but no businesses are on the route. I can only think of the Dunkin' Donuts at Gt. Plain + Broadmeadow Ave

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

No.

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

St. Sebs + Greendale Ave Worship Center.
To my knowledge - no services - but
traffic is not closed in either direction
so access to services will not be
interrupted

What is the plan to handle trash?

→ We use our own barrels and clean up after
ourselves.

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

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

→ To be provided
by USA Track & Field

No complaints
in 3 years.
we stay in
close contact
with custodian
and Principal
Gaherman about
this.

PLEASE NOTE:

For Road Events scheduled more than 4 months out from application receipt date, a soft
hold will be placed on the date, but final approval will not be granted until under the 4
month window. This is due to unforeseen conditions which may impact this event.

BIGGSTEPS 5K Race Route

Map showing the route for the BIGGSTEPS 5K Race. The route is a loop starting and finishing at Broadmeadow Elementary School. The route is marked with blue arrows for non-coned areas and black arrows for coned running lanes. Key locations include Broadmeadow Elementary School, Police Cruisers, Course Marshalls, and a water station at the 1/2 way point. The route is marked with blue arrows for non-coned areas and black arrows for coned running lanes. A key explains the arrow types and the route path.

Key—
 Black Arrows = Coned Running Lane
 Blue Arrows = Non-Coned.
 Route goes from the school down Broadmeadow to Greendale, to Gt. Plain, up Broadmeadow, to Bird, to Greendale and up Broadmeadow Road to the School. Start and Finish line are same in the parking lot.

Black Arrows = Coned Running Lane
Blue Arrows = Non-Coned.
Route goes from the school down Broadmeadow to Greendale, to Gt. Plain, up Broadmeadow, to Bird, to Greendale and up Broadmeadow Road to the School. Start and Finish line are same in the parking lot.

Course
Marshall

ONE MILE RUN
Start/Finish in Lot
Greendale is
Coned Off

Course
Marshall

POLICE



Broadmeadow
Elementary School

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

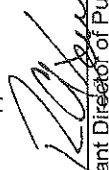
WHEREAS the appropriate divisions of the Department of Public Works have submitted to you the following commitment(s) on the dates listed below for the collection of water, sewer revenue and

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:	-\$491.73
Water Irrigation:	\$0.00
Water Admin Fees	\$0.00
Sewer Sales:	-\$619.71
Transfer Station Charges:	\$0.00
Total Abatement:	-\$1,111.44

Order #: 1215

Read and Approved:


Assistant Director of Public Works

For the Board of Selectmen

Date: 4/13/16



Director of Public Works

**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
DB	Tzouros	Sandra	28525	9140	66	Spring Road	\$0.00	-\$403.86	-\$501.72	-\$905.58	ACC	N
DB	Kirk	Timothy & Raphaelle	24467	6594	58	Warren Street	\$0.00	-\$59.40	-\$69.00	-\$128.40	ACC	N
DB	Forde	Patrick	10749	3702	66	Washington Avenue	\$0.00	-\$28.47	-\$48.99	-\$77.46	ACC	N
Total:										-\$1,111.44		

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

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)	Robert T. Timmerman II
Event Manager Address	1211 Highland Avenue Needham MA 02492
Event Manager Phone Number	office 781-449-1492 cell 781-589-4227
Organization Representing (if applicable)	Father Daniel J. Kennedy- Needham Knights of Columbus
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	Take Delaney to the Beach Trivia Night
Date of Event	Friday, April 22, 2016
License is for Sale of: ☒ Wines & Malt Beverages Only ☐ All Alcoholic Beverages (for non-profit groups only)	
Requested Time for Liquor License FROM: 6:30 PM TO: 11:00 PM	
Are tickets being sold in advance for this event? ☒ YES \$ 25.00/per ticket ☐ NO	
Is there an admission fee for this event? ☒ YES \$ 25.00 /per ticket ☐ NO	
Are you using dues collected to purchase alcohol for this event? ☐ YES ☒ NO	
How many people are you expecting at this event? 75-100	
Name & address of event location. Please attach proof of permission to use this facility. Father Daniel J. Kennedy-Needham Knights of Columbus 1211 Highland Avenue Needham MA 02492	
Who will be serving the alcohol to your guests? Paid certified Bartender	
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). Matthew Ching	
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan. Guests will purchase beverages from certified bartender at temporary bar	
☒ 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: 4/8/16