

NEEDHAM PLANNING BOARD

Tuesday April 19, 2022

7:15 p.m.

Virtual Meeting using Zoom

Meeting ID: **826-5899-3198**

(Instructions for accessing below)

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **826-5899-3198**

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Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **826-5899-3198**

Direct Link to meeting: <https://us02web.zoom.us/j/82658993198>

1. Public hearings:

7:20 p.m. Amendment to Major Project Site Plan Review No. 2018-05: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner, (Property located at 28 Glen Gary Road, Needham, Massachusetts). Regarding request to remove Condition 3.2 of the exiting decision, which would then allow the temporary move of the Needham Public Schools (“NPS”) administrative staff.

7:45 p.m. Amendment to Major Project Site Plan Review No. 2008-08: The Learning Tree Preschool, Inc., 225 Highland Avenue, Needham, Massachusetts, Petitioner, (Property located at 225 Highland Avenue, Needham, Massachusetts). Regarding request to expand its current operation at this location to include the abutting former UBreakiFix tenant space

2. Recommendation on Street Acceptance – Hutter Ridge Road.

3. Board of Appeals – April 28, 2022.

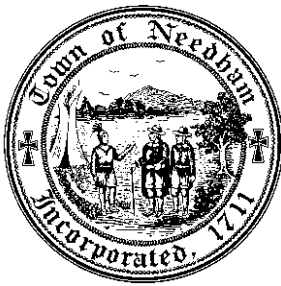
4. Minutes.

5. Finalize Summer schedule.

6. Report from Planning Director and Board members.

7. Correspondence.

(Items for which a specific time has not been assigned may be taken out of order.)



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S.11; the Needham Zoning By-Laws, Sections 7.4, and Special Permit 2018-05, Section 4.2, the Needham Planning Board will hold a public hearing on Tuesday, April 19, 2022 at 7:20 p.m. by Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of the Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, for a Special Permit under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 28 Glen Gary Road, Needham, Massachusetts, shown on Assessor's Map No. 102 as Parcel 1 containing 24.6 acres in the General Residence District. The requested Site Plan Special Permit would, if granted, permit the modification to the June 29, 2021 Amendment Decision to remove Condition 3.2, which states "There shall be no use of the parking lot for municipal purposes, except as needed for drop off and pick up of possible storage in the building. There shall be no municipal overnight parking." The Petitioner is proposing to temporarily move the Needham Public Schools ("NPS") administrative staff from their current workspace in the Emery Grover Building (1330 Highland Avenue) into the Hillside Elementary School building while Emery Grover undergoes renovation. NPS's temporary occupancy of the Hillside Elementary School does not involve any significant exterior changes or additions to the existing school building, and it does not involve any significant changes to the site as depicted on the as-built restoration plan. This temporary occupancy of the Hillside Elementary School by NPS does not require site plan approval under Section 7.4 of the Zoning Bylaw. However, Condition 3.2 of the Amendment Decision is proposed to be deleted so that the existing parking spaces at the Property may be used in connection with NPS administrative staff's temporary occupancy of the Hillside Elementary School building.

In accordance with the Zoning By-Law, Section 7.4, a Site Plan Special Permit Amendment is required.

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US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or
+1 253 215 8782 Then enter ID: **826-5899-3198****

Direct Link to meeting: <https://us02web.zoom.us/j/82658993198>

The application may be viewed at this link:

<https://www.needhamma.gov/Archive.aspx?AMID=146&Type=&ADID=> . Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at (<http://masspublicnotices.org/>).

NEEDHAM PLANNING BOARD

Needham Times, March 31, 2022 and April 7, 2022.

**TOWN OF NEEDHAM
MASSACHUSETTS**

2022 MAR 24 PM 4:57



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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.

Location of Property 28 Glen Gary Road
Applicant Town of Needham Select Board
Applicant's Address 1471 Highland Avenue
Phone Number (781) 455-7500

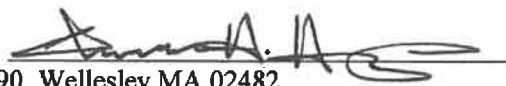
Applicant is: Owner _____ Tenant _____
Agent/Attorney X Purchaser _____

Property Owner's Name Town of Needham
Property Owner's Address 1471 Highland Avenue, Needham MA 02492
Telephone Number (781) 455-7500

Characteristics of Property: Lot Area 24.6 acres Present Use Temporary Police & Fire
Map #102 Parcel #1 Zoning District GR

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:

The Applicant seeks an amendment of the Amendment to Decision dated June 29, 2021 to Major Project Site Plan Special Permit No. 2018-05, which authorized the construction and operation of a temporary headquarters for the Police and Fire Departments at 28 Glen Gary Road, to delete Condition 3.2.

Signature of Applicant (or representative) 
Address if not applicant 40 Grove Street Suite 190, Wellesley MA 02482
Telephone # (617) 804-2422
Owner's permission if other than applicant _____

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board Michael [unclear] Date 3/18/22
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____

Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

NOTE: Reports on Minor Projects must be issues within 35 days of filing date.



J. Raymond Miyares Thomas J. Harrington Christopher H. Heep Donna M. Brewer Jennie M. Merrill
Bryan Bertram Ivria Glass Fried Alexandra B. Rubin Ethan B. Dively Maurica D. Miller Rian Rossetti

March 18, 2022

BY EMAIL (lnewman@needhamma.gov)

Lee Newman, Director of Planning and Community Development
Town of Needham
Public Services Administration Building
500 Dedham Avenue
Needham MA 02492

**Re: Request to Amend—Amendment to Decision dated June 29, 2021 for
Major Project Site Plan Special Permit No. 2018-05
Temporary Facility for Police and Fire Departments—28 Glen Gary Road**

Dear Lee:

The Town of Needham Select Board (the “Applicant”) respectfully requests that the Planning Board amend the Amendment to Decision of Major Project Site Plan Special Permit No. 2018-05 dated June 29, 2021 to remove Condition 3.2. The underlying MPSP 2018-05 authorized the construction and operation of the Temporary Facility for Needham Police and Fire Departments at 28 Glen Gary Road, the site of the former Hillside Elementary School (the “Property”). The Police and Fire Departments’ temporary headquarters required Major Project Site Plan approval from the Planning Board because it included construction of a new modular structure containing 9,259 square feet of floor area. The underlying MPSP decision required the Applicant to return the Property to its prior condition at the conclusion of the Police and Fire Departments’ temporary use, and the Amendment Decision dated June 29, 2021 approved a change to the restoration plan that the Applicant was required to follow once that temporary use concluded.

In particular, Condition 3.1 of the Amendment Decision states as follows:

- 3.1 The Petitioner shall return the site to the conditions shown on the plan submitted with the application (“Site Layout & Materials Plan” on the plan entitled Hillside Site Plans Post-Use, Sheet LT1.02 and “Post Development Site Grading Plan” on the plan entitled Hillside Site Plans Post Use, Sheet LT2.01, both as further detailed in in Exhibit 2C), when the Police and Fire Department conclude their temporary use of the site. The restoration shall be completed within 6 months of the date the Police and Fire Departments

vacate the property with an as-built plan showing the restored condition submitted to the Board for review and approval. Additionally, within 6 months of the date the Police and Fire Departments vacate the property, the Petitioner will return to the Planning Board to describe any new reuse or redevelopment opportunities anticipated at the site, so that the Board can, at that time, determine whether the fence shall remain or be taken down.

The Police and Fire Departments' temporary use of the Property has now concluded. The Applicant has removed all temporary structures constructed pursuant to MPSP 2018-05 and otherwise restored the Property to its prior condition as required by the Amendment Decision. In addition, the Applicant removed all of the construction fencing referred to in Condition 3.1 from the Property on March 16, 2022. The Applicant has prepared an existing conditions plan, and is presently waiting for warmer weather to finish the striping and to receive a stamped original as-built plan from the surveyor. The Applicant will file the stamped as-built with the Planning Board upon receipt, and before any public hearing on this new request.

The Applicant is now planning to temporarily move the Needham Public Schools ("NPS") administrative staff from their current workspace in the Emery Grover Building (1330 Highland Avenue) into the Hillside Elementary School building while Emery Grover undergoes renovation. NPS's temporary occupancy of the Hillside Elementary School does not involve any significant exterior changes or additions to the existing school building, and it does not involve any significant changes to the site as depicted on the as-built restoration plan. In particular, NPS will not require any changes or additions to the existing parking layout: There are typically 55 NPS staff based at the Emery Grover Building, and there are 115 existing striped parking spaces at the Property now that the Applicant has restored it to the prior condition in accordance with the restoration plan.

This temporary occupancy of the Hillside Elementary School by NPS does not require site plan approval under Section 7.4 of the Zoning Bylaw.¹ However, Condition 3.2 of the Amendment Decision states as follows:

- 3.2 There shall be no use of the parking lot for municipal purposes, except as needed for drop off and pick up of possible storage in the building. There shall be no municipal overnight parking.

¹ NPS's use is not a Major Project because it does not involve the construction of 10,000 or more square feet of gross floor area, an increase in gross floor area by 5,000 or more square feet, or the creation of 25 or more new off-street parking spaces. It is not a Minor Project because it does not involve the construction of more than 5,000 but less than 10,000 square feet of gross floor area, or an increase in gross floor area such that the total gross floor area, after the increase, is 5,000 or more square feet.

Lee Newman
March 18, 2022
Page 3 of 3

NPS will of course need to use the existing parking spaces at the Property in connection with its temporary occupancy of the Hillside Elementary School building. Accordingly, given that the temporary Police and Fire Department headquarters permitted in MPSP 2018-05 has been removed, and the Property has been returned to its prior condition as required by Condition 3.1 of the Amendment Decision, the Applicant hereby requests that the Planning Board delete Condition 3.2.

Thank you very much for your consideration of this request, and please let me know if I can provide any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher H. Heep", with a stylized flourish at the end.

Christopher H. Heep

cc: K. Fitzpatrick
H. Haff

From: [Dennis Condon](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - 28 Glen Gary (old Hillside school site) Amendment
Date: Monday, March 28, 2022 9:32:05 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Alex,
The Fire dept. is okay with his change.

Thanks,
Dennis

Dennis Condon
Chief of Department
Needham Fire Department
Town of Needham
(W) 781-455-7580
(C) 508-813-5107
Dcondon@needhamma.gov



Follow on Twitter: Chief Condon@NeedhamFire



Watch Needham Fire Related Videos on YouTube @ Chief Condon



From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, March 25, 2022 12:49 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: Request for comment - 28 Glen Gary (old Hillside school site) Amendment

Dear all,

We have received the attached application materials for a proposal for an amendment to the existing permit at 28 Glen Gary Rd. More information can be found in the attachments.

The Planning Board has scheduled this matter for April 19, 2022. Please send your comments by Wednesday April 13, 2022 at the latest.

The documents attached for your review are as follows:

1. Application submitted by The Town of Needham.
2. Letter from Attorney Chris Heep, dated March 18, 2022.

Thank you, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov

From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Subject: RE: Public Health Division comments - RE: 28 Glen Gary (old Hillside school site) Amendment
Date: Wednesday, April 13, 2022 12:04:06 PM
Attachments: [image002.png](#)
[image003.png](#)

Alex-

Just getting back to you on your request for Public Health Division's comments for the Amendment to the project located at 28 Glen Gary (old Hillside School.) The Public Health Division has no comments to share at this time.

Please let me know if you need any additional information from us on that.

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health



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[Follow Needham Public Health on Twitter!](#)

From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, March 25, 2022 12:49 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig

<clustig@needhamma.gov>

Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>

Subject: Request for comment - 28 Glen Gary (old Hillside school site) Amendment

Dear all,

We have received the attached application materials for a proposal for an amendment to the existing permit at 28 Glen Gary Rd. More information can be found in the attachments.

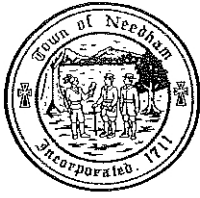
The Planning Board has scheduled this matter for April 19, 2022. Please send your comments by Wednesday April 13, 2022 at the latest.

The documents attached for your review are as follows:

1. Application submitted by The Town of Needham.
2. Letter from Attorney Chris Heep, dated March 18, 2022.

Thank you, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

April 14, 2022

Needham Planning Board
Needham Public Service Administration Building
Needham, MA 02492

RE: Major Project Site Plan Special Permit Amendment No. 2018-05
28 Glen Gary Road-Temporary Police and Fire Head Quarters at Hillside
Request for revised Decision section 3.2

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced request for Amendment to a Major Project Special Permit to change the requirement in section 3.2 prohibiting uses for municipal parking.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The documents submitted for review are as follows:

1. Application submitted by The Town of Needham.
2. Letter from Attorney Chris Heep, dated March 18, 2022.
3. Site Plan by Waterman Design dated 4/12/22

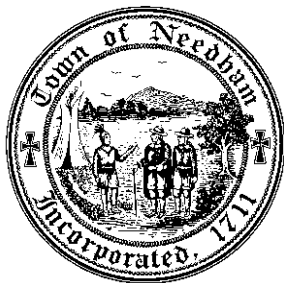
Our comments and recommendations are as follows:

- We have no comment or objection to proposed amendment

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas Ryder
Town Engineer



PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

LEGAL NOTICE
Planning Board
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, S.11; the Needham Zoning By-Laws, Section 7.4, 3.2.5.2(c), 5.1.1.5 and 5.1.2; and Special Permit No. 2008-08, Section 4.2, the Needham Planning Board will hold a public hearing on Tuesday, April 19, 2022 at 7:45 p.m. by Zoom Web ID Number 826-5899-3198 (further instructions for accessing are below), regarding the application of The Learning Tree Preschool, Inc., 225 Highland Avenue, Needham, Massachusetts, for a Special Permit Amendment under Site Plan Review, Section 7.4 of the Needham Zoning By-Law.

The subject property is located at 225 Highland Avenue, Needham, MA, located in the Highland-Commercial-128 District. The property is shown on Assessors Plan No. 74 as Parcels 36 and 37 containing a total of 15,798 square feet. The requested Major Project Site Plan Special Permit Amendment, would, if granted, permit the Petitioner to expand its current operation at this location to include the abutting former UBreakiFix tenant space. The expected maximum enrollment for the expansion is 19 children with two teachers. After the expansion, the total enrollment for Learning Tree will be 42 children with 7 teachers.

In accordance with the Zoning By-Law, Section 7.4 and Special Permit No. 2008-08, Section 4.2, a Site Plan Special Permit amendment is required, for the Board retains jurisdiction to (after hearing) modify and/or amend the conditions to, or otherwise modify, amend or supplement, this decision and to take other action necessary to determine and ensure compliance with the decision. In accordance with the Zoning By-Law, Section 3.2.5.2(c), a Special Permit is required for a private school, nursery or kindergarten not otherwise classified under Section 3.2.5.1. In accordance with the Zoning By-Law, Section 5.1.1.5, a Special Permit is required to further waive strict adherence with the off-street parking requirements of Section 5.1.2.

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Direct Link to meeting: <https://us02web.zoom.us/j/82658993198>

The application may be viewed at this link:

<https://www.needhamma.gov/Archive.aspx?AMID=146&Type=&ADID=> . Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association’s (MNPA) website at (<http://masspublicnotices.org/>).

NEEDHAM PLANNING BOARD

Needham Times, March 31, 2022 and April 7, 2022.

TOWN OF NEEDHAM
MASSACHUSETTS

2022 MAR 17 PM 4:50



Room 20, Town Hall
Needham, MA 02492
781-455-7526

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one)

Major Project

Minor Project

This application must be completed, signed, and submitted with the filing fee by the applicant or his representative in accordance with the Planning Board's Rules as adopted under its jurisdiction as a Special Permit Granting Authority. Section 7.4 of the By-Laws.

Location of Property 225 Highland Avenue, Needham, MA
Name of Applicant The Learning Tree Preschool, Inc.
Applicant's Address 1858 Centre Street, West Roxbury, MA 02132
Phone Number _____

Applicant is: Owner _____ Tenant X
Agent/Attorney _____ Purchaser _____

Property Owner's Name V.S.A., LLC
Property Owner's Address 180 Country Way, Needham, MA 02492
Telephone Number 617-653-9442

Characteristics of Property: Lot Area 15,978 Present Use Mixed
Map # 74 Parcel # 36 Zoning District HC-128
& 37

Description of Project for Site Plan Review under Section 7.4 of the Zoning By-Law:

Renovation and conversion of approximately 779 square feet of existing first floor commercial space, in an existing commercial building, for day care purposes in connection with the proposed expansion of the Learning Tree Preschool, as further described in the materials submitted herewith.

Signature of Applicant (or representative) The Learning Tree Preschool, Inc.
Address if not applicant Maura Dinnegan
Telephone # 6177555544 By Maura Dinnegan, Pres.
Owner's permission if other than applicant See Authorization Letter Provided Herewith

SUMMARY OF PLANNING BOARD ACTION

Received by Planning Board _____ Date _____
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____

NOTE: Reports on Minor Projects must be issued within 35 days of filing date.

ADDENDUM A
TO
APPLICATION FOR SITE PLAN REVIEW
OF

The Learning Tree Preschool, Inc.
225 Highland Avenue
Needham, Massachusetts

The following relief is or may be required, and is hereby requested:

1. Pursuant to Paragraph 3.2 of the original Decision, as amended, further Major Project Site Plan Review is required.
2. In addition, the following relief is, or may be required:
 - a. To the extent applicable and required, a Special Permit pursuant to Section 3.2.5.2 for a private school, nursery, or kindergarten not otherwise classified under Section 3.2.5.1;
 - b. A Special Permit pursuant to Section 5.1.1.5 further waving strict adherence with the off-street parking requirements of Section 5.1.2 of the Zoning By-law;
 - d. Waiver of strict compliance with the requirements of Section 7.4.4, as applicable; and
 - e. Any and all additional relief required or appropriate for the use and occupation of an additional portion of the existing building by Learning Tree Preschool.
3. The Applicant requests that any and all relief granted by the Board in connection with the within application shall run with the land and that the movement of interior walls and interior fixtures not require further review, provided the total useable square footage remains fixed.

V.S.A., LLC
180 Country Way
Needham, MA 02492

2022 MAR 17 PM 4:50

March 7, 2022

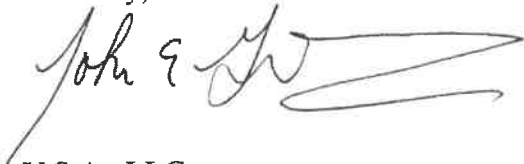
Lee Newman
Planning Director
Town of Needham
Planning Board
Town Hall
Needham, Massachusetts 02492

Re: Site Plan Amendment Application
The Learning Tree Preschool, Inc.
225 Highland, Needham, MA

Dear Mrs. Newman,

Please accept this letter as confirmation that The Learning Tree Preschool, Inc., acting on its own or through its counsel, George Giunta, Jr., Esquire, is authorized to make application for Site Plan Amendment and any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with the expansion of the existing Learning Tree location into the adjacent commercial space at 225 Highland Avenue. In connection therewith, Learning Tree and Attorney Giunta are hereby authorized, to execute, sign, deliver and receive all necessary documentation related thereto, including, without limitation, Application for Site Plan Review.

Sincerely,



V.S.A., LLC

George Giunta, Jr.
ATTORNEY AT LAW*
281 Chestnut Street
Needham, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 449-8475

March 8, 2022

Lee Newman
Planning Director
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Re: Major Project Site Plan
Amendment – Learning Tree Preschool
The Learning Tree Preschool, Inc.
225 Highland Avenue, Needham, MA

Dear Lee,

Please be advised that this office represents The Learning Tree Preschool, Inc. (hereinafter, and in the materials submitted herewith, “Learning Tree”) relative to the proposed renovation and redevelopment of approximately 773 square feet of existing first floor commercial space within the building known and numbered 225 Highland Avenue (the “Premises”). In connection therewith, submitted herewith pursuant to M.G.L. Chapter 40A and the Town of Needham Zoning By-Law (the “By-Law”), please find the following materials. Same are submitted both electronically and in paper format.

1. Completed Application for further Site Plan Review with Addendum A;
2. Eight 11 x 17 size copies of plans titled “Proposed The Learning Tree Preschool, Inc., 225 Highland Avenue, Needham, MA”, consisting of one sheet, as follows: Sheet A1.0, titled “First Floor Plan”, dated March 3, 2022;
3. Eight 11 x 17 size copies of plan titled “Existing Conditions Site Plan, 225 Highland Avenue, Needham, Mass”, prepared by Field Resources, Inc., Land Surveyors, dated January 8, 2017, revised November 4, 2020, November 12, 2021 and February 14, 2022, consisting of one sheet.
3. Authorization Letter of V.S.A., LLC, dated March 7, 2022; and
4. Check No. 1076 in the amount of \$1,000 for the requisite filing fee.

The Premises is located within an existing building in the Highland Commercial – 128 Zoning District, at the corner of Highland Avenue and Wexford Street. The property on which the building is located is identified as Parcels 36 and 37 on Town of Needham Assessor's Map No. 74 and contains approximately 15,798 square feet of land area. The Building was constructed pursuant to Major Project Site Plan Special Permit, dated November 12, 2008 as affected by Amendment dated August 11, 2009 (reducing the size of the basement space) and Amendment dated January 4, 2011 (authorizing several de minimis changes to the site layout). The Premises has also been the subject of several different Amendments relating to various uses within the building.

The Premises is the middle of three existing bays on the first floor of the Building and consists of approximately 779 square feet of floor space. It was last used UBreakiFix, a mobile phone and electronics repair shop and retail store. The remainder of the first floor is currently occupied by (1) The Learning Tree Preschool, pursuant to Amendment dated July 1, 2020, consisting of approximately 1,109 square feet, (2) Snip-Its, a children's hair salon, consisting of approximately 1,134 square feet of floor space, and (3) common areas, including two shared bathrooms. The entire second floor of the building is occupied by Gardner Mattress, a retail mattress store.

VSA proposes to lease the Premises to Learning Tree Preschool, a fully licensed preschool and group daycare center established in 1997. Learning Tree currently operates three facilities serving children from 15 months through 6 years of age; in Allston, West Roxbury and Needham, next door to the Premises. In essence, Learning Tree would like to expand its operation to include the former UBreakiFix space.

Learning Tree offer two programs: one for toddlers (15 months – 3 years) and the other for preschool age children (3-6 years). The toddler program includes a balance of child-initiated and teacher-directed activities featuring a variety of hands-on experiences and play. These activities keep the toddlers actively engaged and continuously learning more about themselves and the world around them and further helps to foster a desire for independence and an understanding of compassion.

The preschool program features child centered, play based exploration, aimed to inspire investigation and build basic skills in all areas of learning in preparation for kindergarten. In this program, the children are encouraged to express their ideas, opinions and thoughts through interactive dialogue with teachers and peers.

The facility is expected to operate from 7:30 AM to 5:30 PM, five days per week, with an anticipated maximum of five teachers / educators on site at all times. The expected maximum enrollment for the expansion is 19 children with two teachers. After the expansion, the total enrollment for Learning Tree will be 42 children with 7 teachers.

Analysis

I. Use

Pursuant to Section 3.2.5.1(a), uses exempt from local zoning control pursuant to M.G.L. Chapter 40A, Sec. 3 are permitted as of right.¹ Whereas the definition of childcare centers in c.40A and c.15D includes daycare activities such as Learning Tree, same is exempt and therefore allowed by right pursuant to Section 3.2.5.1(a) of the By-Law. Whereas the Board previously agreed with this view in connection with the July 1, 2020 Amendment referenced above, same should apply in this instance as well.

II. Parking

Section 5.1.2 of the Bylaw (Required Parking) does not include a category for childcare, daycare or the like. As a result, Learning Tree hereby requests that the Planning Board make a determination as to required parking, consistent with the Board's previous precedent for other daycare facilities.² That standard imposes a parking requirement of one space for every five students, plus employee parking (defined as the maximum number of staff on duty at any one time), if enrollment is both known and less than 45 children.

Applying such standard to the proposed use of the Premises, the required parking will be 10 spaces, calculated as follows:

19 expected children $\div 5 = 3.8$ spaces
2 maximum staff = 2 spaces
 $3.8 + 2 = 5.8 = 6$ (rounded up) = 6 total spaces required

The foregoing calculation is just for the Premises. Calculating the total parking demand for the entire Learning Tree operation results in a parking demand of 16 spaces, as follows:

42 expected children $\div 5 = 8.4$ spaces
7 maximum staff = 7 spaces
 $8.4 + 7 = 15.4 = 16$ (rounded up) = 16 total spaces required

The prior parking demand for the building was 39 total spaces.³ With the inclusion of the Learning Tree expansion, and taking into account the current retail use of the second floor, the total parking for the building is now 38 spaces, calculated as follows:

¹ M.G.L. c.40A, Sec. 3 specifically exempts child care centers which are further defined in M.G.L. c.15D Sec.1A as "facilities operated on a regular basis whether known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under 7 years of age . . . for nonresidential custody and care during part or all of the day separate from their parents".

² The Board's previous precedent was based on the ITE Journal of July 1994 entitled "Parking and Trip Generation Characteristics for Day-Care Facilities".

³ Prior total building demand was calculated as follows: Basement: 1,294 square feet @ 1 per 850 square feet (warehouse) = 1.52 spaces; First Floor: 2,766 square feet @ 1 per 300 square feet (retail or consumer service) = 9.22 spaces and 1,109 square feet of Learning Tree @ 10 total spaces = 10 spaces (First Floor total 19.22); Second Floor: 3,875 square feet @ 1 space per the maximum capacity of patrons, plus 1 space per the largest working staff = 18 spaces, totaling 38.74, or 39 spaces, rounded up.

Basement: 1,294 square feet @ 1 per 850 square feet (warehouse) = 1.52 spaces = 2 spaces rounded up

First Floor: 1,993 square feet @ 1 per 300 square feet (retail or consumer service) = 6.64, 7 spaces rounded up, and 1,882 square feet of Learning Tree @ 15.4 total spaces, 16 spaces rounded up (First Floor total: 7 + 16 = 23 spaces)

Second Floor: 3,875 square feet @ 1 per 300 = 12.91 spaces, rounded up = 13 spaces

2 + 23 + 13 = 38 total spaces

While this is a net reduction in parking demand of one spaces, there are only 22 parking spaces on site, to the rear of the building. As a result, an extension of and adjustment to the current parking waiver is required. In connection therewith, the new parking waiver required is 16 total spaces (38 – 22 = 16)

However, in addition to the 22 spaces available on site, another five spaces are available off-site. Furthermore, these 27 spaces have adequately served the building without significant incident or issue since 2012. Whereas the parking demand for the Learning Tree is primarily drop-off and pick-up, and whereas the new calculated demand is a *reduction* in spaces, Learning Tree is both of the opinion and asserts that the existing parking is adequate to support the proposed expansion.⁴

III. Site Plan Analysis

(a) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light, and air.

Learning Tree asserts that the use of the Premises for additional pre-school / daycare purposes will not constitute a “seriously detrimental use” within the terms of the By-Law. Moreover, the property and building of which the Premises is a part are already fully developed, with an existing daycare use, and only relatively minor interior renovations are proposed. Therefore, no material additional impact is anticipated to surface water drainage, sound and sight, views, light and air.

(b) Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly.

The building and property of which the Premises is a part are currently fully developed and bounded by existing established ways. Furthermore, whereas only interior modifications are proposed, existing traffic patterns are not expected to be affected in a material way, and, based on its observations and familiarity with the site, Learning Tree is neither aware of nor anticipates any problems with vehicular and pedestrian movement within the site or on adjacent streets.

⁴ Moreover, the basement space, with an associated parking requirement of 1.52 spaces is currently used for tenant storage, and does not create any real parking demand, notwithstanding the calculation.

(c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises.

Whereas the proposed use of the Premises for expansion of the existing Learning Tree use, combined with the current retail use of the second floor will result in a net parking demand decrease of one space, and whereas the proposed use is an expansion of an existing, permitted use, Learning Tree does not anticipate any significant or material additional impacts to the parking and loading spaces. Given its location in a developed and somewhat dense commercial area, Learning Tree considers the current arrangement of parking and loading spaces to be adequate for both the existing and proposed use of the Premises. In addition, due to the size of the lot and the existing building, it is impossible to comply with the provisions of the Zoning By-Law with regard to off-street parking, and, there are existing waivers for the property.

(d) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site.

The site and building containing the Premises are already developed with infrastructure in place. Moreover, the nature of the proposed use is such that only minimal waste is expected to be generated, and there is an existing dumpster on site.

(e) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the By-Law.

The site and the building containing the Premises are situated in a highly developed, commercial area. Learning Tree is not aware of any significant community assets in the area immediately adjoining the Premises. Moreover, the site itself is fully developed at present and whereas Learning Tree is not proposing any material expansion or fundamental changes to the existing building, it does not anticipate any significant or material impact from the proposed use. Therefore, the proposed redevelopment, renovation and reuse of the Premises is not anticipated to significantly affect the relationship of the Premises to any community assets or any adjacent landscape, buildings and structures.

(f) Mitigation of adverse impacts on the Town's resources including the effect on the Town's water supply and distribution system, sewer collection and treatment, fire protection, and streets.

The site and building containing the Premises are presently fully developed and fully connected to Town infrastructure. Moreover, only interior modifications within an existing space are being proposed. Therefore, Learning Tree does not anticipate any significant or material change, or any adverse impacts to any Town resource.

Conclusion

Based on the foregoing, Learning Tree asserts that the proposed renovation and re-use of the Premises for an expansion of the existing Learning Tree Preschool, as set forth above and in the materials submitted herewith, is both proper and appropriate. The proposed use will continue to provide a necessary and important service to the residents and workers in the Town, with minimal, if any, expected impact. Therefore, Learning Tree requests that the relief be granted.

Once you have had a chance to review, please contact me to discuss scheduling. And, of course, if you have any questions, comments or concerns, please do not hesitate to contact me so that I may be of assistance.

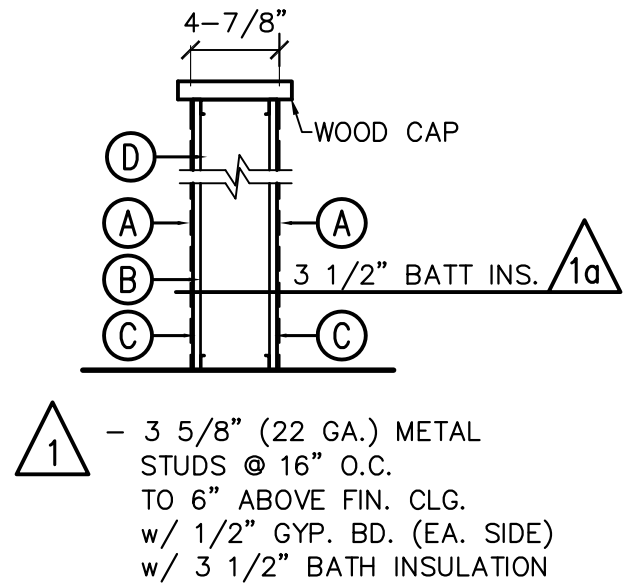
Your courtesy and attention are appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'George Giunta, Jr.', with a stylized, cursive-like script.

George Giunta, Jr

SQUARE FOOT LEGEND	
SNIP IT:	1,134 SQ FT
LEARNING TREE PRESCHOOL CENTER (EXPANSION)	773 SQ FT
LEARNING TREE PRESCHOOL CENTER :	1,109 SQ FT
COMMON AREA:	859 SQ FT
TOTAL:	3,875 SQ FT



MATERIALS LIST

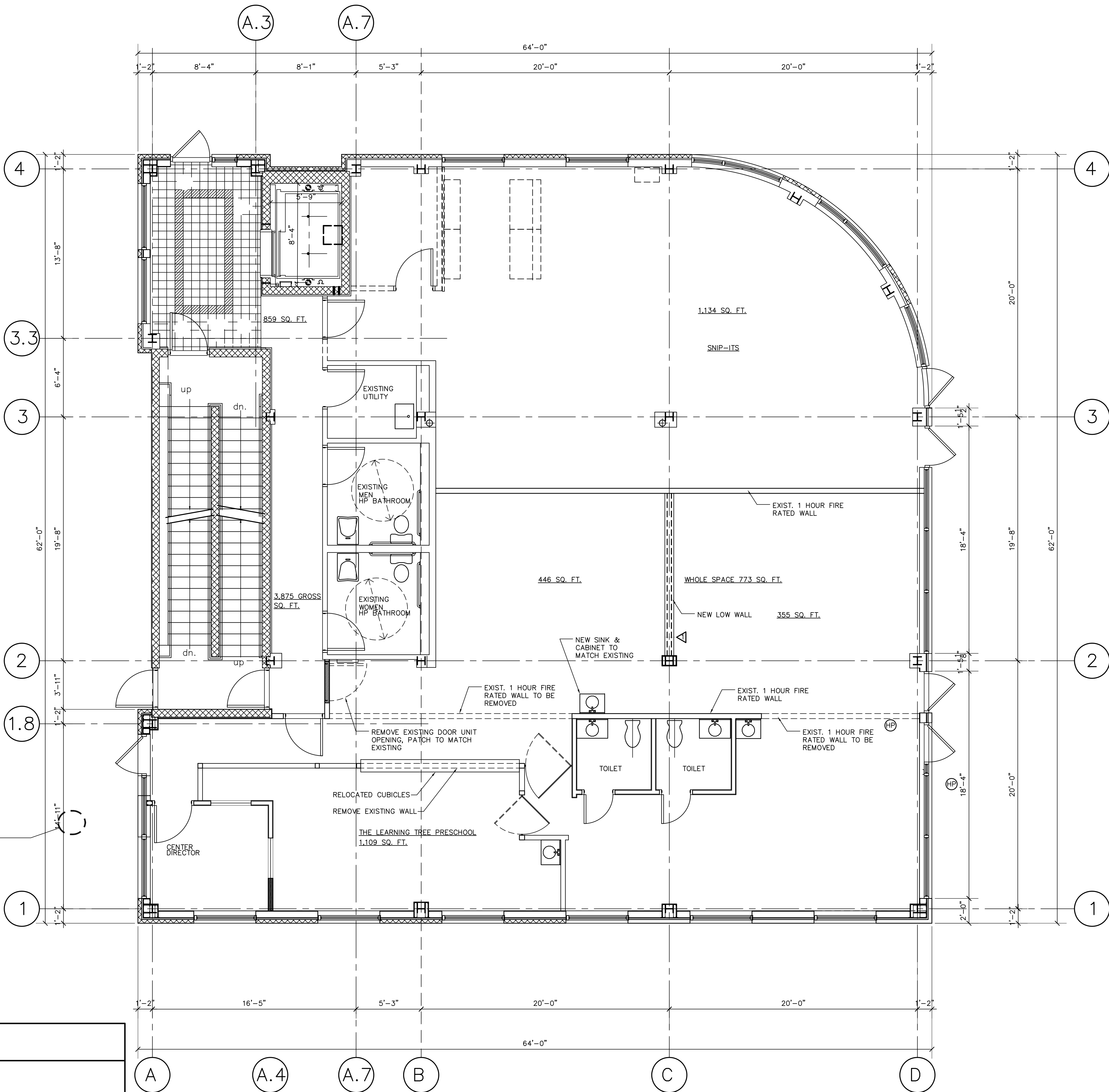
- (A) - FINISH

(B) - 3 5/8" 20 gauge METAL STUDS
- (C) - 5/8" GYP. BOARD (WATER RESISTANT @ WET AREAS)

(D) - 3 1/2" BATT INSULATION

WALL TYPES

SCALE: 1/8"=1'-0"



ROOM FINISH SCHEDULE						
RM. #	SPACE	FLOOR	BASE	WALLS	CEILING	REMARKS
SPACE	FLOOR	VINYL PLANKS	RUBBER COVE BASE 1/8" BY JOHNSONITE COLOR & TYPE AS PER WALL PAINT COLOR SCHEDULE	GYP. BOARD - PAINTED ONE COAT PRIMER TWO COATS (BENJAMIN MOORE) COLOR: AS PER WALL PAINT COLOR SCHEDULE	2'x2' SUSPENDED CEILING SYSTEM PRELUDE 15/16" EXPOSED TEE SYSTEM AS SUPPLIED BY ARMSTRONG CEILING HEIGHT 9'-0" A.F.F. 2'x2' ACOUSTICAL TILES: "HEALTH ZONE ULTIMA" ANGLED REGULAR 15/16" AS SUPPLIED BY ARMSTRONG CEILING HEIGHT 9'-0" A.F.F.	

1
A1.0

FIRST FLOOR PLAN

1/4" = 1'-0"

Nunes Trabucco Architects retains the ownership of these documents. They are loaned for use only in accordance with the terms and conditions of the Owner/Architect Agreement. Nunes Trabucco Architects retains all rights not expressly granted.

PROPOSED THE LEARNING TREE PRESCHOOL INC.
225 HIGHLAND AVENUE
NEEDHAM, MA

TRABUCCO ARCHITECTS
 60 Kendrick Street
 339-777-5807
 Needham, Massachusetts 02494
 fax 339-777-9812



TITLE

FIRST FLOOR PLAN

DRWN BY	LT
CHKD BY	NTA
DATE	3/March/2022
SCALE	AS NOTED
PROJECT NO.	0000

A1.0

BUILDING TENANTS / OCCUPANTS

FIRST FLOOR:
LEARNING TREE
UBREAKIFIX
SNIP-ITS

SECOND FLOOR:
GYMBOREE PLAY & MUSIC



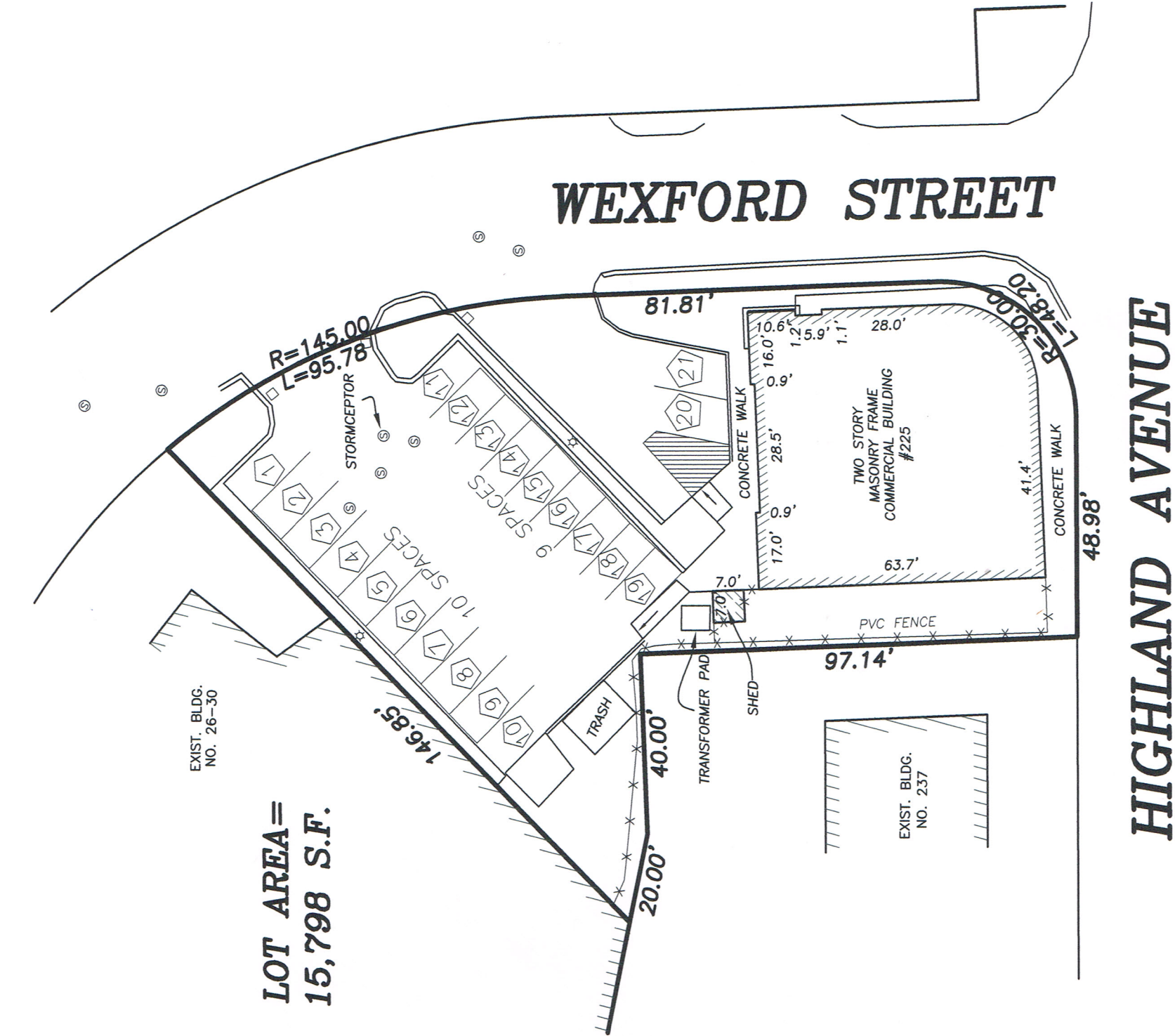
EXISTING CONDITIONS
SITE PLAN
225 HIGHLAND AVENUE
NEEDHAM, MASS

Field Resources, Inc.
LAND SURVEYORS

JANUARY 8, 2017 SCALE 1"=40'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com

REVISED: FEBRUARY 14, 2022
REVISED: NOVEMBER 12, 2021
REVISED: NOVEMBER 4, 2020

026-08



WEXFORD STREET

HIGHLAND AVENUE

From: [Dennis Condon](#)
To: [Alexandra Clee](#)
Subject: RE: Request for comment - Learning Tree Preschool expansion, 225 highland
Date: Monday, March 28, 2022 9:37:40 AM
Attachments: [image001.png](#)
[image002.png](#)

Hi Alex,
The Fire dept. is okay with this proposal.

Thanks,
Dennis

Dennis Condon
Chief of Department
Needham Fire Department
Town of Needham
(W) 781-455-7580
(C) 508-813-5107
Dcondon@needhamma.gov



Follow on Twitter: Chief Condon@NeedhamFire



Watch Needham Fire Related Videos on YouTube @ Chief Condon



From: Alexandra Clee <aclee@needhamma.gov>
Sent: Friday, March 25, 2022 12:44 PM
To: David Roche <droche@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>
Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>
Subject: Request for comment - Learning Tree Preschool expansion, 225 highland

Dear all,

We have received the attached application materials for the proposal to expand Learning Tree Preschool at 225 Highland Avenue. More information can be found in the attachments.

The Planning Board has scheduled this matter for April 19, 2022. Please send your comments by Wednesday April 13, 2022 at the latest.

The documents attached for your review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2008-08 with Addendum A.
2. Letter directed to Lee Newman, Director, Planning and Community Development, from V.S.A. LLC, dated March 7, 2022.
3. A letter to Lee Newman, Planning Director, from George Giunta Jr., dated March 8, 2022.
4. Plan entitled "Proposed The Learning Tree Preschool, 225 Highland Avenue, Needham, MA," prepared by Nunes Trabucco Architects, 315A Chestnut Street, Needham, MA, Sheet A1.0, entitled "First Floor Plan," dated March 3, 2022.
5. Plan entitled "Existing Conditions Site Plan, 225 Highland Avenue, Needham, MA," prepared by Field Resources, Inc., 281 Chestnut Street, Needham, MA, dated January 8, 2017, revised November 4, 2020, November 12, 2021 and February 14, 2022.

Thank you, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov

From: [Tara Gurge](#)
To: [Alexandra Clee](#)
Subject: FW: Public Health Divisions comments - RE: Learning Tree Preschool expansion, 225 Highland Ave.
Date: Wednesday, April 13, 2022 11:53:51 AM
Attachments: [all application for website_225 Highland.pdf](#)
[image002.png](#)
[image003.png](#)

Alex –

We just wanted to forward to you our previous comments that we submitted to you for this proposal back on July 2, 2020 (See email below.) Our comments remain the same, however, now all our Food Permit applications are listed online. Here is the direct link -

<https://needhamma.viewpointcloud.com/categories/1073/record-types/1006516>.

Please let me know if you need any additional information or have any questions for us on those requirements.

Thanks,
Tara

From: Tara Gurge
Sent: Thursday, July 2, 2020 4:36 PM
To: Alexandra Clee <aclee@needhamma.gov>
Cc: Lee Newman <LNewman@needhamma.gov>
Subject: FW: Comments on Planning Board hearings for July 7 - #225 Highland Ave. Learning Tree Daycare/Preschool

Alex –

Just getting back to you with the Public Health Division comments for #225 Highland Avenue, specifically for the proposal for daycare / preschool made by the Learning Tree Preschool. Here are our comments, below:

- Will there be food distributed and/or prepared at this facility? IF so, a proper food establishment permit will need to be applied for through the Public Health Division, along with a review of proposed kitchen/food prep area layout plans.
- Before this facility is allowed to open to the public, a set of COVID-19 protocols should be developed from guidance received by the MA Department of Early Education and Care's (EEC) licensed child care program, their designated licensing authority, along with following the latest guidance received by Gov. Baker. These protocols must be continuously updated as new guidance is released from the MA Dept. of Public Health. Per Needham Board of Health, the wearing of Face Coverings, along with proper Social Distancing of 6-feet, is required inside all buildings (SEE BOH ORDER FOR SPECIFICS ON THESE REQUIREMENTS.) Signage can be provided by the Public Health Division, if requested.

Please let us know if you have any follow-up questions on those requirements or if you need any additional information from us.

Thanks,



TARA E. GURGE, R.S., C.E.H.T., M.S.
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health



please consider the environment before printing this email

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[Follow Needham Public Health on Twitter!](#)

From: Alexandra Clee <aclee@needhamma.gov>

Sent: Friday, March 25, 2022 12:44 PM

To: David Roche <droke@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Dennis Condon <DCondon@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Timothy McDonald <tmcdonald@needhamma.gov>; Carys Lustig <clustig@needhamma.gov>

Cc: Elisa Litchman <elitchman@needhamma.gov>; Lee Newman <LNewman@needhamma.gov>

Subject: Request for comment - Learning Tree Preschool expansion, 225 Highland

Dear all,

We have received the attached application materials for the proposal to expand Learning Tree Preschool at 225 Highland Avenue. More information can be found in the attachments.

The Planning Board has scheduled this matter for April 19, 2022. Please send your comments by

Wednesday April 13, 2022 at the latest.

The documents attached for your review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2008-08 with Addendum A.
2. Letter directed to Lee Newman, Director, Planning and Community Development, from V.S.A. LLC, dated March 7, 2022.
3. A letter to Lee Newman, Planning Director, from George Giunta Jr., dated March 8, 2022.
4. Plan entitled "Proposed The Learning Tree Preschool, 225 Highland Avenue, Needham, MA," prepared by Nunes Trabucco Architects, 315A Chestnut Street, Needham, MA, Sheet A1.0, entitled "First Floor Plan," dated March 3, 2022.
5. Plan entitled "Existing Conditions Site Plan, 225 Highland Avenue, Needham, MA," prepared by Field Resources, Inc., 281 Chestnut Street, Needham, MA, dated January 8, 2017, revised November 4, 2020, November 12, 2021 and February 14, 2022.

Thank you, alex.

Alexandra Clee
Assistant Town Planner
Needham, MA
781-455-7550 ext. 271
www.needhamma.gov



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

April 14, 2021

Needham Planning Board
Needham Public Service Administration Building
Needham, MA 02492

RE: Amendment Major Project Site Plan Special Permit No. 2008-08
VSA LLC, 225 Highland Avenue – The Learning Tree Preschool

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced amendment to the Major Project Site Plan Special Permit. The applicant proposes to renovate and convert approximately 779 square feet of commercial space for day care purposes.

The maximum enrollment will now be 42 children with 7 teachers. The applicant indicates primarily pick up and drop off that reduce the overall demand. Currently 22-onsite parking and 5-offsite for the building exists; a parking waiver is requested for 11- 16-spaces.

The review was conducted in accordance with the Planning Board's regulations and standard engineering practice. The documents submitted for review are as follows:

1. Application for the Amendment to Major Project Special Permit No. 2008-08 with Addendum A.
2. Letter directed to Lee Newman, Director, Planning and Community Development, from V.S.A. LLC, dated March 7, 2022.
3. A letter to Lee Newman, Planning Director, from George Giunta Jr., dated March 8, 2022.
4. Plan entitled "Proposed The Learning Tree Preschool, 225 Highland Avenue, Needham, MA," prepared by Nunes Trabucco Architects, 315A Chestnut Street, Needham, MA, Sheet A1.0, entitled "First Floor Plan," dated March 3, 2022.
5. Plan entitled "Existing Conditions Site Plan, 225 Highland Avenue, Needham, MA," prepared by Field Resources, Inc., 281 Chestnut Street, Needham, MA, dated January 8, 2017, revised November 4, 2020, November 12, 2021 and February 14, 2022.

Our comments and recommendations are as follows:

- We have no comment or objection to the proposed waiver.

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas Ryder
Town Engineer



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

April 5, 2022

Needham Planning Board
Public Service Administration Building
Needham, MA 02492

RE: Street Acceptance Recommendation- Hutter Ridge Road

Dear Members of the Board,

In accordance with MGL C41 S81-I, your recommendation is requested regarding the proposed street acceptance of:

HUTTER RIDGE ROAD From Webster Street – Easterly to End, a distance of
651.± ft.

Please forward a copy of your decision to the Engineering division for our street acceptance files.

Sincerely,

Thomas Ryder
Town Engineer

**NEEDHAM
ZONING BOARD OF APPEALS
AGENDA**

**THURSDAY, April 28, 2022 - 7:30PM
Zoom Meeting ID Number: 821-3177-8205**

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us, click “Join a Meeting” and enter the Meeting ID: 821-3177-8205 or join the meeting at <https://us02web.zoom.us/j/82131778205?>

AGENDA

Minutes Review and approve Minutes from March 17, 2022 meeting.

Case #1 – 7:30PM **1183 Highland Avenue-** Harvey Family Dental PLLC, applicant, has applied to the Board of Appeals for a Special Permit under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the Zoning By-Law to waive strict adherence to parking and parking design requirements associated with the use of a dental practice. The subject property is located at **1183 Highland Avenue, Needham MA** in the Business (B) District.
Item continued from March 17, 2022

Case #2 – 7:45PM **329 Chestnut Street**–Shweta Srivastava and Akshay Saxena, applicants, applied to the Board of Appeals for a Special Permit under Sections 3.2.2, 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Sections of the By-Law to establish Code Wiz Needham, a private school that runs coding and robotics classes for 15 students ages 7 years old to 17 years old with five staff persons, and to waive strict adherence to parking and parking design requirements. The property is located at 329 Central Avenue (the Code Wiz Needham unit has a postal address of 333 Chestnut Street), Needham, MA in the Chestnut Street Business (SRB) District.

Case #3- 8:00PM **1346 South Street** – Scalliwags, LLC, applicant, applied to the Board of Appeals for a Special Permit under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable Section of the By-Law to waive strict adherence to parking and parking design requirements. This Special Permit is associated with the planned increase in enrollment over current levels at Scalliwags, a childcare facility. The property is located at 1346 South Street, Needham, MA in the Rural Residence-Conservation (RRC) District, and the Neighborhood Business (NBD) District.

Case #4 –8:15PM **132-134 Hillside Avenue** – East Rock Development, LLC, applicant, applied to the Board of Appeals for a Variance under Sections 3.2.1, 7.5.3 and any other applicable Sections of the By-Law to allow the Plan Substitution and/or further relief pursuant to a *ZBA Variance, Lot at the*

Next Meeting: **Thursday, May 19, 2022 at 7:30pm**

rear of 136 Hillside Avenue, December 19, 1972 authorizing use of the Premises for two-family purposes; and any and all other relief necessary to permit the demolition of the existing two-family dwelling and to replace it with a new two-family dwelling. The property is located at 132-134 Hillside Avenue, Needham, MA in the Single Residence B (SRB) District.

Report – 8:30PM

1545 Central Avenue - Review of the construction and operations of the paddle court facility at the **Needham Pool and Racquet Club** per the *ZBA Special Permit, 1545 Central Avenue, July 16, 2020*. The property is located at 1545 Central Avenue, Needham, MA in the Single Residence A (SRA) District.

Next Meeting: **Thursday, May 19, 2022 at 7:30pm**



ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	SHWETA SRIVASTAVA AKSHAY SAXENA		Date:	2/17/2022
Applicant Address	11 CYPRESS ST, NEEDHAM, 02492			
Phone	508 414 8801	email	shweta.sriv@gmail.com	
Applicant is ☐ Owner; ☒ Tenant; ☐ Purchaser; ☐ Other _____				
If not the owner, a letter from the owner certifying authorization to apply must be included				
Representative Name				
Address				
Phone		email		
Representative is ☐ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____				
Contact ☐ Me ☐ Representative in connection with this application.				

Subject Property Information

Property Address	329 CHESTNUT ST, NEEDHAM - 02492		
Map/Parcel Number	1990460005300000	Zone of Property	CSB
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☐ Residential or ☒ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☐ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☒ No			
Do the spaces meet design requirements? ☐ Yes ☒ No			
Application Type (select one): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

SEE ATTACHED

Statement of Relief Sought:

SEE ATTACHED

Applicable Section(s) of the Zoning By-Law:

3.2.2, 5.1.2, 5.1.3

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (square feet)		
Front Setback (feet)		
Rear Setback (feet)		
Left Setback (feet)		
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		
Numbers must match those on the certified plot plan and supporting materials		



ZBA Application For Hearing

Date Structure Constructed including additions:

11 / 7 / 1973

Date Lot was created:

11 / 7 / 1973

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions (Required)	✓
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" (Required)	✓
If applicant is tenant, letter of authorization from owner (Required)	✓
Electronic submission of the complete application with attachments (Required)	✓
Elevations of Proposed Conditions (when necessary)	
Floor Plans of Proposed Conditions (when necessary)	✓

Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector 2/8/2022
date of consult

Date: 2/17/2022 Applicant Signature

An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov

AKSHAY SAXENA
SHWETA SRIVASTAVA
11 CYPRESS ST
NEEDHAM, MA 02492-1491

108

53-13/110 MA
26538

2/18/2022

Date

Pay To The
Order Of

TOWN OF NEEDHAM

\$ 500 —

FIVE HUNDRED ⁰⁰/₁₀₀

Dollars



Photo
Safe
Deposit®
Details on back

BANK OF AMERICA



ACH R/T 011000138

329 CHESTNUT ST,
NEEDHAM

For

ZBA fee

[Signature]

MP

⑆011000138⑆ 004626818957⑆0108

February 17, 2022

Parking Plan By CodeWiz Needham

Documents Attached:

1. Attached with this application is a plot plan. However, since the plot plan does not show parking spaces, we have also attached the satellite view provided by the Town.
2. There is a second copy of this satellite view where the plot outline and parking spaces are marked in green
3. Also attached is the Parking Plan in Pictures. For ease of the Board I have taken my own pictures and tried my best to show the parking lot and the available parking.
4. Letter of Approval from the owner
5. Current and Proposed floor plan. The structures to be removed are marked in yellow. None of these are load bearing walls. By the time we have the hearing we will have detailed 3D designs ready for the Board to see.
6. Signed Lease

Existing Conditions:

There are three units in the building running three separate businesses. The building has 20 parking spaces that are to be used by all the three parties. They are:

1. Bejian Orthodontist owned by Dr. Alex Bejian who is also the landlord. His space is approximately 1500 sq ft on the 1st floor. He has three full time employees including himself. He can see a maximum of two patients at any given time. The maximum number of parking spaces used by him is 5. They operate on Tuesday, Thursdays and Fridays from 8:15 am to 6 pm.
2. Strength in Numbers owned by Steve Dalton. His space is approximately 750 sq ft on the 2nd floor. He runs ACT/SAT private tutoring service for middle and high school students. He takes most of his classes online. He is the only full time employee. He operates Monday, Tuesday, Thursday from 1 to 7pm. At any given time there are a maximum of 3 cars parked for this business.
3. The third unit is the one that Navyaan LLC d/b/a Code Wiz Needham has signed a lease for. Previously a financial consultant practiced here. Code Wiz Needham will be running coding and robotics classes. This is on a lower level like a walkout basement. It is 1500 sq ft. It has two entrances, one from Chestnut St and the other from the back parking lot. The back entrance will be closed all the time except for trash disposal and emergency situations. We plan to operate all 5 days in the week from 3pm to 7pm during school days. On vacation weekdays we will operate from 9am to 4pm.

Statement Of Relief Sought:

We are applying for Special Permit to establish a private school that runs Coding and Robotics classes for 15 students from ages 7 to 17 years with 5 staff persons and to waive strict adherence to parking and parking design requirements under section 5.1.3.

School Hours of Operation:

On school days we will operate from 3pm to 7 pm. There will be a maximum of four 50 minute classes with a 10 minute gap between each class for disinfecting the classrooms. This time will also be used for pickup and drop offs.

On vacation days we will run two, three hour classes. In the morning we will operate from 9am to 12pm. In the afternoon we will operate from 1pm to 4pm. The one hour gap will be used for disinfecting, having lunch brought from home and for pickups and drop offs for students who have only enrolled in one class for the day.

Location and parking availability:

The location of Code Wiz Needham is 329 Chestnut St, Needham - 02492. This building has two more businesses. One is the landlord's Orthodontist practice called Bejian Ortho and the other is Strength By Numbers private tuition for science and math. This building has twenty parking spaces out of which a maximum of 8 spots are occupied at the busiest times from 4pm to 7pm for both businesses. This leaves 12 parking spots for us to use, even though we only need a maximum of 8 spaces as explained below.

Needham regulation on parking:

Enrollment with 45 or fewer children requires one parking space for every five students, plus employee parking.

Therefore for 15 students, three parking spaces for students dropoff/pickup and five for employees are needed. In total, the program needs eight parking spaces.

Transportation and Parking plan:

All drop offs and pick ups will be done by parents. We will not be providing any transportation. There are two entrances to the classes, a front one on Chestnut st, and another one from the back parking lot. The back door will be locked at all times and only be used for trash disposal or emergency use. For pickup and drop offs parents will use the sidewalk from the side parking lot or the Chestnut St sidewalk that leads into the building.

The 10 minute time difference between classes will help greatly. For example, for a 4pm class that'll end at 4:50pm, parents will arrive by 4:45pm and leave by 4:50pm. Thereafter, the parents of the 5 pm classes will arrive at 4:55 pm for drop off.

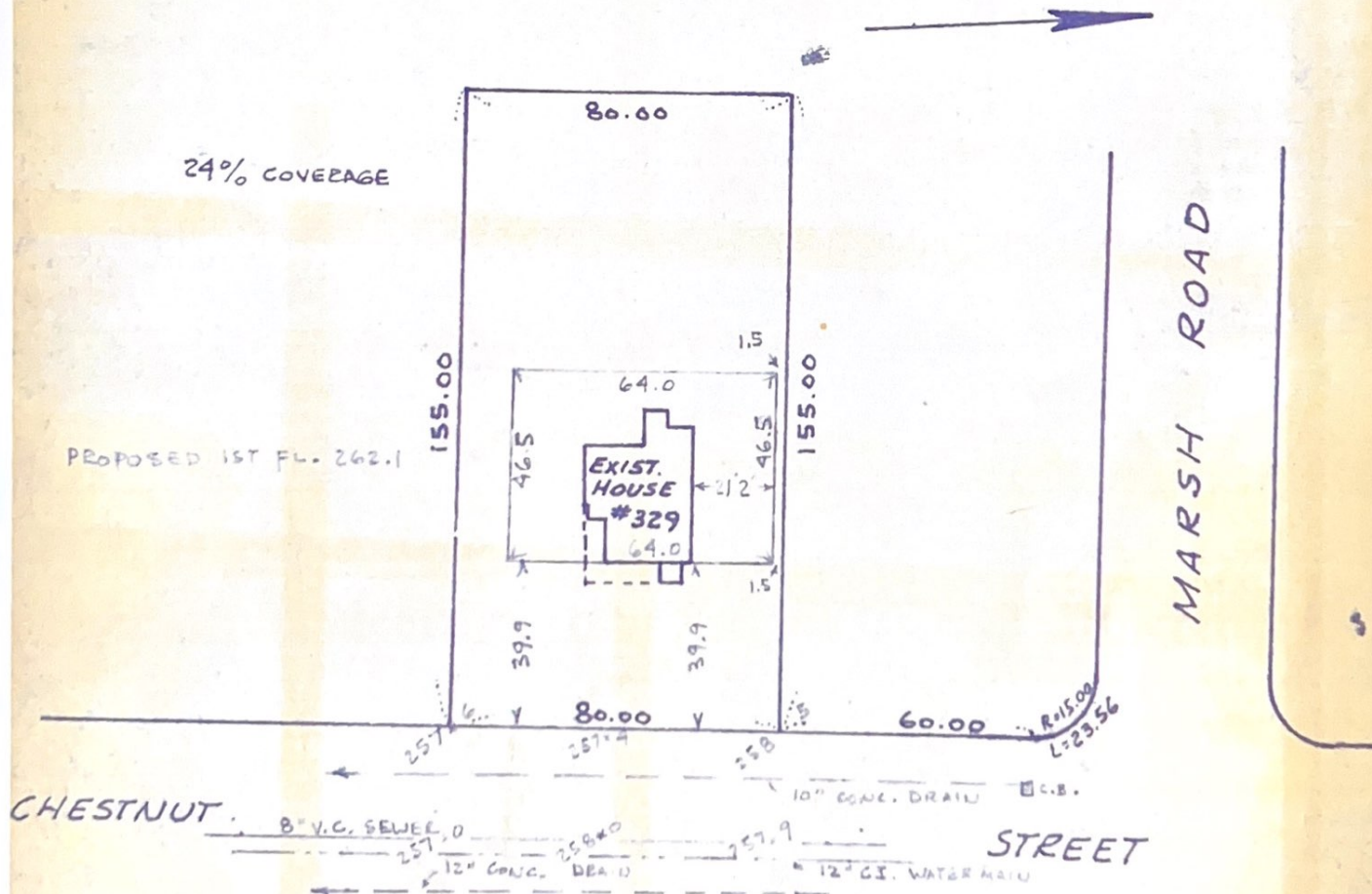
English Copy
TOWN OF NEEDHAM, MASS.
Building Inspection Department

Sewer ☒
Water ☒
Drain ☒

Building Permit No. 2925 At No. 329 CHESTNUT ST.
Lot Area 12400 SQ. FT. Zone Setback 10'
Owner SAMUEL J. MIXTER Builder MAURICE A. DUNLAVY

PLOT PLAN
40' Scale

To be drawn according to specifications set forth in Section VII-B, Zoning By-Laws of the Town of Needham.



I hereby certify that the existing and approved street grades, existing sewers, drains, gas lines, water mains and other Public Utilities are accurately shown on this plan and that the dimensions, side line offsets and setback distances (allowing for overhangs), elevation of the top of the foundation and garage floor, and elevations at lot corners on street line for grading along lot line bordering the street are correct as indicated on this plan.

The above is subscribed to and executed by me this 7 day of Nov. 1973.

Cheney Engineering Co. Inc.
317 Chestnut Street

Approved Needham, Mass. 02192

Approved

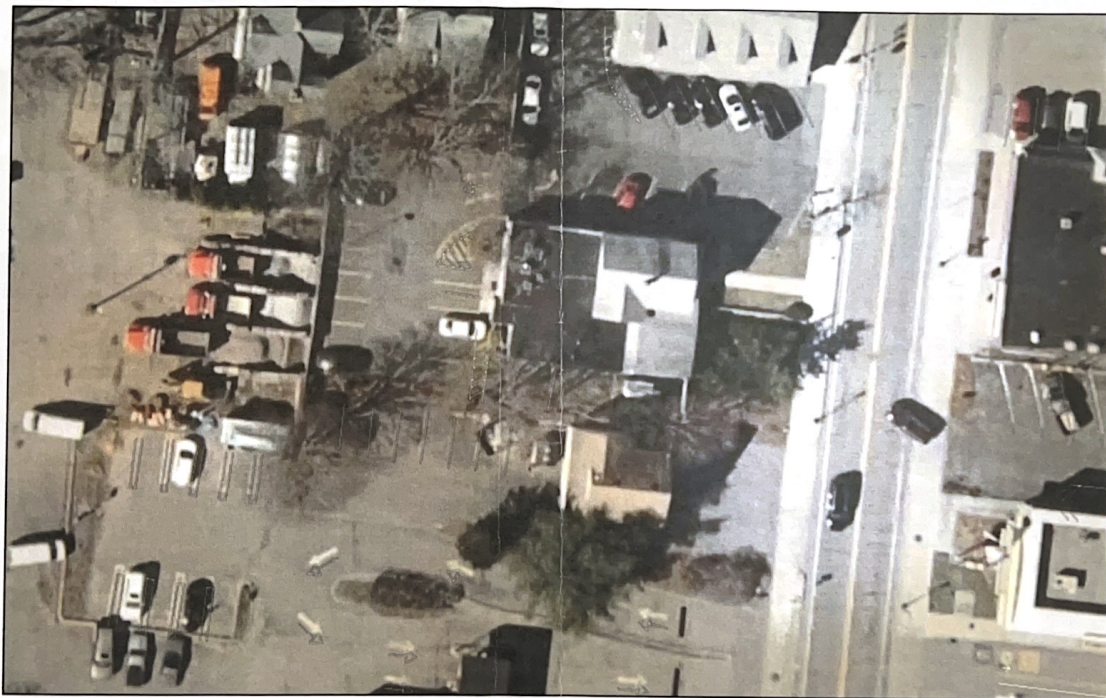
Sidney R. Vaughan Civil Engineer or Surveyor

Supt. of Public Works Date 11/9/73

Building Inspector Date 11/19/73

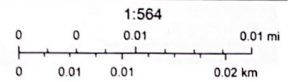
Occupancy permit will not be issued until the conditions as to lines and grades and drainage facilities have been fully complied with.

Town of Needham



2/10/2022, 1:09:35 PM

- | | | | | |
|-------------------|---------------|----------------|----------------|---------------|
| — Town Boundaries | — Crosswalk | Sports | ▨ Playground | ■ Golf Course |
| Painted Lines | — Sport Lines | ■ Sports Field | ■ Sports Court | ▨ Bleacher |
| — Parking Feature | | ■ Infield | ■ Golf Bunker | ■ Waterbodies |



Town of Needham

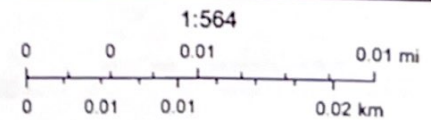
Town of Needham

PLOT OUTLINED IN GREEN



2/10/2022, 1:09:35 PM

- | | | | | |
|-------------------|---------------|----------------|----------------|---------------|
| — Town Boundaries | — Crosswalk | Sports | ▨ Playground | ■ Golf Course |
| Painted Lines | — Sport Lines | ■ Sports Field | ■ Sports Court | ▨ Bleacher |
| — Parking Feature | | ■ Infield | ■ Golf Bunker | ■ Waterbodies |



Town of Needham

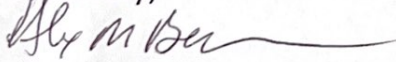
Town of Needham
Highland Ave
Needham, Ma. 02492

Feb 9, 2022

To whom it may concern,

I am the owner at 333 Chestnut St and business of Code Wiz approached us on a rental space that has recently become available in the building. Code Wiz is a school that teaches young kids and adolescence the skills of coding. I think Needham is very fortunate to bring a business of this nature into town. Our building is very fortunate to have adequate space for Code Wiz and ample parking to accommodate her students. I welcome her into the community and will do what I can to assure her business will succeed and grow.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Alex M. Bejian', with a long, sweeping horizontal line extending to the right.

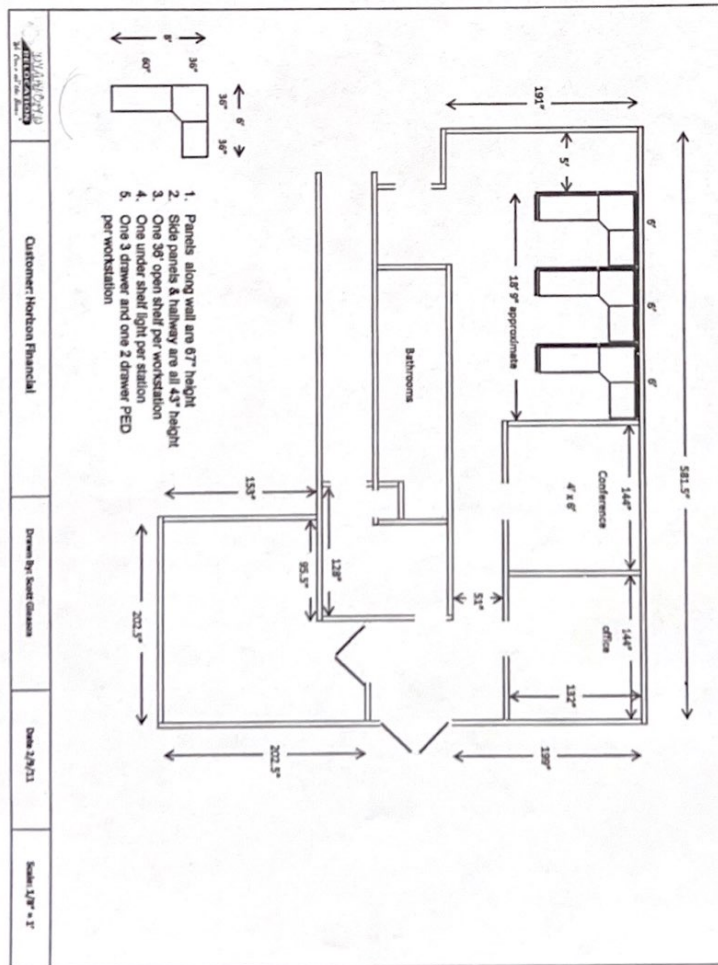
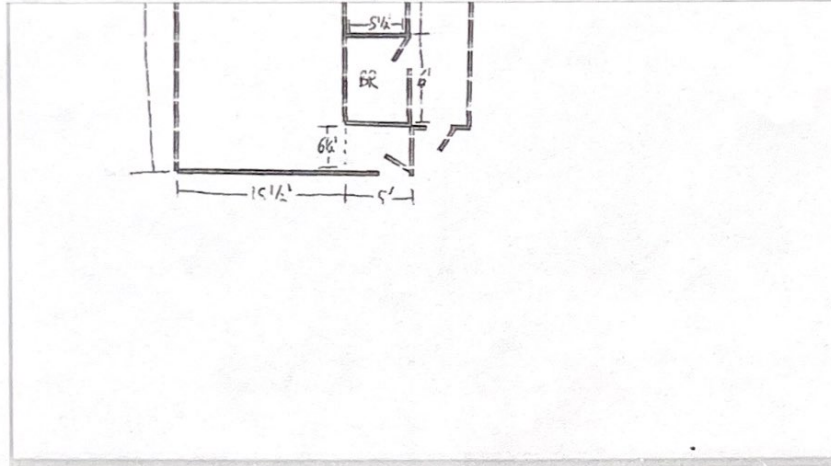
Alex M. Bejian

10:36

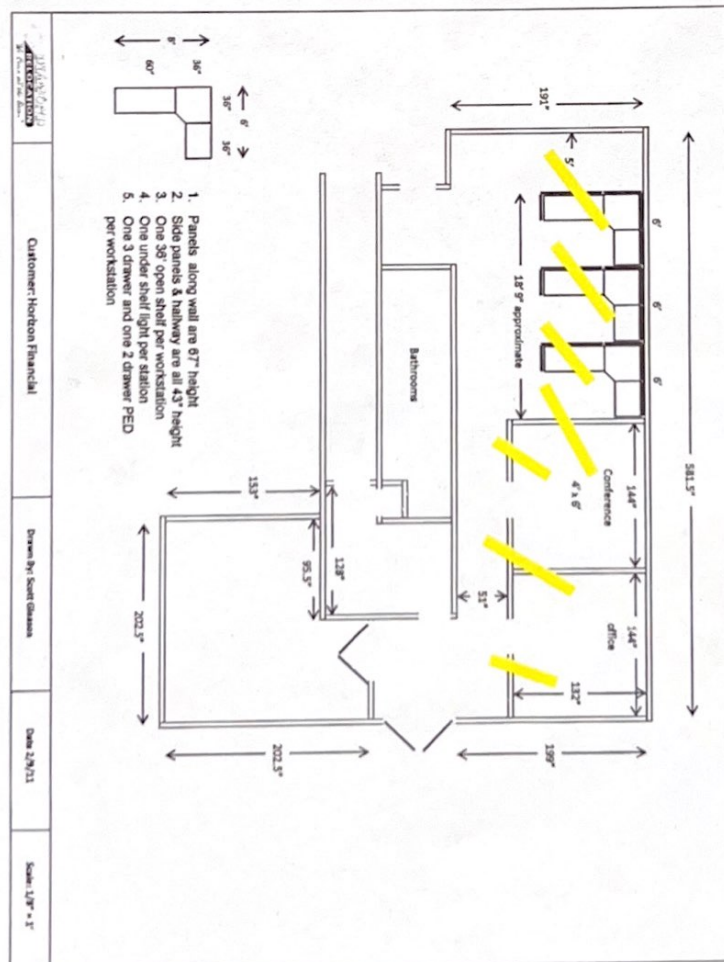
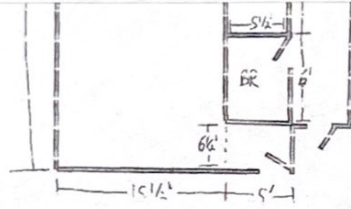
LTE

Done

333 Office.pdf



CURRENT FLOOR PLAN



PROPOSED-REMOVE
STRUCTURES MARKED
WITH YELLOW

329 Chestnut St- Parking Plan in Pictures

Building Front with total 20 parking spaces



Pathway Closeup



For drop off and pickup, Parents will walk from the parking lot on the pathway and go down the stairs

Side Parking Part 1



4 parking spaces shown here including and until the maroon car

Side Parking Part 2



Three parking spaces shown here excluding the maroon car. That makes it total of 7 parking spaces on the side.

Back Parking Entry and Exit



Back Building



Back Parking Building Side



Back parking on the side of the building has 5 parking spaces.

Back Parking Opposite of Building



There are a total of 8 parking spaces on this side excluding the one on the right of the black car (my car) for trash access. 3 cars can be seen in this picture

Back Parking Opposite of Building – zoomed in

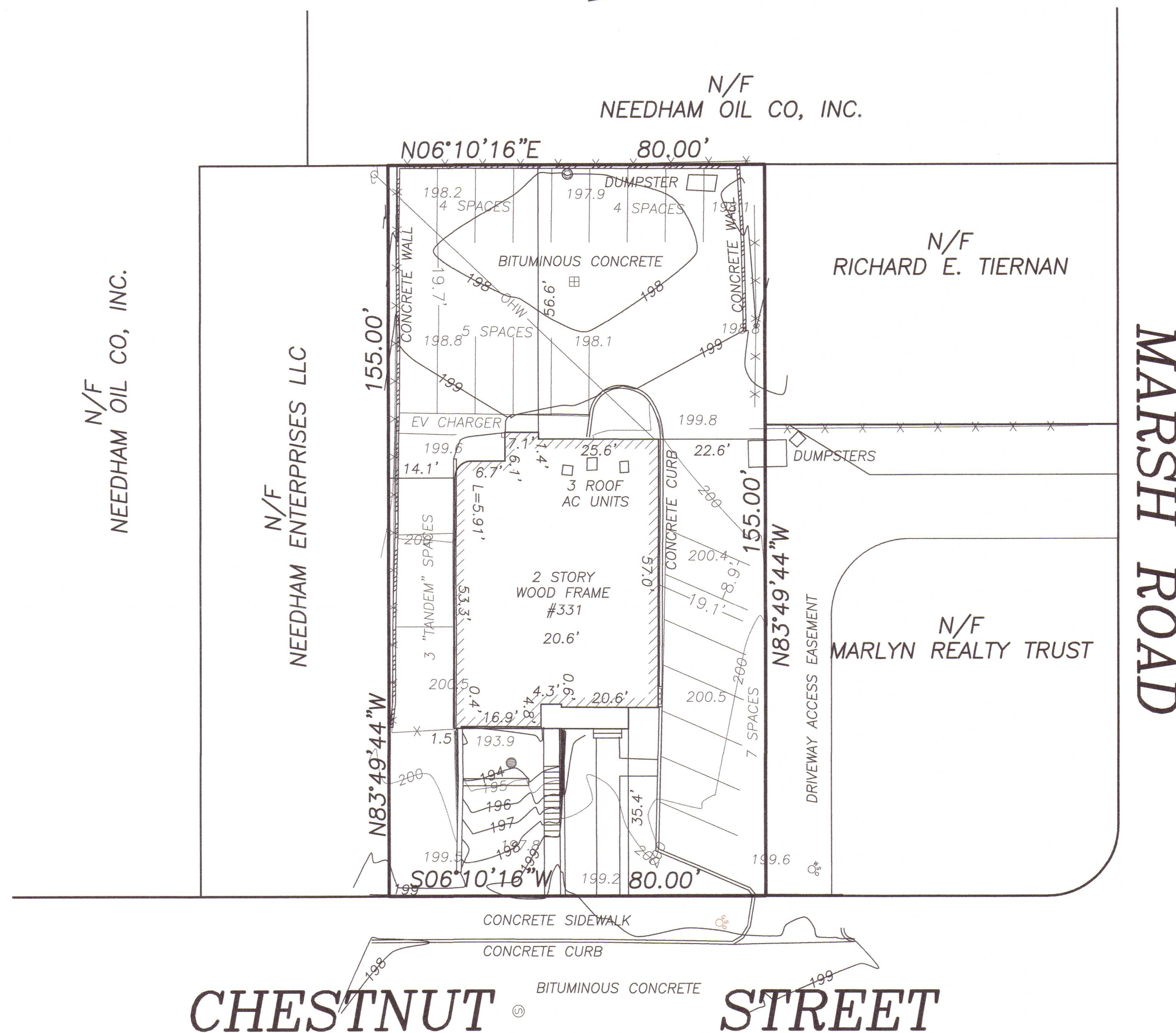
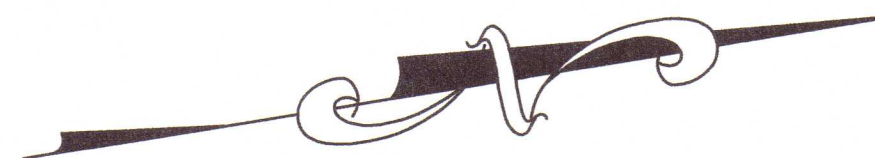


Between the black and blue car there are 3 parking spaces

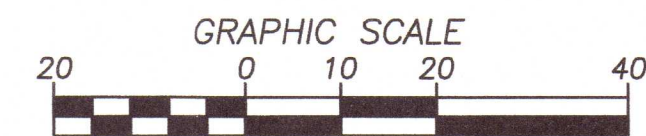
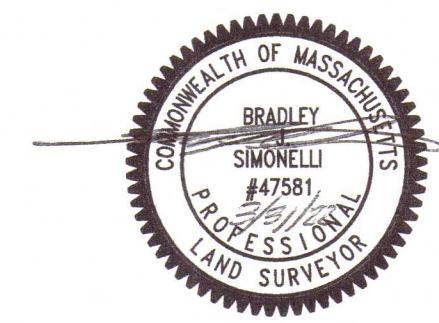
Back Parking Opposite of Building – edge view



2 parking spaces shown here on either sides of the grey car. $3 + 3 + 2 = 8$ parking spaces on the back opposite of the building



CHESTNUT STREET



TOWN OF NEEDHAM
MAP 46 PARCEL 53

NORFOLK COUNTY
REGISTRY OF DEEDS
BOOK 10681 PAGE 36

OWNER/APPLICANT:
ALEX M. BEJIAN

JOB NO. 019-22

REVISED

ZONING BOARD OF APPEALS
CHANGE OF USE PLAN
329 & 331 CHESTNUT STREET
NEEDHAM, MASS.

Field Resources, Inc.
LAND SURVEYORS

MARCH 11, 2022 SCALE 1"=20'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com

Daphne Collins

From: George Giunta Jr <george.giuntajr@needhamlaw.net>
Sent: Monday, April 4, 2022 4:27 PM
To: Daphne Collins
Cc: shweta srivastava
Subject: Re: Plot Plan for 329 Chestnut St

Hi Daphne,

In connection with Shweta's application, in case it is not clear, she needs the following zoning relief:

1. Special permit pursuant to Section 3.2.2 for a Private School;
2. Special Permit pursuant to Section 3.2.2 for More than one non-residential building or use on a lot where such buildings or uses are not detrimental to each other and are in compliance with all other requirements of this By-Law;
3. Special Permit pursuant to Section 5.1.1.5 waiving strict adherence to the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements): and
4. All other relief necessary for the operation of a small private school at the premises.

Regards,
George

George Giunta Jr, Esq.
281 Chestnut Street
Needham, MA 02492
Tel: 781.449.4520
Cell: 617.840.3570
Fax: 781.465.6059
george.giuntajr@needhamlaw.net

IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

On Apr 1, 2022, at 12:56 PM, shweta srivastava <shweta.sriv@gmail.com> wrote:

Hi Daphne,

I wanted to let you know that I dropped off seven copies of the plot plan for 329 Chestnut St at the building department this morning.

Thanks,

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

April 4, 2022

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: Scalliwags, LLC
1346 South Street, Needham, MA
Special Permit Request

Dear Ms. Collins,

Please be advised this office represents Scalliwags, LLC (hereinafter "Scalliwags") and its owner / Manager, Lorraine Cronin, with respect to the property known and numbered 1346 South Street, Needham, MA (hereinafter the "Premises"). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of plan entitled "1346 South St., Needham, MA", prepared by Duckham Architecture & Interiors, consisting of four sheets;
3. Seven copies of certified plot plan dated December 22, 2021; and
4. Check in the amount of \$500 for the applicable filing fee.

For the past several months, Scalliwags has operated a child care facility at the Premises, as a matter of right. The use is both an exempt use under M.G.L. c.40A, and a use permitted by right under the Needham Zoning By-Law, and there are enough parking spaces on site to support current levels of enrollment. However, Scalliwags would like to increase their enrollment. And while the use will still qualify as both an exempt use and one allowed by right pursuant to the By-Law, the increase in enrollment will trigger the need for a parking waiver, which is the reason for this application. Moreover, the parking area, which pre-dates the adoption of the off-street parking rules, does not meet current design requirements, and therefore a design waiver will also be required.

Kindly schedule this matter for the next hearing of the Board of Appeals. I will submit additional information prior to the hearing. In the meantime, if you have any comments, questions or concerns, or if you require any further information, please contact me so that I may be of assistance.

Please also note that while the property is owned under a different entity (1346 South Street, LLC), and Scalliwags is technically a tenant, Lorraine Cronin is the owner and manager of both entities, and therefore as a technical matter, owner and tenant are the same.

Sincerely,

A handwritten signature in black ink, appearing to read "George Giunta, Jr.", with a stylized, cursive script.

George Giunta, Jr.



ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	Scalliwags, LLC, Lorraine Cornin, Manager	Date:	4/4/22
Applicant Address	445 Washington Street, Wellesley, MA 02482		
Phone	617-372-2449	email	lorrilamb@gmail.com
Applicant is ☐ Owner; ☒ Tenant; ☐ Purchaser; ☐ Other _____			
If not the owner, a letter from the owner certifying authorization to apply must be included			
Representative Name	George Giunta, Jr., Esq.		
Address	281 Chestnut Street, Needham, MA 02492		
Phone	617-840-3570	email	george.giuntajr@needhamlaw.net
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____			
Contact ☐ Me ☒ Representative in connection with this application.			

Subject Property Information

Property Address	1346 South Street, Needham, MA 02492		
Map/Parcel Number	Map 209/ Parcel 5	Zone of Property	NBD & RRC
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☐ Residential or ☒ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☐ No. N/A			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☒ No			
Do the spaces meet design requirements? ☐ Yes ☒ No			
Application Type (<i>select one</i>): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Commercial building with accessory garage and off-street parking, currently used for child care purposes.

Statement of Relief Sought:

1. Special Permit pursuant to Section 5.1.1.5 waiving strict adherence to the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements); and
2. All other relief necessary for the operation of a child care facility at the property known and numbered 1346 South Street.

Applicable Section(s) of the Zoning By-Law:

3.2.1, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable section or By-Law

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (square feet)		
Front Setback (feet)		
Rear Setback (feet)		
Left Setback (feet)		
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		
<i>Numbers must match those on the certified plot plan and supporting materials</i>		



ZBA Application For Hearing

Date Structure Constructed including additions:	Date Lot was created:

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	
Electronic submission of the complete application with attachments <i>(Required)</i>	
Elevations of Proposed Conditions <i>(when necessary)</i>	
Floor Plans of Proposed Conditions <i>(when necessary)</i>	

Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector on April 4, 2022

Date: April 4, 2022 Applicant Signature

Scalliwags, LLC, but its attorney,
George Giunta, Jr., Esq.

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*



PERMIT SET

November 17, 2023

Issues	Number	Date	Description
--------	--------	------	-------------

Revisions	Number	Date	Description
1	12.27.2021		Final plan revision

Checked by:	
Drawn by:	

1346 South St.
Needham, MA

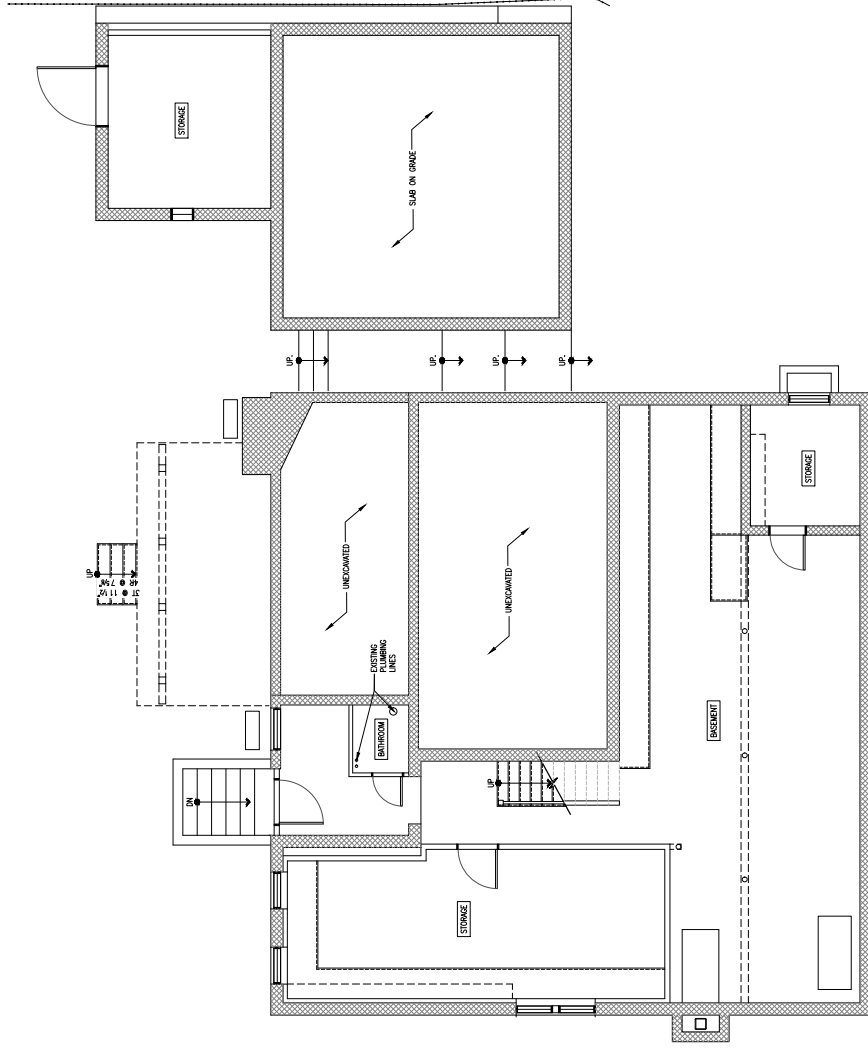
EXISTING BASEMENT PLAN

Drawing Scale:
1/8" = 1'-0"

Project Number:
2023-0100

Date Issued:
11/01/2023

EX101



1 EXISTING BASEMENT PLAN
SCALE: 1/8"=1'-0"



PERMIT SET

November 17, 2023

Issues	Number	Date	Description
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Revisions	Number	Date	Description
1	12.27.2021		Final plan revision

Checked by:	
Drawn by:	

1346 South St.
Needham, MA

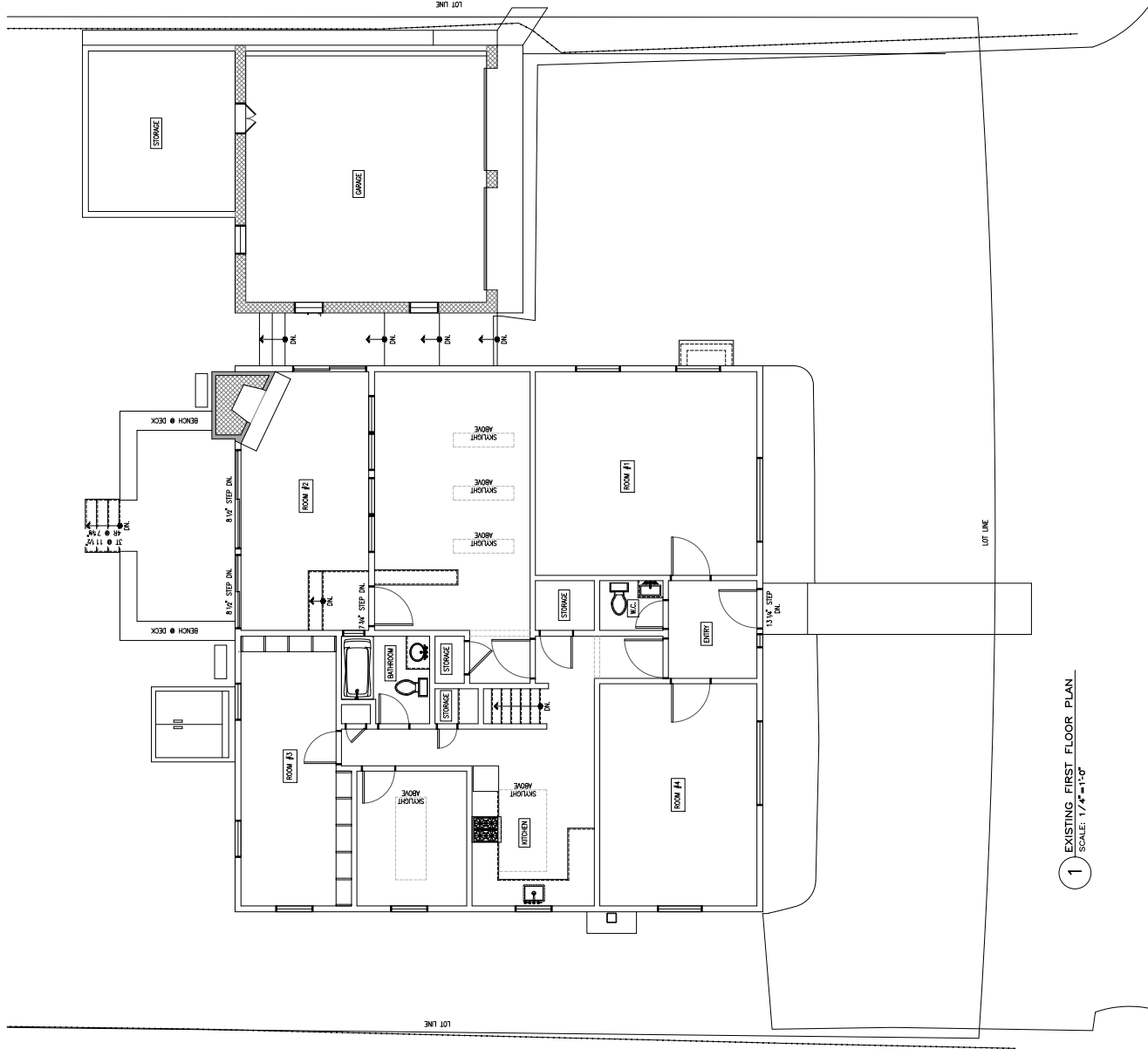
EXISTING FIRST FLOOR PLAN

Drawing Scale:
1/8" = 1'-0"

Project Number:
2023.0100

Date Issued:
11/01/2023

EX102



1 EXISTING FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"



PERMIT SET

November 7, 2023

Issues	Number	Date	Description
--------	--------	------	-------------

Revisions	Number	Date	Description
1	12.12.2021	Final plan revision	
2	08.07.2022	Revised sections	

Checked by:	
Drawn by:	

1346 South St.
Needham, MA

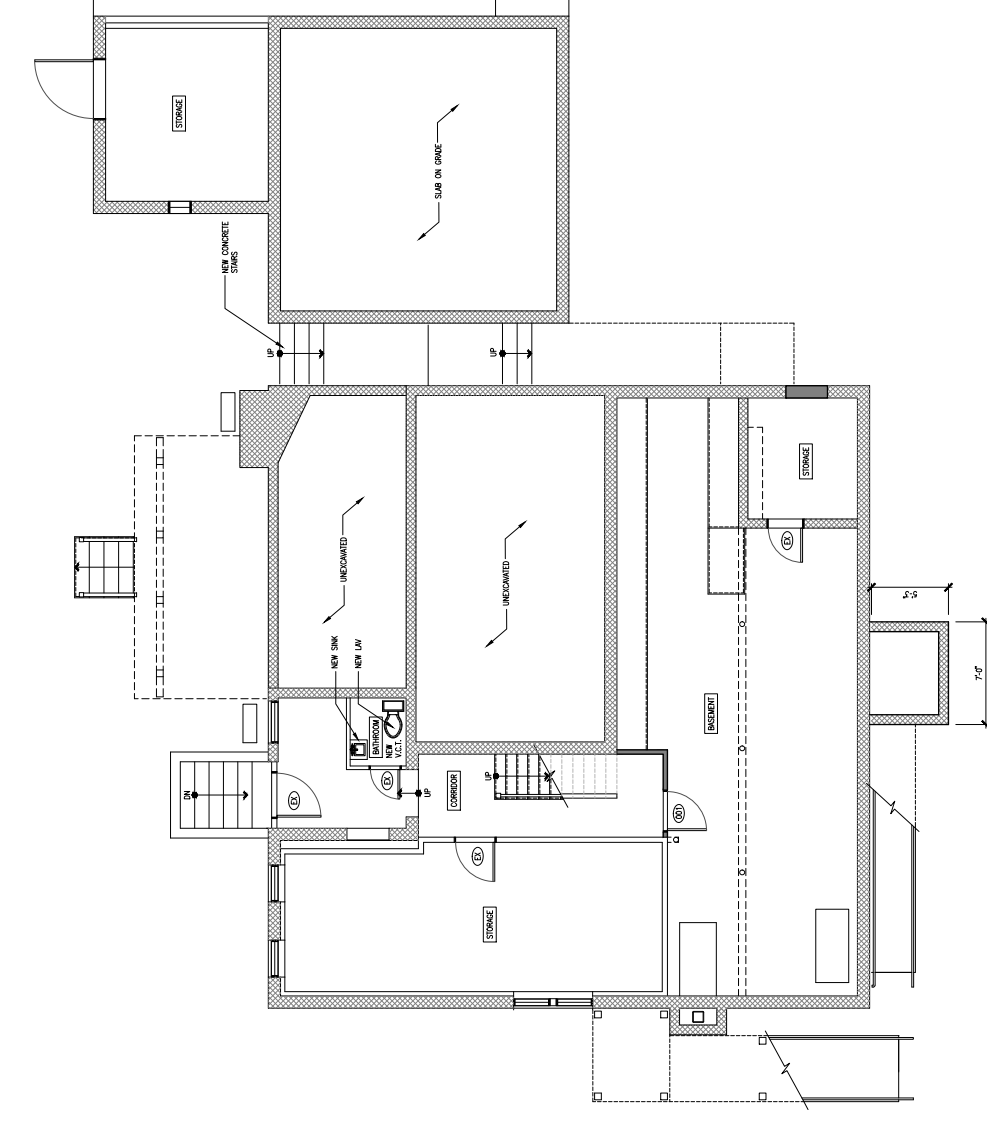
PROPOSED
BASEMENT PLAN

Drawing Scale:
1/8" = 1'-0"

Project Number:
2023.04.00

Date Issued:
11/01/2023

A101



1 PROPOSED BASEMENT PLAN
SCALE: 1/4" = 1'-0"

Approved _____	Director of Public Works	Date _____
Approved _____	Building Inspector	Date _____

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

April 4, 2022

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Administrative Specialist

Re: East Rock Development, LLC
132-134 Hillside Avenue, Needham, MA
Special Permit Request

Dear Ms. Collins,

Please be advised this office represents East Rock Development, LLC (hereinafter "East Rock") and its owner / Manager, Robert Curatola, with respect to the property known and numbered 132-134 Hillside Avenue, Needham, MA (hereinafter the "Premises"). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of plan entitled "Existing Conditions Site Plan";
3. Seven copies of plan entitled "Proposed Conditions Site Plan",
4. Seven copies of architectural plans; and
4. Check in the amount of \$500 for the applicable filing fee.

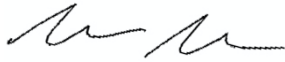
The Premises is situated in a Single Residence "B" Zoning District and is occupied by an existing two family residential structure. It is the subject of a prior use variance, dated December 19, 1972, issued to Frances B. Eaton, authorizing the use of same for two family purposes.

East Rock would like to demolish the existing structure and construct a new replacement two family dwelling, as shown on the plans submitted herewith. The proposed replacement structure will comply with all applicable density and dimensional requirements set forth in both Section 1.4.7 and Section 4 of the Zoning By-Law.

Please note that this application is substantially similar to previous applications for the properties at 70-72 Marshall Street, 114 Hillside Avenue and 460 Central Avenue. In those cases, the Board approved demolition of an existing two-family dwelling that had been authorized by a use variance, and replacement of same with a new two-family.

Kindly schedule this matter for the next hearing of the Board of Appeals. I will submit additional information prior to the hearing. In the meantime, if you have any comments, questions or concerns, or if you require any further information, please contact me so that I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "George Giunta, Jr.", with a stylized, cursive script.

George Giunta, Jr.



ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	East Rock Development, LLC, Robert Curatola, Manager			Date:	4/4/22
Applicant Address	4 Oak Street, Suite 7, Needham, MA 02492				
Phone	617-759-1223	email	rockwoodcustombuilding@gmail.com		
Applicant is ☒ Owner; ☐ Tenant; ☐ Purchaser; ☐ Other _____					
If not the owner, a letter from the owner certifying authorization to apply must be included					
Representative Name	George Giunta, Jr., Esq.				
Address	281 Chestnut Street, Needham, MA 02492				
Phone	617-840-3570	email	george.giuntajr@needhamlaw.net		
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____					
Contact ☐ Me ☒ X Representative in connection with this application.					

Subject Property Information

Property Address	132-134 Hillside Avenue, Needham, MA		
Map/Parcel Number	Map 95 / Parcel 68	Zone of Property	SRB
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☐ Residential or ☐ Commercial			
If residential renovation, will renovation constitute "new construction"? ☒ Yes ☐ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☐ Yes ☐ No			
Do the spaces meet design requirements? ☐ Yes ☐ No			
Application Type (<i>select one</i>): Special Permit ☒ Variance ☐ Comprehensive Permit ☒ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

Two family residential dwelling.

Statement of Relief Sought:

Plan substitution and/or further relief pursuant to Variance dated December 19, 1972, issued to Frances B. Eaton, authorizing use of the Premises for two-family purposes; and any and all other relief necessary and appropriate to permit the demolition of the existing two-family dwelling and replacement thereof with a new two-family structure.

Applicable Section(s) of the Zoning By-Law:

3.2.1, 7.5.3 and any other applicable Section or By-Law

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (square feet)		
Front Setback (feet)		
Rear Setback (feet)		
Left Setback (feet)		
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		

Numbers must match those on the certified plot plan and supporting materials



ZBA Application For Hearing

Date Structure Constructed including additions:

Date Lot was created:

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	
Electronic submission of the complete application with attachments <i>(Required)</i>	
Elevations of Proposed Conditions <i>(when necessary)</i>	
Floor Plans of Proposed Conditions <i>(when necessary)</i>	

Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector on April 4, 2022.

Date: April 4, 2022 Applicant Signature

East Rock Development, LLC

By its attorney, George Giunta, Jr., Esq.

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*



ZONING TABLE		
[12]-134 Hillside Avenue, Needham, Massachusetts		
ZONE: S8B		
REGULATION	REQUIRED	EXISTING
LOT AREA	10,000 $\pm$ F.	2 Family
LOT FRONTAGE	27.3985 $\pm$ F.	17.00 $\pm$ F.
LOT DEPTH	80 $\pm$	132 $\pm$
FRONT SETBACK	12 $\pm$ F.	12 $\pm$ F.
REAR SETBACK	20 $\pm$ F.	22.0 $\pm$ F.
SIDE SETBACK	15 $\pm$ F.	4.5 $\pm$ F.
MAXIMUM HEIGHT	35 $\pm$ F.	28.0 $\pm$ F.
PAVE	60.0 $\pm$ F.	15.0 $\pm$ F.
LOT COVERAGE 4.4%	18.61/21.4%	22.24/4.1%
FOOTPRINT	1861/21.4 $\pm$ F.	6.7525/1.52/5.6 $\pm$ F.
2.0005 $\pm$	2.0005 $\pm$	1.52/5.6 $\pm$
258.4/346.1 $\pm$	258.4/346.1 $\pm$	6.7525/1.52/5.6 $\pm$
BUILDING STORES 4.2/3	2 1/2	2 1/2

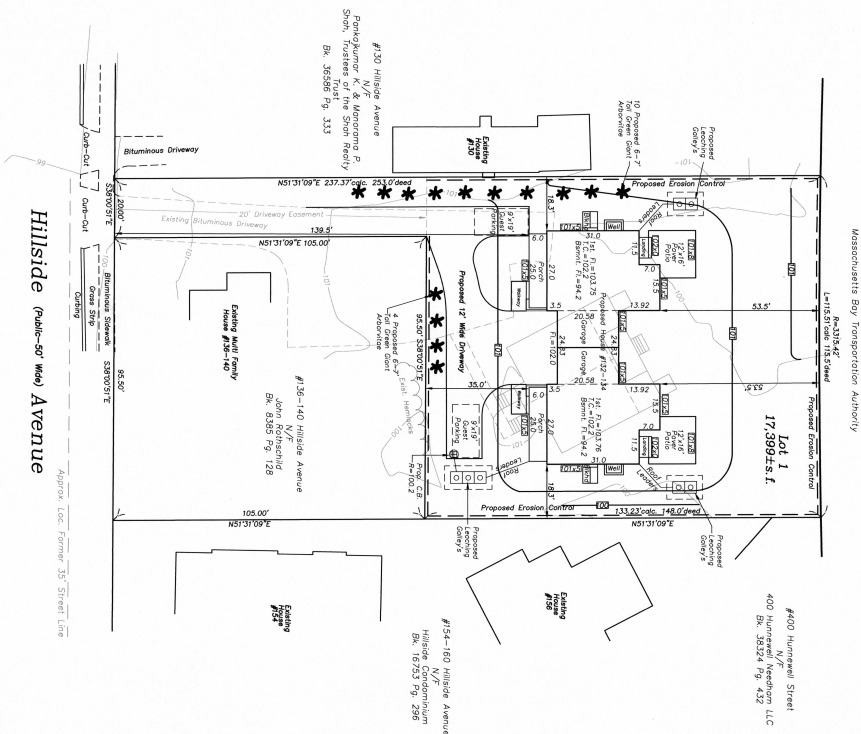
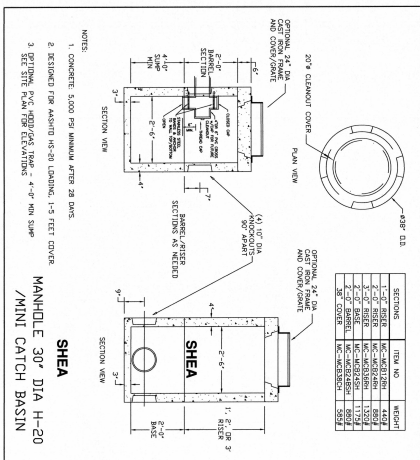
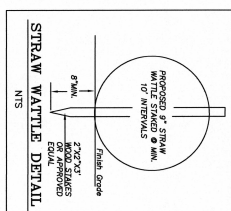
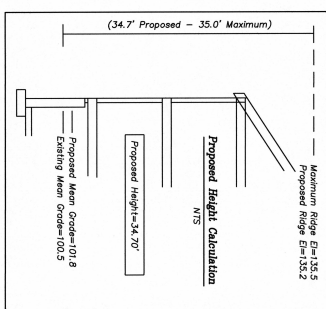
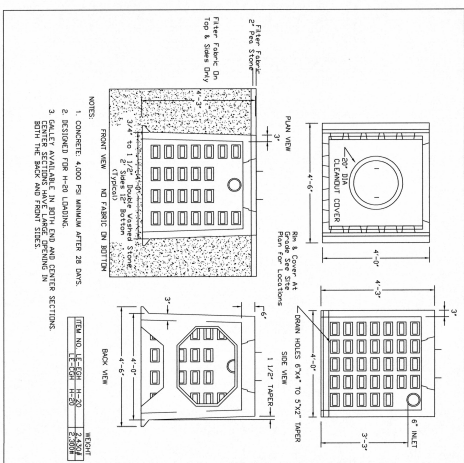
~Existing Conditions Site Plan~
#132-134 Hillside Avenue
 Needham, Massachusetts
 Scale: 1"=20'
 April 2, 2022
VERNE T. PORTER Jr., PLS
 Land Surveyors - Civil Engineers
 354 Elliott Street, Newton, Ma. 02454

Design By: _____
 Checked By: _____
 Drawn By: _____

Sheet 1 of 2



UTILITIES SHOWN WERE COMPILED FROM ACTUAL FIELD LOCATIONS. CONTRACTORS NOTES, BEST AVAILABLE INFORMATION AND MAY OR MAY NOT BE CORRECT. FIELD VERIFY PRIOR TO ANY EXCAVATION.

[illegible]

~Proposed Conditions Site Plan~
#132-134 Hillside Avenue
Needham, Massachusetts
Scale: 1"=20' **April 2, 2022**
VERNE T. PORTER Jr., PLS
Land Surveyors - Civil Engineers
354 Elliot Street, Newton, MA. 02464

Design By:	
Checked By:	
Drawn By:	

0 20 40 60 80

Sheet 2 of 2

132 - 134 HILLSIDE AVENUE TWO FAMILY

132-134 HILLSIDE AVENUE

NEEDHAM, MASS

LIST OF DRAWINGS :

- A-1 FIRST FLOOR PLANS
- A-2 SECOND FLOOR PLANS
- A-3 BASEMENT PLANS
- A-4 ATTIC FLOOR PLANS
- A-5 FRONT ELEVATION
- A-6 LEFT & RIGHT ELEVATIONS
- A-7 REAR ELEVATION
- A-8 CROSS SECTION THROUGH GARAGE & BED ROOM #4

F.A.R. CALCULATIONS

UNIT #1
1ST FLOOR LIVING AREA = 950.0 SF
2ND FLOOR LIVING AREA = 1,141.5 SF
UNIT #1 TOTAL = 2,105.5 SF
UNIT #2
1ST FLOOR LIVING AREA = 950.0 SF
2ND FLOOR LIVING AREA = 1,141.5 SF
UNIT #2 TOTAL = 2,105.5 SF
COMBINED SQUARE FOOTAGE = 4,211 SF

F.A.R. : 24



PROJECT ADDRESS:	132-134 HILLSIDE AVE TWO FAMILY	
132-134 HILLSIDE AVE	SCALE	DATE 4-4-02
OWNER / DEVELOPER:	REVIEWED	DRAWING NO. A-0
EAST ROCK DEVELOPMENT LLC	TITLE SHEET	
4 OAK STREET, SUITE #1	C.D. CALHOUN	
NEEDHAM, MA 02452 - 617-153-1223	REGISTERED ARCHITECT	
	516 ACHEM DRIVE BAHAMORE BEACH, MASS. 02532 508-833-3706	



PROJECT ADDRESS:
132-134 HILLSIDE AVE

OWNER / DEVELOPER:
EAST ROCK DEVELOPMENT LLC
4 OAK STREET, SUITE #1
NEEDHAM, MA 02492 - 617-159-1223

132-134 HILLSIDE AVE TWO FAMILY

SCALE FEET

TITLE FIRST FLOOR PLANS

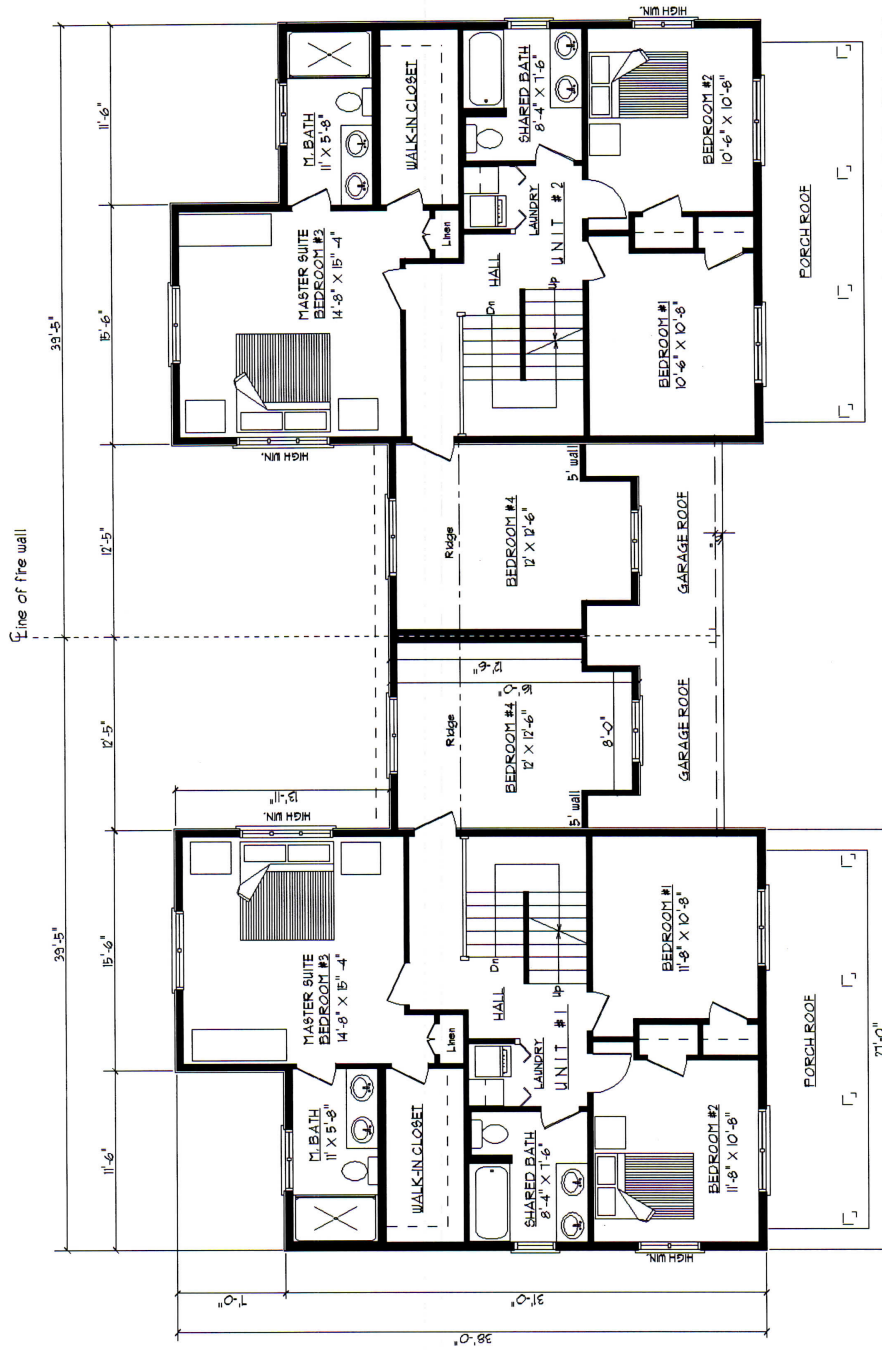
DRAWING NO. A-1

DATE 4-4-22

REVISED

C.D. CATALAN INCORPORATED

616 GLENN DR BAYMOR BEACH, FL 33611 TEL: 813-333-3704 / cdc@cdcinc.com



UNIT #2 SECOND FLOOR PLAN

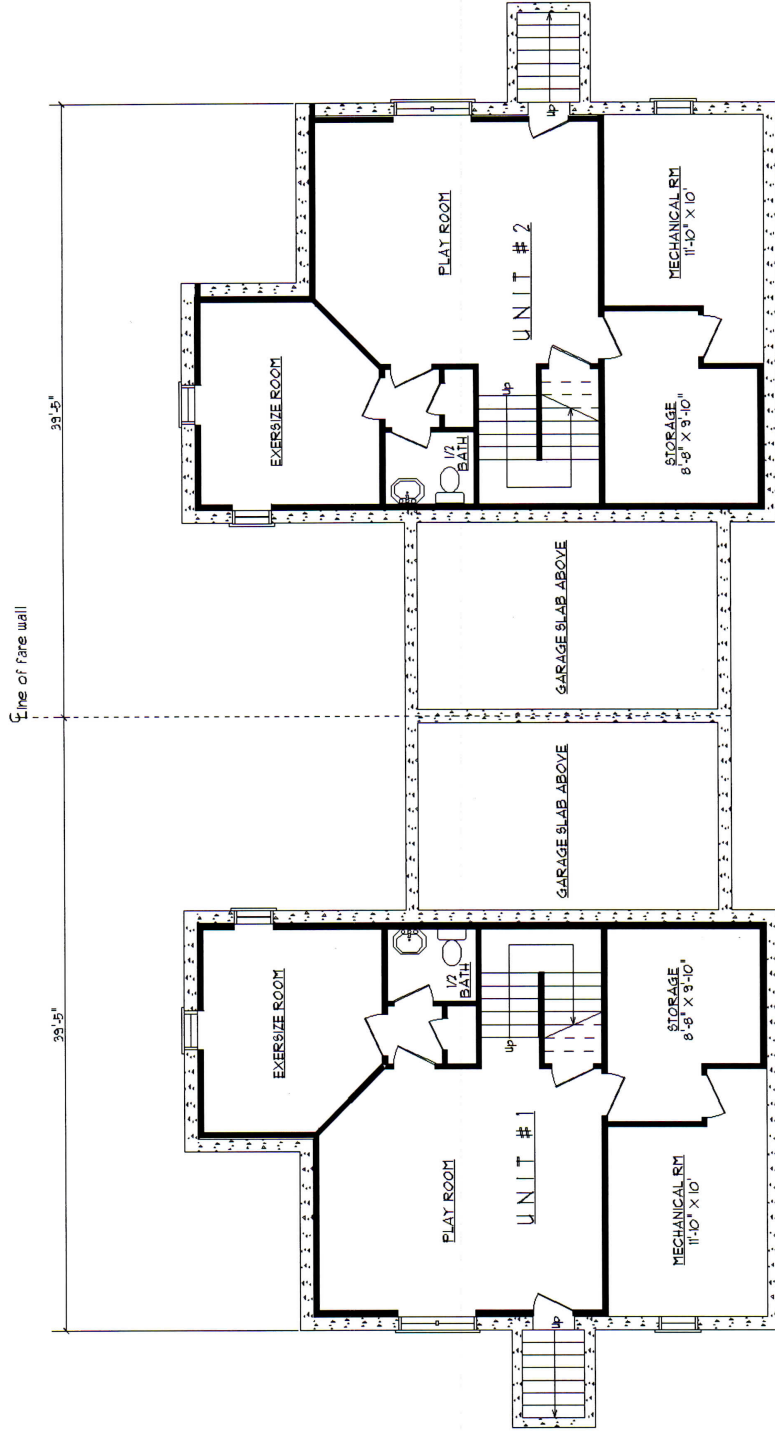
TOTAL LIVING AREA = 1331 SF

UNIT #1 SECOND FLOOR PLAN

TOTAL LIVING AREA = 1331 SF

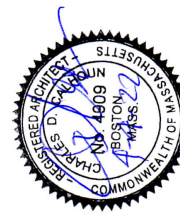


PROJECT ADDRESS:		132-134 HILLSIDE AVE	
OWNER / DEVELOPER:		EAST ROCK DEVELOPMENT LLC	
4 OAK STREET, SUITE #1		NEEDHAM, MA 02452 - 617-159-1023	
PROJECT ADDRESS:		132-134 HILLSIDE AVE TWO FAMILY	
SCALE	DATE	DRAWING NO.	TITLE
1" = 4'-0"	4-4-22	A-2	SECOND FLOOR PLANS
C.D. C.A.L.H.O.U.N.		REGISTERED ARCHITECT	
ASSOCIATES INCORPORATED		P.O. BOX 1000, NEEDHAM, MA 02452	

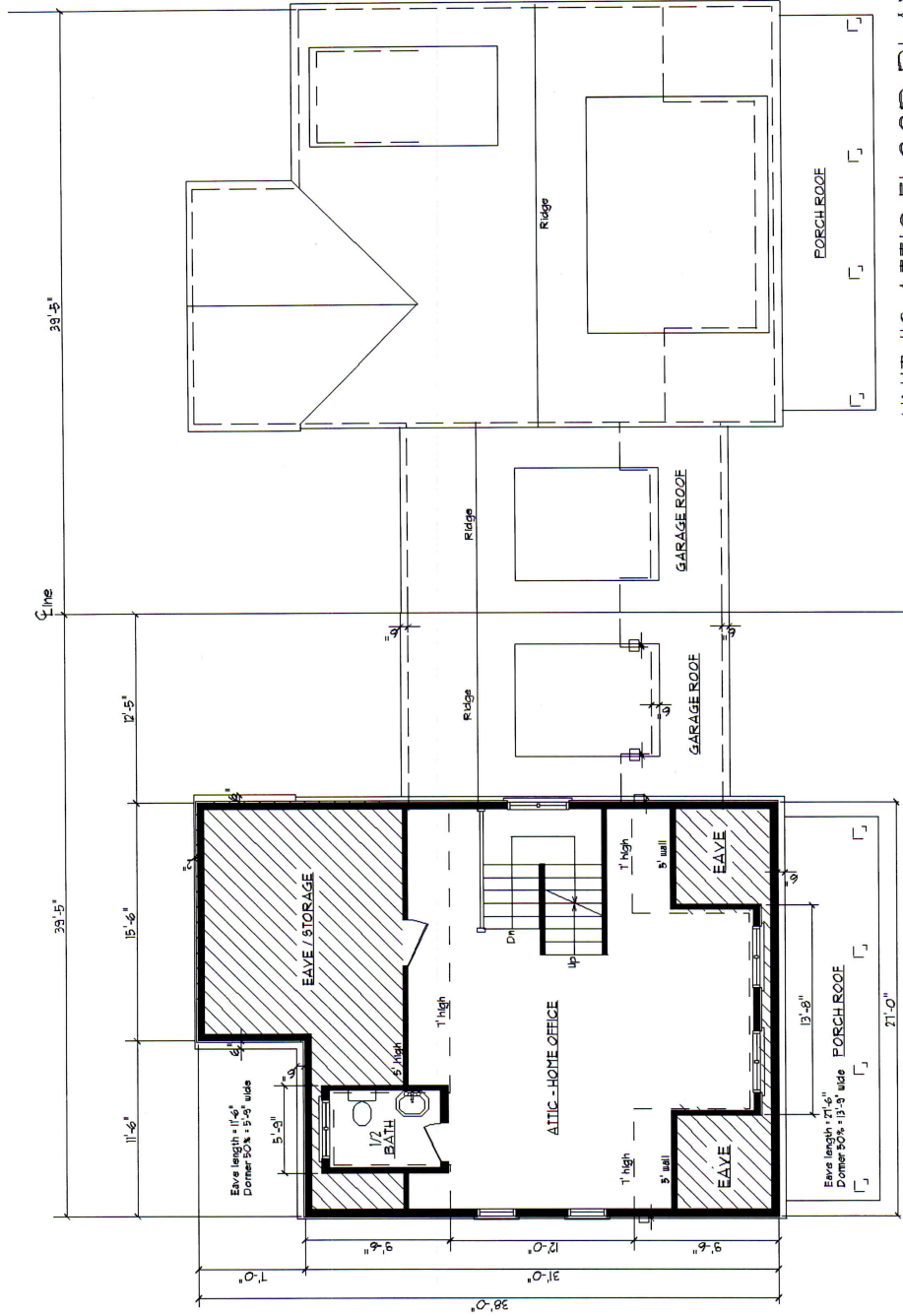


UNIT #1 BASEMENT FLOOR PLAN

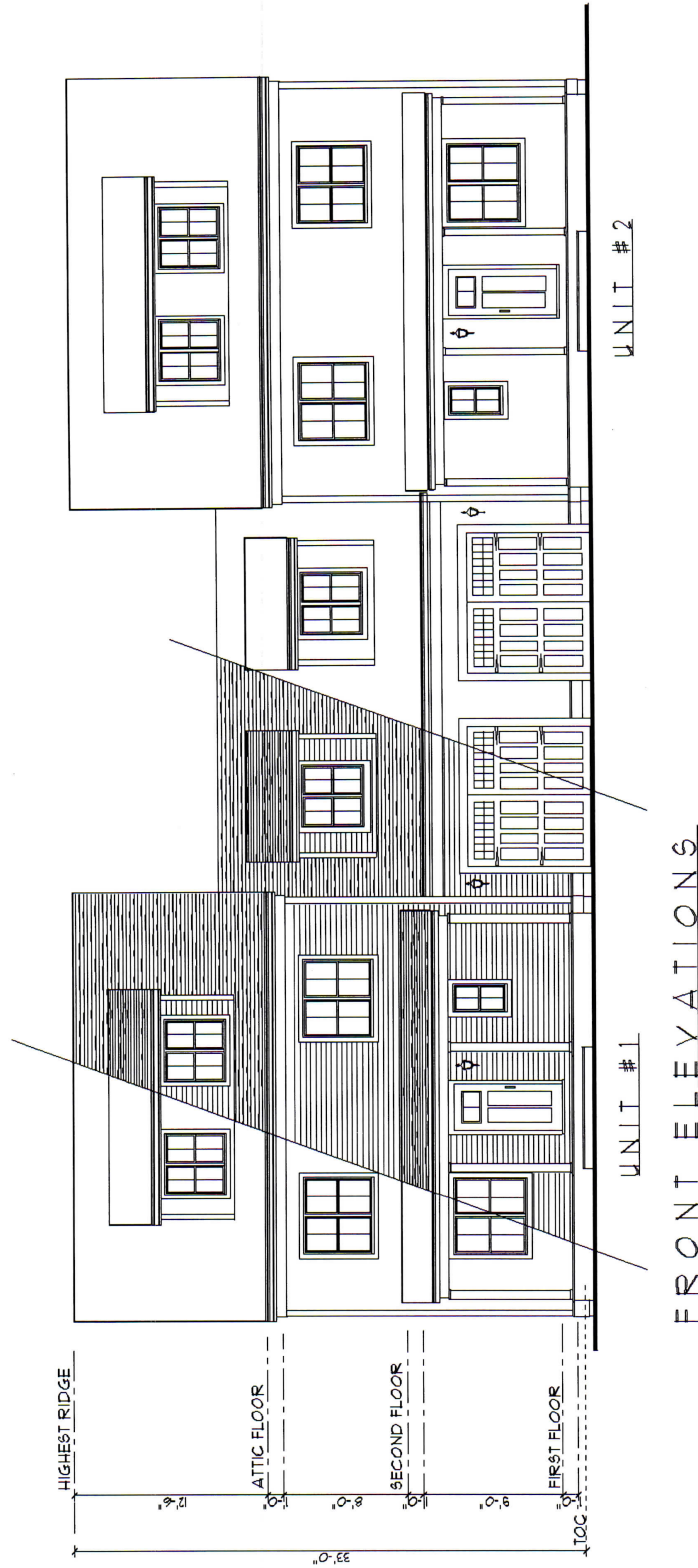
UNIT #2 BASEMENT FLOOR PLAN



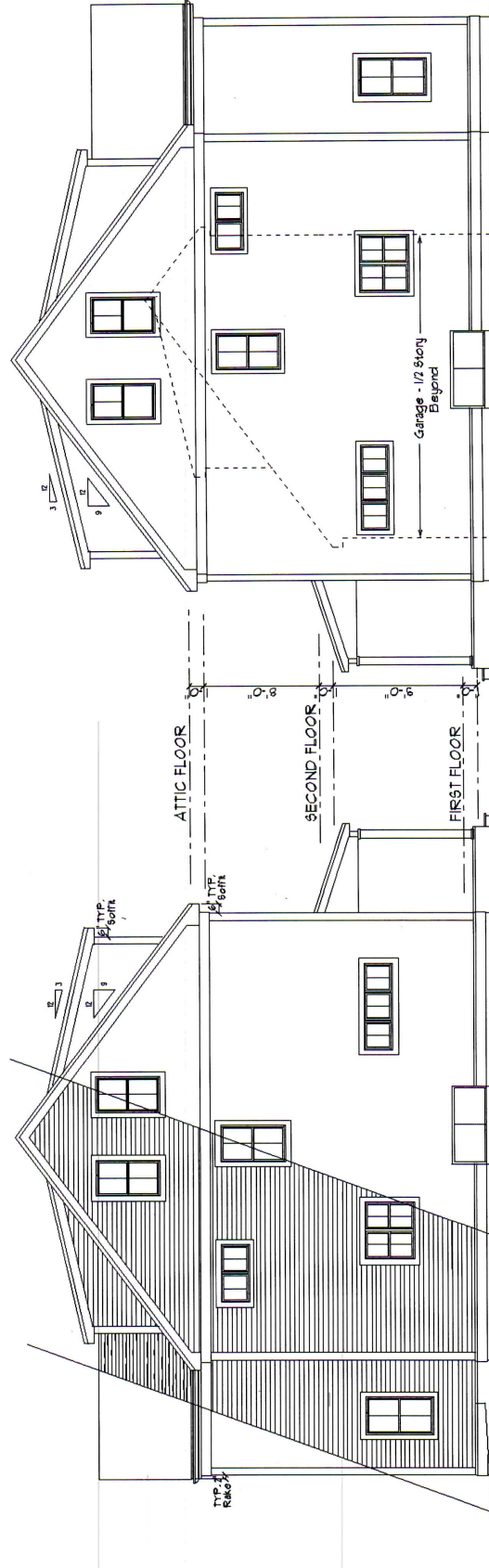
PROJECT ADDRESS: 132-134 HILLSIDE AVE		132-134 HILLSIDE AVE TWO FAMILY	
OWNER / DEVELOPER: EAST ROCK DEVELOPMENT LLC 4 OAK STREET, SUITE #1 NEEDHAM, MA 02432 - 617-159-1223	DATE 4-4-22	DRAWING NO. A-3	REVISION A-3
TITLE BASEMENT FLOOR PLANS			
C.D. CALHOUN ASSOCIATES INCORPORATED P.O. BOX 1000 BOSTON, MA 02111 / 617-833-3706 / cdc@cdcalhoun.com			



PROJECT ADDRESS:		132-134 HILLSIDE AVE TWO FAMILY	
OWNER / DEVELOPER:		C.D. CALHOUN	
EAST ROCK DEVELOPMENT LLC		ASSOCIATES INCORPORATED	
4 OAK STREET, SUITE #1		BACHET DE BAGATORE BEACH, MA 02867 / 808-933-5706 / cdc@bde.com	
NEEDHAM, MA 02432 - 617-759-1023		ATTIC FLOOR PLANS	
SCALE		DATE	4-4-22
DRAWING NO.		REVISED	A-4
TITLE		C.D. CALHOUN	



PROJECT ADDRESS:	132-134 HILLSIDE AVE	OWNER / DEVELOPER:	EAST ROCK DEVELOPMENT LLC 4 OAK STREET, SUITE #1 NEEDHAM, MA 02492 - 617-159-1223
132-134 HILLSIDE AVE TWO FAMILY	DATE 4-4-22	REVISION	A-5
TITLE	FRONT ELEVATIONS		
C.D. C A L H O U N E S S A G O T I A T E S , I N C . O F F I C E 80 BACCHETT DR. SAGAMORE BEACH, MA 02667 / 508-833-3306 / cdesign@cdcal.com			



UNIT #1

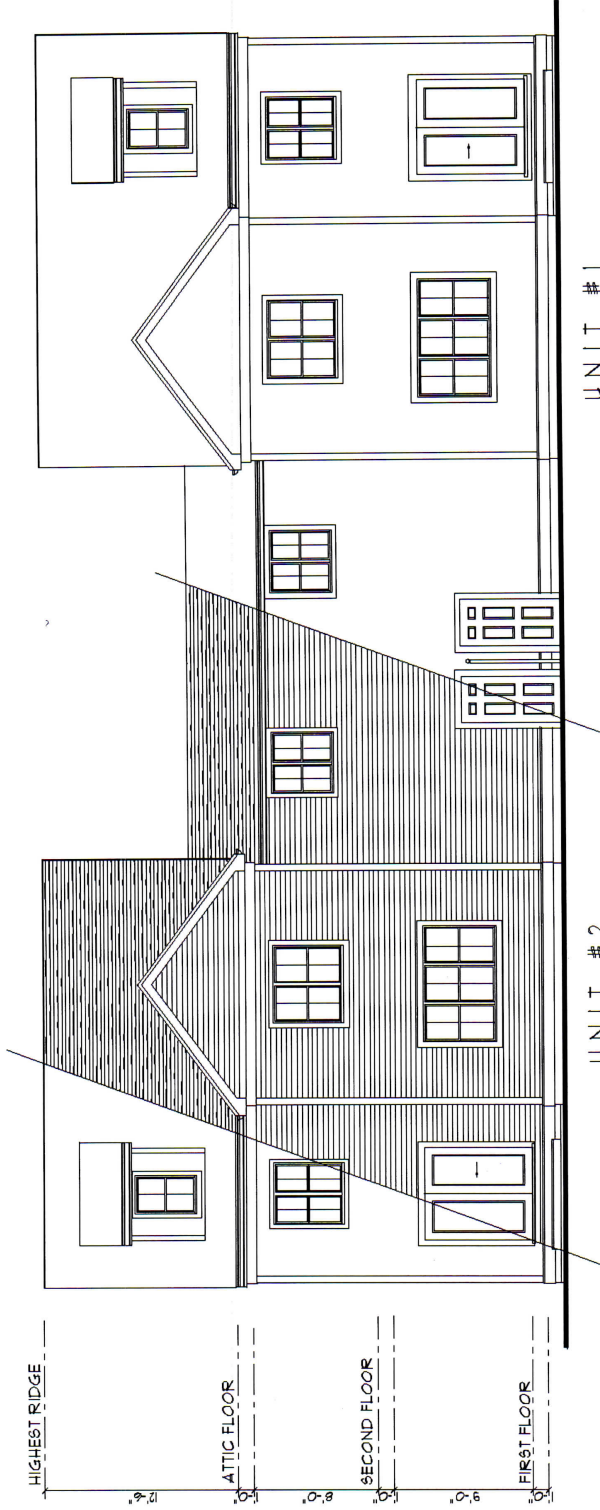
LEFT ELEVATION

UNIT #2

RIGHT ELEVATION



PROJECT ADDRESS:		132-134 HILLSIDE AVE	
OWNER / DEVELOPER:		EAST ROCK DEVELOPMENT LLC 4 OAK STREET, SUITE #1 NEEDHAM, MA 02432 - 617-159-1223	
SCALE	DATE	DRAWING NO.	TITLE
1" = 4'-0"	4-4-22	A-6	LEFT & RIGHT ELEVATIONS
C.D. CLIFTON		C.D. CLIFTON	
REGISTERED ARCHITECT		REGISTERED ARCHITECT	
MASSACHUSETTS		MASSACHUSETTS	



UNIT #1

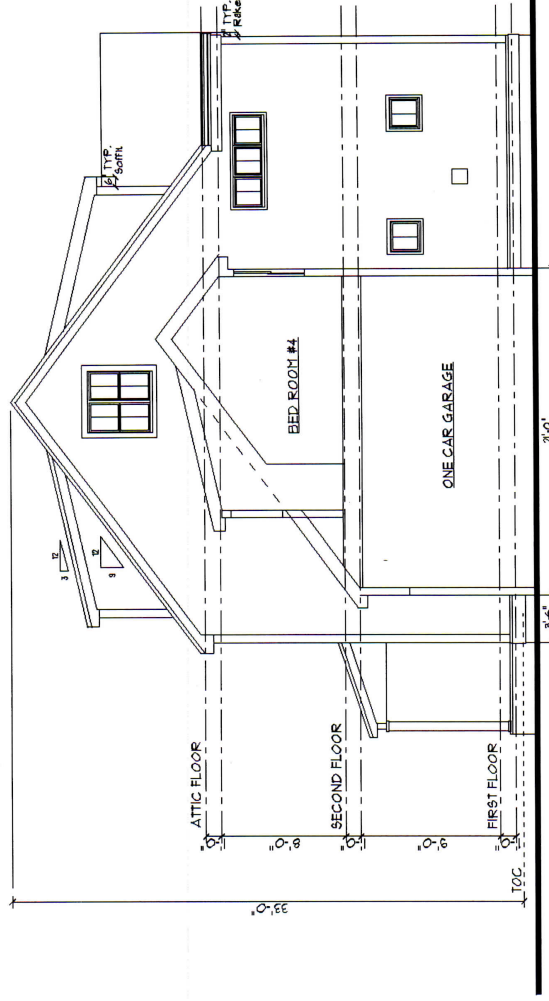
UNIT #2

REAR ELEVATIONS



132-134 HILLSIDE AVE TWO FAMILY	
SCALE 1" = 4'-0"	DATE 4-4-22
TITLE REAR ELEVATIONS	DRAWING NO. A-1
C.D. CALHOUN REGISTERED ARCHITECT - COMMONWEALTH OF MASSACHUSETTS NO. 48009 DATE 4-4-22	
PROJECT ADDRESS: 132-134 HILLSIDE AVE OWNER / DEVELOPER: EAST ROCK DEVELOPMENT LLC 4 OAK STREET, SUITE #1 NEEDHAM, MA 02452 - 617-759-1023	

818ACI001 DR. BLAGAVORE BEACH, MA. 02637 / RDR-633-9706 / cdc@cdcalhoun.com



CROSS SECTION THROUGH GARAGE / BR #4



PROJECT ADDRESS:		132-134 HILLSIDE AVE TWO FAMILY	
132-134 HILLSIDE AVE		DATE	4-4-22
OWNER / DEVELOPER:		DRAWING NO.	A-8
EAST ROCK DEVELOPMENT LLC		TITLE	CROSS SECTION THROUGH GARAGE / BR #4
4 OAK STREET, SUITE #1		C.D. CALHOUN	
NEEDHAM, MA 02432 - 617-759-1023		ASSOCIATES INCORPORATED	
		91 BACHIERI DR. BOSTON BEACH, MA 02861 / 603-833-8704 / cdc@nbc.com	

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
DECEMBER 19, 1972

RECEIVED
TOWN CLERK
NEEDHAM

FRANCES B. EATON

1973 JAN 18 PM 1 09

Upon the application of Frances B. Eaton, 820 Webster Street, Needham, Mass., owner, to the Board of Appeals for a variance under Sections III-A, VII-D, and/or any other applicable sections of the Zoning By-Laws, to relieve a present hardship and thereby permit the construction of a two-family dwelling on a lot at the rear of 136 Hillside Avenue in an area which, although currently zoned for single residences, is occupied by two-family dwellings, and which area is further abutted by Business zone, General Residence zone and railroad right-of-way, a public hearing was held in the Town Hall, Needham, Massachusetts, on Tuesday, December 19, 1972, in the evening, pursuant to notice thereof published in a local newspaper and mailed to all persons interested.

Mrs. Eaton explained that the subject premises has been taxed as a separate lot for a long time and she presented the Board with a deed dated December 31, 1941. She stated that the proposed two-family dwelling would insure a more realistic and fair return on her long-term investment in this area already spotted with two-family houses.

Byrl D. Leonard, 130 Hillside Avenue, stated that if Mrs. Eaton put a two-family house at the rear of 136 Hillside Avenue, there would be three or four cars there creating a fire hazard since most of the time there are already four cars at the existing house on the front of the parcel.

TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
NOTICE OF HEARING

Public notice is hereby given that FRANCES B. EATON, 820 WEBSTER STREET, NEEDHAM, MASS., owner, has made application to the Board of Appeals for a variance under Sections III-A, VII-D, and/or any other applicable sections of the Zoning By-Laws, to relieve a present hardship and thereby permit the construction of a two-family dwelling on a lot at the rear of 136 Hillside Avenue in an area which, although currently zoned for single residences, is occupied by two-family dwellings and which area is further abutted by Business zone, General Residence zone and railroad right-of-way. Plans were presented with application.

Upon said application, a public hearing will be held at the TOWN HALL, NEEDHAM, MASSACHUSETTS, ON TUESDAY, DECEMBER 19, 1972, in the evening at 7:50 P.M., at which time and place all persons interested may appear and be heard.

Morton H. Aronson,
Chairman
William J. Mullen
Charles E. Downe
Stanley R. Tippet
Paul Dunn
Board of Appeals

Chairman Aronson read into the record a letter to the Board dated December 19, 1972, from The Planning Board:
"The Planning Board wishes to be recorded as opposed to the granting of a variance to create two lots as requested by the petitioner, Frances B. Eaton, on both Hillside Avenue and Maple Street. In both instances the petition would create so-called "backyard" lots, and we question the safety for Fire Department access to the rear of the lots in question."

The hearing adjourned at 8:45 P.M.

The Board has carefully considered the petitioner's application for a variance. The petitioner wishes to build a two family home in an area that is presently zoned for single residence but the subject lot is surrounded by two family homes and a business zone. The Board feels that a financial hardship would be incurred if we denied the variance, and we are of the opinion that the granting of the appropriate variance will not result in a detriment to the public good or substantially derogate from the intent and purpose of the zoning by-laws.

By unanimous vote the Board of Appeals grants the applicant a variance to construct a two family dwelling on a lot at the rear of 136 Hillside Avenue with the restriction that there will be no parking of vehicles at any time on the 105 foot drive that leads into the lot, as shown on Assessor's plan #76 filed with the application.

Charles E. Downe

Morton H. Aronson
Morton H. Aronson, Chairman

NEEDHAM PLANNING BOARD MINUTES

December 21, 2021

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, December 21, 2021, at 7:15 p.m. with Messrs. Jacobs and Block and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. He reviewed the rules of conduct for zoom meetings. He noted this meeting does not include any public hearings and there will be no public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Board Deliberation and Decision: Amendment to Major Project Site Plan Special Permit No. 2009-06: Town of Needham, 1471 Highland Avenue, Needham, MA, Petitioner (Property located at 1471 Highland Avenue, Needham, MA).

Mr. Alpert noted Ms. Newman has circulated a draft decision with red line changes. There are 2 changes. One change is in style, changing paragraphs recommended by Town Counsel and some grammatical and stylistic changes suggested by Mr. Alpert. There is one substantive issue in the decision. Ms. Espada was not at the last meeting. She has viewed the video and submitted the Mullin Certificate. He noted the issue is with the decorative catenary lights suspended on cables between the 2 shade structures. Mr. Jacobs was not pleased with the lights and suggested not allowing them or making changes. Ms. Espada is an architect. He would like to hear her opinion on this.

Ms. Espada stated she appreciated Mr. Jacobs comments. She has no problem with the lights. She assumes if the Board does not feel they are effective the lights could be removed. She stated she likes them and likes the feeling that they create a space underneath them. She understands Mr. Jacobs concerns. The town center is being used in the evening for the last couple of years. This will bring life to it and gives flexibility such that there are no poles and the lights could be removed. She wants to make sure the project is as sustainable as possible. With porous pavement and storm water management she wants to confirm these pieces are included. She wants to make sure the metal is not hitting the ground so the salt hitting it will not rust it and the metal should be galvanized or color galvanized so it does not rust.

Ms. McKnight noted she has a minor change in the Findings and Conclusions on page 4, Subsection 1.5(g). Oscar Mertz said the lights may droop down. She suggests adding "and additional poles may be installed to support the cables if the petitioner determines such support is needed" and "or the lights may be removed." This may be added in Section 3.2 on page 7. She just wants to make sure the applicant does not have to come back to us. Ms. Espada asked if the lights are on a timer. She does not want them on all night. Ms. McKnight thought that was asked and the response was the lights would be on a timer. Mr. Jacobs does not remember that but noted there would be an on/off switch. He has no problem adding language the catenary lights can be removed. He does not like adding poles and does not think catenary lights will add anything and may actually detract.

Ms. Espada noted wording should be added about the need for the lights to be on a timer and make sure the lights are LED and as sustainable as can be. Ms. Newman noted a condition would need to be added. Mr. Alpert stated he agrees with Ms. Espada. A condition should be added that catenary lights should be on a timer and may be removed by the Petitioner if he decided to without Planning Board approval. There is no provision about poles. The Board discussed a time the lights should go off. Town Counsel Christopher Heep noted the lights should be turned off no earlier than 11:00 p.m. as a baseline and let the DPW decide. The Town wants them on as long as there are people there. If the Board is willing to let the lights stay on later with DPW discretion he would prefer that.

Mr. Jacobs stated he is not comfortable leaving it at the DPW discretion. He wants the time defined. It was noted restaurants are open until midnight. Mr. Heep stated he wants to keep the common alive at night. Ms. Espada suggested 11:00 p.m. weekdays and 12 midnight on Friday and Saturday nights. Mr. Block agreed. Ms. McKnight noted the second paragraph on the first page says "for 1)" but there is no "2)." On page 6, it is the same thing. It does not need the 1).

Upon a motion made by Ms. McKnight, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:

VOTED: to grant (1) the requested Major Project Site Plan Special Permit amendment under Section 7.4 of the By-Law and Section 4.2 of Major Project Site Plan Special Permit No. 2009-06, dated November 17, 2009, subject to and with the benefit of the following Plan modifications, conditions and limitations.

Upon a motion made by Mr. Block, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to approve the decision as drafted with the changes previously submitted and conditions discussed tonight.

Ms. Espada recused herself from the next +hearing. Mr. Block became Acting Chair of the next hearing.

Board Deliberation: Major Project Site Plan: Needham Enterprises, LLC, 105 Chestnut Street, Suite 28 Needham, MA, Petitioner (Property located at 1688 Central Avenue, Needham, MA). Regarding proposal to construct a new child-care facility of 9,966 square feet and 30 parking spaces, that would house an existing Needham child-care business, Needham Children's Center (NCC).

Mr. Block noted the hearing was held open to receive a number of items including: a letter from Attorney Patrick Moore, dated 12/20/21; a letter from Evans Huber, dated 12/16/21; a letter from Attorney Holly Clarke, dated 12/18/21; materials from Joe Abruzese and Maggie Abruzese; a letter to the Planning Board from John Diaz, dated 12/17/21; a memo from the Needham Board of Health with recommendations; a plan for snow storage and conditions for the road or sidewalk return condition. Mr. Alpert asked if the Board received the last 2 communication items. Ms. Newman spoke with the DPW regarding restoration of the street and whether it should be paved or trenched. There is no response yet. She will have it at the next meeting and also communication regarding snow removal.

Mr. Block noted there are 14 issues to decide on for the application. The Board needs to determine what is the number one issue they need to decide to make the rest possible. He reviewed the list. He noted the light mitigation includes headlights that would go right into the houses across the street. Ms. McKnight noted the added plan still shows a white vinyl fence. The applicant stated they would put in anything the Planning Board wants. Mr. Block stated that is part of the screening. Mr. Alpert stated his opinion of the biggest issue is the scope of authority. Mr. Jacobs feels it would be if there can be 2 non-residential buildings or uses on one single family residential lot.

Mr. Alpert explained how he reads the cases and statutes and reasonable regulations. He reviewed the cases again. The Board can condition the project to enforce any provision of the By-Law they feel are appropriate. They are limited to what the By-Laws provide. He stated it cannot be done if the By-Laws do not provide for it. The Dover Amendment limits that. Regulations cannot be unreasonable but the burden of proof is on the Petitioner if it goes to court. There are gray areas as relates to setback and the barn. Mr. Block stated, for points of clarity, he asked Town Counsel to complete a spreadsheet with information on the decision to help give the Board guideposts on unreasonable or reasonable regulations. Most answers are functions of dimensional requirements.

Ms. McKnight stated parking requirements may be applied under the Dover Amendment. Mr. Alpert stated the Supreme Judicial Court's 1993 Tufts vs. Medford case says local zoning requirements adopted under the provisions of the Dover Amendment which serve legitimate municipal purposes sought to be achieved by local zoning, such as promoting public health and safety or preserving the character of the adjacent neighborhood or one of the other purposes sought to be achieved by local zoning, may be permissibly enforced consistent with the Dover Amendment against an educational use, not just bulk and setback. He noted the letter from the Building Inspector who feels the second structure is a permissible structure. He agrees the barn is a permissible use and disagrees with Ms. Clarke that it is a second structure that needs to be removed.

Mr. Jacobs stated it may not be in the proviso but is in the courts reading of it. Mr. Block stated a second structure is allowed under the Dover Amendment as an accessory use. Mr. Jacobs noted the Building Inspector did not say accessory building. He said accessory use. Ms. McKnight feels it is implied. Mr. Alpert feels an accessory use in the Dover Amendment is an accessory purpose to the child-care, not an accessory use. Mr. Block stated the history of the use of the barn has changed and evolved through this process. Mr. Alpert stated it has been acknowledged the barn will be used exclusively for the

daycare use and not necessarily for storage. He has no problem with that if the Board determines the barn is an accessory use.

Mr. Alpert noted on the bottom of page 33, Section 3.2.1, he has a problem with the wording in the By-Law's definition of uses. There is a question whether the barn fits that. Uses as of right says "other customary proper accessory uses such as, but not limited to, garages, tool sheds, greenhouses and cabanas." Then go to Section 3.2.2 on page 44, and it has exactly the same language but farther down the same page there is another use for other accessory uses incidental to the lawful principal use. A distinction is being made between cabanas, garages, and such. He asked if a 2,500 square foot barn is equivalent to a garage, tool shed, cabana or greenhouse or is it an incidental use to the primary lawful use? Ms. McKnight noted the definition in the By-Law of accessory use is "a use subordinate to, and customarily incidental to, the principal use." Mr. Block asked when the use table was modified in the Business District was it an oversight? Ms. Newman believes it was added at the time the Center Business District was created in 1989. She will go back and look. Mr. Block stated they need to go with what they have. It is clear the intent of the barn is for storage. His question was how can you design a 10,000 square foot building and not factor in up to 20% of the whole of the building for storage. Mr. Alpert stated he is not advocating the barn is not a permissible use. If the other 3 agree with the Building Inspector he will go along with it. He noted the Board has the ability to enforce their By-Laws. To him a garage is maybe 600 square feet. Permissible accessory buildings would be garages and sheds.

Ms. McKnight stated her view is if the barn is used for storage it is an accessory use and an accessory building. The size of the barn is not the biggest factor here. Mr. Jacobs noted the size of the barn factors in if it is a customary use. This is a big barn. He asked if this is what daycares customarily use. Ms. McKnight stated it was originally built as a barn and was an accessory building to the original house. Mr. Alpert stated they are talking about all structures for which building permits were issued by the Building Inspector and were not appealed. Mr. Jacobs noted customary and proper and asked what members thought customary and proper is. The 10/16/21 memo from Holly Clarke, Section 3, discusses customary and cites case law. Accessory use fails the test. The barn alone is larger than a 2,500 square foot daycare use. The proposal for the barn does not meet the accessory use.

Mr. Block stated the size is not customary for a daycare. There was no discussion on the original application regarding the use of the barn. Mr. Jacobs stated the whole application is backwards here. It is all built around keeping the barn. It should be about the daycare center. It is not permissible under 3.2.1. Mr. Alpert commented, if the Board finds the barn is a permissible accessory use and they want to move the building back, does the Board have the authority to make them take the barn down. Ms. McKnight stated she thinks the setback is fine. The landscaping is fine, the driveway loading is fine and the traffic would work. However, the neighbors feel strongly that Mr. Diaz is wrong with regards to traffic. She would impose a condition for a police detail to make sure traffic is moving slowly for however many months is necessary. She wants to have the applicant meet and address any traffic problems. Additional parking could be included, rearrangement of the driveway and it may include removal of the barn. She is prepared to approve it. It would need post occupancy studies on a regular basis.

Mr. Block agrees with post occupancy studies. This is a ripple effect. Mr. Alpert stated traffic issues could force remediation of the barn issue. He does not agree with Ms. McKnight. Once the Board approves this with a setback at 64 feet and allows the barn to stay it cannot be changed. There is plenty of land if more parking is needed. It is a much more costly project to have the applicant get rid of the barn after the 10,000 square foot building is built. He feels there may need to be police detail(s) not only at the drive but further down the road. The mitigation may be permanent police details. The decision for the barn is a permanent one. He does not see the Board can force the removal of the barn once they decide it can stay. Mr. Block noted the barn can be incorporated into the structure. Mr. Jacobs stated, if the barn issue of 2 buildings on a lot is resolved, do they try to write a decision with a list of conditions included? Do we want to move it back X feet, which may require the barn to be removed, or do we say if the applicant cannot meet the conditions that are imposed the Board denies the special permit?

Mr. Alpert stated, his reading of the Canton case, is unless we have a project sitting in a one-acre lot that is totally wetlands the Board cannot deny the project. He believes if they deny it the Land Court would be on them. Mr. Block commented unless they have not met the burdens to demonstrate our regulations are unreasonable. Mr. Alpert stated the Board needs to come up with regulations to allow the project. Mr. Jacobs stated the decision they write should be the Board cannot agree the plan as presented satisfies us but with the following changes and conditions we can approve this even if those changes

and conditions would require the applicant to take down the barn. Ms. McKnight stated she agrees with Mr. Alpert. They could grant the Major Project Special Permit with the following conditions. If the applicant feels it is unreasonable they can appeal. Mr. Jacobs stated it is a De Novo Appeal. He suggests the decision the Board writes does not say anything about the barn. It could be approved with a long list of changes to landscaping, lighting, recommendations of the Board of Health regarding testing and such. The decision could be issued based on conditions. Then what does the Board say? To come back when the conditions are satisfied or what?

Mr. Alpert stated some conditions to be satisfied are to get a Building Permit and other permits before the Occupancy Permit. Mr. Block stated, per Town Counsel, the Board cannot put any condition that leads to subsequent conditions. Ms. Newman stated the Board often requires plan modifications subject to Planning Board approval. There will be a condition the applicant must comply with the Board of Health recommendations for testing of the site. That is the Board of Health's jurisdiction and they will need to make sure it is implemented. There will be a condition the Town shall hire an Environmental Engineer to conduct an environmental assessment. Ms. McKnight stated the conditions need to be clear.

Mr. Alpert asked if it is the setback provided through the Dover Amendment or through the uniformity of our own By-Laws that is lawful? He would advocate the Temple is the most amalgamous use in the neighborhood. As part of the Temple decision the attorney for the Temple chose to set the building back as far as possible in keeping with the character of the neighborhood. This Board should match the setback of the neighborhood. He is not moved by the cost of demolition and reconstruction. The applicant has not given supporting evidence of the \$50,000 cost to demolish the barn. The applicant is already demolishing the garage, so a crew and all equipment is already on site. It would be an incremental increase to demolish the barn. He would advocate this building be set back in keeping with the Temple. It is the applicant's choice to demolish the barn. It would enable greater parking and more efficiency and would get more cars off Central Avenue. It would be a benefit in easing the traffic burden and create more safety.

Mr. Jacobs stated the initial question is do all members agree with the Board's authority to change the setback to more than it is now. This exceeds the existing minimum setback now. Ms. McKnight stated the authority would be determined by the court if it is appealed. The question would be whether the setback the Board sets is reasonable. The Board has the burden of proof that the setback that is set is reasonable. She is satisfied with the setback. Mr. Alpert disagrees with Ms. McKnight on who has the burden of proof. The Board would have authority to enforce the Zoning By-Laws under Major Project Site Plan Review and imposing of conditions to preserve the integrity of the neighborhood. The Board's enforcing of legitimate By-Laws puts the burden on the applicant to say the conditions are unreasonable. Mr. Jacobs agrees.

Mr. Block asked what is regarded as reasonable regulations – solely dimensional guidelines or other aspects of the By-Law. He feels the Board should wait until there is clarity from Town Counsel. Ms. Newman stated the Temple is setback 276 feet. Mr. Alpert feels the barn could be incorporated. It could be designed in a way that preserves the barn and he is fine with that. His objective is to move the building back. If they can do it without removing the barn that is great. If not, does the Board have the authority to have them remove the barn. Mr. Jacobs believes the Board does have the authority. He agrees it should be setback but is the Board in a position to satisfy their desire and what Ms. McKnight wants. Is the Board equipped to write such a condition? He agrees it should be as clear as possible.

Ms. McKnight stated she is trying to avoid the need for a whole new site plan that may have all new conditions. If the applicant takes the building and moves it back, they would need to redesign the drop off and parking. The Board would be reviewing a whole new site plan. She noted the Board would need to make their conditions clear. The building was redesigned to make it look more residential with cornices, fancier windows and nice landscaping. She feels a 64-foot setback for a building like this on this site is reasonable. Mr. Alpert noted all other houses are setback 100-150 feet except for the house next door. The Temple is setback over 200 feet. He thinks this building will stick out like a sore thumb and be ugly. If it was a different neighborhood and all the houses were setback 30 feet that would fit into the neighborhood.

Mr. Block stated, on sheet 3 of the site plan from 11/22/21, when you compare the mass it is substantially out of character. The sheer mass of the building would be more in keeping with the Temple setback. It will be dwarfing Mr. Heideman's house. He noted Section 4 noting the Municipal Interest Uniformity of Districts compels the Board to maintain the character of the neighborhood. Mr. Alpert commented the setbacks there are because that is where the builders decided years ago to build the houses. Mr. Jacobs stated the Board could find the setback needs to be more than 64 feet but he does not know how to make that clear. Mr. Block noted that would be making a condition based on a subsequent condition and that cannot

be done. He noted John Glossa added \$50,000 for removal of ledge. He has not seen where the ledge is or how much there is. Mr. Jacobs noted Mr. Block asked Town Counsel for some information. He feels they should hold the record open for further information they do not have. He suggests continuing the hearing to the next meeting.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the four members present unanimously:

VOTED: to continue the hearing to 1/4/21.

Ms. Espada rejoined the meeting. Mr. Alpert resumed as Chair of the meeting.

Consideration of zoning to allow brewery uses in Needham.

Ms. Newman noted she was not at the Select Board meeting but there is interest in moving forward so that this would be allowed. The Select Board is interested in the Planning Board perspective to move forward and, if so, which districts. Cambridge and Natick have Craft Manufacturing Districts. Is there interest in proceeding? Are there specific areas of town, as of right or special permit? Mr. Alpert stated that Mr. Jacobs said at the Select Board meeting he was not sure we need to have zoning. Under the current By-Laws there can be breweries. Medfield approved 2 breweries in the Industrial Executive District under special permits and Norwood approved 2 under special permits.

Mr. Jacobs commented on Section 3.1, last paragraph, Industrial Business and Mixed-Use Districts as of right or special permit can be allowed. Industrial 1 already allows restaurants by special permit, food processing for wholesale by special permit and all inclusive any lawful purpose not enumerated elsewhere. Ms. Newman agrees with that. She feels it was drafted broadly to cover uses like this. Mr. Alpert discussed which districts allowed what. He feels districts with light manufacturing and restaurant uses would allow it. He does not think they need to go through the process to Town Meeting for a use already allowed. Mr. Jacobs stated Ms. Newman is correct that it was drafted broadly. The whole point is to not have to come back every time there is a new use.

Ms. Newman stated the Building Inspector did not read it that way. He felt it needed to be a specified use. His interpretation is there needs to be a zoning change. Mr. Block stated one section specifically calls out a bottling plant use in Industrial and Industrial 1. It seems it has a specific purpose. He feels there should be a joint meeting with the Building Inspector. Ms. Newman noted he will be out until February. Mr. Jacobs noted Section 3.1 says the Board can make a determination if it is a special permit or as of right. Mr. Alpert feels it is manufacturing and not a bottling plant.

Ms. McKnight agrees with Mr. Block. A bottling plant is the closest to what we have. She feels it is allowed only in Industrial and Industrial 1 Districts. If the Board wants other districts they could amend the words to include craft beer manufacturing and bottling and bring it to Town Meeting. Or they could have bottling plants in Industrial Districts. Brewery and restaurants would be 2 uses on a lot. That would be a special permit. Ms. Espada stated it should be designated in Industrial Districts and look at Commercial to see if the Board wants it there. She noted they talked about food trucks and pop ups separately. Mr. Alpert commented he does not like the idea of beer going out to food trucks. Ms. Espada stated they are talking about 3 separate things.

Mr. Block noted breweries could range from Business Districts to Industrial. The Board needs to determine a policy of what they want and where they want the use. Mr. Alpert stated it would take years to do this. This is why 3.1 was put in to take care of things like this. Ms. Newman reiterated that was not the Building Inspectors interpretation. Mr. Alpert stated not at the first level but ultimately this Board makes the determination. Ms. McKnight stated the Building Inspector has authority under state law. If there is a disagreement an appeal goes to the Zoning Board of Appeals (ZBA). A discussion ensued around Section 3.1 and authority.

Ms. McKnight stated once the Planning Board makes a determination then the Building Inspector is satisfied. Mr. Jacobs stated the purpose of 3.1 was to have a gray area so people would come to the Planning Board. Mr. Block stated it is a deficient system when an entrepreneur wants to set this up and gets conflicting information from the Planning Director and Building Inspector. The Building Inspector's information is wrong based on what Mr. Jacobs and Mr. Alpert said. Ms. Newman does not agree. Mr. Alpert feels it would be helpful to have a conversation with the Building Inspector about the process, authority and what the zoning actually says.

Ms. McKnight feels it would be a better use of time to go along the path Mr. Jacob's provided us. Then have a meeting with the Select Board to let them know the Board is thinking along these lines. Mr. Jacobs stated one thing they wanted to do with 3.1 was not make this a difficult process. Just come to the Board and discuss what they want. The point was to make it easy. Ms. Espada would love if what Mr. Jacobs said would work. She feels they need to have a bigger discussion with the Select Board and Building Inspector to make sure everyone is aligned. She would like to bring up as this also relates to food trucks and pop ups. Mr. Alpert stated the analogy is outdoor seasonal beer gardens. Ms. Espada clarified she is talking about pop up restaurants like a caterer in a vacant retail space. It brings equity to town. Some people cannot afford brick and mortar.

Mr. Jacobs stated the Board had lively discussions back when dealing with food trucks. The brick and mortar restaurants did not want the competition. Ms. Newman noted the food trucks are away from restaurants paying taxes for real estate. There are limited numbers of food trucks allowed in limited areas. Ms. Espada agrees with Mr. Jacobs. She does not want to change anything if they do not need to. Ms. McKnight asked if Mr. Jacobs could do a memo starting with 3.1 and the districts it would be allowed in by right or special permit and similar in kind. Mr. Jacobs asked Ms. McKnight to send a quick description of what she wants and he will do that. He feels it would be easier for someone to come in and describe what they want to do and then the Board could decide.

Report from Planning Director and Board members.

Ms. Espada stated with the Housing Plan Working Group there were positions created from different committees in town and 2 at large residents. They interviewed 5 or 6 people and selected 2 at large members. The ZBA had no one volunteer so there is one vacant spot. She noted Emily Cooper, who was interviewed, was listening as a community member at the last meeting. She proposed she would be a good candidate to fill the vacant spot. Mr. Jacobs stated he has no problem with that. He felt she was very good when he interviewed her. Mr. Alpert asked, under the current setup, does the ZBA representative have to be a ZBA representative or can the ZBA appoint someone. Ms. Newman stated it has to be a member. Mr. Alpert stated the Board has to modify the committee to take away the ZBA spot and have a 3rd member at large. Mr. Block stated the committee was created with 2 members at large slots and not 3 members at large. Ms. Newman stated the Board has the authority to do this.

Upon a motion made by Ms. McKnight, and seconded by Ms. Espada, it was by a roll call vote of the five members present unanimously:

VOTED: to agree the Housing Plan Working Group shall have 13 members with no member for the ZBA but 3 community members.

Upon a motion made by Mr. Block, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to appoint Emily Cooper to the working group as a 3rd member at large seat.

Upon a motion made by Mr. Block, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to adjourn the meeting at 11:30 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

January 4, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, January 4, 2022, at 7:00 p.m. with Messrs. Jacobs and Block and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. He reviewed the rules of conduct for zoom meetings. He noted this meeting does not include any public hearings and there will be no public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Zoning Review of Proposed Medical Use: Major Project Site Plan Special Permit No. 2005-07: Needham Gateway, LLC, 66 Cranberry Lane, Needham, MA, Petitioner (Property located at 100 and 120 Highland Avenue, Needham, MA).

Richard Mann, Attorney for the applicant, stated the applicant will be filing a Special Permit Amendment to the current Special Permit soon. The original Special Permit in 2006 has been amended numerous times with the last time in July. He discussed the changes in the retail world that has been going on. He noted there will be 3 vacancies at the end of March – Frank W. Webb, which is in its own building, Omaha Steak and Super Cuts. They have been looking for months for new tenants and would like to discuss one tonight. Carbon Health is a medical service and is owned by a single physician. It does not need a state license as a clinic. He had a discussion with Building Inspector David Roche and Planning Director Lee Newman a couple of weeks ago. He has a letter from the Building Inspector concluding the use is professional office, which is as of right. The Building Inspector wanted to make sure everyone is on the same page.

Mr. Mann noted the project would still need relief. There are parking waivers under the existing permit and there would need to be a continuance of the waiver. He feels his letter is an accurate representation. Mr. Alpert stated he is not convinced it is not a clinic subject to licensure under Chapter 1.11, Section 51. He would want to see a narrative of why it is not a clinic. It is owned by an out of state practitioner. If not licensed in Massachusetts he is not the solo practitioner. Mr. Mann will get the information together. There is nothing in Statute 1.11 that deals with licensure or state of licensure of the practitioner. He feels this complies. The applicant is seeking other approvals in Massachusetts. Chapter 1.11 is a pivotal issue to them. Mr. Alpert stated the only issue he sees is if this is exempt under Chapter 1.11, Section 51.

Mr. Alpert noted there will be 8 staff and up to 2 of them would be physicians. What will the other 6 staff be? Mr. Mann stated the other staff would be nurses and PA's. There may be as many as 14 on staff but there would never be more than 8 staff at any time. Mr. Block asked what kinds of testing would there be – X-rays, EKG's, blood tests? Mr. Mann noted there would be a small lab for blood tests. He does not know about EKGs but assumes they will have one. He does not see it on the floor plan. Mike Moskowitz, owner of the property, stated Carbon Health has one location in Chestnut Hill already and may have one more. Mr. Alpert is concerned with Chapter 1.11, Section 52. The description of a clinic says "shall not include one or more practitioners so associated". Mr. Jacobs asked if the intent is to operate like an urgent care. Mr. Mann stated it would be a walk-in clinic. He feels it is odd they are faced with an allowed use or a prohibited use. He feels it should be a special permit use.

Transfer of Special Permit to Affiliate Entity: Major Project Site Plan Special Permit No. 2011-01: Wingate Senior Living at Needham, Inc., 63 Kendrick Street, Needham, MA, Petitioner (Property located at 235 Gould Street, Needham, MA).

Ms. Newman noted the decision for this requires, in the event of a transfer to an affiliated entity under their control, the applicant to contact the Board. She stated they have done that. Mr. Block stated there seems to be a discrepancy in Jonathan Scharf's letters of 12/13/21 and 12/17/21. The grantor of the permit is Wingate Senior Living at Needham Inc. and is being transferred to an affiliate entity WSL Needham AL IL OP, LLC. The other letter says the developer proposed to sell to a different name, EPC Wingate LLC. Ms. Newman stated the difference is between the owner of the property and the entity

that would operate it. The permit is linked to the operator. She asked if the Board wants something on record with the new entity. Mr. Jacobs stated that or something saying that the Board received notice. He does not see a problem with that.

Mr. Alpert asked what the operator is operating – the nursing home or the residences. Ms. Newman noted it would be the residences behind the nursing home. Mr. Alpert stated the only issue he has is the 12/13/21 letter regarding the project and the developer. They are not really changing operations. Ms. Newman stated the applicant represented the operator will remain the same. Ms. McKnight stated 2 addresses are being referred to. Ms. Newman clarified it is not related to the nursing home but the affordable housing units. She will ask the applicant to record something at the registry and let the Board know when that is done.

Board Deliberation: Major Project Site Plan: Needham Enterprises, LLC, 105 Chestnut Street, Suite 28 Needham, MA, Petitioner (Property located at 1688 Central Avenue, Needham, MA). Regarding proposal to construct a new child-care facility of 9,966 square feet and 30 parking spaces, that would house an existing Needham child-care business, Needham Children's Center (NCC).

Ms. Espada recused herself. Mr. Block took over as Chair for the deliberations.

Mr. Block asked members if they were able to review the information Town Counsel had prepared at his request. All members had reviewed it. Mr. Jacobs suggested the Board start with a discussion regarding whether a separate non-residential building on a residential lot where there is already a non-residential building is a violation of our By-Law or not. Mr. Block asked if the barn was truly accessory. Mr. Jacobs wants to focus on the section on page 31, next to the last use column. Mr. Alpert stated it was a combination of that and accessory use on page 33. Mr. Jacobs asked, on page 31, does anyone believe having 2 non-residential buildings on a single residential lot is allowable? Mr. Alpert noted it has to be combined with accessory use on page 33, which says sheds and garages are allowed. He feels both need to be read together. He is focused on the word "customary."

Mr. Jacobs asked what Mr. Alpert's argument is that he feels is clear on page 31 in the use category. Mr. Alpert noted the opinion from the Building Inspector. The Building Inspector feels accessory use provisions trump 2 non-residential buildings. Mr. Jacobs clarified the Building Inspector says nothing about buildings and only talks about use. His reading is 2 non-residential buildings on a residential lot is not allowed and cannot be done. The Building Inspector does not say otherwise. Mr. Alpert stated the 2 provisions are contradictory. The Board needs to decide if a 2,500 square foot barn equates with a garage, shed or cabana. Mr. Jacobs noted the barn is not one of the items listed in Chapter 40A, Section 3. Mr. Alpert agreed but feels forcing them to take down the barn is an unreasonable regulation.

Ms. McKnight stated her concern is the Board cannot prohibit land or use of structure(s) for primary use. She does not see how they could apply this section even if they could. Mr. Block stated the definition of accessory relates to customary use. They do not have a 4,500 square foot building customarily for daycare centers. Ms. McKnight noted that is a different question. If the barn is accessory to daycare, and cannot be prohibited, 2 non-residential buildings on a lot cannot apply. Mr. Jacobs does not agree. Mr. Alpert agrees with Mr. Jacobs. Is enforcing our By-Law an unreasonable regulation? The burden of proof is on the petitioner that enforcing our By-Law is unreasonable. Mr. Jacobs stated if that is how the Board feels, removal of the barn can be required in the context of conditions and one condition would be the removal of the barn.

Ms. McKnight noted the question is if the barn is accessory. She noted the contradictory By-Law prohibits more than one use on a residential lot. Chapter 40A, Section 3 says no zoning By-Law shall prohibit the use of structure(s). Mr. Jacobs is not talking about use. The barn was never any part of the applicants' plan. How would this prohibit the use of the land or the structure they want to build? Ms. McKnight commented if the barn is a permitted accessory use to the daycare then it cannot be prohibited. Many properties in Needham have very large barns associated with them. The Building Inspector recently issued a building permit on Dwight Road for a new house and 2 large accessory uses. Mr. Block noted there was no evidence from Attorney Evans Huber that demonstrated a barn, especially of this size, is customary to daycares. This fails the test and cannot be accessory. It is not clear this is a customary use.

Mr. Alpert commented he is not clear if this is a customary use either. It may be customary to residential uses but not daycare centers. The question is is it a reasonable enforcement of our By-Law to prohibit that. If the only reason to require them to remove the barn is it is in violation of this By-Law he thinks it is by definition unreasonable. Mr. Jacobs stated both buildings would create too much bulk on the lot and having more space should relieve the pressure to have more

parking and traffic flow. Mr. Block stated the character of the neighborhood is a legitimate concern. If the building was setback 200 feet like the Temple that holds. Mr. Jacobs stated one document in the Design Review Board's (DRB) 8/11/21 letter incorporates comments from their March and May letters. The DRB asked both times about the barn. The DRB said the aesthetics are not in keeping with the neighborhood. Mr. Block noted the Board could require the setback and include the barn. The applicant could heat it and plumb it. The applicant is going to have 1,600 feet for play space. With the size of the barn they could have a large play space and enough for the rest of the facility.

Mr. Alpert proposed alternatives. Two buildings is too much bulk for the neighborhood. That argument alone says the barn should come down. He suggests keeping the barn, move the building back almost to the barn and have a 5-foot walkway between the barn and building. The design does not have to change. The Central Avenue side of the building would be approximately 130 feet back. He thinks he would be satisfied with a 130-foot setback but not 64 feet. He feels 130 feet preserves the character of the neighborhood. Mr. Block stated that does not satisfy the question of 2 non-residential structures on one non-residential lot. Ms. McKnight asked where the loading area and handicap parking spaces would be. Mr. Alpert noted the parking and drop off area would need to be reconfigured but there is a large amount of land there.

Ms. McKnight stated, with the current design, she likes that the drop off is set back from the front. The long profile faces the Temple and the façade facing Central Avenue is somewhat residential. She would not want parking or drop off to be in the front of the building. Mr. Alpert feels there is plenty of room to reconfigure the parking. Mr. Block is not opposed to parking in front if it is reasonably screened. Ms. McKnight feels to reconfigure parking it may need to be closer to the abutters on Country Way. Mr. Alpert noted there is plenty of room to move behind the barn. He is only talking a few spaces. Mr. Block noted, if the Board is saying they cannot have more than 2 non-residential uses on one residential lot, the bulk is massive and the character is not preserved, it is a legal argument to have the barn removed. The setback could be equivalent to the Temple.

Mr. Jacobs stated it is beyond clear the bulk problem is all with the barn if it stays. It has been made clear the barn has nothing to do with the daycare center. It is an afterthought. Mr. Block asked if Ms. McKnight would regard the barn as a bonafide accessory use. Ms. McKnight feels it is. She noted, if the Board includes the barn, the parking may have been miscalculated. It was not clear the barn was going to be used for accessory. She asked if they have correctly calculated the parking or do they disregard the storage space. Mr. Jacobs noted the daycare was designed not to use the barn for storage. If using the barn the daycare could be a smaller building. Mr. Alpert stated if the barn is used for storage it does not need to include parking.

Mr. Block asked if the barn was legitimate. Is Ms. McKnight satisfied with the information from Mr. Huber that a barn of this size is customary to a daycare center? Ms. McKnight is satisfied based on the information for storage needs the anticipated operator gave them. Mr. Alpert noted there is an estimated 800 feet of storage for the garage and a shed the anticipated operator currently uses. That is not equivalent to 4,500 square feet of storage. Mr. Jacobs noted there is no evidence in the record. Ms. McKnight stated, coming from the point of view the front setback is far enough back and the circular drive is a good arrangement, she does not see a big reason to take the barn down. Mr. Jacobs may be able to live with a 64-foot setback. He has not decided but because of the bulk problem and aesthetics he would still feel the barn needs to come down.

Mr. Alpert stated that building at 64 feet is totally out of place in this neighborhood. Compared to the barn, that is a lot of bulk. All the houses except the Heideman's are setback 100 feet. He wants it setback. He could be satisfied if they kept the barn but setback the building as he said. This does not fit in the neighborhood. Pushing it back preserves the character of the neighborhood, but they would probably need to reconfigure the parking. Ms. McKnight commented there is no such requirement to preserve the character of the neighborhood in their By-Laws. Mr. Alpert stated it is in their By-Laws and pushing it back would also alleviate some traffic issues. He is convinced pushing it back better preserves the character of the neighborhood.

Mr. Jacobs asked about keeping the barn and shrinking the building. Mr. Alpert feels that is an unreasonable regulation to make them shrink the building. Mr. Jacobs feels they have a good understanding of the law. What are the options they want to follow? He does not think there is a consensus. Mr. Alpert referenced the chart prepared by Town Counsel Christopher Heep. He noted in the Primrose School 2 decision the ZBA could not limit the number of students. If they reduce the size of the building it would lower the number of students and goes against the regulation. Mr. Block expressed concern that if the building was sold they may be able to increase the number of students. Mr. Jacobs noted it is very

important to say the condition stays that there is a limit to the number of students. Mr. Alpert stated they would set out a condition with 115 children maximum and, if it is not appealed, if down the road it is sold and the new owner wants to increase the number, he thinks it will stick. If it is not appealed as unreasonable. Ms. McKnight agrees with that.

Mr. Heep stated he is comfortable the limit would be enforceable forever. There is a slight chance it could be appealed but he does not like the new owner's chances. The applicant is voluntarily limiting the number of students. Ms. McKnight noted the summary prepared by Mr. Heep was very helpful. She wanted to clarify the Tufts case. They wanted compliance for parking, zoning and setback requirements of the Medford zoning. Mr. Heep stated that is correct. Mr. Jacobs asked for Mr. Heep's view on 2 non-residential buildings on one residential lot and if the Board could enforce that. Mr. Heep feels the barn is protected under the Dover Amendment as used for daycare. If it is not used for childcare he is not sure it is protected. Mr. Block stated Mr. Huber testified the owner originally planned to use the barn for his personal use then changed it to the daycare use. A building of this size is customarily not used as accessory to a daycare. Also, the mass of the new building combined with the barn is too much mass for the site. The first 6 months the barn was regarded as personal property of the owner. Mr. Alpert stated this needs 4 votes so the members need to reach a consensus.

Mr. Heep stated the last testimony was the barn is to be used for the daycare. The Board can take that as fact and set a condition. Mr. Block asked if the building could be set back in keeping with the Temple and keep silent on the barn. Ms. McKnight stated, if the issue is the barn is unnecessary bulk, the Board could say the entire project is too bulky. She could go along with that. She would not go along with pushing the building back. She does not feel that requirement would hold up in court. If appealed because of the condition it would be costly for the Town. The neighbors could appeal if they have an issue and it would be their cost.

Mr. Alpert disagreed with Ms. McKnight. If this building stays at 64-feet, and is not moved back, it is not reasonable to force the removal of the barn. The bulk is the new building. The barn is dwarfed by the new building. He is not going to walk away because he fears litigation. It is not being frivolous preserving the character of the neighborhood. It is a legitimate concern. The DRB agreed 3 times in writing they did not see this fitting the character of the neighborhood and have said to move it back. He feels the Board would have a legitimate reason to say 64 feet does not fit in the neighborhood. He is willing to compromise to say leave the barn, push the building back and leave 5 feet between the building and the barn. He would not like that but he is willing to do that.

Mr. Heep noted the Rogers case does talk about protecting the character of the neighborhood, but this is a little bit different. In Rogers, the proposed daycare facility violated the zoning requirement FAR cap. The proposed was 3,200 square feet. They wanted to go above and beyond what was required. He has not seen this issue of pushing back in case law. Mr. Jacobs agrees with Mr. Alpert regarding the legal issue. Ms. McKnight suggested they discuss the process. As they go through the list of conditions she asked if they could have a majority vote rule here so a vote on the conditions would not necessarily be unanimous. Then when they get to the final vote that is when a super majority would apply. Mr. Alpert stated he would change his vote if outvoted 3-1 on any condition.

Mr. Jacobs stated they are talking 2 tracks here. Keep the setback and impose conditions, one of which may be the barn has to go. A separate track is moving the building back and keep the barn with separate conditions. They could set up separate tracks and then vote for A or B. Mr. Block stated his preference is to be declarative, decisive and move on. Two tracks is too complicated. The Board needs to resolve the bigger issue and then move on to smaller issues. Mr. Block asked if the barn is lawful with 2 non-residential structures on a residential lot. Mr. Jacobs feels it is not lawful under these circumstances. Mr. Block agrees.

Ms. McKnight stated if necessary to the daycare operation they must allow it but the question is if that is the case. She is inclined to say it is not a legitimate use to the daycare. Mr. Alpert is not as adamant it is definitely not allowed. He agrees with Ms. McKnight that if it is a permissible use it is allowed. But he does not feel it is a necessary accessory use. It was not necessary until the owner was told it needed to come down. They could get sheds for not too much money. If the building is setback the barn would come down. If the setback is not changed the barn could stay. Mr. Jacobs stated there is no evidence on record a barn this size is customary to a daycare center. Therefore, the barn cannot be kept. Mr. Alpert agreed. A reasonably sized storage building is a customary use. Ms. McKnight, Mr. Block and Mr. Jacobs all agreed. If the barn is no longer there, but they need 1,000 square feet of storage, they could have an accessory use. Mr. Jacobs stated the building was designed to their specifications with the storage they needed.

Ms. McKnight asked if the Board could say a storage building of X square feet could be constructed. Mr. Heep asked if it would be reasonable for the Planning Board to allow a building of X square feet to be built for storage but simultaneously request they demolish a 2,500 square foot barn. He would not discuss appropriate sizes. Ms. McKnight feels they do not need to mention a smaller building could be built. All agreed they should keep silent. Mr. Alpert noted a major part of the bulk is the daycare center and it is separated from the barn by 5 parking spaces and a lot. It would be unreasonable to remove the barn if the Board does not change the setback. Ms. McKnight is satisfied with the setback. Mr. Block stated there is 65 feet between the buildings. He is not satisfied with the setback. Mr. Alpert is also not satisfied. Mr. Jacobs stated it should be setback further. He does not feel it is necessary to be as far back as the Temple. He feels the process would get very difficult and messy. It may take more than 3 months and he will not be on the Board any more.

Mr. Heep stated, in terms of process, the Board could approve the site plan in front of them. If they require the applicant to make changes, a decision could be written with conditions and they would be put on a new version of the site plan. They cannot require the applicant to take site plan approval and come back in 3 months. He would be concerned if the next round of review required any discretion. Mr. Alpert noted if they say the building needs to be moved back the applicant would need to reconfigure the parking lot and new landscaping. Mr. Heep stated the Board would need to describe in detail how much parking, where it would go and any landscaping that would be required.

Ms. McKnight noted 3 members agree the setback should be further back. Mr. Jacobs, Mr. Block and Ms. McKnight all agree the barn is not a permissible accessory use and should be demolished. However, Mr. Alpert is inclined to not agree only because the demolition of the barn would be required. Mr. Alpert stated he would go along if the decision is the barn is not a permissible accessory use. Mr. Block stated it was 4-0 on the barn. He noted the building should be setback between 100 and 250 feet. Ms. McKnight is satisfied at 64 feet in the current form. He asked if Ms. McKnight would agree to increase the setback to be in line with the Temple which is the most analogous use. Mr. Alpert asked what is a reasonable setback for this use? He suggested about 130 feet if allowed to keep the barn. He would not be happy but would go along. If the barn comes down, he would move to 150 to 160 feet. There is still plenty of area to reconfigure the parking.

Mr. Block asked if Ms. McKnight would go along with 150 to 155 feet? Ms. McKnight stated that is twice the setback in the By-Law and would be considered an unreasonable regulation. If told to setback and built exactly the same it would be a longer driveway and would alleviate some issues. They would need more landscaping in front and the Board could describe that. With the removal of the barn, the building could be built with the exact same layout and she is less concerned with a very substantially revised site plan. The concern is if the Board would prevail in the reasonableness of a larger setback. If others agree she would probably go along but she is not going to say it should be done. They have a couple of weeks to think about it. She is not going to deny the permit.

Mr. Alpert stated, if the barn is removed, the applicant could set the building back and everything else could be the exact same with a longer driveway. Ms. McKnight stated there is an advantage with a longer driveway. She has been concerned with a backup on Central Avenue. The applicant may need a continuous police presence. Mr. Block noted if the building is pushed back it would line up with where the back of the barn is now. Mr. Jacobs stated he is not sure he would go to 150 feet. Mr. Alpert stated that is tight for a back parking lot. He would go to 130 to 140 feet. Mr. Block noted all the parking could be combined into one lot. Move the building back to 135 feet. If the applicant wants to reconfigure the parking behind the building and retain the loading dock and circular driveway, the 5 spaces could be moved to where the barn is.

The Board members discussed the parking area and how it could be reconfigured. The parking would not have to be in the back. It could be in front. In back it would require the removal of trees. Ms. McKnight would want a condition that removal of trees of a certain caliper have to be replaced. She wants a sufficient buffer for the abutters. Mr. Block noted a fence would be all the way around the parking. The Board discussed the fence. It needs to be changed from white vinyl on the plan. Mr. Block noted it comes a little further south and gets closer to the abutters but still has the same total area. The members discussed the playground. There is no issue with the playground in front as long as it is fenced.

Mr. Block asked if there was a consensus to increase the setback to 135 feet. Ms. McKnight still has concerns about it. Mr. Alpert and Mr. Jacobs are fine with it. There is a 3-1 consensus for a 135-foot setback. Mr. Block noted the environmental impact. There is a condition the town would pay for an environmental engineer to survey the site and determine what testing is necessary and what mitigation is necessary and the developer would be required to follow the recommendations. A condition would also be the Board of Health recommendations.

Ms. Newman stated John Diaz is present. She feels the Board should get his input on the setback they decided on. Mr. Diaz stated he cut and pasted and dragged the building back to roughly show the Board what it would look like. He pushed the building back, left the drop off and handicap spots the same and put the parking in the back. There is extra distance for queueing and it provides extra space for another 6 vehicles in the queue. If the barn goes, it makes parking more functional in the back. The project could get 36 spaces in the back. Mr. Alpert stated the applicant came to the Board with 30 spaces but Mr. Diaz shows 41 spaces. He would condition a minimum number of spaces and if the applicant wants more they can do more. Ms. McKnight agrees. Mr. Jacobs would want the southern most spaces deleted if they go with the minimum number of spaces. Mr. Block agrees but likes the idea of 41 spaces. The daycare has events with parents. He would want a condition that would prohibit parking at events if too many cars. Ms. Newman stated there are conditions for that. She does not want to over build parking.

Mr. Jacobs asked if there was another surface that could be required other than asphalt. Mr. Diaz stated he was going to suggest a rigid system planted with grass for overflow parking. Ms. McKnight stated, up to this point, they were satisfied with parking. Mr. Alpert and Mr. Jacobs agreed. Mr. Block would like more parking. It was suggested there could be a minimum and maximum number of spaces. After discussion, all members are ok with a minimum of 30 spaces and a maximum of 38 spaces. Mr. Jacobs wants a site buffer from the abutters in the rear. With regards to lighting, Ms. Newman needs a revised plan. The DRB had suggestions and it was not changed on the plan. The DRB and Engineering want to make sure it is followed through with. There was a concern with lights shining into houses across the street. Mr. Alpert stated the center of the driveway is the lot line between the 2 houses across the street. Mr. Block stated, when people turn, the lights will go right into the house across the street. Ms. McKnight noted snow storage. Snow should be cleared and a minimum number of spaces kept clear of snow. With the sewer, the applicant would have to pave Central Avenue gutter to gutter.

Ms. McKnight asked what enforcement could be done if they find cars are backing up. It was suggested there be a traffic detail from 7:30 a.m. to 9:30 a.m. and 4:00 p.m. to 6:00 p.m. There should be at least one police detail for a minimum of 2 months from opening. After 2 months, if the applicant feels a detail is not necessary, they can come back to the Board. Mr. Block stated the members discussed a post construction follow up study at 80% of student capacity. Ms. McKnight asked what the follow up traffic study would be. There should be language the applicant would need to get a traffic management plan. Mr. Heep noted, if the deliberations were continued to the next meeting, he would like to think about this. Whatever conditions the Board imposes should be guided by information in the record from their own traffic engineer.

There was talk of a police detail, reconfiguring of the traffic lights at Central and Charles River and a post construction traffic study at 80% occupancy. The police detail could be continued as a condition. Mr. Block would like a traffic study peer reviewed. Mr. Heep stated the Board needs to articulate a standard that would entitle the applicant to relief. They need to eliminate discretionary decisions down the road. Mr. Alpert stated he would need to see a signed lease between the property owner and the tenant for a set period of time. They are basing conditions on information from the daycare operator. Mr. Heep is not sure a lease is required as long as a daycare is involved. Mr. Jacobs stated a condition could be it always be operated by a licensed daycare operator. Mr. Huber sent information today that the operator would be Needham Children's Center. Ms. Newman will begin to prepare a draft decision. She can ask questions at the next meeting if she has any. She noted there is a 90-day deadline from the date the hearing was closed.

Mr. Block thanked Mr. Heep for taking the time to prepare the spreadsheet. Ms. Espada returned to the meeting. Mr. Alpert resumed as Chair of the meeting.

Consideration of zoning to allow brewery uses in Needham.

Ms. Newman stated there had been a long conversation regarding next steps. She talked with Building Inspector David Roche after the Board last met about where they landed with uses. They talked about trying to fit the use into some existing uses within the zoning framework and, for example, found it to be similar in kind to manufacturing use. Both had concerns with approaching it that way as it does not quite fit a manufacturing use. Other towns we look to to craft zoning have addressed breweries head on by defining uses. She would like to explore what other towns are doing over the next month. Mr. Roche would like to speak with the Board but is out for the month of January. He will be back in February. She would like to put together information and put it back on the agenda for the first meeting in February. Mr. Block noted Mr. Jacobs raised the point that the process was simplified years ago but he thinks there are other places in the By-Law this would fit. He thinks the best move for the Town is to articulate clearly what uses are allowed in which districts. They should prohibit

in some districts and allow in others. It would be a helpful tool for the Economic Development Director. They need to clarify the Zoning By-Law in time for the May Town Meeting.

Ms. Newman noted it might help to look at Highway Commercial 1 and open up that district to use there. Ms. McKnight stated there are 2 districts to keep in mind – Mixed Use 128 and downtown. They could say it is similar in kind. There is time so the Board should take the time to come up with exactly what they want. Ms. Espada agreed it is an opportunity to plan. It would be beneficial with Ms. Newman's information. Clarifying a little better would be beneficial to the town. Mr. Jacobs stated this may not need to be done but he is not ruling out this effort.

Mr. Alpert noted he is reluctant to keep going to Town Meeting with Zoning By-Law changes and then nothing happens. He would like to do this for something that the town wants to do. Something could be rushed through and 10 years down the line still not have a brewery in town. He would go to Town Meeting if there is something we would have. He is going along with Mr. Jacobs and looking at similar uses is an issue. Where it is similar, like manufacturing, it may not be the districts we want it in. He wants to see this as a special permit situation. He feels they should proceed with what Ms. Newman wants to do, see what she comes up with and use the information as a guide. The Board should meet with the Building Inspector in February and see where it goes. Mr. Block noted brewing is not a simple thing. The applicant needs to get a state license and a local license. The first step is site selection.

Board of Appeals – January 20, 2022

1132 Highland Avenue – Needham ACE, applicant.

Mr. Block noted the applicant wants to use the Episcopal Church for an after-school program for 25 kids. Mr. Jacobs thinks an after-school program for 25 young kids with only 2 staff is thinly staffed. He would be careful with that. Mr. Alpert noted early childhood requires one staff member for 10 kids. He would recommend no comment. Ms. McKnight noted her only concern would be parking on Rosemary Street. She would leave it to the ZBA for appropriate conditions.

Upon a motion made by Mr. Block, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: "No comment."

32 Mark Lee Road – Wes and Lauren Soper, owners.

Ms. Newman noted the Building Inspector stated the setback does not work for the new garage. It is a corner lot with 2 frontages and 2 sides. Ms. McKnight thinks it is complicated. She agrees with the Building Inspector's interpretation. It may be a simple accessory building but the applicant wants to attach the garage to the house. That makes the garage not an accessory structure but part of the original house. Basically, they are asking for a variance. Ms. Espada noted the current garage is closer to the lot line. They are actually improving the conditions. Ms. Newman noted the old setback standard was 5 feet and it still is. Ms. McKnight stated they could build a new garage and have it 5 feet from the lot line but cannot attach it.

A motion was made to say the interpretation of the Building Inspector of our By-Law is the correct one. Ms. Espada asked if they could add "a proposed garage addition although does not meet zoning is still a better condition than the current." Ms. McKnight suggested leaving it up to the ZBA discretion. All agreed.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to say the interpretation of the Building Inspector of our By-Law is the correct one.

Minutes

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the minutes of 11/8/21 as presented with the red line.

Report from Planning Director and Board members.

Ms. Newman noted there are 2 projects she needs input from the Board on. The Building Inspector received a proposal from Duncan Donuts to construct a building that is just a drive through. The Building Inspector's interpretation is a drive through is an accessory use to the principal use. There would be no service in the building and it would not be allowed as a principal use. She noted the location is on Chestnut Street. There have been drive up windows adjacent but not just a drive up. Mr. Block asked if they were looking to demolish the current and rebuild just a drive up. They are looking at the bank space. Ms. McKnight stated that sort of thing is allowed in essence now with covid but it is not the vision the Board wants. Mr. Alpert noted it does not fit into any of the use categories. Ms. Newman stated drive ups have been allowed but only as accessory uses. Mr. Alpert noted the current By-Laws do not allow it. The vision of Chestnut Street is to be a walking area.

Ms. Newman noted the other project was Starbucks who want to put a walk-up window in the Heights on West Street. The Building Inspector is concerned with how it should be managed and if it was allowed under the Planning Board zoning. If treated as an accessory use it would be treated differently in different districts. This case would be by right. How would it function and be implemented? The Building Inspector is reluctant to treat as an accessory use by right. He is concerned people will jump out at the light to get their order. The question is how is it really going to function and how does the Board want it managed? Accessory use is allowed by right. This would be an amendment to the original site plan approval. Ms. McKnight commented there are a lot of walk-up customers going to the train. Mr. Alpert noted, to a large extent, that is a walking area.

Ms. Newman notes she advertised for the vacant position on the DRB. She only received one application and they did not have the skills the Board wants. Any suggestions would be good. Mr. Block knows someone he will call. Ms. Newman noted the Transportation Committee needs an appointment. Mr. Alpert stated it does not have to be a Board member. Members will think about if they know of anyone.

Upon a motion made by Mr. Block, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to adjourn the meeting at 11:35 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

February 1, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Tuesday, February 1, 2022, at 7:00 p.m. with Messrs. Jacobs and Block and Mmes. McKnight and Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. He reviewed the rules of conduct for zoom meetings. He noted this meeting does include a public hearing and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Public hearing continued:

7:00 p.m. – Amendment to Major Project Site Plan Special Permit No. 2006-04: Sol Soul Family Foods LLC, c/o Ivan Millan-Pulecio, Chef/Owner, d/b/a Hearth Pizzeria, 59 Mount Vernon Avenue, Needham, MA 02492, Petitioner (Property located at 974 Great Plain Avenue, Needham, MA). Please note: this hearing has been continued from the January 18, 2022 meeting.

Ivan Millan-Pulecio, chef and owner, stated he wants to continue outdoor dining weather permitting. Mr. Alpert noted the Board received copies of the cross easements and all members have reviewed them. They look ok to him. There needs to be a condition in the proposed decision that the applicant needs to get the Select Board's permission to use any portion of the public parking area. Ms. McKnight stated it is helpful to have the plans. The construction plan shows some parking spaces in the easement area B. She could not read what was written in those spaces. Mr. Block noted it says "Simon." Ms. McKnight stated the application says none of the area to be used for outdoor dining was used as parking. Mr. Alpert stated pre-covid they were parking spaces. That was what the easement was ~~to~~ it gave the Town the ability to put parking spaces there.

Ms. McKnight stated the wording of the decision on page 1, 2nd paragraph, 5th line, #2, says "special amendment." She thinks "special" is a mistake. Mr. Alpert noted it should be "special permit." Ms. Newman agreed. Ms. Newman clarified that the approval needed from the Select Board is implementing something that is in the license agreement. There needs to be a letter between the owner and the Select Board acknowledging the fact there is a change in the easement area controlled by the Select Board granting a license for seasonal outdoor dining. She noted the owner wants it year-round. Mr. Alpert noted in the By-Law seasonal is April 1 to October 31. Mr. Millan-Pulecio stated, ideally, he is looking for year-round, weather permitting, if possible.

Ms. McKnight clarified that in Section 3.1, seasonal is April 1 to November 30. She thinks snow needs to be removed the rest of the time. Ms. Newman noted the Board has the discretion to extend beyond what the By-Law says. Ms. McKnight noted the Board could say year-round and if there is an issue the Select Board could limit it. Mr. Millan-Pulecio stated there is no Town snowplowing there. The ownery does the clearing of snow there. Ms. Newman stated she will change Section 3.1 to say the Planning Board supports year-round outdoor dining.

Upon a motion made by Mr. Block, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to close the hearing.

Decision: Amendment to Major Project Site Plan Special Permit No. 2006-04: Sol Soul Family Foods LLC, c/o Ivan Millan-Pulecio, Chef/Owner, d/b/a Hearth Pizzeria, 59 Mount Vernon Avenue, Needham, MA 02492, Petitioner (Property located at 974 Great Plain Avenue, Needham, MA).

Upon a motion made by Ms. McKnight, and seconded by Mr. Block, it was by a roll call vote of the five members present unanimously:

VOTED: to grant: an amendment to a Major Site Plan Review Special Permit issued by the Needham Planning Board on December 5, 2006, amended January 16, 2007, March 6, 2007, and transferred on April 11, 2016 and amended June 4, 2019, under Section 7.4 of the Needham Zoning By-Law and Special Permit 2006-4, Section 4.2, and grant relief in accordance with the decision before us with 2 changes discussed to add “permit” in the 6th line of the Special Permit and the other change in the Conditions and Limitations Section 3.1 to delete from April 1 to November 30 each year and say approved for use year round.

Mr. Jacobs stated in reviewing the easement he noted a discrepancy. There is a reference to a lot of land on said plan but the only plan mentioned is Lot A. There is no plan being talked about. A discussion ensued. Mr. Jacobs feels someone should look into and correct the incorrect reference. Mr. Alpert noted it is a defect in the easement deed but there is nothing wrong with the decision. Ms. Newman will touch base with Town Counsel to correct the Scribner’s error.

Decision: Amendment to Major Project Site Plan Special Permit No. 98-6: Town of Needham, 1471 Highland Avenue, Needham, Massachusetts, Petitioner (Property located at Existing Municipal Parking Lot on Chestnut and Lincoln Streets, Needham, Massachusetts).

Ms. Newman noted there is a draft decision in the packet. Mr. Jacobs stated he had suggested adding language in Sections 1.6 and 2.2 to make clear the areas that are within the easements. He is withdrawing that suggestion. He is satisfied the additional language is not necessary.

Upon a motion made by Mr. Block, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to approve the relief requested as written in the decision as originally presented without changes to Sections 1.2 and 1.5.

Discussion of proposed change to Major Project Site Plan Special Permit No. 2021-01, 100-110 West Street.

Evans Huber, representative for the applicant, noted Welltower is the owner of the building. Welltower and LCB (formerly the proposed operator) have parted ways. Welltower has partnered with Balfour Senior Living and HYM Investment Group as development manager. He noted the major change is there were 3 programs proposed – Independent Living, Assisted Living and Memory Care. They have changed that to 2 programs – Assisted Living and Memory Care. There are some changes to the façade but nothing major. They are will be seeking input from the Board. There is no change to the footprint. The 4th floor is changing slightly in the rear. Doug Mais, of HYM Investment Group, noted Welltower and Balfour are already working together. They just broke ground on a 160-unit senior housing complex. HYM is a Boston based developer that specializes in tight sites and near MBTA right of ways and works well with communities. He gave a list of projects HYM has worked on.

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Michael Schonbrun, of Welltower, noted Welltower and Balfour have been together for several years. Welltower is a long-term holder and partners with most operating companies. They are not just the landlord. They are very committed to sustainability and this will be a gold LEED certified building. He noted they are committed to diversity. Balfour Senior Living is 22 years old. He started the business from scratch after a career in health care. He has very ambitious goals but modest. There have been 10 buildings developed in the 20 years. He pays a lot of attention to natural light and uses lots of bright colors and high ceilings. He stated this would be assisted living and memory care only. This is a more efficient design. There will be the same number of units but there will be more space for common areas for socialization and it allows residents to age in place. He feels it is better for couples as it allows them to stay together. Welltower would work with the local senior center and will open the space for neighbors and recitals. He stated the Brookline facility is under construction with 160 units. He reviewed the amenities offered and noted 24-hour nursing coverage in all buildings. There will be transportation, a fitness center with a salt-water pool, and a concierge service. Transportation will be available for family visits, doctor appointments and shopping without charge within a certain range. Dining and meals are served daily.

Michael Binette, of ATT Architectural Firm, noted there are minor building changes brought about by programmatic changes by Balfour. Michelle Hobbs, of the Architectural Team, noted there is minimal impact to the building. There were 149 parking spaces previously. The shifts with amenity spaces has have taken some space from the interior garage but the project will maintain 145 parking spaces. Memory care has been maintained but the courtyard has been moved. The lighting

quality in the building has improved and a few patios on Highland Avenue have been removed. The second floor has some spaces moved around for better quality and light. The commercial kitchen has been moved from the second floor to the third floor. On the first floor is the memory care area and 9 assisted living units. There are 28 memory care units and 127 assisted living units, totalling the same as for the 155 units previously approved.

Mr. Binette noted the fourth floor was previously 32.9% of roof coverage and is 35% now. One unit has been added in the corner and some mechanical equipment has been moved away from the units. He noted there are no changes along Highland Avenue. All changes are on the interior of the site. The maximum height of the building has been maintained and the location of where the terraces are is the same. The windows will be LEED certified and there will be a new entry by the portico. The applicant will meet with the Design Review Board (DRB) at least once before coming back to the Planning Board. He reviewed the proposed changes regarding the entry. The portico [share?] was the assisted living entry. The portico will be the main point of entry and will be built out slightly. Ms. Espada asked if any mechanicals are changing or if there is any implication on the roof and sound. Ms. Hobbs noted the mechanics were previously LEED certified and there are no appreciable changes. There may be some system changeschanges, but they do not anticipate any changes in sound impact. They are trying to minimize any impact along the public way. The memory care courtyard is being brought into the site. She is working on a design and what it would look like.

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Mr. Block commended the new team for the redesign and new program. He stated there needs to be more facilities to help seniors. They did a good job aesthetically and it is a good program for what it is. He stated the Board changed the zoning to allow for mixed use in this area specifically including assisted living, independent living and memory care. The town needs more affordable houseing for senior living. Assisted living and memory care are very different programs with specific needsneeds, but the municipal interest included prudent independent living and affordable housing. This is not the vision of the original zoning change. He would rather see it as all independent living rather than remove it completely. He commented these are his challenges with the proposal and they are not easy to overcome.

Ms. McKnight agrees with Mr. Block. She and Ms. Espada are co-chairs of the Housing Plan Working Group, and it was always the intent of zoning and the special permit that it would include independent living. She asked why it was ok in Brookline but it would not work here in Needham. She is very disappointed with the outcome of all their hard work. Ms. Espada agrees with Ms. McKnight and Mr. Block. She stated it would be great to increase the independent housing as part of the project. Mr. Jacobs echoed the previous 3 members. He stated this surprised him and disappointed him. The presentation was good. He also wanted to know why Brookline has it but not here.

Mr. Alpert agreed with all. Affordable units are importantimportant, but it also increases the senior apartment stock for those looking to downsize, sell their homes and stay in Needham. He was looking forward to the new 78 independent apartments for seniors and 9 affordable units for seniors. That was a huge selling point for the plan. He does not understand why not in Needham. Mr. Schonbrun noted the unit sizes and types in the assisted living section of the building are far larger than typical and would be comparable in size to what was proposed as independent living. The assisted living units have full kitchens and similar amenities. Some would have more level of care and would [not?] have to pay for that. They would be able to stay in their units. Since Brookline, there have been a couple of projects that have only been assisted living and memory care. People like the idea they can age in place. He anticipates in the future doing this exclusively. Assisted living is regulated by the state and independent living is not. He feels the assisted living and independent living are interchangeable. The Board should look at who is coming in and not get hung up on labels.

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Mr. Jacobs does not think Mr. Schonbrun answered the question of why Brookline and not Needham. He stated if the units are equivalent the only reason is this frees them from the affordable unit requirement. Mr. Schonbrun reiterated people would not have to move. Ms. McKnight stated she has a friend in North Hill who just moved from independent living to assisted living. She knows others who have moved from independent to assisted. Two levels of care in the building are a benefit and not a detriment. Wingate is convertingcommuting their skilled nursing to independent living. They think it is economical to do that. She does not understand the reason for this change proposed by Welltower, or the benefit. Doug Manz stated he does not want to disappoint the Board. The existing building has physical constraints. There are some unusual depths to the building. With all 3 levels of care in the building they found deficits. He has heard affordable units are important to the Board. He will be looking at that. He noted Brookline is a different development. Here there are physical constraints with the building.

Mr. Block understands the physical constraints of the ~~building~~building, but the building can be modified. He does not mean to minimize the distinction between labels. They may need to reconfigure if the model does not recognize distinctions in ~~care~~care, but the municipal interest is to include senior living units in town and affordable housing stock. There is a lot of space in total. Mr. Binette stated what separates ~~this~~this Balfour ~~proposal~~proposal is ~~that~~that all units are independent anyway. It gets a little gray between what is assisted and what is independent. Mr. Block stated it would be helpful to understand the differences at some point. Mr. Schonbrun commented he thought 3 programs with 3 dining rooms and 3 common spaces was not an efficient use of space. He wants to provide a premium experience for residents and feels it would not be done with 3 programs. If the Board wants all 3 it would be a challenge for them. He does not see how 3 programs could fit in the building. Reducing the number of units ~~would be~~was problematic economically.

Mr. Jacobs asked if there was any thought to the 2 programs being assisted living and independent living and not memory care. Mr. Schonbrun stated dementia and Alzheimer's is increasing and there is a long way from finding a cure for that. Fifty percent of people in their 80s have some memory issue. He feels it is irresponsible to not include memory care. Mr. Manz stated the Board was getting caught up in labels. The Balfour model has expanded services with full kitchens and hybrid services. They can look at the affordable-~~unit~~unit issues. If couples move in, one may still take advantage of independent living. Three uses would definitely be a struggle for them. Evans Huber, attorney, stated the Board has made their initial reaction clear. The team needs to absorb what has been said and see how to respond. The purpose of this meeting was to get feedback. Mr. Alpert thanked them for coming in. This was very ~~informative~~informative, and he feels it was a good, respectful give and take.

Ms. Espada recused herself from the next agenda item. Mr. Block took over to Chair the next item.

Decision: Major Project Site Plan: Needham Enterprises, LLC, 105 Chestnut Street, Suite 28, Needham, MA, Petitioner (Property located at 1688 Central Avenue, Needham, MA). Regarding proposal to construct a new child-care facility of 9,966 square feet and 30 parking spaces, that would house an existing Needham child-care business, Needham Children's Center (NCC).

Mr. Block noted there were a number of changes to review and clarify. Comments have been received from the applicant's attorney. He asked if the applicant or the attorney would be participating in the discussion. Ms. McKnight stated the attorney has very much been involved in the discussions. She does not see why he should join unless the Board has questions. Mr. Jacobs agreed. The attorney has had ~~had~~plenty of opportunity to answer questions. He feels it is ok to ask if there are questions the Board has. Mr. Block noted a letter from Attorney Evans Huber saying he has read the initial decision and intends to appeal based on setback and barn. Mr. Alpert stated Mr. Huber's letter states, if he would appeal, ~~other~~issues ~~other than the setback and barn~~are issues he would be able to push back on in front of the courts and he would intend to.

Mr. Block stated there are a number of things ~~on which~~he feels the Board agreed with the applicant. The options are 1) to proceed with the decision based on deliberations, correct the decision tonight and proceed or 2) revise the decision with a response to the barn and setback and then continue on to ~~issues that are~~otherwise agreed ~~upon from~~and continue with other changes. He asked if there is a third option somewhere in the middle. He feels the Board should proceed with the decision as drafted. Ms. McKnight stated, regarding Attorney Huber's response follow up that came today, it raises new issues. The plan always showed a sewer, which would require an extension. He is now asking for the option to install a sub-surface septic system. That is new and has not been discussed. Mr. Block stated there was correspondence from Pat Day also.

Mr. Alpert noted, ~~as to for~~the issue of the septic system, he has read previously that many experts believe a properly maintained septic is better for the environment than hooking up to the sewer. He is not sure if this is the Planning Board purview or the Board of Health's. If the Board of Health is ok with a private septic ~~systems~~system, then he would be in favor of that change. The issues in Ms. Day's email are reasonable requests. She has represented 18 employees and now wants 19 employees. He has no problem with that, ~~since~~there is one more parking space than required. She raised the issue of having ancillary uses outside of Monday through Friday. The decision does have a condition that parking will not spill over into the streets. If they can have these programs and still ~~conform~~conform with that condition, he has no issue.

Mr. Jacob stated Ms. Day and Needham Children's Center (NCC) are not the applicants. The Board needs to make sure these comments by Ms. Day are adopted by the Petitioner. He would like to know if Attorney Huber would adopt these

comments. Mr. Block stated they will continue and resolve the rest of the decision. Then it will be appropriate to bring Attorney Huber in to discuss the issues raised. He noted Attorney Huber was only suggesting the applicant wanted the option to do septic. Ms. McKnight stated Ms. Day also asked to change the time of rubbish removal. ~~She~~Ms. McKnight wants to make sure the time limits are protective of the neighborhood. She asked if the Board wants to rethink the setback issue. She thought 65 feet was sufficient. She does not agree with a required 120-foot setback. Would the Board like to discuss this further?

Mr. Block stated he is open to discussing it. His issue was the closest ~~amalgamous-analogous~~ use is the synagogue, which is also protected under the Dover Amendment. The synagogue is substantially larger. He would consider changing his initial 213-~~foot setback~~ to 135 feet. He commented 65 feet is not in character with the By-Law. The Board has discretion under the By-Law. He noted it is true the Board could accept the barn if they accept a 65-foot setback. The issue is a function of bulk. The applicant has not proved a storage unit of that size is customary for a day care. He feels the ~~shorter~~ setback proposed by the applicant was to preserve the barn.

Mr. Alpert agreed with Mr. Block. The size of the building, which is an allowed use, is something that at 65 feet is an eyesore to the neighborhood. The Design Review Board (DRB) agreed with the Planning Board. The DRB raised the issue at least twice. At 135 feet the building would be sufficiently set back to not be a detriment to the neighborhood. The Petitioner is not willing to make changes to the design as requested by the DRB. He thinks a 135-foot setback is important to preserve the character of the neighborhood. He feels they have the authority to do this. He does not feel it is unreasonable to move the building back. The barn really has nothing to do with the daycare center. The applicant could easily build a basement or have smaller outbuildings. Mr. Block commented the barn could have been incorporated in the design if it was really needed. Mr. Alpert stated the barn could be moved to the back of the lot.

Mr. Jacobs stated his preference was to see the building set ~~fu~~urther back. It would solve a lot of issues. He is not sure 135 feet is the magic number. He would be ok to discuss moving it a little closer but 65 feet is out of place. The DRB said at least twice to move it back and asked why keep the barn. The applicant has never answered this. The DRB had 2 meetings before the Planning Board hearing. The applicant was on notice of this. ~~If~~The applicant ~~wc~~ould take a fresh look and ~~wc~~ould incorporate the barn into the child-care center but he has never looked at that. If appealed, the court would probably ask them to solve it. The solution is right there. No one has tried to prohibit this use. It is all about the conditions the Board is authorized to propose. He is willing to have the proponent come back and incorporate the barn into the proposal. The applicant is saying the barn has nothing to do with this. The barn has been driving all this and he sees nothing in case law that is anything like this. The Board has not denied this. The Board is trying to make this work. He is open to some adjustment to the 135-foot setback but not 65 feet. He does not care if the barn is moved or demolished but the bulk creates an issue for him. There is too much bulk and the Board is allowed to condition that. The barn does not make any sense here. The solution is to incorporate the barn into the new child-care center.

Mr. Alpert stated he wants the setback ~~fu~~urther than 65 feet. He already said the size of the building does not look good that close to the street. He also feels setting it ~~fu~~urther back with a longer drive would alleviate some traffic concerns. He fears the traffic situation would be an issue. Mr. Block stated the ~~best-ease~~best-case scenario is the center enforces the 60 second drop off rules. The 10th car would take 9 minutes to drop off the child. There is no doubt in his mind that if the setback increased, the room to queue would be larger and would abate some issues. Ms. McKnight noted the neighbors are more concerned with traffic. She does not think the barn is harmful to the neighborhood if they leave it. There are excellent provisions in the decision for control of traffic in Section 3.12 through 3.17. There were good peer review traffic studies and there are tight provisions to prevent issues. She does not want to see this go to litigation. She asked if the Board would compromise on moving the building back? What if the setback is 90 feet? It would bring the building back. It may affect the barn but may not.

Mr. Alpert stated having the building at 64 feet with the barn where it is just accomplished what the proponent needs. Moving the building back 25 to 50 feet would lose parking spaces and the turn around. He noted 64 feet is where the building could be placed and keep the barn. Ms. McKnight thought she would throw it out, but feels there is no need to discuss it further. Mr. Alpert stated he has not heard from the Petitioner any willingness to compromise. Mr. Block commented the Petitioner has not told the Board the significance of the barn. They have had plenty of opportunity to explain. They have been insistent on preserving the barn without telling the Board why. There is no evidence a mass of 50% the size of the primary use is necessary to the primary use.

Mr. Block noted in the decision, on page 1, the Chair of the hearing has changed. Ms. Newman will indicate who Chaired which meetings. Mr. Block noted in the Findings and Conclusions, page 16, he had a question in 1.4. Is there a benefit to say “although we have not been provided with a lease..?” Mr. Alpert does not feel it is necessary, but it could be made clear a lease has not been provided in 1.4. Ms. McKnight feels 3.19 addresses this. Mr. Alpert asked, as a statement of fact, if it is material to acknowledge no agreement between the owner and the day care operator has been provided to the Board. Mr. Alpert stated the question is if the Board wants it in the finding of facts. A sentence could be added to 1.4 that “a memorandum of understanding, or any other written agreement, has not been provided.” Mr. Block and Mr. Jacobs are fine with that.

Mr. Block noted in 1.8, there is a comment the morning counts are not available, but the evening peak hours are more critical. He feels the morning traffic out is important also. Ms. Newman stated a right out of - unclear? traffic report has been submitted. Mr. Alpert noted that is a finding of fact. Mr. Jacobs stated the paragraph could be started by saying “the following is a summary of the petitioners traffic analysis as submitted to the Board.” Mr. Block is ok with that. Mr. Jacobs stated all paragraphs need to state this is what the report says. Ms. Newman noted the chart by NCC and repeated in the traffic report. Mr. Jacobs wants it made clear in each paragraph where the material comes from. It would stop at 1.16. He is not sure the Board should adopt or not adopt all language in those paragraphs.

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Mr. Alpert stated they are just providing facts of what the reports provide. John Diaz clarified quotes from the Gillen report. The mornings are important. He requested more data and received more data data, but it does not seem to be included. A lot happened with various submissions. Mr. Jacobs thanked Mr. Diaz for clarifying and reminding them of what happened. There would need to be a sentence added at the beginning of 1.16 of the give and take over months. Mr. Block would like to see a new paragraph 1.16 that identifies the exchanges and that there were new counts with conclusions and methodology. Mr. Alpert feels it should be made clear where that information came from and the date. Mr. Jacobs stated if the material originated with John Diaz/John Diaz, it should say that. They need to be clear on what the Planning Board findings are.

Mr. Block noted in paragraph 1.20, last sentence, “appearance” should be changed to “character.” Mr. Jacobs feels the language in the By-Law should be used. Mr. Block noted in 1.20, does the Board want to say the abutter sizes are not comparable? Mr. Jacobs noted it could say “see Exhibit X” and reference the Exhibit. Mr. Block noted in 1.22 (g), it should be “light trespassing” not “lighting.” In 1.26, add “includes 60 second drop offs per child.” That is what was represented to the Board. Mr. Alpert feels that would be challengeable as unreasonable. Mr. Jacobs mentioned the paragraph about staggering times or arrivals. Mr. Alpert noted in 2.1 (a), the DRB referenced a wood fence or green vinyl. Ms. Newman noted she went with a wood fence because it was the preference. In 2.1 (d) she put a placeholder in. The parking lot from the south property line is 50 feet. She is not sure if it works. She had it looked at today and was told 30 to 35 feet would be more appropriate. Landscaping should be put along the edge. Mr. Jacobs stated he would go with 35 feet and landscaping. All agreed. Mr. Block noted in paragraph 3.8 in Conditions “without subsequent approval by this Board” should be added. Ms. McKnight stated that provision may not be needed. Mr. Alpert stated as long as the petitioner maintains one acre with frontage on Central Avenue the Board cannot stop him from cutting off a piece in the back and selling to an abutter.

Mr. Jacobs stated the terminology “single ownership” language is problematic. That means the entire property needs to be owned by one owner. Ms. Newman noted there is usually a condition once a site plan approval is issued that the whole has to stay the same unless the applicant comes back to the Board. Mr. Alpert commented this is a Dover Amendment use. If it was one acre/acre, it would still have to be approved. The Board does not have a legitimate purpose to have a condition that says the building and land shall remain under single ownership and cannot be subdivided. There needs to be 150 feet of frontage on Central Avenue. Mr. Jacobs agreed. It was agreed to get rid of 3.8 all together/all together.

Mr. Block noted hours of operation. Ms. Newman is not clear. She would like better direction. Mr. Jacobs stated he does not want to deal with this until Attorney Huber adopts Ms. Days conditions. Evans Huber, attorney for the applicant, stated, regarding the hours of operation in Ms. Days’ comments, the administration works on weekends. Per EEC regulations most training and short-term special events are from 5:00 p.m. to 7:30 p.m. in the evenings. On weekends there is cleaning and maintenance. This all happens while the kids are not there. Ms. Day wants to say no regularly scheduled child-care can happen on Saturday or Sunday. She wants some sort of operations on Saturdays and also in the evening. Mr. Huber agreed to adopt the request from Ms. Day.

Mr. Block noted in 3.4, the maximum number of kids is 115 and employees is 18. Her comment is there is one extra parking ~~space~~space, and she would like flexible use for any therapist that may come in. Mr. Jacobs does not feel it is necessary. Mr. Huber feels the decision should include something for the 19th hypothetical person. Mr. Alpert agreed with Mr. Huber. Mr. Jacobs stated the Board will take it up. Mr. Block noted in 3.31 all deliveries and trash are Monday through Saturday 9:30 a.m. to 4:00 p.m. Ms. Day wants 7:00 a.m. to 4:30 p.m. one to 2 times per week. Mr. Huber requested the Board take this up and vote tonight. Mr. Block stated the Board would not vote tonight. Ms. Day's 3 change requests need to be taken up. Ms. Newman will send out a poll to set another meeting to continue this and will include Mr. Huber. This will be continued at the next meeting.

Mr. Alpert resumed as Chair of the meeting. Ms. Espada returned to the meeting.

Minutes

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the minutes of 4/20/21 Planning Board meeting.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the minutes of 10/19/21 Planning Board meeting as amended.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the minutes of 10/25/21 Planning Board meeting as amended.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Alpert, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the minutes of 11/8/21 Planning Board meeting.

Ms. McKnight noted in the 11/2/21 minutes, bottom of page 2, it should be the "Chair" will return back not the "Attorney." On page 6, the Patricia Falco paragraph, 6th line, they are asking for over one acre in commercial use. It should be "this should not be put in." All agreed.

Upon a motion made by Mr. Block, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to accept the minutes of 11/2/21 Planning Board meeting with red lines.

Report from Planning Director and Board members.

Ms. Newman noted Mr. Alpert, Mr. Block and herself are going to the Finance Committee for the overall Planning Department budget proposal. They did a housing meeting listening session with the community and it went well. There is a meeting on breweries next week and will be closing out the application for 1688 Central Avenue. Ms. McKnight stated there were 69 attendees to the housing ~~listening session~~meeting as well as 13 members of the Housing Plan Working Groupcommittee. There were lots of good comments. There were compliments on her and Karen Sunnarborg's presentations. Ms. Espada stated there was good feedback from the community. The next meeting for the community will be 3/24/22.

Mr. Jacobs stated he listened. Someone said it was 12.7% SHI (Subsidized Housing Inventory) but the real number is 6.2%. The Working Groupcommittee should keep this in mind. A question was raised on why the lot sizes increased in 1948. That is a good question. There was a discussion regarding the new law to encourage multi-family housing near transportation. There were some questions regarding racial disparities and Equal Justice. He feels the focus should be on more affordable housing for everybody. This is not about race. He thought it was good and there were a lot of interesting comments.

Ms. Newman stated the Board agreed to accept the letter from Latina that they provided [and one store?]. Their permit would need to be modified so they would need to come in. Ms. Newman noted Panera wants to legalize the extra dumpster it has for cardboard. This will have to be opened up for abutter comments. The abutters have been notified.

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Upon a motion made by Mr. Block, and seconded by Mr. Jacobs, it was by a roll call vote of the five members present unanimously:

VOTED: to adjourn the meeting at 11:37 a.m.

Respectfully submitted
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

DRAFT

NEEDHAM PLANNING BOARD MINUTES

February 9, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Wednesday, February 9, 2022, at 4:07 p.m. with Messrs. Jacobs and Block and Ms. McKnight, as well as Planning Director, Ms. Newman, Assistant Planner, Ms. Clee, Economic Development Manager, Ms. Haelsen and Building Commission, Mr. Roche. Ms. Espada joined the meeting at 4:45 p.m.

Mr. Alpert took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. He reviewed the rules of conduct for zoom meetings. He noted this meeting does not include any public hearings and there will be no public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Discussion of Brewery Zoning

Ms. Newman noted the idea came from Ms. Haelsen who had some contact with developers looking to install a brewery in Needham. She felt the uses did not clearly fit in the framework of the existing Zoning By-Law. The Board needs to define brewery and identify zoning districts where they may be appropriate. Ms. Haelsen put together a lot of information on how other communities regulated breweries and ~~they~~ put together a draft By-Law to enable the use. Three different definitions were created – a brew pub, up to 5,000 square feet, in a restaurant and could sell 25% to other establishments; a microbrewery, with up to 15,000 barrels, for wholesale distribution; and nanobreweries with up to 6,000 barrels. A brew pub could be in the Center Business District, Chestnut Street Business District and Avery Square Business District by special permit. A microbrewery would be allowed in the New England Business Center District by special permit and a nanobrewery would be allowed in the Highway Commercial 128 District from 128 to the Charles River, Mixed Use 128 District, Highway Commercial 1 District and a portion of the Industrial District where 4 Squares is located.

Mr. Block thanked Ms. Haelsen for all the background research she did. This has been discussed at the Council of Economic Advisors (CEA) meetings. This is a new use for the town. The Board is creating clarity for the ~~market~~market, and it needs to be very clear to attract this kind of use. For brew pubs, he would like them to be able to sell other merchandise they may have and small amounts of beer like a 4 or 6 pack. Mr. Alpert stated he goes to the Berkshires. The brew pub there supplies beer for take home purchase and to liquor stores to sell. They do not allow breweries to sell directly to the public. They feel that takes away from the liquor stores sales. Mr. Block noted he is not saying the public could buy a case or more. He would like to allow a small amount to be sold like a 4 or 6 pack. He does not feel that small amount would take away from liquor stores.

Mr. Block would like to allow a brewery to be able to manufacture and produce beer but not be required to sell food on site. He would like customers to be able to bring food from other restaurants in town. This concept exists in other markets and has been very successful. Under microbrewery, it should say "accessory preparation and/or sale of food." He does not want a requirement they make food on site. He noted the use table in ZBL Section 4 would support a brew pub in the Business District where Bertucci's is, and he wants it in the Hillside Avenue Business District. A microbrewery should be allowed in Highway Commercial 128, Highway Commercial 1 and the Mixed Use 128 District.

Mr. Alpert stated the major difference between microbreweries and nanobreweries is the size. A distinction in districts is the sizes of lots. Does the Board want to allow a microbrewery on smaller lots? The Board needs to look at size and how they fit in the districts. A brew pub would make sense in some other districts. A brew pub is primarily a restaurant with a brewery pub. Mr. Block feels the largest facility they would see would be around 50,000 square feet or around half the size of BJ's. He would love to see it behind Staples with a boardwalk and a brewery or brew pub. Mr. Alpert asked if the total would be 5,000 square feet for the brew pub and restaurant. That seems very small to him. Ms. Newman stated it will be done as an add on to the restaurant square footage.

Mr. Alpert suggested looking at John Harvard's brewery in Framingham to get an idea of how much space a brewery takes up. Ms. Newman stated the other option is not to have a limit on square footage. It could just have a definition and no upper limit. Ms. Haelsen stated a lot of brew pubs put the vats in the basements. Mr. Alpert agreed to take out the square footage. Mr. Jacobs asked if there is a limit on the number of package stores in town and was informed there was. Ms. McKnight stated there are 2 limits – one for stores that sell everything and one for stores that only sell beer and wine. The town is at the limit. Mr. Jacobs asked how the Board could approve the sale of a 4 pack or 6 pack if the town is at the limit. Ms. McKnight stated it is complicated to sell to wholesale. She asked if they could sell directly to the public? The Board needs to figure out what the law is. Ms. Newman stated her understanding is a microbrewery or nanobrewery can sell to the public but a brew pub needs to sell with food. Mr. Jacobs asked what is the state law and what is the limit? Ms. Haelsen noted the limit to the number of liquor stores was increased at the last Town Meeting. She stated it depends on what type of license they can get. These are different types of liquor licenses than what the Town gives. ~~Thieres~~ is a farmer's pouring permit. Mr. Jacobs feels that is pouring a drink and not to sell to take home. Ms. McKnight stated it was helpful to be provided the statutes. Section 19C has a farmer's pouring license with strange provisions and limitations. Section 19D is less stringent. She feels Framingham would be a good model, but it refers to Farmer's brewery and she does not know why. She thinks the ideas are being pulled from Wrentham more than anywhere else.

Ms. Newman stated Framingham did not create 2 different levels for breweries. Wrentham created 2 different levels. The Board could use the Framingham model with no distinction on capacity. Ms. McKnight stated she envisions breweries with accessory restaurants in Industrial zones. She has a concern having them in districts that abut residential. Brew pubs could be in downtown and some smaller areas. A brew pub's primary use is the restaurant. A brewery's primary use is distilling with a restaurant as an accessory use. Mr. Jacobs asked if Ms. McKnight is thinking accessory is less than 50% of the square footage? Ms. McKnight stated she was, but the Board should get more information and some ~~real-world~~real-world examples. Ms. Haelsen stated she has a spreadsheet from over 50 different breweries in Massachusetts. The majority are in Industrial ~~areas~~areas, but some are in downtowns.

Mr. Alpert noted Framingham and Wrentham both allow the sale of products but only what is made on site. Ms. McKnight feels that is reasonable. She wants to get away from the fact you have to eat. Mr. Alpert stated they need to confer with the Select Board. If it is a tasting room they should not be forced to have food. Building Inspector David Roche stated the Board should create a By-Law and not try to cram this into a like use. Ms. Espada joined the meeting at 4:45 p.m. Mr. Jacobs feels the Board is attempting to make too many distinctions. He likes Ms. McKnight's idea to whittle it down to two. He asked what the timeframe was to put this together. Ms. Newman noted her goal was to get it done for the annual Town Meeting in May. Mr. Alpert does not see them having enough time.

Ms. Espada asked if the commercial site where Muzi's was will still have opportunities if the Board waits until the November Town Meeting. Ms. Newman stated the zoning currently does not allow it. Ms. Espada thought it was written so it was open ended to allow breweries. Ms. McKnight clarified it allows like uses similar to and similar in kind. Mr. Block feels it is a missed opportunity because of the ambiguity. The Board needs to do ~~its~~their jobs over the next 2 weeks and get a By-Law to Town Meeting in May. Mr. Alpert stated it is a question of priorities. The Board has been mired in 1688 Central Avenue and it is taking a lot of time. Sometimes there is not enough time to get everything done. Ms. McKnight noted priorities and stated some people want ADUs brought forth as soon as possible. She feels people may be upset if the Board brings breweries before ADUs.

Mr. Roche noted he had to leave the meeting. His concern with some of these things would be parking and outdoor dining. He feels that is why it should be under a special permit so it can be regulated. Ms. McKnight would like to take what has been drafted and do a rewrite. She feels they are $\frac{3}{4}$ of the way there. Mr. Alpert stated if there is something in the By-Law close enough to apply 3.1 in the Highway Commercial 1 District, that could be used until there is a separate brewery By-Law. He does not want to see anything with alcohol as a by-right use. Mr. Block stated if someone expressed interest the Board should be ~~informed~~informed, and the interested party can come in. Mr. Alpert stated the Chair/Vice-Chair meeting would be the appropriate place.

Mr. Alpert stated, in the nanobreweries definition, he does not know what "limited distribution" means. In brew pubs it was 25%. Mr. Jacobs stated he had a few edits. In the definition of brew pub it says "state statute,." He does not think the comma should be there. In nanobreweries, it says a barrel is equivalent to 31 gallons per year. He objects to "per year."

Mr. Alpert feels “per year” should be after 15,000 barrels. That was agreed. Ms. Newman stated she wants to get this done for the Spring Town Meeting. They will hopefully be able to tweak it and get it to the Board members at the next meeting. She wants to get it to the Select Board on 2/22/22 so they can refer it back to the Planning Board and there can be a hearing on 3/15/22. She feels that date can slide but she wants to try to get it done by the end of March.

Minutes

There were no minutes to approve.

Report from Planning Director and Board members

Ms. Newman stated she sent another revised draft of the 1688 Central Avenue decision. There will be a revised packet from the meeting on Friday morning. It will be posted on the website tomorrow morning.

Upon a motion made by Mr. Jacobs, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to adjourn the meeting at 5:22 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

NEEDHAM PLANNING BOARD MINUTES

February 11, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Friday, February 11, 2022, at 8:16 a.m. with Messrs. Jacobs and Block and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. He reviewed the rules of conduct for zoom meetings. He noted this meeting does not include any public hearings and there will be no public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

Decision: Major Project Site Plan: Needham Enterprises, LLC, 105 Chestnut Street, Suite 28, Needham, MA, Petitioner (Property located at 1688 Central Avenue, Needham, MA). Regarding proposal to construct a new child-care facility of 9,966 square feet and 30 parking spaces, that would house an existing Needham child-care business, Needham Children's Center (NCC).

Mr. Alpert noted ~~a~~ correspondence received last night at 10:42 p.m. from the law firm of Hemenway & Barnes LLP, representing ~~yes for~~ Gregg Darish. He noted this correspondence has not yet been placed ~~d~~ on the town's website but it will be in due course. Mr. Alpert recused himself as Chair of the meeting and Mr. Block resumed the hearing as Chair. ~~He~~ Mr. Block noted the Board continues to receive written submissions. In fairness to those still interested, he is going to allow anyone to send final comments no later than 2/18/22. The Board will not review nor consider any submissions ~~s~~ after that date. He feels it is the most reasonable and fair thing to do. He noted, after discussion of scheduling, that the next meeting will be 12:00 p.m. on Friday 2/25/22. At that meeting the Board will continue deliberations and will consider all submissions made prior to 2/18/22.

Mr. Alpert resumed the meeting as Chair.

Report from Planning Director and Board members

Ms. Newman talked about the special meeting in March. It will be Monday, 3/28/22, at 7:00 p.m., to discuss breweries and outdoor seating applications. She reviewed the outdoor seating application for Stone Hearth. Building Inspector David Roche noted one dining table was too close to another for ADA requirements, ~~and~~ ~~-~~ ~~The~~ applicant turned the one table ~~;~~ ~~and~~ she will reference that document in the decision. The applicant has submitted a revised plan. Mr. Jacobs asked if April 1 was still the deadline to discontinue ~~z~~Zoom meetings. Ms. Newman believes that deadline ~~is~~ is still applicable. She has asked if there will be hybrid meetings but has not heard back. She will follow up with Katie King.

Upon a motion made by Mr. Block, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:

VOTED: to adjourn the meeting at 8:32 a.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

DRAFT

NEEDHAM PLANNING BOARD MINUTES

February 15, 2022

The Needham Planning Board Virtual Meeting using Zoom was remotely called to order by Paul Alpert, Chairman, on Friday, February 15, 2022, at 7:15 p.m. with Messrs. Jacobs and Block and Ms. Espada, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee.

Mr. Alpert took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held remotely because of Governor Baker's executive order on March 12, 2020 due to the COVID Virus. All attendees are present by video conference. He reviewed the rules of conduct for zoom meetings. He noted this meeting includes one minor modification request and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

7:20 p.m. – Minor Modification: Major Project Site Plan Special Permit No. 2005-07: Needham Gateway LLC, 66 Cranberry Lane, Needham, Massachusetts, Petitioner (Property located at 100 and 120 Highland Avenue, Needham, Massachusetts).

Rick Mann, representative for the applicant, noted under Section 7 and Section 4.2 modifications to the exterior of the site need approval of the Board. The Special Permit decision had a dumpster and enclosure on the site plan. The amount of trash inundated the dumpster so 3 additional dumpsters were put in an enclosure only for cardboard. The enclosure is 11 feet by 16 feet and is 6 feet high. With the additional dumpsters it requires many less trips to empty the dumpsters. The disposal of cardboard products is only for this dumpster. He is requesting the Board approve the installation and enclosure.

Mike Moskowitz, manager of Needham Gateway LLC, apologized for adding the cardboard dumpster without prior approval. The amount of cardboard required 2 extra pickups of the trash dumpster each week. The cardboard dumpster pick up makes little noise. He would agree not to put any construction dumpsters along the Highland Terrace homes. Mr. Alpert noted the following correspondence for the record: a letter from Building Inspector David Roche, dated 12/10/21, to Mike Moskowitz, noting he had received a complaint regarding the additional dumpsters and comments; a letter from Acting Town Engineer Thomas Ryder, dated 2/3/22, with no comments or objections; an email from Tara Gurge, dated 2/10/22, of the Public Health Department, with no comments at this time and an email from Elizabeth Kaponya with issues.

Mr. Alpert asked what steps Mr. Moskowitz took with regard to the Building Inspector's letter. Mr. Moskowitz stated he repaired the fence immediately. Mr. Mann spoke with the Building Inspector and told him they would be applying to the Planning Board for a modification. Mr. Mann stated he did not represent that the owner would be terminating the dumpster use. Mr. Block stated he visited the site. The applicant was instructed over 60 days ago to remove the dumpsters and they have not been removed. He took pictures. He noted there was good signage but it is not as orderly as the Board has been told. The site of these dumpsters is less than 15 feet away from the property line of the residents. He appreciates the applicant has a higher need of the dumpsters but believes this is the wrong location for any dumpsters at all. He strongly opposes.

Mr. Block noted he sees the absolute need for additional rubbish removal and certainly cardboard boxes. The dumpsters should be moved to a new location, and he showed 2 options. He proposes granting the relief and allowing the 3 dumpsters but pick up should be in the morning after 9:00 a.m., not at night, and the dumpsters should be put in a new location. The abutter said people had dumped stuff in the dumpster at 4:30 a.m. recently. He opposes the current location but sees the need.

Mr. Alpert asked if the dumpster in the middle of the parking lot was locked and secure. Mr. Moskowitz stated it was not locked. Mr. Alpert asked if there has been an issue with people dumping their trash in the dumpsters. Mr. Moskowitz stated he was not aware of any issue. He noted the setback from the fence to the building is 24 feet. Trash should not be picked up before 8:30 a.m. or 9:00 a.m. and not after 5:00 p.m. Ms. Espada agrees with Mr. Alpert the location is not good and an alternative location is advisable. Mr. Mann stated wiping out 3 or 4 parking spaces is a concern to him. He thinks there should be another way without taking 3 or 4 spaces. Ms. Espada asked if the current location of the trash dumpster could

be expanded to include the cardboard dumpsters. Mr. Moskowitz does not think 3 dumpsters could be put there. Mr. Jacobs stated he was a little perturbed when looking at the As-built plan. He understands the nearest corner is 18 feet from the line but it does not give any indication of how close the house is. The As-built gives no indication there are any residences there. He is sure the dumpsters are noisy when being emptied. If the dumpsters are not locked that is another issue. He asked if the dumpsters could be locked or can the dumpster corral be locked.

Mr. Moskowitz stated the enclosures can be locked. There is no evidence of others putting trash in the off hours. He is happy to institute a lock program. Mr. Alpert stated he has frequented some tenants in the building and been in the parking lot. He knows how the traffic flows. His thinking is the best location for the dumpster is in the back of the lot. That location only takes away the further spaces and is away from the houses. He feels it would be easier for trucks to access it. Ms. Newman noted the property is currently working under parking waivers. If parking gets eliminated it would require a public hearing and notice. Mr. Mann stated he has 2 special permit applications on for the new uses. Could the spaces be accounted for in those ifs he amended them? Ms. Newman stated that would be cleaner.

Elizabeth Kaponya, of 27 Highland Terrace and a Town Meeting member, stated she has been dealing with noise from the dumpster for years. She was home last weekweek, and it took them 20 minutes to empty the dumpsters, slamming them down and her house shook. Those are illegal dumpsters. The Board is sending the wrong message if they approve the location of illegal dumpsters. The dumpsters should be moved closer to Second Avenue. She is happy the construction dumpsters will not be put near the houses. Mr. Alpert reminded Mr. Moskowitz and Mr. Mann there is a noise By-Law in town. It starts at 7:00 a.m. or 7:30 a.m. There can be no construction prior to that. Mr. Moskowitz stated all contracts state they cannot start before a certain time. He has always checked out any issues raised.

Mr. Jacobs asked when the construction dumpsters will be put in. Mr. Moskowitz stated he would put them along the back of the lot. He does not think it is safe to put them along Second Avenue. Mr. Alpert commented the dumpsters need to be put as far away from the houses as possible. Mr. Jacobs asked if the construction dumpsters will be [gone?] in a couple of months and was informed yes.

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Patricia Baker, of 30 Highland Terrace, stated the Board is headed in the right direction. She stated the title "minor modification" seems to minimize everything in front of the Board. She did not know you could have a minor modification with something illegal. When the As-built was done the houses were wiped out on the plan. It is easy to overlook the neighborhood. She moved in and never knew the dumpsters or the high fence were illegal. She appreciates Mr. Moskowitz did not know that. She was on a Board in another town and things were slipped in all the time. She thinks this is moving in the right direction. She thanked the Board for that. She stated it is important the dumpsters are moved, especially if there is food there. The area needs to be kept as pristine as possible.

Mr. Alpert clarified the difference. With a minor modification there is not a full hearing. With such an amendment, the filing fee is less, there is no requirement for a published notice and it is considered a minor change. The Board did send a notice to abutters to let them know. Ms. Newman noted a permanent fence was part of the approvalapproval, but the dumpster corral was not. Mr. Alpert asked if the fence would have required approval. Ms. Newman will look into it.

John Negoshian, of 1101 South Street, stated he is representative and manager of all the abutting properties. He stated Mr. Moskowitz has not been a good neighbor. The dumpsters have been there 2 years and there are rats. He had notified the Board of Health 2 years ago and then Covid hit. He was surprised Tara Gurge, of the Health Department, did not say anything. He finally got through to Ms. Gurge and she said it was not her jurisdiction. He let Ms. Gurge know 6 months ago that there were rats and he never heard back. People are putting food in those dumpsters. Mr. Jacobs stated Mr. Moskowitz conceded the dumpsters have been there about [15?] years.

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Mr. Negoshian stated that was not true. He stated he has 6 pages of comments. He noted the fence falls down all the time. The neighbors try hard to keep their properties clean. People come around with blowers on Saturday and blow the trash into their yards. There are rats. The fence falls down in the wind because it is cheap plastic. The applicant put 2-foot by 6 foot wood on the fence on the residents side. He would like an 8-foot wood fence put up. There are 11 units that abut Mr. Moskowitz's property, 19 units within 100 feet and 29 units within 150 feet. The dumpster pick up is heard by all. The house not shown on the As-built -it is 10 feet off the property line.

Mr. Alpert requested Mr. Negoshian send his comments to the Planning Board. It is easier for the members to see the comments. He would also like to see the pictures Mr. Negoshian said he has. The Board will take this up again in March. Mr. Negoshian stated the neighborhood is very involved with this complex being done. The dumpsters were put where they are and former Board member Moe Handel said they should be put in the middle of the parking lot and not in this location. Mr. Moskowitz told him he was moving the dumpsters 6 months ago and he did not move them. ~~He~~Mr. Negoshian is all for moving a couple of parking spots. He stated nurses live in the end house and might not be able to sleep during the day with the banging of the dumpsters. He stated snow removal is done at midnight and they pile the snow at the abutters side. The abutters can do 8:00 a.m. but not the middle of the night. The trash is blown into the yards by the blowers. He commented he has pictures of someone using the dumpster at 10:00 p.m.

Mr. Jacobs noted Mr. Negoshian stated he managed some property on Highland ~~Terrace~~Terrace, and he asked which ones. Mr. Negoshian stated 15, 17, 19, 21, 23, 25, 27, 29, 31, 16, 18 and 20. They are all transient. He stated he was all for Panera Bread when it was coming in. The Planning Board looks out for the ~~residents~~residents, but Mr. Moskowitz wants to take all he can. Mr. Jacobs stated he does not like all the personal attacks. He asked if Mr. Negoshian managed the properties for the owner or if he is the owner. Mr. Negoshian stated he is the owner. He reiterated the dumpster was illegally put there. He was told it was going to be moved and it has not been. Mr. Jacobs noted Mr. Negoshian is saying the dumpsters have only been there 2 years. Mr. Negoshian clarified it was before Covid. The dumpsters came in when FW Webb came in so it may be a bit longer than 2 years. Mr. Alpert told Mr. Negoshian again to send the information he has so the Board has an opportunity to review it.

Mr. Mann stated there are many items stated by Mr. Negoshian they would take issue with. He appreciated Mr. Jacob's comments. This is not a place for personal attacks. Ms. Newman stated Mr. Mann proposes to move the dumpsters and amend the existing filing to reflect that. That is the cleanest way to get rid of this application. The Board can close it out by denying it. Then the applicant can refile it. Mr. Mann stated it will be discussed with the other applications. He will discuss with Mr. Moskowitz whether they want to move or eliminate the 3 dumpsters.

Mr. Block noted there is still an issue of noncompliance for over 60 days with a directive from the Building Inspector. He wants to know what will be done between now and then to come into compliance with the Building Inspector's letter. Mr. Moskowitz stated he will stop using the cardboard dumpsters in the next day or two. Mr. Jacobs asked if they could be locked. Mr. Moskowitz stated he would remove them. Mr. Mann asked they withdraw the application without prejudice.

Upon a motion made by Mr. Jacobs, and seconded by Mr. Block, it was by a roll call vote of the four members present unanimously:

VOTED: to allow the applicant to withdraw, without prejudice, contingent upon getting a letter in the next 7 days.

Discussion: Emery Grover Building – Renovation for the Needham Public Schools Administration.

Hank Haff, Director of Building Design and Construction for the town, noted this is an informal presentation. There will be a temporary use of Hillside School and the preliminary designs of Emery Grover ~~will be presented~~. There will be an additional renovation at Hillside to accommodate the school staff for 18 months. There will be a full renovation of Emery Grover, then the staff will move back in.

Deborah Robinson, architect with Bargmann Hendrie & Archetype, Inc., gave a timeline of the project. The bid will go out at the end of March and they will go to Town Meeting in May. There will be minimal work to Hillside. They are keeping the partitions, adding sprinklers and will repair or replace the heating system. This will not include the modular buildings. The permit will need to be amended due to the change in use. The construction fence is already down, the lot will be ~~striped~~striped, and a transformer will be added. For Emery Grover, there will be a comprehensive renovation and rehab. An addition in the back will be eliminated and one small addition will be ADA compliant. The systems will be updated. The site plan keeps the Highland Avenue drive through the parking at the east side. The north portico will be the main entrance in with a ramp. The center entrance will be closed off. The south portico will be egress only. Getting rid of the parking in front is a goal, and landscaping.

Ms. Robinson noted there are 61 parking spaces on site. The sewer line will go straight out of the building to Highland Avenue. There will be a small addition at the south to serve the Distribution and Production Department for the schools. There will be a dumpster in the far corner that will be ~~enclosed~~enclosed, and the fence will move away from the residential street. There will be a storm drain retention chamber on the west side of the building and a path from the emergency exit out to Highland Avenue. There will be bicycle racks, 3 accessible parking spaces and electric vehicle charging stations. There are 2 trees on site that will be discussed. It is believed one tree can remain. They will lose 2 parking spaces if both trees remain. There are pedestrian and taller parking lights on the plan.

Ms. Robinson stated a parking study was done. The building can hold 106 people. There is additional parking on Highland Avenue and Oakland Street that will be used only for special events. The on-street parking will give them 67 additional spaces. She noted the project will need waivers. One will be for the side setback on the south side. The existing south portico already encroaches on the setback and is already non-conforming. The parking analysis shows a need for 74 parking spaces and the project is providing 61 spaces. A waiver will be needed. The project will also need a landscape waiver. The requirement is 10% landscaping with 25% of that in the interior of the parking area. They do not meet the 10% requirement as they need to maximize parking. There will be the required number of trees and additional landscaping along Oakland Street. The island in the center will be landscaped. She showed how the production trucks would make deliveries. The north portico is being enclosed and the front door will be closed to make an additional conference room.

Ms. Robinson stated there will be an 82-100 person conference room on the second floor and the attic, which has been unused for years, will be reintroduced. Real windows will be added to the upper floor, rain gutters will be removed and ~~replaced~~replaced, and windows will all be replaced with insulating glass. All the mechanical equipment will be put inside the building. They are looking at putting the mechanics under the roof on the north side by building out a dormer. There has been an acoustics analysis done and it has suggested an acoustic louver to prevent noise for abutters. A masonry inspection was done, the ~~soffit~~soffit will be replaced and the slate will be matched in kind. She noted the plan would be to deal with the Hillside documents at the 4/5/22 meeting and the Emery Grover at the 4/19/22 meeting. They will be going to the Design Review Board (DRB) on 3/28/22.

Mr. Haff stated he will submit 2 separate applications. One for the Hillside change in use and the other for Emery Grover. He would like to expedite the Hillside change in use, which is simple with no exterior changes. Mr. Alpert commented he was hearing Hillside could not be started until after Town Meeting. Mr. Haff confirmed ~~that~~ that is correct. Mr. Alpert made sure the applicant was aware that Mr. Jacobs will be going off the Board following the April 12 Town Election, and will not be at the 4/5/22 meeting. He would encourage those who are running for Planning Board to attend the meeting. Ms. Newman clarified the newly-elected Board members would not be able to vote if he was not a member at the time of the hearing. She wants the applicant to know there will only be 4 members voting. Mr. Alpert stated they may want to wait until the 4/19/22 meeting for a full Board to attend the hearing. Mr. Haff was aware it would be 4 members only if the hearing were held on 4/5/22.

Mr. Alpert asked if Hillside is vacant now. Mr. Haff hopes to get the police out by 2/22/22. Mr. Block commented he appreciates the packet submission. Emery Grover looks like the parking requirement is at 81 with a total of 136 spaces. Jim Jackson, of PAR Civil Engineers, stated the parking is based on the square footage and use. It would be 74 plus the conference rooms with an additional 33 for a total of 107 spaces. He clarified there are 61 on site and 68 spaces are available within 300 feet for a total of 128 available spaces on site and off site. Mr. Alpert asked if all the off-site parking is on the streets and was informed yes, on Highland and Oakland. Mr. Jacobs asked if they are determining off-site spaces would become actual spaces during conferences or special events. He asked how they could take over on-street parking. Mr. Jackson stated they are not taking it over. They are just letting people know the spaces are available. Mr. Jacobs stated that is an illusion. Those spaces are used. Mr. Haff commented they are public spaces. Oakland Avenue is almost always empty except for St. Joseph's drop off and pick up times.

Mr. Haff stated the Highland Avenue spaces are a lot closer to the commercial area and are occupied off and on during the day. A lot of the closer spaces are actively used by the existing user. Some spaces within the neighborhood have not been highlighted. Town Hall utilizes numerous public spaces. This is an attempt to keep parking away from the front of the building as requested by the Planning Board and the Historic Commission. Mr. Alpert asked if there were enough handicap spaces for a conference with 80-100 people. Mr. Jackson stated he based handicapped-parking calculations on available

on-site parking and did not account for additional on-street spaces. It would require one or 2 more handicapped spaces. Ms. Espada appreciates moving the parking from the front. She asked if there are any environmental goals for the project. Mr. Haff stated they are trying to be net zero ready. There is a difference with a historical building. They are trying to be as efficient as possible with the building by replacing all the windows and making the building all electric. The only place to put solar would be over the top of the parking lot and that is not allowed under the By-Law and is a large expense. It would also reduce parking.

Ms. Espada stated it is great the project will be net zero ready. She asked what percentage of the landscaping does the project have. Ms. Robinson stated if they can include the entire site the project would be in good shape. She will have the numbers when they come back. Ms. Newman noted the landscape requirement is within the parking lot itself. That does not include the front which is not parking anymore. Ms. Espada wanted to see what the side looks like from the parking ~~lot~~, but the applicant does not have a view of that. Ms. Espada would like to see that later on. She asked if the applicant has discussed this with the church. Do they know there will be an addition? Mr. Haff has not spoken with them yet. Mr. Alpert asked how close is the side setback to the property line. Mr. Haff stated it is 16.3 feet off the property line. The existing is 11 feet off the property line. The setback is 20 feet.

Mr. Alpert asked if the setback could be waived. Ms. Newman stated the By-Law says it should be conforming. It is in the Apartment District. Mr. Alpert asked the cost of the project. Mr. Haff stated they are going through another round of cost estimating. The appropriation for the design is \$1.475 million and an additional \$19.4 million for construction. Some percentage will be through CPC funding. The schools were requesting \$6 million from CPC. He noted the construction market is not immune to inflation. There are issues with material availability. They are entering the next round of cost estimating. This would not go out to bid until an October or November time frame. Ms. Newman clarified the side yard setback is referenced in Section 4.73 for Institutional Buildings in the Apartment A1 District. A non-apartment building side yard setback is 15 feet under 4.3 [4.73?]. She asked what the frontage is on Highland Avenue. If greater than 100 ~~feet~~feet, there is a 15 foot setback. Mr. Alpert thanked everyone for the great presentation. It was very succinct.

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Board of Appeals – February 17, 2022

26 Ardmore Road – 26 Ardmore Road, LLC, applicant

Upon a motion made by Mr. Block, and seconded by Ms. Espada, it was by a roll call vote of the four members present unanimously:

VOTED: “No comment.”

473 High Rock Street – Janet Carter Bernardo, owner

Upon a motion made by Mr. Block, and seconded by Mr. Jacobs, it was by a roll call vote of the four members present unanimously:

VOTED: “No comment.”

Minutes

Mr. Alpert suggested deferring the minutes until the next meeting when Ms. McKnight would be back. The 11/16/22 minutes have already been red-lined by Ms. McKnight. The name of the company David Feldman represented is missing. Also, “David” is listed as “Davis” in one place.

Upon a motion made by Mr. Block, and seconded by Mr. Jacobs, it was by a roll call vote of the four members present unanimously:

VOTED: with the redline, approve and adopt the minutes of 11/16/22 with the inclusion of the property name of the company and change the name “Davis” to “David” as redlined.

Correspondence

Mr. Alpert noted a letter from Susan Opton, dated 2/11/22, expressing interest in being appointed as the DRB ([Design Review Board](#)) representative. Ms. Newman noted Nelson Hammer has resigned. The Board needs expertise in landscape architecture.

Committee Appointment – Design Review Board

Ms. Newman noted this vacancy has been advertised for 2½ months. Mr. Block had a conversation with Ms. Opton and Mark Gluesing also had a conversation with her. Mr. Block feels she would be good on the Board. She has a background in landscape design. Mr. Block stated he remembered Ms. Opton's name. He had met her with his real estate business and the design in her backyard stuck out. She has done pro bono landscaping work throughout town. He called her to see if she was interested and she was. She spoke with Ms. Newman and Mr. Gluesing. She is a town resident and wants to spend time in a more meaningful way.

Upon a motion made by Mr. Jacobs, and seconded by Ms. Espada, it was by a roll call vote of the four members present unanimously:

VOTED: to appoint Susan Opton as the Planning Board representative to the Design Review Board.

Ms. Newman noted this is to complete Nelson Hammer's term. There are 2 years left.

Report from Planning Director and Board members

Ms. Newman noted she has a working brewery zoning draft. Ms. McKnight made revisions and she plans to close the loop on the draft. She wants to have the Board look at it at the 3/1/22 meeting and it will make the Town Meeting Warrant. On 3/28/22 there is a meeting for a zoning hearing on breweries but most of the night is outdoor dining. Ms. Clee gave a list of restaurants requesting outdoor dining, which includes the Chapel Street lot. The Select Board will issue those permits as they are on public property and the seating is not being increased by 30%.

Ms. Espada noted the Housing [Plan](#) Working Group. They had a good meeting ~~of with~~ the ~~HPWG~~Committee and got really good feedback. They are trying to break up into subcommittees to deal with different areas. They are thinking of 4 subcommittees. There was a housing needs study draft. There is a lot of work going on. On 3/24/22 there will be another community meeting. She feels they are moving forward in a positive way.

Mr. Block noted the draft zoning [guidelines](#) for the MBTA [Communities](#). Ms. Newman stated she is working with Katie King and Karen Sunnarborg to see what the new draft guidelines are and trying to understand them. She wants to see how many affordable units actually go toward the zoning requirement. If the zoning is changed to allow housing by right how would that get the town toward that threshold? The town needs to comment on the draft guidelines by the end of March. Ms. Espada noted there is affordable housing subsidized and also at market rate. She asked what are the goals and where does the Board see it? What are the goals of housing and what can the town support? This is multi-layered and a web of information. She is excited to be working on it.

Upon a motion made by Mr. Block, and seconded by Mr. Jacobs, it was by a roll call vote of the four members present unanimously:

VOTED: to adjourn the meeting at 10:05 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker

Adam Block, Vice-Chairman and Clerk

DRAFT

Alexandra Clee

From: Louis Wolfson <lw29@comcast.net>
Sent: Thursday, April 7, 2022 3:25 PM
To: Lee Newman; Alexandra Clee; jeannemcknight@comcast.net; 'Paul S. Alpert'; mj@jacobs-thomas.com; adamjblock@kw.com; nespada@studioenee.com
Cc: Louis Wolfson
Subject: RE: Brewpub - Microbrewery

Lee and members of the Planning Board

First I want to thank Paul for speaking up regarding that he felt the process was rushed and required further study. And recommending that it be pushed off until the fall and voting as such.

This zoning change as you point out does not take into consideration and negatively impacts the ability of potential tenants considering the industrial zones which already allow all uses considered. It should be up to the potential tenant to determine where he sees a best fit his vision, scale and business model that he chooses, as well as requiring all necessary state licenses along with a special permit from the planning board. The intent of industrial zones was for these purposes as outlined by the presently allowed uses. All the zones in town have some component of question and that's why, the board is seeking a special permit for the Brew use. One maybe close to housing, one maybe across from a Temple, one maybe near apartments. But still Industrial and Industrial 1 zones bylaws allow for them presently. In fact they are the only zones that do.

An example of a ideal space as a microbrewery may be the former dance studio next to center automotive. It is presently allowed by all the present bylaws. In this industrial zone. It would allow immediate occupancy with minimal cost. Crescent does not have any space presently but would give the commercial property tax payers such as myself uses within the bylaws to include the microbrewery / brewpub consistent with all the uses presently allowed. .

There was mention of "contemplated by a interested party", Jeanne saying well I like the idea of having a Brew Pub, as I went to one with my daughter. Paul said I like the 5 flight samplers. These are not reasons to rush this to town meeting as Paul recognized. We all agree that the use would be a nice addition to the town No one is against the zoning, the delay would give us time to properly vent, correct and protect the existing zones that our town already has, with the added use to some others properly.

Having a citizens partition at a later date as Adam suggested (I have been that route) it requires ¾ vote verse majority while the board realizing that these zones should have been included initially. But due to fact that the public hearing was done after the legal notice was published. prohibited the ability to change it, and the only real solution is to push it out to town meeting in the fall. Which you the chair adamantly spoke towards.

Adam spent over 2 hours regarding terminology earlier in the night regarding Carbon Health. Paul time on the word "predominately" with the Farmers Market to the point he looked up the meaning, Adam also mentioned "function of definition" regarding the Brew Zoning.

I believe there may be a material error in the proposed zoning change. I had my hand raised but due to procedural rules, (I guess), I could not be called on to bring it up. I believe the flaw to be that the proposed zoning bylaw states in the Brew Pub zone "which may include **PACKAGING** of" And the Microbrewery states "for the production and **PACKAGING** of..." I like Paul "may or shall" know the difference of wording. The

dictionary states Packaging – “paper boxes, corrugated, plastic, poly, foil sealed” And nowhere in the definition or in the proposed zoning is there mention of bottling.

“Our own bylaws recognize **bottling** and bottling is allowed in only 2 zones in town the “Industrial and Industrial 1 zones”. I believe based on the current zoning bylaws that the Coke and the former Canada dry bottling plants, in the New England industrial zone and in Mixed use 128 district were and are pre-existing non-conforming uses and that bottling is not allowed by our existing by laws in them.

The State ABCC laws do not address bottling or packaging.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter138/Section1>

The Federal Laws do and they state “bottling and packaging” as they recognize the distinction.

https://www.ttb.gov/images/pdfs/ttbp51008_laws_regs_act052007.pdf

I have been told by the board that one cannot add to the current article and I believe by adding a proposed use, this is an expansion of the notice.

If I am correct, the current change as proposed will have to be amended. It is my understanding that the next time that could be done would be in the fall. Unless with the support of the this board the change in language and the inclusion of the over looked industrial zones, which already allow for it and recognized by this board, it can be done at this springs town meeting.

Is that something the board can do? Is it something that a concerned town resident can do (I would prefer the board) ? I do not know procedures and appreciate the boards time and look forward to a response and direction.

Sincerely,



Louis Wolfson
Crescent Road Realty
29 Cimino Road
Needham, MA 02494

617-799-3326

From: [Louis Wolfson](#)
To: [Lee Newman](#); [Alexandra Clee](#); jeannemcknight@comcast.net; ["Paul S. Alpert"](#); mj@jacobs-thomas.com; adamjblock@kw.com; nespada@studioenee.com
Subject: RE: Brewpub - Microbrewery
Date: Monday, April 11, 2022 2:02:39 PM

Planning Board Members

On another note, I believe that the zoning change – adding – changing – including – excluding, as Paul stated it takes time.

While I believe that the present area where Panera is excluded from the planned zoning change is being short sighted. While listening to the on going Carbon Health, I have learnt that only one (1) restaurant is allowed. if Panera changes how they operate, or if they leave and a brewpub – microbrewery choose to open (with a special permit) under the proposed change it will not be allowed, although it is a good location for it.

While Adam states he has no financial agenda. Adam does state the process was rush. Those of us that are industrial property tax payers, do have financial obligations, not only deserve, but expect, that our planning board members do everything to assure our rights are protected and that the process is not rushed.

While you all agree that other areas should be included, 4 of you agreed that the process was rushed, 4 of you decided that there is an urgency to move this ahead. vs properly addressing these issues and concerns and presenting a conclusive bylaw forward in the fall.

I hope that you will agree or as I suggested in my previous email to the board, that the current proposed change can be amended on the floor, to the satisfaction of all, for vote at this town meeting.

Sincerely,

Louis

Louis Wolfson
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From: Louis Wolfson

Sent: Thursday, April 7, 2022 3:25 PM

To: 'Lee Newman' <LNewman@needhamma.gov>; 'Alexandra Clee' <aclee@needhamma.gov>; 'jeannemcknight@comcast.net' <jeannemcknight@comcast.net>; 'Paul S. Alpert' <psa@westonpatrick.com>; 'mj@jacobs-thomas.com' <mj@jacobs-thomas.com>; 'adamjblock@kw.com' <adamjblock@kw.com>; 'nespada@studioenee.com' <nespada@studioenee.com>

Cc: Louis Wolfson (Lw29@comcast.net) <Lw29@comcast.net>

Subject: RE: Brewpub - Microbrewery

Lee and members of the Planning Board

First I want to thank Paul for speaking up regarding that he felt the process was rushed and required further study. And recommending that it be pushed off until the fall and voting as such.

This zoning change as you point out does not take into consideration and negatively impacts the ability of potential tenants considering the industrial zones which already allow all uses considered. It should be up to the potential tenant to determine where he sees a best fit his vision, scale and business model that he chooses, as well as requiring all necessary state licenses along with a special permit from the planning board. The intent of industrial zones was for these purposes as outlined by the presently allowed uses. All the zones in town have some component of question and that's why, the board is seeking a special permit for the Brew use. One maybe close to housing, one maybe across from a Temple, one maybe near apartments. But still Industrial and Industrial 1 zones bylaws allow for them presently. In fact they are the only zones that do.

An example of a ideal space as a microbrewery may be the former dance studio next to center automotive. It is presently allowed by all the present bylaws. In this industrial zone. It would allow immediate occupancy with minimal cost. Crescent does not have any space presently but would give the commercial property tax payers such as myself uses within the bylaws to include the microbrewery / brewpub consistent with all the uses presently allowed. .

There was mention of "contemplated by a interested party", Jeanne saying well I like the idea of having a Brew Pub, as I went to one with my daughter. Paul said I like the 5 flight samplers. These are not reasons to rush this to town meeting as Paul recognized. We all agree that the use would be a nice addition to the town No one is against the zoning, the delay would give us time to properly vent, correct and protect the existing zones that our town already has, with the added use to some others properly.

Having a citizens partition at a later date as Adam suggested (I have been that route) it

requires $\frac{3}{4}$ vote verse majority while the board realizing that these zones should have been included initially. But due to fact that the public hearing was done after the legal notice was published. prohibited the ability to change it, and the only real solution is to push it out to town meeting in the fall. Which you the chair adamantly spoke towards.

Adam spent over 2 hours regarding terminology earlier in the night regarding Carbon Health. Paul time on the word “predominately” with the Farmers Market to the point he looked up the meaning, Adam also mentioned “function of definition” regarding the Brew Zoning.

I believe there may be a material error in the proposed zoning change. I had my hand raised but due to procedural rules, (I guess), I could not be called on to bring it up. I believe the flaw to be that the proposed zoning bylaw states in the Brew Pub zone “which may include **PACKAGING** of” And the Microbrewery states “for the production and **PACKAGING** of...” “ I like Paul “may or shall” know the difference of wording. The dictionary states Packaging – “paper boxes, corrugated, plastic, poly, foil sealed” And nowhere in the definition or in the proposed zoning is there mention of bottling.

Our own bylaws recognize **bottling** and bottling is allowed in only 2 zones in town the “Industrial and Industrial 1 zones”. I believe based on the current zoning bylaws that the Coke and the former Canada dry bottling plants, in the New England industrial zone and in Mixed use 128 district were and are pre-existing non-conforming uses and that bottling is not allowed by our existing by laws in them.

The State ABCC laws do not address bottling or packaging.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter138/Section1>

The Federal Laws do and they state “bottling and packaging” as they recognize the distinction. https://www.ttb.gov/images/pdfs/ttbp51008_laws_regs_act052007.pdf

I have been told by the board that one cannot add to the current article and I believe by adding a proposed use, this is an expansion of the notice.

If I am correct, the current change as proposed will have to be amended. It is my understanding that the next time that could be done would be in the fall. Unless with the support of the this board the change in language and the inclusion of the over looked industrial zones, which already allow for it and recognized by this board, it can be done at this springs town meeting.

Is that something the board can do? Is it something that a concerned town resident can do (I would prefer the board) ? I do not know procedures and appreciate the boards time and look forward to a response and direction.

Sincerely,

Louis

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Needham, MA 02494

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LEGAL NOTICE

DOVER PLANNING BOARD

In accordance with the provisions of M.G.L. Chapter 41, Section 81Q, the Dover Planning Board will hold a public Zoning Hearing on Monday, March 28, 2022 at 7:00 PM remotely on Zoom [To join by computer, laptop, tablet, or phone Zoom application: <https://zoom.us/j/99167899018?pwd=TzZoMDRrdHhId01HcFdrWDcwVm53UT09>, Meeting ID: 991 6789 9018, Passcode: 292334, or dial: 1(646)876-9923 to connect via telephone] to consider warrant articles with revisions to Chapter 185 of the Zoning Bylaws.

Article 18. Amend Zoning Bylaws — Accessory Apartments and Definitions (Planning Board)

To see if the Town will vote to amend Zoning Bylaw Chapter 185 by (1) adding to Section 185-5 definitions for "Accessory Apartment", "Finished Area", "Gross Floor Area" and "Short-Term Rental"; and (2) amending Section 185-43 entitled "Accessory Apartments", as set forth in the complete text on file in the Offices of the Town Clerk and the Planning Board; or to take any other action relative thereto.

Article 19. Amend Zoning Bylaws — Floodplain Overlay District (Planning Board)

To see if the Town will vote to amend the Zoning Bylaw Chapter 185 by updating the Zoning Map reference to the Floodplain District, and amending Section 185-44 "Floodplain District" as set forth in the complete text on file in the Offices of the Town Clerk; or take any other action relative thereto.

Article 21. Modernization of Table of Uses (Planning Board)

To see if the Town will vote to amend the Zoning Bylaw Chapter 185 by amending Section 185-9 "Table of Uses" as set forth in the complete text on file in the Offices of the Town Clerk; or take any other action relative thereto.

Article 22. Update to Definitions (Planning Board)

To see if the Town will amend Zoning Bylaw Section 185-5, "Definitions," to include terms not defined in the bylaws, to clarify measurements for dimensional requirements, and to define specific commercial uses as set forth in the complete text on file in the Offices of the Town Clerk; or take any other action relative thereto.

Copies of the draft of these proposed revisions are available online at:

<https://www.doverma.gov/605/2022-Town-Meeting> and on file with the Town Clerk and the Planning Board and may be inspected, by appointment, during office hours. Any person interested or wishing to be heard should appear at the time and place designated.

Hometown Weekly Newspaper
3/10/22, 3/17/22

Carol Lisbon, Chair
Dover Planning Board

TOWN OF NEEDHAM



ANNUAL TOWN MEETING WARRANT

Election: Tuesday, April 12, 2022

Business Meeting: Monday, May 2, 2022

7:30 p.m.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL
1471 HIGHLAND AVENUE

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.

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2022 Annual Town Meeting

Town of Needham
Finance Committee
111th Annual Report
Fiscal Year 2023 Proposed Budget

March 11, 2022

Fellow Town Meeting Members,

The Finance Committee is pleased to present its 111th Annual Report to Town Meeting along with its proposed operating budget for Fiscal Year 2023 (FY 2023). The Finance Committee's proposed budget for FY 2023 fully funds the same level of services for next year along with new staff and expanded services. As of the date of this letter, it has been exactly two years since the World Health Organization declared COVID-19 to be a global pandemic. Though these past two years have been difficult for residents and for Town operations, we are happy to report that Town finances remain robust. As the omicron wave of the pandemic recedes, we are cautiously optimistic that while some of the effects of the pandemic may persist, the worst of the pandemic may be behind us. Over the course of the pandemic, the Town has proven to be operationally and financially responsive, adaptable and resilient.

The Town is fortunate to have financially weathered the pandemic better than initially feared two years ago. In fact, for FY 2023 all of the significant sources of General Fund revenue, including property taxes, state aid, and local receipts, are projected to increase, even when estimating conservatively. Faced with projected increases in spending capacity, the Finance Committee recognizes the delicate balance between the desire to expand services and the aim that property taxes not be overly burdensome for current residents nor exclusionary for prospective residents.

In the sections that follow, the proposed FY 2023 operating budget is described in increasing detail, beginning with a Budgetary Overview in Section I, which describes at a high-level the amounts available for General Fund appropriation, as well as the main drivers of the proposed increases in the operating budget. The Budgetary Overview closes with additional considerations and concerns that may continue to impact upon Town finances in the future. Section II describes changes in each component of the operating budget compared to the prior year. Section III acknowledges the diligence and effort of the many people whose input and expertise have contributed to the proposed balanced budget before you.

I. Budgetary Overview

A. Amount Available for General Fund Appropriation

General Fund revenue comes primarily from property taxes, as well as monies from state aid, and local receipts. Additional funds available for appropriation come from Town reserves, stabilization funds, free cash, overlay surplus, and other sources. Though the COVID-19 pandemic brought much uncertainty, adaptations to remote work have led some economic sectors to quickly recover and grow. Other sectors, such as the hospitality industry, have been slower to recover. Overall, the FY 2023 proposed budget and Town spending plan are based on a conservative revenue projection of \$238.8M, which is \$8.4M or 3.9% greater than FY 2022. Of that amount, \$219.1M is General Fund revenue, \$16.0M is Enterprise Fund revenue and \$3.7M is CPA (Community Preservation Act) funds. A total of \$221.2M is available for General Fund expenditures, which includes General Fund revenue plus the CPA's share of debt service in the amount of \$970K and Enterprise reimbursements in the amount of \$1.25M.

Being the primary source of General Fund Revenue, property taxes make up almost 82% of the expected General Fund revenue in FY 2023. In total, FY 2023's property tax revenue is increasing by \$8.3M or

4.9% over FY 2022, based on the annual increase in the tax base plus strong new growth. New growth includes increases in property values due to property improvements or a change in use. FY 2023 new growth accounts for significant public utilities equipment improvements.

State aid, which accounts for 6.5% of the estimated General Fund revenue, is projected to increase by 2.5%, an increase of more than \$354K, in FY 2023. Included in the total amount is \$695K of reimbursements from the Massachusetts School Building Authority (MSBA) for school building projects, as well as Cherry Sheet Aid which is comprised of aid for schools and general government aid. (The Cherry Sheet is the official notification from the Department of Revenue of the upcoming fiscal year's state aid and assessments to cities, towns, and regional school districts, which was historically printed on bright red paper.) Both Chapter 70 school aid and Unrestricted General Government Aid (known as UGGA), are projected to increase 2.7% in FY 2023, based on the Governor's proposal. The state budget is still pending and subject to change as it makes its way through the process. The particular amount of state aid is always challenging to estimate, and this year there is more uncertainty than usual. Chapter 70 school aid is the largest component of state aid, making up 84.4% of Cherry Sheet aid to Needham. UGGA is the second largest component of state aid, accounting for almost 14.5% of the Town's Cherry Sheet Aid.

Local receipts are estimated to comprise a total of \$11.6M, representing approximately 5.3% of General Fund revenue in FY 2023. Local receipts include motor vehicle excise taxes, hotel and meals taxes, charges for services such as ambulances, and license and permit fees. As a result of the economic downturn in the early stages of the pandemic, the actual receipts for FY 2021 dropped by almost \$1.5M compared to actual local receipts in FY 2020. While the economy is faring better after the initial sharp downturn, the growth is modest in some areas, and stronger in others, depending on the nature of the economic activity involved and the relative downturn. For FY 2023, we are anticipating that local receipts will increase by almost \$1.2M or 11.7% compared to FY 2022's expected receipts. All of the various types of revenue that make up local receipts are projected to increase in FY 2023. Motor vehicle excise taxes make up 38% of local receipts, the largest category, and are assumed to increase 10% or \$400K in FY 2023. This increase appears large, but the FY 2023 estimate amounts to only 85% of the actual motor vehicle excise receipts in FY 2021. "Other Excise", primarily meals and hotel taxes, was hit especially hard by COVID restrictions and by associated and lingering changes in habits. Other Excise taxes previously made up over 10% of total local receipts, but are expected to account for 6.7% of FY 2023 local receipts, after having fallen to less than 5% of local receipts in FY 2021. The FY 2023 estimate of Other Excise represents a significant increase of \$280K or 56% over FY 2022. The Town's "Charges for Services" category makes up 16.4% of local receipts, and is comprised of fees collected for services such as ambulance, parking permits, and DPW charges. This amount is projected to increase by \$75K or just over 4%. The category of local revenue called "Licenses and Permits" includes building permits, inspection fees, alcohol licenses, and parking permits, and makes up 14.7% of the projected local receipts in FY 2023, with an increase of 2.9%. As the economy rebounds from the effects of the pandemic, we can expect that the amount of local receipts will continue to increase and to grow as a proportion of the Town's revenue. We will nonetheless continue to project conservatively to avoid unnecessary risk.

After the close of the last fiscal year, FY 2021, the Department of Revenue certified \$17.0M of Free Cash available for appropriation. The extraordinarily large amount of Free Cash is in part due to \$5.5M of Free Cash available in FY 2022 but unappropriated; as a result, the balance was rolled over to Free Cash available in FY 2023. Free Cash consists of unspent funds that remain at the close of the prior year, including the amount that actual revenue collected exceeds estimated revenue and the amount that appropriations exceed expenditures. Free Cash has remained substantial -- even during the pandemic -- due to several factors, including withholding of spending in some areas and lower-than-usual expenses for other activities, such as travel, professional training, and community events which were cancelled or held virtually. In addition, many COVID-related costs were covered by federal grants or reimbursements.

Thus, there were sizeable amounts of budgetary turnback. Because the level of Free Cash can be volatile, much of it should be used for one-time expenditures. Generally, only the portion of Free Cash which is dependable year over year can be deemed recurring and applied to the operating budget. For FY 2023, \$2.6M of Free Cash is proposed to be allocated to the operating budget. This amount represents less than 2% of the FY 2022 budget (less the Reserve Fund) and is consistent with the Town's policy on the use of Free Cash for operating expenses. The other funds will be used for non-recurring uses, such as capital, or for appropriations to reserves or stabilization funds.

As noted above, Funds other than General Fund revenue that are proposed to be appropriated by Town Meeting include \$970K of CPA funds to be applied to the FY 2023 operating budget for CPA-related debt service, as well as \$1.25M of funds from the Enterprise Funds to reimburse the Town for costs and services such as information technology and insurance. Other funds subject to appropriation may include monies from stabilization funds with defined purposes, offsets, and previously appropriated funds from warrant articles from prior years that were not needed for the designated purposes.

B. Allocations for General Fund Appropriation for FY 2023

Operating Budget	\$205.0M
Cash Capital (including individual articles)	\$9.5M
Financial warrant articles	\$1.7M
Reserve/stabilization funds	\$1.1M
<u>Other disbursements</u>	<u>\$3.9M</u>
Total	\$221.2M

Please note that although the Finance Committee voted the FY 2023 operating budget recommendation prior to the preparation of this report, other appropriations proposed in the various separate warrant articles and the funding sources were still under consideration. Thus, final recommendations at Town Meeting may vary from the above allocations.

C. Operating Budget

The amount allocated to the FY 2023 operating budget is \$205.0M, an increase of \$9.2M or 4.7% over the operating budget for FY 2022. The primary drivers of this moderate increase are:

Townwide Expenses	+ \$2.9M, or 4.7%
Education	+ \$3.8M, or 4.5%
Public Facilities/Public Works	+ \$1.3M, or 6.9%

The largest increases among the Townwide Expenses are attributable to Retirement Assessments, increasing almost \$990K, or 9.5%, and to Group Health Insurance, Employee Benefits & Administrative Costs, increasing \$793K, or 4.8%. These increases are connected not only to rising costs, but also to the growth in the number of benefitted positions. In addition, there is a proposed appropriation of \$1.3M to Classification Performance & Settlements, which serves as a reserve to fund new collective bargaining agreements or other personnel cost increases during the fiscal year.

Funding for education is always a substantial part of the budget, driven primarily by the Needham Public Schools (School Department). The operating costs of the School Department comprise 42.6% of the total operating budget. This represents an increase of \$3.7M, or 4.4%, over FY 2022. Note that costs associated with group health insurance for employees of the School Department are budgeted under Townwide Expenses. The increase in the School Department budget is primarily due to staffing increases. 21.48 full-time equivalent (FTE) positions funded in FY 2022 from one-time funds and hired as a result of the effects of the COVID-19 pandemic will be funded through the operating budget in FY 2023. Additional new positions will also be funded through the operating budget, for a total increase of 25.82 School Department positions funded through the operating budget in FY 2023.

The Public Facilities/Public Works segment represents over 9% of the operating budget and is increasing by 6.9%, driven by an increase in the budget for the Department of Public Works of \$1.3M, or 7.3%. This increase is in part due to additional staff primarily relating to building maintenance. These needs reflect not only an increase in the inventory of Town buildings, but also in the sophistication of systems being maintained in these upgraded facilities.

D. Additional Considerations and Concerns

Needham has historically been conservative with its budgeting and spending practices, and has weathered the past two difficult years quite effectively. In the early phase of the pandemic, the Town held back significantly on spending and hiring, and saved funds or redirected them to address pandemic needs. While COVID-19 still persists, the various public health metrics are improving and restrictions are being eased. The Town has been reimbursed for a significant amount of unexpected expenses caused by the pandemic, which has relieved the financial pressure. The Town received reimbursements through the Coronavirus Aid, Relief, and Economic Security (CARES) Act and Federal Emergency Management Agency (FEMA) for costs addressing the acute needs of the early stages of the pandemic, particularly in the areas directly connected to health, safety and wellness. The Town has also been granted funds through the American Recovery Plan Act (ARPA) for further relief from the financial effects of the pandemic borne both by the Town and by local businesses and for water and sewer infrastructure upgrades. The FY 2023 budget reflects more confidence as the Town is in a position to fund not only the ongoing services, but also to provide for some additional services and programs as we continue to plan for the future.

Looking forward, the Town needs to continue to address capital needs -- particularly the aging Mitchell and Pollard school buildings -- and to prepare itself for the significant upcoming costs. On the heels of several significant capital projects initiated over the past five years, including the Sunita Williams Elementary School, Rosemary Recreation Complex, Police and Fire Headquarters and Fire Station 2, Memorial Park Fieldhouse, and the Jack Cogswell DPW facility, the Finance Committee continues the work that began last year in reviewing the School Master Plan in conjunction with the School Committee and School Department, Town Administration, and the Permanent Public Building Committee. The various scenarios of the School Master Plan, each currently estimated to cost over \$300M in inflation-adjusted dollars, need to be viewed in the context of an overall financing plan that also incorporates other major construction projects, such as the Emery Grover Renovation (for which construction funds are being sought at this Annual Town Meeting) and the much-needed upgrade of the DPW administration building. It is also crucial to consider the impact of new building projects also upon the operating budget, including increased maintenance, energy, and insurance associated with the new facilities. It will be a challenge to finance all projects within the Town's long-standing debt limits without careful prioritization and continued adherence to debt policies in order to ensure that property taxes do not become overly burdensome for current residents nor exclusionary for prospective residents.

Another area of concern for the Finance Committee is the rate of staffing increases. Staffing accounts for some of the Town's greatest costs, which include not only salaries and wages but also the significant cost of benefits, such as health insurance and retiree benefits. The Finance Committee carefully examines all

requests for increased staffing levels that are part of the Town's day-to-day operations in the operating budget. The Committee is also sensitive to the fact that new and upgraded building facilities not only trigger additional maintenance needs, but may also create additional programming space whose full potential is only realized with increased staffing. While some amount of increase in staffing is to be expected, the Finance Committee has concerns that the growth rate of FTE staff, particularly in the Schools, is unsustainable and will need to be moderated in the coming budget cycles.

Lastly, the Finance Committee is aware of two emerging factors at the national and global level that may continue to impact upon Town finances. The first factor is the rising rate of inflation, which is reflected in the proposed FY 2023 operating budget in the form of increased costs for some Town expenses, such as materials and contracted services. The second factor is the ongoing War in Ukraine, which has had a precipitous impact upon energy prices in recent weeks. Increased energy prices are not reflected in the FY 2023 operating budget, and the effects of the War in Ukraine -- as with all wars -- remain unpredictable.

II. Components of Proposed FY 2023 General Fund Operating Budget

This section addresses the details of the Finance Committee's proposed General Fund operating budget for FY 2023. The total proposed operating budget for FY 2023 is \$205,020,137, an increase of \$9.2M, or 4.7%, over the FY 2022 operating budget.

A. Townwide Expenses

Townwide Expenses are costs that are incurred by the Town or that apply across many or all departments. Examples include liability insurance, energy costs, and employee and retiree benefits. The Townwide Expenses portion of the FY 2023 budget is increasing 4.7%.

Casualty, Liability, Property and Self-Insurance: This line item pays for the insurance coverage that the Town obtains through the Massachusetts Interlocal Insurance Association (MIIA) for buildings, vehicles, property damage, auto liability, and general liability, as well as a small contingency for non-covered claims. This line item is increasing \$75K, or 9.9%, in FY 2023. This covers premium increases as well as insurance coverage for new facilities, including Fire Station #2 which came online during the second quarter of FY 2022 and the Police Headquarters which was occupied in the third quarter of FY 2022. The level of increase has been mitigated by loss prevention and risk mitigation efforts that have created premium savings. The premiums relating to the water and sewer programs are carried here, but are reimbursed from the enterprise funds and also included in General Fund revenue.

Debt Service: This budget line covers payments for outstanding debt obligations for excluded debt (as a result of Prop. 2 ½ overrides), Community Preservation Act debt, and debt funded within the tax levy. The FY 2023 Debt Service line is declining by \$566K, or 2.7%, following a small decline in FY 2022 as well, both due to decreases in excluded debt and CPA debt costs. Costs for debt within the levy are increasing 3.4% while the costs for excluded debt are decreasing by 4.9%, and the costs for CPA-funded debt are decreasing 5.1%. Debt service costs fluctuate in accordance with the borrowing schedules for the Town's significant capital projects. This line does not include the costs of any debt that may be authorized at the Annual or Special Town Meetings in May 2022, such as the proposed Appropriation for the Emery Grover Renovation.

Group Insurance, Employee Benefits and Administrative Costs: This line is increasing by \$793K or 4.8%. This amount assumes a 5% increase in health insurance premiums, as well as provisions for additional subscribers and an increase in the number of eligible employees due to increasing headcount. The health insurance portion of the costs in this line is level-funded due to the fact that the Fallon HMO is leaving the market, and the West Suburban Health Group will be moderating their rates as those subscribers transition over. Costs for Medicare are increasing 4.9% while the Social Security Tax is

level-funded in FY 2023. This budget line includes an increase of 4% in unemployment expenses for FY 2023, though this is an unpredictable expense, and could potentially be higher. The Town experienced significant increases in unemployment costs as a result of the pandemic, and is self-insured for these costs.

Needham Electric Light and Gas Program: This program covers the costs related to electricity and natural gas usage, maintenance and repair of streetlights, and producing the solar electricity that is sold to the grid. This line is increasing \$263K, or 6.8%, in FY 2023 following a modest decrease last year. Rates for natural gas are higher due to the assumed increases in both the supply costs (up 20%) and the rate per therm (up 15%). Consumption is also increasing for both electricity and natural gas due to both higher use in existing buildings and the addition of the Fire Station 2 and the Police Headquarters which have come online during FY 2022. The budget is based on a three-year average of energy use at most buildings, though several buildings have less than three years of history, and thus estimates are based on the highest year.

Retiree Insurance and Insurance Liability Fund: This program, also known as “OPEB” (other post-employment benefits), provides funding for benefits other than pensions for eligible retirees, such as health insurance. This line is going up \$418K, or 5.6%, in FY 2023. The assumed rate of return for OPEB funds was reduced to 6.75% in the FY 2021 budget, and was unchanged in the FY 2022 and FY 2023 budgets. Further reductions may be considered in the future. The funding schedule for FY 2023 is based on the actuarial schedule and is based on assumptions including the expected number of retirees and spouses as well as the costs of Medicare supplement plans. The most recent actuarial valuation which was completed on June 30, 2020 showed that the OPEB funded ratio was 35.7% of its projected liability, with a plan of reaching full funding in FY 2041.

Retirement Assessments: This line, which funds pensions for retirees as well as unfunded pension liability, is increasing 9.5%, or \$990K, in the FY 2023 budget. This large increase, similar to the increase in FY 2022, is needed to meet the actuarial schedule. The Retirement Board reduced the assumed rate of return for pension assets to 6.5% for FY 2022, where it remains for FY 2023. The effects of the rate reduction last year are being spread over 5 years in order to moderate the impact. This decrease in the rate of return, combined with wage growth and updated mortality data, have resulted in an increase in the Town’s unfunded liability and thus the need to increase the annual contributions in the funding schedule. The Town’s funding status was 67.4% as of January 1, 2021, with a goal of funding outstanding unfunded pension liability in full by June 2033. Notably, the market value of the assets on January 1, 2021 were significantly higher than the actuarial valuation due to not-yet recognized investment gains.

Workers’ Compensation: This line provides funding for workers’ compensation claims for School Department and General Government employees, as well as pre-employment physicals where needed. The town is self-insured for workers compensation. Any unused funds in this line are rolled into the Workers’ Compensation Fund which reserves funds for potential larger future claims. This FY 2023 allocation to workers’ compensation is almost \$97K, or 11.6%, lower than FY 2022 with the removal of the Injury on Duty funds to a separate budget line. Of note, there was an additional appropriation of \$337K to the Workers Compensation Reserve in May 2021, and another \$130K is proposed for appropriation at this Annual Town Meeting.

Injury on Duty & 111F: This new line in the operating budget consists of the funds available for payment of injury leave compensation or medical bills for public safety personnel, who are not covered by other workers’ compensation programs. In the FY 2023 budget, these funds are separated out from the Workers’ Compensation line since these two different lines serve similar purposes but are available to entirely different employees by statute. The Town has had the Workers’ Compensation Fund for years, but only last year created the Public Safety Injury on Duty Fund, now allowed under the Municipal Modernization Act, which will establish a reserve for unspent funds appropriated to this line to be carried

over for future injury leave costs. The FY 2023 allocation to the Injury on Duty line is \$151K. An additional \$300K is proposed for appropriation to the Public Safety Injury on Duty Fund in a separate warrant article of this Annual Town Meeting.

Classification, Performance & Settlements: This line item is budgeted at \$1.3M for FY 2023. These funds serve as a reserve for additional personnel-related costs during the fiscal year, including performance-based salary increases for managers or increases resulting from new collective bargaining agreements. The funds may be transferred to the department budget lines as needed during the fiscal year. As of the date of this report, the collective bargaining agreements for the Needham Building Custodians and Trades Independent Association, Needham Independent Public Employees Association, Needham Police Union, Needham Police Superior Officers Association, and Needham Fire Union had not yet settled for FY 2023. The FY 2023 department budgets do not include funding for cost-of-living increases for positions covered by those unions. The FY 2022 appropriation for this line was \$858K, since there were unsettled agreements, though not as many.

Reserve Fund: The Reserve Fund line is a contingency reserve for extraordinary or unforeseen budget needs that arise during the fiscal year. Transfers from the Reserve Fund to other budget lines must be authorized by the Finance Committee. In the past, the Reserve Fund has been used to fund expenses such as unanticipated legal costs or extraordinary costs associated with snow and ice removal. The initial budget request for this line is determined through a formula, but the amount is often adjusted during the budget process. For FY 2023, the proposed Reserve Fund appropriation is \$2,077,091 and remains level-funded since FY 2021. Based on historical transfers from this budget line, the Finance Committee expects that this continued level of funding will provide sufficient protection against unexpected expenses in FY 2023. To the extent that the Reserve Fund has a balance at the end of the fiscal year, the funds will flow to Free Cash for use in a future fiscal year.

B. Municipal Departments (excluding Education)

The Municipal Departments category includes 19 different budgets for operational departments, boards, and committees, as well as the municipal parking program. This report groups the Municipal Departments by functions. It is important to note that, as mentioned above, the proposed budget does not include cost-of-living salary or wage increases for positions covered by the unions which have not yet ratified agreements with the Town, specifically: Needham Building Custodians and Trades Independent Association, Needham Independent Public Employees Association, Needham Police Union, Needham Police Superior Officers Association, and Needham Fire Union. Step increases and longevity raises are included at the current year's rates. If necessary, funds for contractual salary increases during the fiscal year may be transferred to any department from the Classification, Performance & Settlements line in Townwide Expenses. The FY 2023 Department budgets include a new line within Community Services to provide funding for the Needham Council on Arts and Culture, as described below.

General Government

The FY 2023 proposed budget for all General Government departments is 5.0% higher than the FY 2022 budget.

Select Board and Office of the Town Manager: This budget is increasing 6.7%. Over 60% of this increase is due the Finance Committee's recommendation to add \$50K to the expense line in order to fund the new Diversity, Equity and Inclusion (DEI) program. The program was originally planned as a pilot to be funded through separate warrant article, but the Finance Committee found that the clear intention was to develop an ongoing program that would eventually be incorporated into the operating budget. The Committee felt that it was appropriate for this program to be considered for funding in the operating budget from the outset so that it would be weighed against other budget priorities before being

established. Excluding that additional expense, the budget for the Select Board and Office of the Town Manager is increasing 2.6% due to annual salary increases for staff and some additional recruiting expenses for Human Resources.

Office of the Town Clerk: This budget is increasing by 13.2% due to typical fluctuations attributable to election-related wages and expenses. The Town will conduct three scheduled elections during FY 2023, compared to one scheduled election in the FY 2022 budget. The FY 2022 budget had represented a 7.8% decrease from the prior year.

Legal Services: This budget is level-funded for FY 2023. The Select Board appointed a law firm to serve as Town Counsel after the sad loss of David Tobin, the Town's long-serving Town Counsel. The services were not put out to bid prior to appointing the current firm as Town Counsel.

Finance Department: This budget includes a 3.9% increase. The Finance Department provides numerous services through its divisions: Accounting, Assessing, Collector, Information Technology Center (ITC), Parking Clerk, Purchasing, and Treasurer. The IT Department budget no longer includes software licensing fees that apply only to one department, though licensed software used by more than one department remains covered by the ITC budget. The IT department does, however, provide software support to the various departments. The Finance Committee supported a request to fund an additional Applications Administrator position in IT to provide added availability and consistency of support to Town departments, particularly when the current Applications Administrator is absent. The Finance Committee also supported funding for a new Student Intern position in Accounting to help with the department's additional workload during the transition between fiscal years in the summer. This internship will provide a valuable opportunity for a student to gain professional experience in municipal finance.

Finance Committee: This budget includes an increase of 5.6% due to a salary increase for existing staff and a small increase in expenses. There was no increase last year.

Planning and Community Development: This budget is increasing by 4.5%, which includes an increase in hours of the Zoning Specialist in order to provide for better support to the Zoning Board of Appeals. This position was recently reclassified from Administrative Specialist.

Public Safety

The FY 2023 budget of the Public Safety category, comprised of the Police, Fire, and Building Departments, is proposed to increase 3.9% over the FY 2022 budget. As of the date of this report, there were no settled agreements for the Police and Fire collective bargaining units. As noted above, funds have been provided in the Classification, Performance & Settlements line in Townwide Expenses for any personnel-related increases needed after the budget is approved.

Police Department: This budget is increasing 2.8%. The Police Department salary line does not include cost-of-living increases for positions covered by the Police Union or Police Superior Officers Union but does include step increases and longevity payments under the current rates. The Police Department received funding through a warrant article approved at the May 2021 Special Town Meeting for a Clinician from Riverside Community Care to provide clinical support on a half-time basis, shared with Dedham, in order to help initiate the appropriate clinical care and follow-through for individuals in need of mental health support who are in contact with the Police. The support has been invaluable to the Department, and is being included in the FY 2023 operating budget. The Finance Committee urges the Department to continue assessing the current half-time arrangement and to consider whether this service should be expanded.

Fire Department: This budget is increasing by 5.0% in FY 2023. The FY 2023 operating budget fully incorporates the salaries of the eight new firefighters who were hired with funding through the three-year SAFER grant. The FY 2022 budget included the last of the grant funds which covered 35% of the salaries of the eight firefighters for the first eight months of the fiscal year. As in other departments, this budget does not include cost-of-living increases for the positions covered by the Fire Union contract that is still under negotiation. The overtime budget for the Fire Department continues to increase since there are more staff and thus more absences to cover, as well as vacant positions that need to be covered but have been difficult to fill due to the pandemic and the cancellation of Civil Service exams. The Finance Committee supported funding the new fire records software application that will record more information than the current software and be more available in the field.

Building Department: This budget is increasing 1.1% due to contractual increases in the salary line, with no change in the expense line. The Finance Committee initiated a new priority-based budget review this year, starting with the Building Department. The Finance Committee liaison worked closely with the Building Commissioner to look carefully at the functions and priorities of the department and to review how the activities played a part in achieving those goals. This entailed some additional work, but the Finance Committee felt the Commissioner gained a more detailed understanding of each staff member's activities. The Committee plans to continue to rotate through the other departments with a similar level of review in the coming years.

Public Facilities and Public Works

The total combined budget for the Building Design & Construction Department and the Department of Public Works is increasing by 6.9% in FY 2023.

Building Design & Construction Department (BDCD): The FY 2023 BDCD budget is 8.9% lower than the FY 2022 budget due to the retirement of the longtime Director after the first quarter of FY 2022. This completes a planned two-position staff reduction in BDCD since FY 2021 following the completion of a number of substantial construction projects over recent years. There are several large building projects currently under discussion which may require reconsideration of the staffing level in this department.

Department of Public Works (DPW): The DPW budget is increasing by 7.3% in FY 2023. This department maintains the Town's infrastructure with the following divisions: Fleet, Highway, Recycling and Solid Waste, Parks and Forestry, Engineering, Building Maintenance, Administration, Water and Sewer. (The expenditures and fee revenue for the Water and Sewer Divisions are accounted for separately in enterprise funds, outside of the General Fund.) The FY 2023 DPW budget includes three new positions including: HVAC Supervisor, to help address the increased need for technical expertise in maintaining more sophisticated building systems and coordinating the HVAC work of the other staff; Civil Engineer, to address the backlog of survey and plan review work; and Highway Laborer to provide sufficient staff to run a second crew and increase productivity. The budget also funds additional hours of cleaning to cover the new Public Safety buildings on weekends. The Finance Committee also supported funding a new Outdoor Specialist position in the Parks and Forestry Division. This position was requested by the Park and Recreation Department to monitor the Town's parks and help with daily maintenance. The Finance Committee proposes that this position be part of the DPW which has access to the equipment needed for this work. The Finance Committee's proposed budget does not fund requests for additional administrative staffing in the Fleet and the Engineering Divisions or for an additional custodian in Building Maintenance. A request for additional overtime staff to assist with costs for High School early release and game days will be covered within the existing budget.

Community Services

The eight departments in the Community Services section of the budget represent less than 3% of the overall FY 2023 operating budget while providing invaluable services to residents and businesses throughout the community. These services are funded primarily through the operating budget, but many departments also secure substantial funding from fees, grants and donations, and often receive support through volunteer services. The Community Services budgets together are increasing 3.8% in FY 2023, driven by additional summer staffing and the increase in minimum wage that affects much of the summer staff in the Park and Recreation Department.

Municipal Parking Program: This budget is up 12.8% due to annual increases in leasing costs and to inflationary increases in the costs of labor and materials for contracted maintenance and repair services.

Health and Human Services (HHS): The HHS Department is made up of four divisions: Public Health, Aging Services, Youth and Family Services, and Veterans' Services. HHS also collaborates on Emergency Management functions with the Fire Department. The HHS budget is increasing 2.2% in FY 2023. While this department has been heavily involved in running services related to the COVID-19 pandemic, such costs are funded through state and federal programs and grants; the FY 2023 operating budget funds the typical department activities. HHS has continued its excellent work in providing its customary services as well as its work to combat the public health crisis. The department has run vaccine clinics, managed public health policies and information campaigns, and also worked to meet the growing need for mental health services while continuing myriad programs to meet the needs of residents and keep people safe including expanding into virtual programming. The small increase in the FY 2023 operating budget reflects annual salary increases for staff and some increases in software licensing fees.

Commission on Disabilities: No change in this small budget which provides for a stipend for the Town's staff liaison and expenses such as handicap parking signs.

Historical Commission: No change in this small budget which covers the costs of maintaining the Historic Inventory and of purchasing house plaques.

Needham Public Library: This budget is increasing 3.0% in FY 2023, primarily due to salary increases for staff. The Finance Committee supports an increase in the hours of an Administrative Assistant from part time to full time in order to provide more bandwidth and to free up the Director's time. The Finance Committee recommends funding the OverDrive electronic media subscriptions in the Library's FY 2023 operating budget. This important service, along with several other electronic media subscriptions, have been funded for years from the Library's state aid account. The Finance Committee has often considered whether or not certain costs should be included in the operating budget when there is ample money in the Library's state aid account, and the Finance Committee has discussed with the Library Trustees their recently adopted policy on the use of state aid funds. The Finance Committee agrees that, in general, core services should be funded in the annual operating budget. However, the Library's state aid provides a unique external source of funding which should be used to enhance services where appropriate rather than saved indefinitely.

Park and Recreation: The Park and Rec budget is increasing by 6.8%, primarily attributable to summer programs and the minimum wage increase which affects much of the summer staffing. The FY 2023 budget supports a request for additional summer program counsellors and a program director to build the capacity in the Town's summer programming. The additional programming will be fee-based and is expected to provide positive net revenue. Park and Rec also requested two Outdoor Specialist positions to work in the field to monitor and help maintain parks. The Finance Committee is recommending funding one such position and has added it to the DPW's Parks and Forestry Division where the person would have access to equipment needed for the work.

Memorial Park: No change in this small budget which covers the costs of American and POW flags.

Needham Council on Arts and Culture: This line has been added to provide funding for the Needham Council on Arts and Culture (NCAC) to supplement the NCAC's annual funding from the state. The NCAC operates autonomously and provides grants to projects and programs that support culture and arts in Needham. The appropriation will also allow more long-term planning for the NCAC.

C. Education

The proposed FY 2023 budget for public education, which encompasses both the Needham Public Schools operating budget and the Minuteman Regional School Assessment, is \$88.6M, an increase of 4.5% over the FY 2022 budget.

Minuteman Regional High School Assessment: The assessment for FY 2023 is \$1.4M, an increase of 11.2%. The assessment is based on increased enrollment from Needham (using a 4-year rolling average) and the Town's share of the Minuteman Regional Vocational Technical School District's capital costs.

Needham Public Schools: The budget for FY 2023 is \$87.3M, an increase of \$3.7M, or 4.4%. The School Department budget represents 42.6% of Needham's FY 2023 operating budget. The Finance Committee's proposed FY 2023 operating budget fully funds the School Committee's recommendation. Because state law allows Town Meeting to vote only the total bottom-line appropriation for the School Department, without restrictions or specific allocations, the Finance Committee's proposed budget provides a single bottom line recommendation for the School budget. However, the Finance Committee carefully reviews the Superintendent's requested budget and the School Committee's recommendation in considerable detail.

Unlike many prior years when enrollment growth has led to budget increases in the School Department budget, enrollment is remaining relatively level following a sudden decline at the start of the pandemic. Enrollment in the Needham Public Schools dropped by 221 students in school year 2020-2021 compared to the prior school year. Along with fewer new students enrolled in kindergarten and pre-K, student cohorts currently in grades 7 and 8 exhibited a sizeable number of demits (i.e. students unenrolling from the Needham Public Schools) relative to 2019-2020 enrollment when the same students were in grades 5 and 6. Enrollment increased in most other student cohorts this year but continued to decline among these two cohorts. Though some modest increases in enrollment overall are projected in the coming years, enrollment is not expected to reach pre-pandemic levels for over a decade.

The School budget increase for FY 2023 is driven primarily by contractual annual salary increases for existing staff, and by the significant number of positions being added to the Department. Salaries make up the largest part of the School budget, accounting for approximately 85% of the total budget. Contractual salary increases account for over 50% of the School budget increase for FY 2023. The contractual step and cost-of-living increases have remained within sustainability benchmarks. It is important to note that this budget line does not include the costs for health insurance and certain other benefits for School Department employees, which are included in Townwide Expenses. (Teacher pensions are provided by the Massachusetts Teachers' Retirement System and not through the Town.) The School Department budget also does not include school building costs such as maintenance, energy, or debt costs.

The School Department's FY 2023 budget includes funding for 25.82 additional full-time equivalent (FTE) positions. This is an extraordinary amount and is needed to meet the increasing demand for student support services and special education, driven to a great extent by the pandemic. The school district has recently experienced an increase in the number and severity of mental health and behavioral issues as well as issues stemming from the disruption of learning that are all causing a growing need for academic intervention and learning support. 14 of the new FTEs will be addressing special education and student interventions and support, and will also aim to ease caseloads for counselors and nurses. Another 2.5 FTEs are being added to provide math and literacy support. A number of these new positions have already

been introduced on a temporary basis using federal pandemic-relief funds, and have been deemed necessary to address ongoing needs. 4 additional FTEs, including classroom teachers and specialists (e.g., music, art and wellness teachers), are being added in the elementary schools to reduce class sizes. Some shifting of staff among schools will also be undertaken to help reduce class sizes. 5 FTEs are being added to expand the math curriculum leadership, to provide clerical support to the School Administration, and to provide additional support for the world language and performing arts programs in the High School.

III. Closing Comments and Acknowledgements

The Finance Committee remains impressed by the hard work and dedication of managers, staff, and volunteers, as well as the elected and appointed officials across Needham for their ability to keep the Town not only functioning, but also continuing to thrive throughout the course of the COVID-19 pandemic. As we saw over the past two years, many people have had to work harder than ever and to adapt to changing circumstances with little or no precedence. We are optimistic that though the challenges of the COVID-19 pandemic may persist for a while longer, the worst of the pandemic is behind us.

As a result of the waning pandemic, the Finance Committee's proposed budget for FY 2023 is based on revenue estimates that are stronger than last year while remaining conservative. Our proposed budget will provide the resources needed to sustain or improve the high level of services that local residents and businesses currently enjoy while maintaining our infrastructure and funding certain capital needs.

I would like to recognize the outstanding work of Town and School Administration, the Directors of Finance for the Town and Schools, and the department heads and managers who all worked closely with the Finance Committee throughout the budgeting process and in preparation for Town Meeting. The Finance Committee greatly values the candid discussions with the various managers who provide useful information and help to the Finance Committee as it seeks to evaluate and balance competing operational needs. The Finance Committee would also like to recognize the residents who commit their time and expertise to serve our community through elected and appointed positions. We could not accomplish our mission as effectively without their hard work and cooperative spirit.

I would also like to thank each member of the Finance Committee for their diligence and meticulous work in reviewing Town finances, balancing the budget, and assessing the Town's capital plans and investments. I feel honored to serve alongside such intelligent and talented people as we craft the annual budget proposal and seek to make financial recommendations that will serve the best interests of the Town and its residents.

Respectfully submitted on behalf of the Finance Committee,



Joshua W. Levy, Chair

Committee Members:

John Connelly, Vice Chair
Barry J. Coffman
Carol Smith Fachetti
James Healy
Thomas M. Jacob
Richard Lunetta
Louise L.E. Miller

Richard Reilly
Louise Mizgerd, Analyst

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Summary of Revenues
FY2021 - FY2023
General Fund Only

	FY2021	FY2022	FY2023
Local Estimated Receipts			
Local Excises and Other Tax Related Collections	\$6,411,333	\$4,880,000	\$5,560,000
Solid Waste Disposal Fees	\$1,448,570	\$950,000	\$1,200,000
Departmental Activities	\$5,841,677	\$4,395,000	\$4,675,000
Fines & Forfeits & Assessments	\$60,974	\$0	\$0
Investment Income	\$228,969	\$150,000	\$150,000
Medicaid	\$2,319	\$0	\$0
Miscellaneous Revenue	\$3,282	\$0	\$0
Miscellaneous Non-recurring	<u>\$592,701</u>	<u>\$0</u>	<u>\$0</u>
SUB-TOTAL	\$14,589,825	\$10,375,000	\$11,585,000
Property Taxes & State Aid			
Real & Personal Property Tax Levy	\$162,438,801	\$170,833,899	\$179,159,468
Cherry Sheet Revenue (State Aid)	<u>\$13,695,326</u>	<u>\$13,961,831</u>	<u>\$14,315,834</u>
SUB-TOTAL	\$176,134,127	\$184,795,730	\$193,475,302
Use of Other Available Funds & Free Cash			
Free Cash	\$7,862,473	\$11,526,630	\$15,842,329
Overlay Surplus	\$1,350,000	\$150,000	\$2,000,000
Other Available Funds	\$21,390	\$7,604	\$440,485
Transfer from other Articles	\$25,500	\$1,096,016	\$0
Reserved for Debt Exclusion Offset	<u>\$96,057</u>	<u>\$71,176</u>	<u>\$32,328</u>
SUB-TOTAL	\$9,355,420	\$12,851,426	\$18,315,142
Total General Fund Revenue	\$200,079,371	\$208,022,156	\$223,375,444
Adjustments to General Fund Revenue			
Enterprise & CPA Reimbursements	\$2,755,058	\$2,428,812	\$2,219,632
Total Revenue Available for General Fund Uses	\$202,834,429	\$210,450,968	\$225,595,076

Account Balances

Athletic Facility Improvement Fund	As of March 30, 2022	\$976,099
Capital Facility Fund	As of March 30, 2022	\$1,923,260
Capital Improvement Fund	As of March 30, 2022	\$1,097,879
Debt Service Stabilization Fund	As of March 30, 2022	\$2,155,671
Free Cash	As of March 30, 2022	\$16,952,126
Overlay Surplus	As of March 30, 2022	\$2,000,000
Parking Meter Fund	As of March 30, 2022	\$379,223
Stabilization Fund	As of March 30, 2022	\$4,527,570

Summary of Expenditures
FY2021 - FY2023
General Fund Only

	FY2021	FY2022	FY2023
Town Wide Group	\$58,506,573	\$63,019,023	\$65,953,277
Department Budgets			
Select Board/Town Manager	\$1,067,601	\$1,232,892	\$1,315,405
Town Clerk/Board of Registrars	\$452,709	\$431,162	\$488,266
Town Counsel	\$325,323	\$329,140	\$329,140
Finance Department	\$3,407,568	\$3,600,737	\$3,742,142
Finance Committee	\$40,138	\$41,082	\$43,364
Planning and Community Development	\$572,773	\$528,854	\$552,799
Police Department	\$6,942,888	\$7,688,282	\$7,901,280
Fire Department	\$8,826,114	\$9,413,465	\$9,884,326
Building Department	\$659,697	\$839,582	\$848,757
Minuteman Regional High School	\$1,112,549	\$1,230,287	\$1,367,739
Needham Public Schools	\$79,650,229	\$83,603,397	\$87,277,798
Building Design & Construction	\$472,986	\$392,287	\$357,564
Department of Public Works	\$17,135,819	\$17,698,835	\$18,987,257
Municipal Parking Program	\$128,274	\$134,592	\$151,818
Health and Human Services	\$2,175,165	\$2,368,871	\$2,420,292
Commission on Disabilities	\$1,515	\$2,050	\$2,050
Historical Commission	\$0	\$1,050	\$1,050
Library	\$1,799,772	\$2,055,276	\$2,116,799
Park & Recreation	\$769,486	\$1,189,203	\$1,269,964
Memorial Park	\$750	\$750	\$750
Needham Council for Arts and Culture	\$0	\$0	\$8,300
Department Budget Total	\$125,541,356	\$132,781,794	\$139,066,860
Total Budget	\$184,047,929	\$195,800,817	\$205,020,137
Other Appropriations			
General Fund Cash Capital	\$3,939,433	\$6,849,744	\$14,030,814
Other Financial Warrant Articles	\$1,869,177	\$2,034,337	\$1,547,000
Transfers to Other Funds	\$544,698	\$1,569,083	\$1,246,461
Total Other Appropriations	\$6,353,308	\$10,453,164	\$16,824,275
Non-Appropriated Expenses	\$2,974,854	\$4,196,987	\$3,750,664
Total General Fund Expenses	\$193,376,091	\$210,450,968	\$225,595,076

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2022 Annual Town Meeting

Line #	Description	FY2021 Expended	FTE*	FY2022 Budget	FTE*	FY2023 Finance Committee Rec.	FTE*	%
Townwide Expenses								
1	Casualty, Liability, Property & Self-insurance Program	667,584		758,900		834,262		
2	Debt Service	21,091,658		20,764,142		20,198,294		
3	Group Health Insurance, Employee Benefits & Administrative Costs	15,925,132		16,462,059		17,255,396		
4	Needham Electric, Light & Gas Program	3,509,568		3,858,097		4,121,023		
5	Retiree Insurance & Insurance Liability Fund	7,197,713		7,426,237		7,844,474		
6	Retirement Assessments	9,368,084		10,417,439		11,407,096		
7	Workers Compensation	746,833		828,731		732,070		
8	Injury on Duty & 111F					151,105		
9	Classification Performance & Settlements	Transfers only		426,327		1,332,466		
10	Reserve Fund	Transfers only		2,077,091		2,077,091		
Townwide Expense Total		58,506,573		63,019,023	0.0	65,953,277	0.0	4.7%
Select Board and the Office of the Town Manager								
11A	Salary & Wages	937,843	9.0	1,040,373	10.0	1,060,329	10.0	
11B	Expenses	129,758		192,519		255,076		
Total		1,067,601	9.0	1,232,892	10.0	1,315,405	10.0	
Office of the Town Clerk								
12A	Salary & Wages	397,426	4.0	367,637	4.0	406,546	4.0	
12B	Expenses	55,283		63,525		81,720		
Total		452,709	4.0	431,162	4.0	488,266	4.0	
Legal Services								
13A	Salary & Wages				0.0		0.0	
13B	Expenses	325,323		329,140		329,140		
Total		325,323		329,140	0	329,140	0	
Finance Department								
14A	Salary & Wages	2,041,300	24.0	2,181,197	24.0	2,315,869	25.0	
14B	Expenses	1,273,020		1,324,540		1,331,273		
14C	Capital	93,249		95,000		95,000		
Total		3,407,568	24.0	3,600,737	24.0	3,742,142	25.0	
Finance Committee								
15A	Salary & Wages	39,677	0.5	39,682	0.5	41,904	0.5	
15B	Expenses	461		1,400		1,460		
Total		40,138	0.5	41,082	0.5	43,364	0.5	
Planning and Community Development								
16A	Salary & Wages	544,414	6.4	494,404	5.4	515,949	5.5	
16B	Expenses	28,359		34,450		36,850		
Total		572,773	6.4	528,854	5.4	552,799	5.5	
General Government		5,866,112	43.9	6,163,867	43.9	6,471,116	45.0	5.0%
Police Department								
17A	Salary & Wages	6,345,278	63.0	7,160,476	63.0	7,135,569	63.0	
17B	Expenses	334,221		414,650		507,827		

2022 Annual Town Meeting

17C	Capital	263,388		113,156		257,884	
	Total	6,942,888	63.0	7,688,282	63.0	7,901,280	63.0
Fire Department							
18A	Salary & Wages	8,469,678	76.0	8,979,502	78.0	9,403,525	80.0
18B	Expenses	338,437		401,179		445,467	
18C	Capital	18,000		32,784		35,334	
	Total	8,826,114	76.0	9,413,465	78.0	9,884,326	80.0
Building Department							
19A	Salary & Wages	647,418	9.8	788,542	9.8	797,717	9.8
19B	Expenses	12,279		51,040		51,040	
	Total	659,697	9.8	839,582	9.8	848,757	9.8
	Public Safety	16,428,699	148.8	17,941,329	150.8	18,634,363	152.8 3.9%
Minuteman Regional High School Assessment							
20	Assessment	1,112,549		1,230,287		1,367,739	
	Total	1,112,549	0.0	1,230,287	0.0	1,367,739	0.0
Needham Public Schools							
21	Needham Public School Budget	79,650,229	808.4	83,603,397	816.3	87,277,798	842.1
	Total	79,650,229	808.4	83,603,397	816.3	87,277,798	842.1
	Education	80,762,778	808.4	84,833,684	816.3	88,645,537	842.1 4.5%
Building Design & Construction Department							
22A	Salary & Wages	461,925	5.0	377,112	3.3	342,389	3.0
22B	Expenses	11,061		15,175		15,175	
	Total	472,986	5.0	392,287	3.3	357,564	3.0
				0			
Department of Public Works							
23A	Salary & Wages	9,013,508	119.0	9,740,095	121.0	10,270,980	125.0
23B	Expenses	7,172,270		7,351,890		8,167,639	
23C	Capital	149,330		178,000		115,499	
23D	Snow and Ice	800,711		428,850		433,139	
	Total	17,135,819	119.0	17,698,835	121.0	18,987,257	125.0
	Public Facilities and Public Works	17,608,805	124.0	18,091,122	124.3	19,344,821	128.0 6.9%
Municipal Parking Program							
24	Program	128,274		134,592		151,818	
	Total	128,274	0.0	134,592	0.0	151,818	0.0
Health and Human Services Department							
25A	Salary & Wages	1,815,797	18.4	1,946,383	18.7	1,985,557	18.7
25B	Expenses	359,368		422,488		434,735	
	Total	2,175,165	18.4	2,368,871	18.7	2,420,292	18.7
Commission on Disabilities							
26A	Salary & Wages	1,500		1,500		1,500	
26B	Expenses	15		550		550	
	Total	1,515	0.0	2,050	0.0	2,050	0.0
Historical Commission							
27	Historical Commission	0		1,050		1,050	
	Total	0	0.0	1,050	0.0	1,050	0.0
Public Library							
28A	Salary & Wages	1,432,841	15.0	1,680,645	15.0	1,725,936	16.0
28B	Expenses	366,932		374,631		390,863	
	Total	1,799,772	15.0	2,055,276	15.0	2,116,799	16.0
Park and Recreation Department							
29A	Salary & Wages	583,470	4.6	967,003	4.6	1,031,628	4.6
29B	Expenses	186,017		222,200		238,336	

2022 Annual Town Meeting

Total	769,486	4.6	1,189,203	4.6	1,269,964	4.6
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Memorial Park Trustees

30	Memorial Park Trustees	750		750		750	
	Total	750	0.0	750	0.0	750	0.0

Needham Council for Arts and Culture

31	Needham Council for Arts and Culture					8,300	
	Total	0	0.0	0	0.0	8,300	0.0

Community Services	4,874,963	38.0	5,751,792	38.3	5,971,023	39.3	3.8%
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Department Budget Total	125,541,357	1,163.1	132,781,794	1,173.6	139,066,860	1,207.2	4.7%
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Total Operating Budget	184,047,929		195,800,817		205,020,137		4.7%
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**WARRANT FOR THE ANNUAL TOWN MEETING
TUESDAY, APRIL 12, 2022
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	-	Center at the Heights, 300 Hillside Avenue
Precinct B	-	Center at the Heights, 300 Hillside Avenue
Precinct C	-	Newman School Gymnasium, 1155 Central Avenue
Precinct D	-	Newman School Gymnasium, 1155 Central Avenue
Precinct E	-	Needham Golf Club, 49 Green Street
Precinct F	-	Rosemary Recreation Complex, 178 Rosemary Street
Precinct G	-	Rosemary Recreation Complex, 178 Rosemary Street
Precinct H	-	Needham Golf Club, 49 Green Street
Precinct I	-	Town Hall, Powers Hall, 1471 Highland Avenue
Precinct J	-	Town Hall, Powers Hall, 1471 Highland Avenue

on TUESDAY, THE TWELFTH DAY OF APRIL 2022

from seven o'clock in the forenoon until eight o'clock in the afternoon, then and there to act upon the following articles, viz:

ARTICLE 1: ANNUAL TOWN ELECTION

To choose by ballot the following Town Officers:

One Moderator for Three Years;
One Member of the Select Board for Three Years;
One Town Clerk for Three Years;
One Assessor for Three Years;
Three Members of School Committee for Three Years;
One Trustee of Memorial Park (trustee of soldiers' memorials – Veteran) for Three Years;
One Trustee of Memorial Park (trustee of soldiers' memorials – Non-Veteran) for Three Years;
Two Trustees of Needham Public Library for Three Years;
Two Members of Board of Health for Three Years;
One Member of Planning Board for Five Years;
One Commissioner of Trust Funds for Three Years;
Two Members of Park and Recreation Commission for Three Years;
Twenty-four Town Meeting Members from Precinct A;
Twenty-four Town Meeting Members from Precinct B;
Twenty-four Town Meeting Members from Precinct C;
Twenty-four Town Meeting Members from Precinct D;
Twenty-four Town Meeting Members from Precinct E;

Twenty-four Town Meeting Members from Precinct F;
Twenty-four Town Meeting Members from Precinct G;
Twenty-four Town Meeting Members from Precinct H;
Twenty-four Town Meeting Members from Precinct I;
Twenty-four Town Meeting Members from Precinct J.

and you are also required to notify the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on MONDAY, THE SECOND DAY OF MAY 2022

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

**Warrant for the Annual Town Meeting
Monday, May 2, 2022, 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, 2022, as required by Massachusetts General Laws, Chapter 41, Section 108:

Town Clerk	\$75,727
Town Clerk with 6 years of service in that position	\$113,953 ⁽¹⁾
Select Board, Chair	\$1,800
Select Board, Others	\$1,500

- (1) In addition, such compensation shall also include payment of longevity in the amount of \$9,117, 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 \$75,873. The annual salary of \$113,953 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 \$11,834. 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 \$16,567; or take any other action relative thereto.

INSERTED BY: Personnel Board

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

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

Article Information: In accordance with Massachusetts General Law 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 Select Board have remained unchanged since 1977.

FINANCE ARTICLES

ARTICLE 4: APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Needham Property Tax Assistance Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Property Tax Assistance Program helps elderly and disabled taxpayers in need. This appropriation complements donations by private parties to the "Voluntary Tax Relief Program" authorized by statute. The goal of the Select Board is to set a target annual appropriation for the Property Tax Assistance Program at least equal to the amount of private contributions to the voluntary program during the preceding fiscal year. The voluntary fund received \$21,225 in fiscal year 2021.

ARTICLE 5: APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,000,000 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 Overlay Surplus and that \$600,000 be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This recurring warrant article funds the annual maintenance of public buildings throughout the Town and School Department, including, but not limited to, asbestos abatement, duct cleaning, painting, electrical and mechanical systems, HVAC, lighting, flooring, carpentry work, and other repairs and upgrades.

ARTICLE 6: APPROPRIATE FOR SMALL REPAIR GRANT PROGRAM

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding the Small Repair Grant Program, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Affordable Housing Trust

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

Article Information: The Small Repair Grant Program provides financial assistance to low- and moderate-income Needham residents to make repairs and alterations to their homes for health and safety reasons. Up to \$5,000 in grant funding is available per participant, and applications will be evaluated and prioritized based on the extent of the health and safety problems and the financial need of the applicants. Eligible applicants must be 60 years or older, or have a disability, with incomes at or below 80% of area median income. Eligible work items include minor plumbing or electrical work, light carpentry, doorbell switches, window or door repairs or replacements, railing repairs, broken or clogged gutters or downspouts, step or porch improvements, work on locks, smoke/CO detectors, weather stripping, bathroom grab bars, raised toilets, and hand-held shower heads, among others.

ARTICLE 7: APPROPRIATE FOR RTS SERVICE DELIVERY STUDY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for the purpose of funding a solid waste disposal and recycling service delivery study, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Overlay Surplus; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Select Board adopted a goal to evaluate the service delivery model of the Recycling/Transfer Station prior to recommending any significant capital investment in the facility. The study would evaluate trash and recycling options including curbside pick-up, remaining drop-off, or a combination of the two, and will identify associated infrastructure and staffing needs and costs.

ARTICLE 8: APPROPRIATE FOR PARKING STUDY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$135,000 for the purpose of funding a parking study in Needham Center and Needham Heights, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the Parking Meter Fund; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Select Board voted to seek funding for a study of the parking needs in Needham Center and Needham Heights. The purpose of the study is to help guide decision-making with respect to public parking options aligned with streetscape improvements, outdoor dining, and overall community

interest in pedestrian-friendly and age-friendly amenities and infrastructure. Alternative payment options will be reviewed.

ARTICLE 9: 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 \$12,000 for the payment of unpaid bills of previous years, incurred by the departments, boards, and officers of the Town of Needham, said sum to be spent under the direction of the Town Manager, and that \$12,000 be transferred from Free Cash; or take any other action relative thereto.

Department	Vendor	Description of Goods/Service	Fiscal Year	\$ Amount
Building Department	Commonwealth of Massachusetts	Weights & Measures	2021	\$12,000
Total				\$12,000

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: State law requires Town Meeting action for the Town to make payment for bills received after the close of the fiscal year or bills in excess of appropriation. The above bill was presented for payment after the close of fiscal year 2021.

ARTICLE 10: APPROPRIATE THE FY2023 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 Free Cash in the amount of \$2,625,000 from Overlay Surplus in the amount of \$500,000, from amounts Reserved for Debt Exclusion Offsets in the amount of \$32,328, and \$969,632 to be raised from CPA receipts; and further that the Town Manager is authorized to make transfers from line item 9 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 19-21.

ARTICLE: 11: APPROPRIATE THE FY2023 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 2023, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Sewer Enterprise**FY2023**

Line #	Description	FY2021		FY2022		FY2023		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
201A	Salary & Wages	\$890,210	11.0	\$1,041,733	11.0	\$1,080,247	11.0	
201B	Expenses	\$409,924		\$513,076		\$770,691		
201C	Capital Outlay	\$45,000		\$51,000		\$51,000		
201D	MWRA Assessment	\$6,399,895		\$6,614,690		\$6,822,134		
201E	Debt Service	\$645,377		\$610,000		\$610,000		
202	Reserve Fund	Transfers Only		\$35,000		\$35,000		
TOTAL		\$8,390,406	11.0	\$8,865,499	11.0	\$9,369,072	11.0	
FY2023 Budget Percentage Change from FY2022 Budget								5.7%

and to meet this appropriation that \$8,017,144 be raised from Sewer Enterprise Fund receipts, and that \$569,000 be transferred from Sewer Enterprise Fund Retained Earnings, and that \$782,928 be raised from the Tax Levy and transferred to the Sewer Enterprise Fund; or take any other action relative thereto.

INSERTED BY: Select Board & 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, 3,958 sewer manholes, and ten 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 24 sewer pumps, motors, switchgear, gates, valves, buildings, and grounds contained in ten pumping facilities located throughout Town.

The Division also oversees the collection and transportation of Stormwater (drains program) originating from rain and snowstorms 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. The Town's drainage infrastructure consists of approximately 90 miles of various size drainage pipes, 4,225 catch basins, 1,392 drainage manholes, and 295 drainage discharges.

The recommended operating budget of \$9,369,072 for fiscal year 2023 is \$503,573 more than the fiscal year 2022 budget, a 5.7% increase. However, the recommended budget for fiscal year 2023 includes \$195,000 which was appropriated under a separate warrant article for fiscal year 2022 for National Pollutant Discharge Elimination System (NPDES) Permit Compliance expenses. Those expenses are recurring in nature and therefore in agreement with the Finance Committee, the expenses are now included

2022 Annual Town Meeting

in the operating budget rather than in a sperate warrant article. So, the recommended operating budget for fiscal year 2023 of \$9,369,072 should be compared to the combination of the fiscal year 2022 appropriated operating budget of \$8,865,499 and the \$195,000 that was appropriated under article 16 of the May 2021 Special Town Meeting for a total of \$ 9,060,499. We will refer to the \$9,060,499 figure as the Restated fiscal year 2022 Sewer Budget This would represent an increase of 3.4%. or \$308,573. This increase is primarily due to a \$207,444 increase in the preliminary MWRA assessment for the Town's sewerage and wastewater disposal. The MWRA increase accounts for more than 2/3rds of the total increase in the fiscal year 2023 budget compared to the restated fiscal year 2022 sewer budget. The \$6,822,134 assessment represents a 3.1% increase over fiscal year 2022. 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 Sewer Enterprise Fund budget includes the costs of the drains program because the daily work is performed by Enterprise Fund staff. However, the costs not associated with sewer operations are funded by taxation and not by sewer use fees. The table below provides a breakout between the sewer operations and the drains program to compare the budget change in the two operations from the current year as restated.

Budget Line	FY2023 Sewer Operations	FY2023 Drains Program	FY2023 Recommended Budget	FY2022 Sewer Operations	FY2022 Drains Program	FY2022 Sewer Budget
Salary & Wages	\$672,410	\$407,837	\$1,080,247	\$690,337	\$351,396	\$1,041,733
Expenses	\$395,600	\$375,091	\$770,691	\$338,104	\$174,972	\$513,076
Capital Outlay	\$51,000	\$0	\$51,000	\$51,000	\$0	\$51,000
MWRA Assessment	\$6,822,134	\$0	\$6,822,134	\$6,614,690	\$0	\$6,614,690
Debt Service	\$610,000	\$0	\$610,000	\$610,000	\$0	\$610,000
Reserve Fund	\$35,000	\$0	\$35,000	\$35,000	\$0	\$35,000
Total	\$8,586,144	\$782,928	\$9,369,072	\$8,339,131	\$526,368	\$8,865,499
Budget Line	FY2023 Sewer Operations	FY2023 Drains Program	FY2023 Recommended Budget	FY2022 Sewer Operations	FY2022 Drains Program including \$195,000 NPDES Funding	Restated FY2022 Sewer Budget
Salary & Wages	\$672,410	\$407,837	\$1,080,247	\$690,337	\$351,396	\$1,041,733
Expenses	\$395,600	\$375,091	\$770,691	\$338,104	\$369,972	\$708,076
Capital Outlay	\$51,000	\$0	\$51,000	\$51,000	\$0	\$51,000
MWRA Assessment	\$6,822,134	\$0	\$6,822,134	\$6,614,690	\$0	\$6,614,690
Debt Service	\$610,000	\$0	\$610,000	\$610,000	\$0	\$610,000
Reserve Fund	\$35,000	\$0	\$35,000	\$35,000	\$0	\$35,000
Total	\$8,586,144	\$782,928	\$9,369,072	\$8,339,131	\$721,368	\$9,060,499
FY2023 Compared to the Restated FY2022 Budget	FY2023 Sewer Operations \$ Change	FY2023 Drains Operations \$ Change	FY2023 Sewer Enterprise \$ Change	FY2023 Sewer Operations % Change	FY2023 Drains Operations % Change	FY2023 Sewer Enterprise % Change
Salary & Wages	-\$17,927	\$56,441	\$38,514	-2.6%	16.1%	3.7%
Expenses	\$57,496	\$5,119	\$62,615	17.0%	1.4%	8.8%
Capital Outlay	\$0	\$0	\$0	0.0%	0.0%	0.0%
MWRA Assessment	\$207,444	\$0	\$207,444	3.1%		3.1%
Debt Service	\$0	\$0	\$0	0.0%		0.0%
Reserve Fund	\$0	\$0	\$0	0.0%		0.0%
Total	\$247,013	\$61,560	\$308,573	3.0%	8.5%	3.4%

The fiscal year 2023 sewer operations portion of the budget is \$247,013 higher, an increase of 3.0% over the current year. As noted above, the MWRA assessment increase is the primary driver of the change for fiscal year 2023. The fiscal year 2023 drains operations portion of the budget is \$61,560 more than the fiscal year 2022 allocation, an increase of 8.5% over the fiscal year 2022 restated budget.

The total salary and wages line is \$1,080,247 for fiscal year 2023, an increase of \$38,514 (3.7%). The Sewer Division has 11 full-time employees all of whom are members of the NIPEA union. The increase is due to changes in personnel and that all the current employees in the division are eligible for step increases. A successor agreement with the union had not been reached at the time of publication; any funding that may be required as a result of an agreement will be addressed at a subsequent town meeting.

The total expense line for fiscal year 2023 is \$770,691 which is \$62,615 or 8.8% more than the fiscal year 2022 budget as restated. Approximately 42% of the increase (\$26,130) is due to higher costs for maintenance and repair services. The request is reflective of current contracts and inflationary pressures. Building, equipment, and public works supplies increased by \$13,726 (approximately 22% of the total increase), of which \$10,409 is for sewer pump replacement parts and supplies. Energy expenses (electric and natural gas) to operate the sewer pump stations are \$10,517 more than the current year, and fuel cost for sewer vehicles and equipment is \$4,399 higher. The increase in fuel costs is not reflective of the changes in prices (much higher) since last fall. Contracted services for maintenance, repairs, sweeping, collection, and disposal of catch basin debris are \$7,443 more than fiscal year 2022. The balance of the increase for next year (\$400) is related to communication expenses.

The operating capital line is leveled at \$51,000 for fiscal year 2023. This budget line pays for grinder replacements and allows the department to continue its annual allocation for sewer pump and small power equipment replacement.

The reserve fund is level dollar for fiscal year 2023. The sewer debt service budget line is also level dollar for fiscal year 2023 at \$610,000. Last year the debt service budget was reduced by \$600,000 from \$1,500,000 to \$900,000. The budget plan relies on \$569,000 in sewer retained earnings for fiscal year 2023 operating budget. The \$782,928 to be transferred from the tax levy is to pay for drains-related programs; the tax levy contributed \$526,368 to the enterprise fund and \$195,000 to fund the warrant article last year for a combined total of \$721,368. The transfer for fiscal year 2023 results in a net increase of \$61,560.

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 12: APPROPRIATE THE FY2023 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 2023, under the provisions of M.G.L. Chapter 44, Section 53F ½:

Water Enterprise**FY2023**

Line #	Description	FY2021		FY2022		FY2023		Town Meeting Amendments
		Expended	FTE	Current Budget	FTE	Recommended	FTE	
301A	Salary & Wages	\$1,187,267	17.0	\$1,457,409	17.0	\$1,492,528	17.0	
301B	Expenses	\$986,127		\$1,294,764		\$1,361,349		
301C	Capital Outlay	\$15,000		\$40,000				
301D	MWRA Assessment	\$1,122,902		\$1,670,433		\$1,464,186		
301E	Debt Service	\$1,244,543		\$1,250,000		\$1,250,000		
302	Reserve Fund	Transfers Only		\$75,000		\$75,000		
TOTAL		\$4,555,839	17.0	\$5,787,606	17.0	\$5,643,063	17.0	
FY2023 Budget Percentage Change from FY2022 Budget								-2.5%

and to meet this appropriation that \$5,643,063 be raised from Water Enterprise Fund receipts; or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: 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. The 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 143.5 miles of water mains, 1,344 public and private hydrants, 3,231 water gate valves, and 10,069 water service connections. This system supports 15,508 installed meters as of June 30, 2021.

The overall operating budget for fiscal year 2023 is \$5,643,063 or \$144,543 (2.5%) less than the FY2022 budget. The lower budget is largely due to the \$206,247 decrease in the MWRA assessment for the Town's use of water and the \$40,000 reduction in operating capital. The MWRA bills the Town for actual water consumption in the calendar year preceding the new fiscal year; the fiscal year 2023 water assessment is based on calendar year 2021 water use. The Town's use of MWRA water was down by 17.3% from the prior year, 321 million gallons compared to 388 million gallons of water. During calendar year 2020, approximately 29.7% of the total water production came from the MWRA; during calendar year 2021, 27.1% of production came from the MWRA (see table). The preliminary water assessment for fiscal year 2023 is \$1,464,186 which is a decline of approximately 12.4% in the assessment. The final assessment from the MWRA is not expected until the end of the State budget process.

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Water Production	CY2019	CY2020	CY2021
Water Production*	1,174.2	1,305.6	1,185.0
Water Production from MWRA	266.2	387.8	320.7
Water Production from Town Wells	908.0	917.8	864.3
Percentage from MWRA	22.7%	29.7%	27.1%
*millions of gallons			
Water meters replaced**	1,591	385	564
Percentage of the total number of water meters in place for that year	10.3%	2.5%	3.6%

** Note: The lower number of meters replaced was due to COVID-19 restrictions.

The fiscal year 2023 salary and wage expense line is \$1,492,528, an increase of \$35,119 (2.4%) over the current budget. The water enterprise has 17 full-time employees, of whom 13 are unionized. Twelve employees are members of the NIPEA union, and one employee is a member of the ITWA union. The collective bargaining agreement with the NIPEA union expires on June 30, 2022, and as of the time of the budget submission a successor agreement has not been reached. The collective bargaining agreement with the ITWA union does not expire until June 30, 2024. The budget includes step and longevity increases for the employees who are members of the unions, based on the collective bargaining agreements, and for non-represented personnel in accordance with the Town's personnel policies.

The water expense line of \$1,361,349 is \$66,585 higher than the fiscal year 2022 budget, approximately 5.1% more. The cost of electricity and natural gas are higher with a combined increase of \$48,979 accounting for approximately 74% of the total increase. The cost of fuel for vehicles and equipment is also higher by \$11,020, an increase of more than 29.1% from the current year. However, the increase in fuel costs is not reflective of the changes in prices (much higher) since last fall. The cost of supplies for water treatment chemicals has been budgeted based on an estimated increase of 3.5% over the current supply contract pricing. The Town anticipates similar price increases for water system parts, such as gate valves, hydrants, water main sleeves, and brass and copper fittings. The combined increase is \$12,803. Contracted and other services have increased by \$7,183, primarily for electrical and mechanical related services. However, those increases were mitigated by decreases in professional services and software licensing of \$13,400.

The operating capital line for fiscal year 2023 has no funding requested, a decrease of \$40,000. The debt service line is level funded at \$1,250,000. The Town has several large-scale water infrastructure projects that will impact the enterprise debt budget in the out years. The water reserve fund – at \$75,000 – is level dollar for fiscal year 2023.

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 13: 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: Select Board

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 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. The preliminary Chapter 90 allocation for fiscal year 2023 is \$912,849. Unless circumstances require otherwise, this Chapter 90 allocation will be directed to the design and construction of the next phase of the downtown infrastructure improvement project including design and construction of Quiet Zone compliant infrastructure at railroad grade crossings.

ARTICLE 14: SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2023 beginning on July 1, 2022, for the revolving funds established in the Town's General By-Laws for certain departments, boards, committees, agencies, or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E½; or take any other action relative thereto.

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2023 Spending Limit
Home Composting	Department of Public Works	\$3,000
Immunization Program	Health and Human Services Department	\$25,000
Memorial Park Activities	Memorial Park Trustees	\$4,100
Needham Transportation	Health and Human Services Department	\$60,000
Public Facility Use	Department of Public Works	\$250,000
School Transportation	School Committee	\$819,000
Traveling Meals	Health and Human Services Department	\$75,000
Tree Replacement	Department of Public Works	\$25,000
Water Conservation	Department of Public Works	\$10,000
Youth Services Programs	Health and Human Services Department	\$25,000

Revolving Fund	Department, Board, Committee, Agency or Officer	FY2023 Spending Limit
Aging Services Programs	Health and Human Services Department	\$90,000

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this article is to set the annual spending limit for the various revolving funds that are established by Town By-Law in accordance with MGL Chapter 44 Section 53E1/2. The law requires that the Town Meeting shall, on or before July 1 of each fiscal year, vote on the limit for each revolving fund established under this law the total amount that may be expended during the fiscal year. The law provides also that the limit on the amount that may be spent from a revolving fund may be increased with the approval of the Select Board and Finance Committee should the revolving activity exceed the spending limit, but only until the next Annual Town Meeting.

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE 15: 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 Massachusetts General Law Chapter 44B from the estimated fiscal year 2023 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 \$1,385,308
 C. Community Housing Reserve \$809,400
 D. Historic Resources Reserve \$28,050
 E. Open Space Reserve \$404,700

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. The CPC has voted to increase the amount set aside in the Community Housing Reserve to a minimum of 20% of the estimated revenue for 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 Fund.

ARTICLE 16: APPROPRIATE TO COMMUNITY PRESERVATION FUND SUPPLEMENT

To see if the Town will vote to raise and/or transfer an additional sum pursuant to Massachusetts General Law Chapter 44B to set aside \$29,067 for future appropriation to the Historic Resources Reserve, \$24,375 to the Open Space Reserve, and \$48,749 to the Community Housing Reserve, and that to meet this appropriation that \$102,191 be transferred from the fiscal year 2022 CPA General 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: During fiscal year 2022, the Town received additional State matching funds, and as a result the appropriations to the reserve categories were insufficient to satisfy the 10% requirement. This article ensures that the reserves are funded at the legally required amount. The CPC has voted to continue to set aside a higher amount for the Community Housing Reserve, at 20% of the total estimated receipts for fiscal year 2022.

ARTICLE 17: APPROPRIATE FOR NHA PRE-DEVELOPMENT LINDEN CHAMBERS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,386,000 for the purpose of funding pre-development costs for the Linden Chambers housing project, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from CPA 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: The Needham Housing Authority (NHA) is requesting funding to engage a firm to prepare the preliminary design work required to obtain zoning relief and complete other due diligence (e.g., geo-tech borings, traffic studies, schematic designs, etc.) to better position the Linden Chambers developments to receive funds from outside sources. The requested CPA funds may also be used to create and explore options for temporary tenant relocation during the construction period.

ARTICLE 18: APPROPRIATE FOR NHA PROPERTY SURVEY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$81,978 for the purpose of funding a property survey for the Needham Housing Authority (NHA) at the High Rock Estates site, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the CPA 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: The Needham Housing Authority is requesting funding to complete a property conditions report for the Needham Housing Authority's federally subsidized, deeply low-income housing development at the High Rock Estates site. The report is a prerequisite for applying to the U.S. Department of Housing and Urban Development for the approval of the repositioning of NHA's High Rock Estates site, a federal housing development. The repositioning would substantially increase the property's operating income, unlock capital improvement dollars, and contribute to the redevelopment of the 60 High Rock Estates bungalows into 60 duplexes.

ARTICLE 19: APPROPRIATE FOR COMMUNITY FARM GROWING BEDS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$200,000 for the purpose of funding the construction of growing beds at the Needham Community Farm, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the CPA 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 Needham Community Farm is requesting funding to construct 150, 4 by 12-foot garden beds for growing vegetables and flowers using organic practices. Seasonal rental would be offered, with priority to Needham residents, and to others depending on demand. The project would occupy 3/4 of an acre and would be fenced. Site access would be improved to allow disabled access to the beds, with 15 beds elevated for wheelchair-bound usage. The site would be regraded for improved drainage, with a shed constructed for tool storage, and access to water supply installed. Construction would begin in July 2022 for initial use in the 2023 growing season.

ARTICLE 20: APPROPRIATE FOR HIGH SCHOOL TENNIS COURTS DESIGN

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$50,000 for design and engineering costs associated with the reconstruction of the High School Tennis Courts, 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 requested funding would support funds to design the repair or replacement of the existing tennis courts at Needham High School. This project will evaluate the current condition of the tennis courts and provide design options for both a resurfacing project and a full renovation. Once feedback has been received by the community, these funds will also be used to complete all design documents for the project.

ARTICLE 21: APPROPRIATE FOR EMERY GROVER RENOVATION

To see if the Town will vote to appropriate \$19,400,000 for the renovation of and addition to the Emery Grover Building and associated grounds, including the temporary use of the Hillside School as swing space, as well as costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that \$4,500,000 be transferred from Free Cash, that \$1,000,000 be transferred from Overlay Surplus, that \$2,000,000 be transferred from CPA Free Cash, and that the Treasurer, with the approval of the Select Board, is authorized to borrow \$11,900,000 under M.G.L., Chapter 44, Section 7, M.G.L. Chapter 44B, or any other enabling authority; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee & Select Board

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

Article Information: This project includes the historic renovation of the Emery Grover exterior, as well as renovation and modernization of the interior, and has been reduced in scope to fit within the existing structure of the building. The revised concept reduced overall square footage from 34,717 to 21,108 to reflect more efficient use of shared space, construction of common work areas, and relocation of the educational technology/head end room function to other school buildings. This project also includes the temporary use of the Hillside Elementary School as swing space for school administration personnel during construction. This historic renovation project is eligible for Community Preservation Act (CPA) funds as a local, state, and national historic resource. The October 25, 2021, Special Town Meeting appropriated \$1,475,000 in design funding. Because of the time frame for the project, Town Meeting approval of an emergency preamble will be requested.

CAPITAL ARTICLES

ARTICLE 22: APPROPRIATE FOR HILLSIDE SCHOOL HEATING REPAIRS AND UPGRADES

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$275,000 for the purpose of upgrading the heating system at the Hillside School, 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 Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

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

Article Information: This funding request will support the purchase and installation costs to partially upgrade the heating system at the Hillside School so that it can be maintained, and operate in an efficient, and reliable manner. The Hillside School currently uses two cast iron boilers to heat the building. The boilers were installed during a renovation in 1998 and have surpassed their 20-year life cycle. Due to the age of the boilers, many parts necessary for continued maintenance are no longer manufactured, causing repair to become increasingly difficult. While Hillside is no longer being used as a school, it is still in use as swing space, most recently by the Police Department. The current heating system has failed and was not operational for periods during the past two heating seasons. The continued heating plant operation of the building is necessary to prevent the building from freezing and causing major damage. The construction

portion of the project will be coordinated with the renovation to allow for continued use as swing space by the School Department.

ARTICLE 23: APPROPRIATE FOR GENERAL FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$3,191,314 for General Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

Group	Description	Recommended	Amendment
Community Services	Bigbelly Trash Receptacles	\$135,000	
Community Services	Center at the Heights Generator Installation	\$27,000	
Community Services	Center at the Heights Space Utilization Study	\$75,000	
Community Services	Library Technology	\$26,280	
General Government	Geographic Information System	\$120,000	
General Government	Town Offices Replacement Furniture	\$25,000	
Public Safety	Personal Protective Equipment	\$53,174	
Public Safety	Public Safety Mobile Devices	\$50,000	
Public Schools	Roof Top Unit Replacement (Broadmeadow & Eliot Schools)	\$817,750	
Public Schools	School Copier Replacement	\$53,275	
Public Schools	School Furniture & Musical Equipment	\$25,000	
Public Schools	School Technology Replacement	\$437,000	
Public Works	Public Works Mobile Devices	\$50,000	
Public Works	Recycling and Transfer Station Property Improvements	\$47,500	
Public Works	Traffic Improvements	\$50,000	
Multiple	Fleet Program	\$1,124,335	
		\$3,116,314	

INSERTED BY: Select Board

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

Article Information:

Bigbelly Trash Receptacles

This funding request will support the acquisition of eight additional Bigbelly trash receptacles for use at locations that are currently served by traditional barrels. Locations under consideration include Walker Gordon Field, the Dog Park, Riverside Park, Mills Field (two units), Cricket Field, Perry Park, and the Reservoir Trail. The Town purchased 12 Bigbelly trash and five trash/recycling receptacles in 2019 and deployed them to DeFazio Park, Memorial Park and Greene's Field as part of a four-month (July-November) pilot program. The objectives of the pilot were to determine if the Bigbellys could address issues commonly associated with municipal waste management. Benefits seen during the pilot program include a reduction of wind-blown litter and the staff time required to collect it, elimination of odors and easy access by vermin, an increase in the efficiency of trash and recycling collections, and an improvement of the physical appearance and standardization of trash infrastructure in public spaces. To continue to combat the ongoing trash concerns in the Town, a second deployment of Bigbelly trash receptacles to less centrally located parks is proposed. Installing the units at spread out locations would maximize the utility of the Bigbelly networked real time reporting system, allowing staff to easily determine which units are full via an app. Routing staff and equipment to service only full receptacles generates operational efficiencies and cost savings by reducing unnecessary vehicles miles, fuel consumption, operator time, and equipment wear. New Bigbellys will aesthetically and functionally match those already deployed and those planned for the Town Common renovation, presenting as a cohesive and recognizable trash collection network across Needham.

Center At The Heights Generator Installation

This funding would provide a design of a new permanent generator installation at the Center at the Heights (CATH). The CATH has been designated as an appropriate location for a shelter and warming space (including a restaurant-grade kitchen) to support residents in need during an emergency. The CATH was not designed or built with an emergency generator. A portable generator has been in place at the building, which is insufficient as it does not support the full electrical load of the building and must be manually activated. The design will accommodate a more powerful generator with the capacity to supply the entire building with emergency power and will include evaluation of a more appropriate location for the placement of the generator. It will also include the addition of an automatic transfer switch, eliminating the need for staff to manually operate the generator in case of the loss of power.

Center At The Heights Space Utilization Study

This funding request will support a space utilization study at the CATH. Since opening, the CATH has increased its programming and extended its hours of operation. This increased usage has resulted in some concerns about the building spaces and their current function. Funding would support a space utilization study and an assessment of building needs at the CATH. This study will focus on program, office, and clinical spaces within the building to ensure optimal utilization and program flexibility for participants. The study would also look at the current configuration of the outdoor deck and the fitness room and how each room is being used, enhancing and expanding the application of the restaurant-grade kitchen, and a thorough review of parking and building accessibility.

Library Technology

This funding request will support the two remaining years of a five-year Library Technology Plan. Unless circumstances require otherwise, fiscal year 2023 funding is proposed for the replacement of two Program Specialist computers, 16 barcode scanners, 24 receipt printers, and four staff computers.

GIS Technology Systems And Applications

The funding request will support the update of Geographic Information System (GIS) technology systems and applications imagery. It will also support the update of planimetric data recorded via overflight to update aerial imagery. Planimetric data is the digital representation of above-ground physical structures and features. The updated data will be incorporated into the public site and departmental GIS sites used for planning and designing projects.

Town Offices Replacement Furniture

This funding request will fund furniture replacement in Town Hall and the Public Services Administration Building (PSAB). Town Hall was equipped with new furniture when it reopened in October 2011. In fiscal year 2023, the furniture will be 11 years old and certain items need to be replaced due to wear and tear. PSAB opened with new furniture in February 2010. In fiscal year 2023, the furniture will be 13 years old. Worn and broken furniture likewise requires replacement. A furniture inventory, including current condition, has been completed annually for Town Hall and PSAB. Depending upon the condition of the furniture in outlying years, this request may be repeated either annually or biennially.

Personal Protective Equipment

This funding request will replace Personal Protective Equipment (PPE) – known as "bunker gear" – for 20% of all firefighting personnel on an annual basis. This is to ensure the life span of the equipment does not exceed the ten-year guideline. All line personnel now have two sets of PPE available. By having a second set of PPE, fire personnel are able to clean one set after an incident while remaining in service for other emergencies. Properly maintaining PPE helps ensure its expected longevity and can significantly reduce long term health risks faced by personnel.

Public Safety Mobile Devices

This funding request will fund replacement of laptops and tablets as well as installation services and accessories that are used for laptops and tablets in Needham Police and Fire Department Vehicles. The hardware is used to access multiple applications during the daily operations of individuals working in Police and Fire vehicle. The hardware communicates with the Public Safety CAD software as well as State and Federal databases. The devices themselves are hardened with specifications for use in more intensive environments. In the future, replacement of this equipment will be incorporated into the departmental operating budget or included in the purchase of vehicles, because the useful life of the equipment is now fewer than five years.

Rooftop Unit Replacement Broadmeadow and Eliot Schools

This funding request will support the design phase of a project to replace the current roof top units (RTUs) at Broadmeadow and Eliot Schools. The current units (five units and four units, at Broadmeadow and Eliot respectively) are past the end of their useful life and are becoming increasingly inefficient, ineffective at dehumidifying, and costly to maintain. They do not feature industry standard energy recovery mechanisms that reduce energy costs. Additionally, some of the existing RTUs at these locations have compressors that run on an obsolete refrigerant called "R22," which is no longer produced in the U.S. and cannot be imported due to its environmental impact, resulting in costly supply challenges. The RTUs also have furnaces that are starting to fail and need to be replaced. These furnaces are the primary heat source for the building and keep the RTUs from freezing. The HVAC systems' connection to the existing boilers compromises efficiency, particularly during the summer. The boilers help reheat overcooled dehumidified air coming in from the RTUs, but the current boilers are not designed for this purpose due to their larger size. In the summer, the systems use larger amounts of energy to sustain the reheating than would be required by smaller, dedicated boilers. This funding would support an engineering assessment of the current RTU condition at both the Broadmeadow and Eliot schools and determine replacement options, including an evaluation of different considerations for improvement of the energy efficiency of these systems to be in compliance with updated buildings codes and a cost benefit analysis of additional energy efficiency

upgrades. The consultant would also design the installation of smaller boilers at both schools that are more appropriate for the reheating required by the HVAC systems in the summer and shoulder months. Funding for the construction phase will be proposed for fiscal year 2024.

School Copier Replacement

This funding request is to replace five copiers in the following locations: Broadmeadow School, Newman School (two), Pollard School, and Emery Grover. School photocopiers in all schools and the administration building are used both by administrative and teaching staff. Copiers which are heavily used are replaced more frequently than copiers that are lightly used. The average life cycle is calculated at seven years, although planned replacement ages range from five to nine years, depending on use. It is important to replace machines regularly, 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 also assumes that copiers are re-deployed around the District as needed, to better match projected usage with equipment capacity.

School Furniture

This funding request is a recurring capital item to replace furniture in poor and fair condition and to provide new classroom furniture as needed for new enrollment or replacement purposes.

School Technology

The School Department technology replacement program includes desktop computers, printers, classroom audio visual devices, specialized instructional labs, projectors, video displays, security cameras and electronic door access controllers. The request also incorporates funding for school technology infrastructure, which consists of servers, network hardware, wireless infrastructure, data cabling and access points. The fiscal year 2023 Capital Improvement Plan (CIP) for school technology request is for \$437,000, including \$324,000 for hardware and \$113,000 for infrastructure replacement.

Public Works Mobile Devices

This funding request will support the refresh of public works mobile devices, bringing them up to the latest hardware and software specifications needed for the work. This hardware is used to access multiple applications during the daily operations of either an individual or vehicle within the Public Works Department. The current hardware is a mix of hardened laptops and tablets. Over the past several years multiple Public Works Divisions have migrated to mobile operations requiring field access to cloud-based data or applications.

Recycling And Transfer Station Facility Improvements

This funding request will support a design for the tipping pit that will need to be demolished and redesigned from the existing cantilever and curb at the front side and replaced with reinforced concrete and/or structural steel. The construction funds will be requested in fiscal year 2024. RTS Facility Improvement projects increase processing efficiency, comply with regulatory requirements, ensure safety, and enhance the facility's overall functionality.

Traffic Improvements

This funding request supports projects recommended by the Traffic Management Advisory Committee (TMAC). The annual request will support one or two TMAC construction-related projects per year, such as 500 feet of roadway granite curb installation, two school zone installations, two average traffic calming installations, several radar sign installations, sign and/or pavement markings, or pedestrian improvements. The goal of the TMAC is to ensure the safety of pedestrians, motorists, and bicyclists. TMAC construction-related projects are not presently funded through the Department of Public Works operating budget.

General Fund Core Fleet Replacement

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
700	Ford Econoline Van E250	DPW Building Maintenance	2012	Utility Van	\$71,547

GENERAL FUND FLEET REPLACEMENT – SPECIALIZED EQUIPMENT

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
5	International 7400 Series	DPW RTS	2011	Heavy Duty Truck Class 8 Large Dump	\$291,255
59	Steco	DPW RTS	2015	Specialized Trailer	\$100,112
67	Addition to Fleet	DPW Parks	N/A	Work Truck Class 4	\$83,638
713	Ford F450	DPW Building Maintenance	2012	Work Truck Class 4	\$86,168
Bus 02	Blue Bird 303	School	2017	School Bus	\$108,100
C06	Ford F350	Fire	2015	Brush Truck	\$84,845
108	Trackless Tractor	DPW Highway	2011	Sidewalk Plow	\$298,670

ARTICLE 24: APPROPRIATE FOR POLLARD SCHOOL LOCKER ROOM RETROFIT

To see if the Town will vote to raise and/or transfer and appropriate the sum of 1,068,500 for Pollard School Locker Room retrofit, to be spent under the direction of the Town Manager and Permanent Public Building Committee, and to meet this appropriation that \$305,485 be transferred from Premium Surplus reserved and that \$763,015 be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

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

Article Information: This funding request will fund the construction phase of the retrofitting of the Pollard School locker room. Funding for the design phase of this project was approved in fiscal year 2021. The current locker room layout at the Pollard Middle School is no longer conducive to the needs of the Athletic Department. The school offers diverse sports programs, which require storage for unique and large pieces of equipment (e.g., field hockey sticks, lacrosse sticks, bags, etc.) for which existing lockers are unable to accommodate. Additionally, the orientation of the locker room creates blind spots that pose a safety concern, the flooring is starting to crack in places due to age, and the bathrooms and showers are outdated. The project includes removing and replacing the floors, ceilings, lockers, and lighting fixtures, which will be updated to LEDs. The lockers will vary in size to accommodate the variety of sports and equipment needs in the building. Both restrooms located inside the locker rooms, as well as the two restrooms directly adjacent to the locker rooms will be renovated. Additionally, a gender-neutral restroom/changing room will be added. In each locker room, three individual changing stalls will be added for increased privacy.

ARTICLE 25: APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$3,951,000 for the Public Works Infrastructure Program, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

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. Unless circumstances dictate the funds are intended to be spent as follows:

STREET RESURFACING The Town aims to resurface 17 lane miles per year. The cost per lane mile for resurfacing in fiscal year 2022 is \$94,500 or more per lane mile. A basic overlay at 1.5 inches with asphalt berm curb and casting adjustments is \$90,000 per lane mile. The cost of micro surfacing treatments and rubber chip seal surfacing treatments are approximately \$7.40 per square yard. Target funding for street resurfacing in fiscal year 2023 is \$1,240,000.

SIDEWALK PROGRAM Fiscal year 2023 contract pricing to reconstruct one mile of asphalt sidewalk with incidental costs is estimated to be \$418,750 per mile (\$79.00/lf). Contract pricing to install a mile of granite curb with minor drainage improvements and incidental costs is estimated to be \$380,200 per mile (\$72.00/lf). These costs do not include engineering, design, tree removal and replacement, major drainage improvements, or major public or private property adjustments. Target funding for the sidewalk program in fiscal year 2023 is \$798,500.

ROADWAY RECONSTRUCTION/REHABILITATION Marked Tree Road has been excavated by multiple utilities. The roadway is an inconsistent width and has deteriorated. This funding request is for the design phase of this project including the installation of granite curbing, accessible ramps, and sidewalk. It will also include drainage improvements. A focus of the improvements will be on pedestrian access and safety. The construction funding will be requested in fiscal year 2025. Target funding for roadway rehabilitation in fiscal year 2023 is \$250,000.

INTERSECTION IMPROVEMENTS There have been struggles with bringing appropriate traffic flow through the intersection of Great Plain Avenue and Central Avenue since it was constructed in the 1990s due to property size limitations. This funding request is for the design phase of this project. There is a historic property on one corner that limits the design. The existing intersection design does not provide the ideal traffic patterns for multiple modes of transportation. This project will include geometric improvements and replacement/improvement of the traffic signal system. Installing a new traffic signal system that will include modern technology will better control the flow of traffic through the intersection, reducing back-ups of traffic. The layout of the intersection will be improved to increase traffic flow. This intersection redesign will comply with Complete Streets principles. Target funding for intersection improvements in fiscal year 2023 is \$246,500.

STORM DRAIN CAPACITY IMPROVEMENTS The Stormwater Master Plan has identified several areas throughout Needham where improvements are required to resolve existing problems with flooding and illicit discharge. Since the issuance of the original Master Plan, numerous multi-unit developments have been built 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 circumstance require

otherwise, fiscal year 2023 funding is targeted for Concord Street and Burnside Road. This project includes construction of a new drain that will be connected to the recently extended Greendale Avenue drain project to provide additional stormwater capacity. Target funding for storm drain capacity improvements for fiscal year 2023 is \$1,217,000.

GUARDRAIL *Many of the Town's guardrails are noncompliant and the department is preparing a plan to upgrade existing guardrails to make them both compliant and aesthetically pleasing. In fiscal year 2023, the Town will address the guardrail on Central Avenue between the Dover town line and Fisher Street. There is existing guardrail that has failed, and decorative guardrail that is unsafe. The decorative guardrail will be replaced as part of the Central Avenue/Centre Street bridge project. Other existing guardrail will be replaced with new, code compliant guardrail and areas without a guardrail will have a guardrail installed. In addition, the guardrail on Farley Pond Lane needs to be replaced. The existing guardrail has failed, and safety protocols necessitate a guardrail due to the proximity of Farley Pond to Farley Pond Lane. The existing guard rail will be replaced with a new, code compliant guardrail, and areas without a guardrail will have guardrail installed. Target funding for guardrail improvements for fiscal year 2023 is \$199,000.*

ARTICLE 26: LIBRARY SPACE UTILIZATION STUDY

To see if the Town will vote to raise and/or transfer and appropriate, or borrow the sum of \$60,000 for a Library Space Utilization Study, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: *This funding request will enable the Library to engage a professional space planner to determine if the Library's interior space can be better arranged to accommodate high volumes of students and tutors who use the study rooms and study areas. In the afternoons during the school year, the Library is often used by students, tutors, and other people using the three study rooms, the row of carrels, and many four-seat tables.*

ARTICLE 27: DPW COMPLEX FEASIBILITY STUDY

To see if the Town will vote to raise and/or transfer and appropriate, or borrow the sum of \$60,000 for a feasibility study of the reconstruction of the Department of Public Works Building, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: *This funding request will fund a feasibility study to determine the most efficient use of DPW facilities, a design phase to incorporate the study's recommendations into a plan, and a construction phase to implement said plan. This study will lead to a master plan to implement the needed upgrades and will generate additional capital improvement requests. The Department of Public Works utilizes multiple facilities including the DPW Garage, Daley Building, Jack Cogswell Building, Water and Sewer facilities, Recycling & Transfer Station, workshop at Claxton Field, and Public Services*

Administration Building. The Jack Cogswell Building was recently constructed as a storage facility for vehicles and equipment when not in seasonal use. The DPW Garage houses the Fleet Division, Snow & Ice program operations, a six-bay garage, and workstations for Highway and Parks & Forestry staff. Additionally, the Daley Building houses trades staff for the Building Maintenance Division and functions as a workshop and storage facility. Both the DPW Garage and Daley Building are past the end of their useful life and in need of upgrades in order to better accommodate DPW staff and support their daily operations.

ARTICLE 28: APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$901,255 for Sewer Enterprise Fund Cash Capital, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Sewer Enterprise Fund Retained Earnings; or take any other action relative thereto.

Group	Description	Recommended	Amendment
Sewer	Fleet Replacement Program	\$291,255	
Sewer	Sewer Main Project (Greendale/Rte 128)	\$610,000	
		\$901,255	

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information:

Sewer Main Replacement/Greendale Avenue/Route 128

This funding request will address the Greendale Avenue/Route 128 sewer interceptor from Cheney Street to Great Plain Avenue. The existing sewer line is deteriorating and in need of rehabilitation/replacement in order to remain functional. The plan is to replace or reline 12,000 feet (2.25 miles) of 18-inch reinforced concrete gravity sewer main running through Town property along Greendale Avenue near Cheney Street towards Route 128, along the Route 128 right of way to Great Plain Avenue. The interceptor collects and conveys wastewater from numerous sewer lines. During the feasibility study, the Town discovered a blockage of the sewer main and two buried manholes that prevented the consultant from providing a complete inspection of the sewer main. The blockage has since been cleared. The fiscal year 2023 request is to fund the design phase of this project, which will include relining and/or removing and replacing parts of the sewer main underneath Route 128 at Great Plain Avenue. Funding for the construction phase will be requested for fiscal year 2025.

Sewer Fleet Replacement - Specialized Equipment

UNIT	EXISTING	DIVISION	YEAR	REPLACEMENT	AMOUNT
119	International 7400 Series	Sewer	2010	Heavy Duty Truck Class 8 Large Dump	\$291,255

ARTICLE 29: RESCIND DEBT AUTHORIZATIONS

To see if the Town will vote to rescind a portion of certain authorizations to borrow, which were approved at prior Town Meetings, where the purposes of the borrowing have been completed, and/or it was unnecessary to borrow the full authorization:

Project	Town Meeting	Article	Authorized	Rescind
Rosemary Recreation Complex	2017 ATM	33	\$8,000,000	\$36,000
Memorial Park Building	2018 ATM	30	\$2,918,000	\$34,000
Total				\$70,000

or take any other action relative thereto.

INSERTED BY: Select Board

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, and/or favorable bids.

TOWN RESERVE ARTICLES

ARTICLE 30: APPROPRIATE FOR COMPENSATED ABSENCES FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$250,000 for the purpose of funding the Compensated Absences Fund, to be spent under the direction of the Town Manager and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this article is to fund the Town's employee sick and vacation leave liability. Upon retirement, certain employees are compensated for a portion of their unused sick leave. All employees are entitled to payment of unused vacation leave upon termination of Town service. The Town has been taking steps to reduce or eliminate sick leave buy-back programs for all classes of employees, although an unfunded liability remains. The balance in the fund as of February 1, 2022 was \$463,072.

ARTICLE 31: APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$33,533 to the Athletic Facility Improvement Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, as further amended by Section 22 of Chapter 218 of the Acts of 2016, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. Town Meeting by majority vote may appropriate into the fund and by a two-thirds vote appropriate from the fund. The 2012 Annual Town Meeting approved the creation of the Athletic Facility Improvement 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. The balance in the fund as of March 30, 2022 was \$976,099.

ARTICLE 32: APPROPRIATE TO WORKERS COMPENSATION FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$130,000 to the Workers Compensation Fund, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this request is to replenish the Workers' Compensation Fund which is the Town's reserve fund for paying workers' compensation claims of a prior year and for lump sum settlements up to the limit of the Town's reinsurance limit (for both School and General Government employees.) Typically, the source of funds for this account is any remaining balance in the workers compensation line item contained in the employee benefits and assessments budget. Due to increases in salaries and expenses over the past decade, and the resolution of several long-standing cases, the fund balance has been declining. The balance in the Account as of March 1, 2022 was \$1,012,986.

ARTICLE 33: APPROPRIATE TO PUBLIC SAFETY INJURY ON DUTY FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$300,000 to the Public Safety Injury on Duty Fund, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The 2016 Municipal Modernization Act added a paragraph to M.G.L. c. 41 Section 111F to allow cities and towns to establish and appropriate amounts to a special injury leave indemnity fund for payment of injury leave compensation or medical bills incurred for public safety personnel. The monies in the special fund may be expended, with the approval of the chief executive officer and without further appropriation, for such expenses. Any balance in the fund shall carry over from year to year, unless specific amounts are released to the general fund by the chief executive officer upon a finding that the amounts released are not immediately necessary for the purpose of the fund, and not required for expenses in the foreseeable future.

GENERAL ARTICLES & CITIZENS PETITIONS

ARTICLE 34: AMEND GENERAL BY-LAWS – SNOW & ICE ON SIDEWALKS

To see if the Town will vote to amend the General By-laws by deleting Section 3.1.8 (Snow and Ice on Sidewalks) in its entirety, and inserting in its place the following:

3.1.8 Snow and Ice on Sidewalks.

3.1.8.1 Any person who places any snow or ice on a sidewalk or a street, shall forfeit not more than fifty dollars (\$50.00) for each offense.

3.1.8.2 Any owner, tenant, occupant, proprietor, manager, agent, board, trust, or other entity having charge of property used wholly or in part for (a) a commercial purpose (including without limitation as a store, restaurant, bank, gym, theater, childcare facility or office); (b) a hospital or medical establishment; (c) a place of worship; (d) multi-family housing containing three (3) or more dwelling units on a lot; or (e) any other use open to the public, or to a particular membership or clientele, that allows snow or ice to remain on a sidewalk abutting, on, or within its property for more than five hours between sunrise and sunset, shall forfeit not more than fifty dollars (\$50.00) for each offense. If, by reason of weather conditions the snow and ice is evenly spread over a sidewalk and frozen and therefore difficult to remove, it may remain until it can more easily be removed; provided that while the snow and ice remain, entity in charge shall keep the sidewalk in safe condition by sanding or otherwise; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Section 3.1.8 of the General By-Laws currently requires property owners to clear snow and ice from any property used as a “store, office, or any other public place.” The practical intent of this section is to broadly require that any owner of commercial property, or property that is open to the public, remove snow and ice on a timely basis after a storm. Notwithstanding this intent, the existing terminology noted above may leave open some question as to what property is covered, and what property is not. Accordingly, this proposed by-law amendment would revise Section 3.1.8 to expressly cover any property that is used for a commercial purpose, and also to add broader itemized list of other uses open to the public (including hospitals, medical centers, places of worship, and multifamily housing developments) that will be expected to timely clear snow and ice from their property.

ARTICLE 35: AMEND GENERAL BY-LAWS – HOUSEHOLD REFUSE

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

1. Inserting in Section 3.1 (General) of Article 3 (Police Powers, Authority and Regulations) a new Section 3.1.12, to read as follows:

3.1.12 Household Refuse. No person shall deposit any household refuse or garbage in any receptacle maintained by the Town of Needham on public property.

2. Renumbering the existing sections within Section 3.1 in appropriate numerical order to account for the insertion of new Section 3.1.12.
3. Inserting in Section 8.2.2.4 (Police Regulations) a new section L., to read as follows:

L. Household Refuse (Section 3.1.12)

Enforcement Agent: Director of Public Works or Designee

Fine Schedule:

Warning - First Offense

\$100 Second Offense

\$200 Third Offense

\$300 Fourth and Subsequent offenses

4. Re-lettering the existing Sections within Section 8.2.2.4 in appropriate alphabetical order to account for the insertion of new section L; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The trash receptacles that the Town maintains on public property, such as the Town Common, parks, athletic fields, etc., are primarily intended to be used by those visiting these places, and for disposal of incidental waste that may be generated while people are out and about. Nonetheless, the Police Department and the Department of Public Works have recently observed people disposing of bagged household garbage in the Town's public trash receptacles. A typical example would involve someone briefly stopping their car near a public receptacle, getting out, depositing a garbage bag, and driving away. This practice is inconsistent with the intended purpose of the Town's public trash receptacles and can quickly render them overly full and temporarily unusable by others. The proposed amendments to the General By-Laws would make it unlawful to dispose of household refuse in a public receptacle and would allow the DPW Director or their designee to issue non-criminal tickets (after issuing a warning for a first offense) in the event that a violation is observed.

ARTICLE 36: STREET ACCEPTANCE – HUTTER RIDGE ROAD

To see if the Town will vote to accept the following streets or portions thereof, constructed by developers under the requirements of the Subdivision Control Law and as laid out by the Select Board in accordance with plans on file with the Town Clerk, including the taking or acceptance of easements as shown on said plans: Hutter Ridge Road; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Hutter Ridge Road was constructed by a developer in conformance with the Town's design standards. This article, if accepted, will make Hutter Ridge Road a public way.

ARTICLE 37: AMEND GENERAL BY-LAWS – NEEDHAM HOUSING AUTHORITY TERM CYCLE

To see if the Town will vote to amend the General By-laws by deleting from Section 1.9 (Election of Officers) subsection 1.9.1(m) in its entirety and inserting in its place the following:

- (m) Three members of the Needham Housing Authority for five-year terms, so arranged that the term of not more than one member shall expire each year.

Or take any other action relative thereto.

INSERTED BY: Select Board

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

Article Information: The Housing Authority is a five-member board, of which one member is appointed by the Governor. Until 2021, the other four members were elected by the voters. Changes to State law now require that at least one Commissioner on the Housing Authority Board be a tenant-commissioner and provides that one member be appointed by the Select Board. This proposed amendment will bring the General By-laws into compliance with State law.

ARTICLE 38: AMEND CHARTER - NEEDHAM HOUSING AUTHORITY TERM CYCLE AND TENANT MEMBER APPOINTMENT

To see if the Town will vote to authorize the Select Board 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; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

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. Chapter 403 of the acts of 1971 is hereby amended by deleting from Section 19, as most recently amended by section 1 of Chapter 341 of the acts of 2018, subsection (viii) and inserting in place thereof the following:

- (viii) Three (3) members of the Needham Housing Authority for 5-year terms;

SECTION 2. Chapter 403 of the acts of 1971 is hereby amended by striking out Section 20(b), as most recently amended by section 1 of chapter 341 of the acts of 2018, and inserting in place thereof the following:

- (b) The select board shall appoint a town counsel, members of the board of appeals, election officers, registrars of voters, except the town clerk, members of the historic commission, conservation commission, commission on disabilities, the tenant member of the housing authority and, except as provided in section 19, all other boards, committees and commissions for whom no other method of selection is provided in this charter or by-law.

SECTION 3. This act shall take effect upon passage.

Or take any other action relative thereto.

INSERTED BY: Select Board

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

Article Information: *The Housing Authority is a five-member board, of which one member is appointed by the Governor. Until 2021, the other four members were elected by the voters. Changes to State law now require that at least one Commissioner on the Housing Authority Board be a tenant-commissioner and provides that one member be appointed by the Select Board. This proposed amendment will bring the Town Charter into compliance with State law. Approval of the Legislature and the Governor are required for changes to the Town Charter.*

ARTICLE 39: INCREASE CONTRIBUTORY RETIREMENT COLA ALLOWANCE

To see if the Town will vote to increase the maximum base upon which the retiree cost of living (COLA) is calculated from \$14,000 per year to \$16,000 per year in accordance with Chapter 32, Section 103(j) and Section 19 of Chapter 188 of the Acts of 2010; or take any other action relative thereto.

INSERTED BY: Retirement Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: *The purpose of this article is to increase the base amount upon which the retiree Cost-of-Living Adjustment is paid. MGL, Chapter 32, Section 103(j) and Section 19 of Chapter 188 of the Acts of 2010 allows a Contributory Retirement Board, with the approval of Town Meeting, to increase the base amount upon which the Cost-of-Living adjustment paid to retirees is calculated. An increase of the base from \$12,000 to \$14,000 was approved at the 2015 Annual Town Meeting. This action increased the maximum COLA a retiree can receive from \$360 per year to \$420 per year even if his/her pension exceeds \$14,000. Approval of this article will increase the base amount from \$14,000 to \$16,000. The decision to grant a COLA and at what amount is made annually by vote of the Needham Contributory Retirement Board.*

ARTICLE 40: CITIZENS' PETITION - AMEND GENERAL BY-LAWS

To see if the Town will vote to amend the General By-Laws by inserting in Article 3 (Police Powers, Authority and Regulations) a new Section 3.1.14 to read as follows:

“Delivery of Written Material. Any person delivering written material to a residence shall leave such material at least 15 feet from the public way, unless left in a designated, enclosed box suitable for such purpose or if the principal residential structure to which a delivery is being made is located less than 15 feet away from the public way, in which case such material shall be left no more than 5 feet away from the principal structure. The provisions of this by-law do not apply to deliveries by the United States Postal Service. Whoever violates the provisions of this by-law shall be subject to a fine of \$25.00 for each offense.”

And to renumber the remaining existing sections within Article 3 in appropriate numerical order to account for the insertion on the new section.

INSERTED BY: Paul Seigenthaler, et.al.

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

Article Information: *This citizens' petition proposes a new addition to the General By-Laws that would require all written materials delivered to a residence in Town to be placed at least 15 feet away from the public way (unless such materials are left in a mailbox, or the residence itself is already closer than 15 feet to the public way). This By-Law is intended to prevent the accumulation of written materials (for example, newspapers in plastic bags) left on or near the street, which often go uncollected, become unsightly litter, and can contribute to environmental pollution.*

ARTICLE 41: 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 Select Board, 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: Select Board

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 seven 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 8th day of February 2022.

Matthew D. Borrelli, Chair
Marianne B. Cooley, Vice Chair
Marcus A. Nelson, Clerk
Daniel P. Matthews, Member
Kevin J. Keane, Member

Select Board of Needham

A true copy,
ATTEST _____ 2022
Constable (month) (day)

2022 Annual Town Meeting

**Reserve Fund Transfer Requests
Approved by the Finance Committee
Fiscal Year 2021**

Budget	Date of Action	Amount
Minuteman Regional High School COVID19 Expenses	9-Dec-20	\$12,614
Property and Casualty Insurance	23-Jun-21	\$2,389
Department of Public Works - Snow & Ice	23-Jun-21	\$376,107
Total Approved from General Reserve Fund		\$391,110
Total Approved from Sewer Reserve Fund		\$0
Total Approved from Water Reserve Fund		\$0

2022 Annual Town Meeting
GENERAL GOVERNMENT LISTING OF SALARY RANGES (BASE PAY)
as of March 30, 2022
(Excludes Seasonal, Temporary and Intermittent Positions)

TITLE	GRADE	COMPENSATION RANGE
<u>SELECT BOARD/TOWN MANAGER</u>		
Town Manager	Contract	Contract
Assistant Town Manager/Dir. of Ops.	15	\$115,132.00 to \$161,184.00
Director of Human Resources	14	\$104,665.00 to \$146,531.00
Support Services Manager	10	\$71,409.00 to \$99,976.50
Public Information Officer	10	\$71,409.00 to \$99,976.50
Asst. Dir. Of Human Resources	10	\$71,409.00 to \$99,976.50
Economic Development Manager	9	\$68,016.00 to \$95,218.50
Benefits Administrator	6	\$59,319.00 to \$80,106.00
Human Resources Assistant	5	\$56,491.50 to \$76,284.00
Administrative Assistant	I-03	\$48,399.00 to \$65,344.50
Office Assistant	I-02	\$43,992.00 to \$59,416.50
<u>TOWN CLERK</u>		
Town Clerk	Elected	Elected
Assistant Town Clerk	6	\$59,319.00 to \$80,106.00
Office Assistant	I-02	\$43,992.00 to \$59,416.50
Finance Assistant	I-04	\$53,235.00 to \$71,877.00
<u>FINANCE</u>		
<u>Assessors</u>		
Director of Assessing	12	\$86,500.00 to \$121,100.00
Asst. Director of Assessing	9	\$68,016.00 to \$95,218.50
Field Assessor	I-06	\$59,319.00 to \$80,106.00
Finance Assistant	I-04	\$53,235.00 to \$71,877.00
Office Assistant	I-02	\$43,992.00 to \$59,416.50
<u>Finance</u>		
Asst Town Manager/Dir. of Finance	15	\$115,132.00 to \$161,184.00
Procurement Officer	9	\$68,016.00 to \$95,218.50
Administrative Analyst	6	\$59,319.00 to \$80,106.00
<u>Accounting</u>		
Town Accountant	12	\$86,500.00 to \$121,100.00
Assistant Town Accountant	9	\$68,016.00 to \$95,218.50
Payroll Coordinator	I-06	\$59,319.00 to \$80,106.00
Administrative Specialist	I-05	\$56,491.50 to \$76,284.00
Finance Assistant	I-04	\$53,235.00 to \$71,877.00
<u>Information Technology Center</u>		
Director of Management Information Systems	14	\$104,665.00 to \$146,531.00
Network Manager	I-11	\$74,977.50 to \$104,968.50
Applications Administrator	I-07	\$62,283.00 to \$84,103.50
GIS/Database Administrator	I-07	\$62,283.00 to \$84,103.50
Technology Support Technician	I-06	\$59,319.00 to \$80,106.00
Computer Operator	I-03	\$48,399.00 to \$65,344.50
<u>Treasurer/Collector</u>		
Town Treasurer and Tax Collector	12	\$86,500.00 to \$121,100.00
Assistant Treasurer/Collector	9	\$68,016.00 to \$95,218.50
Finance Assistant	I-04	\$53,235.00 to \$71,877.00
Office Assistant	I-02	\$43,992.00 to \$59,416.50
<u>Finance Committee</u>		

2022 Annual Town Meeting
GENERAL GOVERNMENT LISTING OF SALARY RANGES (BASE PAY)
as of March 30, 2022

TITLE	GRADE	COMPENSATION RANGE
Finance Comm. Exec. Secretary	Schedule C	\$41,744.00
<u>PUBLIC SAFETY</u>		
<u>Police Department</u>		
Police Chief	Contract	
Deputy Police Chief	14	\$104,665.00 to \$146,531.00
Lieutenant	P-3	\$120,401.00 to \$134,201.00
Sergeant	P-2	\$35.73 to \$42.44
Police Officer	P-1	\$24.97 to \$34.52
Public Safety Dispatcher	GF07	\$29.94 to \$40.44
Animal Control Officer	GF07	\$29.94 to \$40.44
Police Administrative Specialist	I-06	\$59,319.00 to \$80,106.00
Police Maintenance Assistant	GF03	\$23.27 to \$31.42
Administrative Assistant	I-03	\$48,399.00 to \$65,344.50
Office Assistant	I-02	\$43,992.00 to \$59,416.50
<u>Fire Department</u>		
Fire Chief	Contract	Contract
Deputy Fire Chief, Operations	F-5	\$51.30 to \$56.08
Deputy Fire Chief	F-4	\$40.92 to \$48.59
Fire Captain	F-3	\$38.88 to \$42.51
Fire Lieutenant	F-2	\$32.99 to \$39.09
Firefighter	F-1	\$24.85 to \$33.02
Fire Inspector	F-1 (40hrs)	\$26.09 to \$34.65
EMS Administrator	F-1 (40hrs)	\$26.09 to \$34.65
Emergency Management Administrator	11	\$74,977.50 to \$104,968.50
Fire Business Manager	9	\$68,016.00 to \$95,218.50
Administrative Assistant	I-03	\$48,399.00 to \$65,344.50
Public Safety Dispatch Supervisor	GF10	\$34.33 to \$48.07
Public Safety Dispatcher	GF07	\$29.94 to \$40.44
<u>Building</u>		
Building Commissioner	12	\$86,500.00 to \$121,100.00
Assistant Building Commissioner	10	\$71,409.00 to \$99,976.50
Inspector of Plumbing & Gas	GT07	\$31.94 to \$43.13
Inspector of Wires	GT07	\$31.94 to \$43.13
Local Building Inspector	GT06	\$30.42 to \$41.08
Administrative Specialist	I-05	\$56,491.50 to \$76,284.00
Office Assistant	I-02	\$43,992.00 to \$59,416.50
<u>PUBLIC WORKS</u>		
<u>Administration</u>		
Director of Public Works	15	\$115,132.00 to \$161,184.00
Assistant Director of Public Works/Operations	13	\$95,150.00 to \$133,210.00
Business Manager	11	\$74,977.50 to \$104,968.50
Compliance Coordinator	6	\$59,319.00 to \$80,106.00
Administrative Analyst	6	\$59,319.00 to \$80,106.00
Management Analyst	8	\$65,403.00 to \$88,315.50
Finance Assistant	I-04	\$53,235.00 to \$71,877.00
Administrative Specialist	I-05	\$56,491.50 to \$76,284.00
Administrative Assistant	I-03	\$48,399.00 to \$65,344.50
Project Manager	10	\$71,409.00 to \$99,976.50
<u>Building Maintenance Division</u>		

2022 Annual Town Meeting
GENERAL GOVERNMENT LISTING OF SALARY RANGES (BASE PAY)
as of March 30, 2022

TITLE	GRADE	COMPENSATION RANGE	
Assistant Director of Public Works/Building Maintenance	13	\$95,150.00	to \$133,210.00
Building Maintenance Manager	11	\$74,977.50	to \$104,968.50
Building Maintenance Supervisor	9	\$68,016.00	to \$95,218.50
Administrative Analyst	6	\$59,319.00	to \$80,106.00
Finance Assistant	I-04	\$53,235.00	to \$71,877.00
Office Assistant	I-02	\$43,992.00	to \$59,416.50
Senior Custodian 2	BC-3	\$26.04	to \$31.13
Senior Custodian 1	BC-2	\$24.82	to \$29.66
Custodian	BC-1	\$21.64	to \$25.85
HVAC Technician	BT-4	\$33.42	to \$40.22
Carpenter	BT-3	\$29.30	to \$35.26
Plumber	BT-3	\$29.30	to \$35.26
Electrician	BT-3	\$29.30	to \$35.26
Craftworker (Building Maintenance)	BT-2	\$26.68	to \$32.10
Warehouse Person	BT-1	\$24.29	to \$29.20
<u>Engineering Division</u>			
Town Engineer	13	\$95,150.00	to \$133,210.00
Assistant Town Engineer	11	\$74,977.50	to \$104,968.50
Contract Administrator	8	\$65,403.00	to \$88,315.50
Civil Engineer	7	\$62,283.00	to \$84,103.50
Senior AutoCAD Technician	GF06	\$28.52	to \$38.52
Survey Party Chief	GF06	\$28.52	to \$38.52
AutoCAD Technician	GF04	\$25.59	to \$34.56
Engineering Aide	GF02	\$21.15	to \$28.57
<u>Fleet Division</u>			
Fleet Supervisor	10	\$71,409.00	to \$99,976.50
Master Mechanic	N-6	\$28.52	to \$38.51
Equipment Mechanic	N-4	\$25.60	to \$34.56
<u>Highway Division</u>			
Division Superintendent, Highway	12	\$86,500.00	to \$121,100.00
Assistant Superintendent	9	\$68,016.00	to \$95,218.50
Working Foreman	N-7	\$29.95	to \$40.43
Public Works Specialist 2			
Public Works Technician	N-4	\$25.60	to \$34.56
Heavy Motor Equipment Operator (HMEO)	N-4	\$25.60	to \$34.56
Craftworker (DPW)	N-4	\$25.60	to \$34.56
Laborer 2	N-2	\$21.15	to \$28.56
<u>Park & Forestry Division</u>			
Division Superintendent, Parks and Forestry	12	\$86,500.00	to \$121,100.00
Assistant Superintendent	9	\$68,016.00	to \$95,218.50
Working Foreman	N-7	\$29.95	to \$40.43
Craftworker			
Arborist	N-5	\$27.16	to \$36.68
Heavy Motor Equipment Operator (HMEO)	N-4	\$25.60	to \$34.56
Laborer 3	N-3	\$23.27	to \$31.42
Laborer 2	N-2	\$21.15	to \$28.56
<u>Recycling & Transfer Station</u>			
Division Superintendent, Solid Waste/Recycling	12	\$86,500.00	to \$121,100.00
Assistant Superintendent	9	\$68,016.00	to \$95,218.50

2022 Annual Town Meeting
GENERAL GOVERNMENT LISTING OF SALARY RANGES (BASE PAY)
as of March 30, 2022

TITLE	GRADE	COMPENSATION RANGE		
Working Foreman	N-7	\$29.95	to	\$40.43
Scalehouse Attendant	N-3	\$23.27	to	\$31.42
Heavy Motor Equipment Operator (HMEO)	N-4	\$25.60	to	\$34.56
Laborer 2	N-2	\$21.15	to	\$28.56
<u>Water Division</u>				
Division Superintendent, Water/Sewer	12	\$86,500.00	to	\$121,100.00
Water Treatment Facility Manager	10	\$71,409.00	to	\$99,976.50
Assistant Superintendent	9	\$68,016.00	to	\$95,218.50
Chief Wastewater Operator	N-7	\$29.95	to	\$40.43
Working Foreman	N-7	\$29.95	to	\$40.43
Public Works Inspector	N-6	\$28.52	to	\$38.51
Wastewater Operator	N-4	\$25.60	to	\$34.56
Craftsworker (DPW)	N-4	\$25.60	to	\$34.56
Water Treatment Operator	N-4	\$25.60	to	\$34.56
Public Works Technician	N-4	\$25.60	to	\$34.56
Heavy Motor Equipment Operator (HMEO)	N-4	\$25.60	to	\$34.56
Laborer 3	N-3	\$23.27	to	\$31.42
Laborer 2	N-2	\$21.15	to	\$28.56
BUILDING DESIGN AND CONSTRUCTION				
Director of Design and Construction	13	\$95,150.00	to	\$133,210.00
Senior Project Manager	12	\$86,500.00	to	\$121,100.00
Project Manager	10	\$71,409.00	to	\$99,976.50
Administrative Specialist	I-05	\$56,491.50	to	\$76,284.00
HEALTH AND HUMAN SERVICES				
<u>Division of Public Health</u>				
Director of Health and Human Services	14	\$104,665.00	to	\$146,531.00
Assistant Director of Public Health for Community & Environmental Health	11	\$74,977.50	to	\$104,968.50
Assistant Director of Public Health for Nursing & Behavioral Health	11	\$74,977.50	to	\$104,968.50
Environmental Health Agent	I-07	\$62,283.00	to	\$84,103.50
Public Health Nurse	I-09	\$68,016.00	to	\$95,218.50
Traveling Meals Coordinator	GT05	\$28.97	to	\$39.12
Substance Use Prevention Program Coordinator	8	\$65,403.00	to	\$88,315.50
Administrative Analyst	6	\$59,319.00	to	\$80,106.00
Office Assistant	I-02	\$43,992.00	to	\$59,416.50
<u>Division of Aging Services</u>				
Director of Aging Services	13	\$95,150.00	to	\$133,210.00
Assistant Director of Aging Services/Counseling and Volunteers	11	\$74,977.50	to	\$104,968.50
Assistant Director of Aging Services/Programs and Transportation	10	\$71,409.00	to	\$99,976.50
SHINE Program Coordinator	GT08	\$33.54	to	\$45.29
SHINE Assistant Program Coordinator	GT07	\$31.94	to	\$43.13
Clinician	I-07	\$62,283.00	to	\$84,103.50
Transportation Coordinator	GT06	\$30.42	to	\$41.08
Administrative Assistant	I-03	\$48,399.00	to	\$65,344.50
<u>Division of Youth & Family Services</u>				
Director of Youth and Family Services	12	\$86,500.00	to	\$121,100.00
Clinician	I-07	\$62,283.00	to	\$84,103.50
Administrative Assistant	I-03	\$48,399.00	to	\$65,344.50
PLANNING & COMMUNITY DEVELOPMENT				

2022 Annual Town Meeting
GENERAL GOVERNMENT LISTING OF SALARY RANGES (BASE PAY)
as of March 30, 2022

TITLE	GRADE	COMPENSATION RANGE
Director of Planning and Community Development	13	\$95,150.00 to \$133,210.00
Conservation Manager	9	\$68,016.00 to \$95,218.50
Assistant Town Planner	7	\$62,283.00 to \$84,103.50
Conservation Specialist	I-06	\$59,319.00 to \$80,106.00
Zoning Specialist	GT06	\$30.42 to \$41.08
Administrative Specialist	I-05	\$56,491.50 to \$76,284.00
LIBRARY		
Director of Public Library	14	\$104,665.00 to \$146,531.00
Assistant Director of Public Library	12	\$86,500.00 to \$121,100.00
Children's Librarian	7	\$62,283.00 to \$84,103.50
Library Reference Supervisor	10	\$71,409.00 to \$99,976.50
Library Children's Supervisor	10	\$71,409.00 to \$99,976.50
Library Technology Specialist/Archivist	11	\$74,977.50 to \$104,968.50
Library Technical Services Supervisor	10	\$71,409.00 to \$99,976.50
Reference Librarian/Digital Media Specialist	7	\$62,283.00 to \$84,103.50
Reference Librarian/Program Specialist	7	\$62,283.00 to \$84,103.50
Reference Librarian/Young Adult	7	\$62,283.00 to \$84,103.50
Library Circulation Supervisor	9	\$68,016.00 to \$95,218.50
Children's Services Assistant	GT05	\$28.97 to \$39.12
Technical Services Assistant	GT03	\$24.82 to \$33.51
Library Assistant	GT03	\$24.82 to \$33.51
PARK & RECREATION		
Director of Park and Recreation	12	\$86,500.00 to \$121,100.00
Assistant Director of Park & Recreation	11	\$74,977.50 to \$104,968.50
Recreation Supervisor	I-08	\$65,403.00 to \$88,315.50
Administrative Specialist	I-05	\$56,491.50 to \$76,284.00
Administrative Assistant	I-03	\$48,399.00 to \$65,344.50

2022 Annual Town Meeting

NEEDHAM PUBLIC SCHOOLS													
OPERATING BUDGET CLASSIFICATION													
Budgeted FY 2018 Funded FTE	Budgeted FY 2018 Salary * Minimum	Budgeted FY 2018 Salary * Maximum	Budgeted FY 2019 Funded FTE	Budgeted FY 2019 Salary * Minimum	Budgeted FY 2019 Salary * Maximum	Budgeted FY 2020 Funded FTE	Budgeted FY 2020 Salary * Minimum	Budgeted FY 2020 Salary * Maximum	Budgeted FY 2021 Funded FTE	Budgeted FY 2021 Salary * Minimum	Budgeted FY 2021 Salary * Maximum	Budgeted FY 2022 Funded FTE	Budgeted FY 2022 Salary * Minimum Maximum
1.00	224,155	224,155	1.00	235,363	235,363	1.00	238,960	238,960	1.00	240,155	240,155	1.00	245,500
4.00	150,225	173,124	5.00	140,084	178,880	5.00	150,000	184,428	5.00	172,394	187,194	5.00	156,482
1.00	152,205	152,205	1.00	158,293	158,293	1.00	167,320	167,320	1.00	171,084	171,084	1.00	174,762
2.00	143,150	143,150	2.00	148,876	149,084	2.00	152,294	156,905	2.00	151,539	155,340	2.00	158,447
5.00	127,250	142,250	5.00	132,340	147,940	5.00	138,012	152,013	5.00	140,772	155,053	5.00	135,000
3.00	95,209	133,558	3.00	98,795	138,588	3.00	100,277	140,667	3.00	103,840	142,780	3.00	105,600
2.60	90,080	128,276	2.60	92,007	132,445	2.60	94,402	134,431	2.80	98,176	134,992	3.00	99,840
3.00	81,324	119,561	3.10	88,200	127,473	3.50	89,523	129,385	4.10	95,940	135,915	4.50	97,580
7.00	84,904	131,107	7.00	87,664	141,128	7.00	89,512	135,724	7.80	93,750	141,330	7.00	95,200
2.50	83,307	132,593	2.50	90,110	140,087	2.50	91,462	142,188	2.50	103,840	148,060	2.50	105,600
10.97	83,715	123,849	8.17	86,436	127,874	-	NA	NA	-	NA	NA	-	NA
0.50	51,745	51,745	0.50	60,833	60,833	9.37	87,732	129,792	8.87	94,400	129,800	10.67	96,000
6.00	85,808	126,945	5.30	88,597	131,071	-	NA	NA	-	NA	NA	-	NA
485.62	48,987	103,378	495.25	50,089	105,704	510.13	50,841	107,289	522.62	51,858	109,435	522.97	53,024
8.81	48,987	103,378	9.01	50,089	105,704	11.05	50,841	119,462	12.05	51,240	135,000	12.05	53,024
113.46	\$17,215.15/hr	\$33,899.53/hr	114.19	\$17,049/hr	\$33,560/hr	133.37	\$17,222/hr	\$33,900/hr	135.20	\$17,300/hr	\$34,222/hr	139.77	\$17,430/hr
3.29	\$16,433/hr	\$18,537/hr	4.29	\$17,091/hr	\$18,941/hr	5.29	\$17,414/hr	\$35,960/hr	2.86	\$103.5/hr	\$24,290/hr	2.93	\$10,590/hr
2.00	75,366	114,857	2.00	78,380	119,451	2.00	81,516	124,229	2.00	73,100	130,418	2.00	74,197
4.00	88,105	124,384	4.00	91,629	129,359	4.00	85,000	134,434	5.00	85,235	146,539	4.00	86,513
-	NA	NA	-	NA	NA	-	NA	NA	-	NA	NA	-	NA
6.94	\$25,922/hr	\$33,277/hr	6.96	\$26,444/hr	\$33,944/hr	5.96	\$27,100/hr	\$34,790/hr	5.96	\$27,377/hr	\$35,144/hr	6.96	\$28,277/hr
12.69	\$15,744/hr	\$20,935/hr	12.32	\$16,056/hr	\$21,335/hr	11.83	\$17,644/hr	\$23,323/hr	11.82	\$17,822/hr	\$23,555/hr	12.39	\$18,411/hr
1.00	\$19,361/hr	\$25,730/hr	1.00	\$21,150/hr	\$27,980/hr	1.00	\$21,680/hr	\$28,680/hr	1.00	\$21,900/hr	\$28,970/hr	1.00	\$22,620/hr
35.00	\$19,361/hr	\$31,210/hr	36.07	\$20,730/hr	\$31,833/hr	40.92	\$21,680/hr	\$32,630/hr	40.14	\$21,900/hr	\$32,960/hr	39.40	\$22,620/hr
0.20	122,540	122,540	0.20	127,442	127,442	0.44	132,540	132,540	0.44	138,191	138,191	0.44	140,264
0.09	43,154	43,154	0.09	45,760	45,760	3.97	70,213	56,950	3.97	64,450	109,502	3.97	65,417
3.97	70,931	100,472	3.97	67,512	96,607	8.18	\$17,522/hr	\$25,800/hr	8.46	\$17,780/hr	\$26,430/hr	8.18	\$18,050/hr
6.57	\$16,688/hr	\$25,040/hr	6.57	\$17,100/hr	\$25,670/hr	1.29	\$16,060/hr	\$16,060/hr	1.29	\$16,300/hr	\$16,300/hr	1.29	\$16,540/hr
1.28	\$14,471/hr	\$16,060/hr	1.29	\$14,833/hr	\$16,460/hr	0.36	47,590	47,590	0.36	60,803	78,113	0.36	61,715
0.97	62,733	62,733	0.97	65,242	65,242	0.97	65,816	65,816	0.97	73,100	83,582	0.97	74,197
0.97	69,022	69,022	0.97	71,783	71,783	0.97	70,720	70,720	0.97	85,235	97,456	0.97	86,513
0.98	75,974	75,974	0.98	79,013	79,013	0.98	82,173	82,173	0.98	85,235	97,456	0.98	86,513
1.00	86,852	86,852	1.00	90,327	90,327	2.00	93,940	93,940	2.00	85,235	97,456	1.00	86,513
2.00	85,000	97,760	2.00	88,400	101,670	2.00	91,936	105,737	2.00	95,769	123,036	2.00	97,206
739.40	-	-	749.31	-	-	794.18	-	-	808.36	-	-	816.30	-

* All salaries expressed in full-time equivalent terms

** Partially Funded in Operating Budget

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DEBT
APPENDIX
A

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Town of Needham - Debt Service Appendix A

Town of Needham Schedule of Outstanding Long Term Debt Service

							DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE
							2022	2023	2024	2025	2026	2027	2028 - 2032	After 2032
Project	TM Vote	Art		Amount Issued	Final Maturity	Average Rate								
Public Services Administration Bldg.	Oct-08	5	\$5,725,000	\$100,000	Jul-22	3.69%	10,600	10,200						
Public Services Administration Building (Refunding Bond)	Oct-08	5	\$5,725,000	\$1,201,500	Feb-27	4.52%	262,250	255,950	250,450	214,700	210,200	192,400		
Public Services Administration Building (Refunding Bond)	Oct-08	5	\$5,725,000	\$280,000	Jul-24	5.00%	78,789	78,750	75,250	71,750				
Town Hall (Series III)	May-09	35	\$4,100,000	\$385,000	Aug-26	2.63%	29,031	28,375	27,656	26,906	26,156	25,391		
Kendrick Street Bridge Repair	May-10	35	\$850,000	\$750,000	Aug-21	2.21%	75,938							
Pollard School Roof Replacement	Nov-10	10	\$3,500,000	\$725,000	Jul-22	3.67%	74,200	71,400						
Senior Center (Series I)	Nov-11	14	\$8,051,808	\$1,000,000	Nov-32	3.38%	68,256	66,756	65,256	63,756	62,256	60,756	264,584	45,900
Senior Center (Series II)	Nov-11	14	\$8,051,808	\$5,050,000	Jul-33	3.54%	365,425	357,775	348,850	335,000	327,500	319,688	1,467,813	520,000
Senior Center (Series III)	Nov-11	14	\$8,051,808	\$1,050,500	May-34	2.83%	73,800	72,700	71,600	65,225	63,975	62,725	292,475	105,250
59 Lincoln Street & 89 School Street	May-12	8	\$1,175,000	\$52,500	Jul-32	2.93%	3,745	3,625	3,505	3,415	2,365	2,325	10,948	2,030
59 Lincoln Street & 89 School Street	May-12	8	\$1,175,000	\$1,005,000	Nov-32	3.39%	69,000	67,500	66,000	64,500	63,000	61,500	282,500	51,000
37-39 Lincoln Street	May-12	31	\$630,000	\$605,000	Nov-32	3.39%	41,400	40,500	39,600	38,700	37,800	36,900	169,500	30,600
51 Lincoln Street	Nov-12	17	\$1,100,000	\$950,000	Nov-32	3.39%	67,325	65,825	59,400	58,050	56,700	55,350	254,250	45,900
DPW Complex - Garage Bays	May-13	42	\$1,100,000	\$800,000	May-24	2.09%	85,200	83,600	82,000					
Pollard School Boiler Replacement	May-13	40	\$800,000	\$565,000	Jul-21	3.22%	71,050							
66 - 70 Chestnut Street	Nov-13	22	\$1,458,000	\$1,330,000	Nov-33	3.35%	99,750	96,950	94,150	91,350	88,550	85,750	397,075	144,200
Central Avenue/Elliott Street Bridge	May-15	43	\$2,000,000	\$500,000	Jan-27	4.00%	62,000	60,000	58,000	56,000	54,000	52,000		
Central Avenue/Elliott Street Bridge	May-15	43	\$2,000,000	\$240,000	Jul-21	5.00%	82,000							
High School Cafeteria Construction	Nov-15	11	\$2,100,000	\$1,500,000	Jan-27	4.00%	186,000	180,000	174,000	168,000	162,000	156,000		
Rosemary Recreational Complex	May-17	33	\$3,000,000	\$2,260,000	Jul-28	5.00%	360,000	198,750	191,250	183,750	176,250	168,750	315,000	
High School Expansion Construction	Oct-17	11	\$11,125,000	\$6,500,000	Jul-34	3.86%	838,500	489,125	472,875	456,625	440,375	424,125	1,906,125	1,018,875

Town of Needham - Debt Service Appendix A

Town of Needham Schedule of Outstanding Long Term Debt Service

							DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE
							2022	2023	2024	2025	2026	2027	2028 - 2032	After 2032
Project	TM Vote	Art		Amount Issued	Final Maturity	Average Rate								
High School Expansion Construction	Oct-17	11	\$11,125,000	\$4,004,000	Aug-34	4.13%	406,700	393,950	381,200	368,450	355,700	342,950	1,523,700	781,250
Memorial Park Building	May-18	30	\$2,918,000	\$970,000	Aug-29	5.00%	117,875	113,625	109,375	95,375	91,625	87,875	236,250	
Public works Storage Facility	May-18	35	\$3,503,000	\$1,025,000	Feb-25	5.00%	246,000	235,750	225,500	215,250				
Memorial Park Building	May-18	30	\$2,918,000	\$440,000	Feb-24	5.00%	126,500	121,000	115,500					
Public Works Infrastructure Program	May-18	34	\$250,000	\$140,000	Jul-23	5.00%	54,019	48,375	46,125					
Public Works Storage Facility	May-18	35	\$3,503,000	\$75,000	Jul-23	5.00%	27,198	26,875	25,625					
Total General Fund Debt Service Within the Levy Limit							3,982,551	3,167,356	2,983,168	2,576,803	2,218,453	2,134,484	7,120,219	2,745,005
Broadmeadow School (Refunding Bond)	May-00	31	\$15,550,000	\$8,400,000	Nov-23	3.00%	708,700	678,000	642,600					
Eliot School (Refunding Bond)	May-00	32	\$14,090,000	\$2,562,000	Nov-24	3.94%	284,400	269,500	259,700	249,900				
High School Series 1 (Refunding Bond)	May-03	31	\$51,300,000	\$4,775,000	Nov-25	3.97%	542,000	523,600	500,300	482,100	459,000			
High School (Series IIA) (Refunding Bond)	May-03	31	\$51,300,000	\$2,991,900	Aug-24		558,200	538,600	514,100	494,700				
High School (Series IIB) (Refunding Bond)	Feb-05	1	\$10,700,000	\$782,850	Aug-26		115,840	112,040	108,240	104,440	100,640	95,370		
High School (Refunding Bond)	Feb-05	1	\$10,700,000	\$1,149,000	Jul-27	5.00%	222,647	214,000	210,375	201,625	197,750	188,750	87,125	
High Rock School Design (Refunding Bond)	Nov-06	9	\$525,000	\$187,770	Aug-26		29,840	28,840	27,840	21,940	21,140	18,870		
High Rock & Pollard School Projects (Refunding Bond)	May-07	41	\$20,475,000	\$429,470	Aug-26		66,160	63,960	56,860	54,860	52,860	47,430		
High Rock & Pollard School Projects (Series III) (Refunding Bond)	May-07	41	\$20,475,000	\$2,253,010	Aug-27		312,060	297,160	287,360	272,660	258,160	245,330	234,600	
High Rock & Pollard School Projects (Refunding Bond)	May-07	41	\$20,475,000	\$3,788,500	Feb-29	4.30%	633,350	617,200	598,700	574,950	556,200	537,000	1,001,600	
Newman School Extraordinary Repairs (Series IV)	Nov-09	14	\$26,962,128	\$9,000,000	Jul-32	2.82%	592,180	574,100	556,020	542,460	529,460	520,500	2,445,815	449,645
Newman School Extraordinary Repairs (Series V)	Nov-09	14	\$26,962,128	\$2,200,000	Nov-32	3.39%	151,800	148,500	145,200	141,900	138,600	135,300	621,500	112,200
Newman School Extraordinary Repairs (Refunding Bond)	Nov-09	14	\$26,962,128	\$1,894,000	Jul-28	5.00%	314,063	311,375	299,625	292,750	280,750	273,625	471,500	

Town of Needham - Debt Service Appendix A

Town of Needham Schedule of Outstanding Long Term Debt Service

							DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE	DEBT SERVICE
							2022	2023	2024	2025	2026	2027	2028 - 2032	After 2032
Project	TM Vote	Art		Amount Issued	Final Maturity	Average Rate								
Owens Farm Land Purchase	Nov-15	13	\$7,000,000	\$7,000,000	Jan-42	3.70%	494,500	483,300	472,100	460,900	449,700	438,500	2,027,300	3,194,500
609 Central Land Purchase	May-16	7	\$762,500	\$730,000	Jan-39	3.68%	41,750	40,750	39,750	38,750	37,750	36,750	169,000	200,594
William School Construction Project	Oct-16	2	\$57,542,500	\$18,000,000	Jul-43	3.53%	1,333,800	1,297,800	1,261,800	1,225,800	1,189,800	1,153,800	5,293,800	10,372,500
William School Construction Project	Oct-16	2	\$57,542,500	\$7,400,000	Aug-41	3.48%	530,481	515,731	500,981	486,231	471,481	456,731	2,068,306	3,370,034
Public Safety Building & Station 2 Design	Oct-17	11	\$3,750,000	\$32,000	Jul-21	5.00%	32,404							
Public Safety Buildings Construction	Oct-18	10	\$66,245,000	\$11,565,000	Aug-44	3.36%	885,700	857,075	828,700	805,450	782,200	758,950	3,433,325	7,121,088
Public Safety Buildings Construction	Oct-18	10	\$66,245,000	\$18,540,000	Feb-40	2.86%	1,476,650	1,431,900	1,387,150	1,342,400	1,297,650	1,261,850	5,772,250	7,807,550
Public Safety Buildings Construction	Oct-18	10	\$66,245,000	\$19,160,000	Jul-40	2.70%	3,842,697	1,340,250	1,298,750	1,257,250	1,215,750	1,174,250	5,281,950	8,130,700
Total General Fund Debt Service Excluded from the Levy Limit							13,169,223	10,343,681	9,996,151	9,051,066	8,038,891	7,343,006	28,908,071	40,758,811
Town Hall (Series III)	May-09	35	\$7,200,000	\$1,225,000	Aug-26	2.63%	92,900	90,800	88,500	86,100	83,700	81,250		
Town Hall (Refunding Bond)	May-09	35	\$7,200,000	\$1,345,000	Jul-28	5.00%	216,374	219,625	211,375	203,125	199,750	191,250	356,750	
Town Hall (Series IV)	May-09	35	\$7,200,000	\$970,000	Jul-30	2.80%	68,425	66,225	64,025	62,375	61,275	60,175	209,438	
Rosemary Recreational Complex	May-17	33	\$8,000,000	\$4,000,000	Jul-37	3.57%	336,000	326,000	316,000	306,000	296,000	286,000	1,298,000	1,552,750
Rosemary Recreational Complex	May-17	33	\$8,000,000	\$3,221,000	Aug-37	3.74%	280,356	266,981	258,731	250,481	242,231	233,981	1,027,481	1,034,709
Total CPA Debt Service							994,056	969,631	938,631	908,081	882,956	852,656	2,891,669	2,587,459
Sewer Rehabilitation - Rte 128 Area (Refunding Bond)	Nov-05	9	\$3,500,000	\$500,000	Nov-22	4.00%	74,200	71,400						
Sewer Rehabilitation - Rte 128 Area (Refunding Bond)	Nov-05	9	\$3,500,000	\$36,000	Feb-28	4.39%	7,650	6,350	6,100	5,850	5,600	5,400	5,200	
Sewer Pump Station Reservoir B - MWPAT	Nov-11	15	\$6,300,000	\$6,034,290	Jan-33	2.15%	374,323	374,391	374,460	374,531	374,602	374,677	1,874,547	375,154
Wastewater System Rehabilitation	May-17	48	\$600,000	\$46,000	Feb-22	5.00%	21,000							

Town of Needham - Debt Service Appendix A

Town of Needham Schedule of Outstanding Long Term Debt Service

							DEBT SERVICE 2022	DEBT SERVICE 2023	DEBT SERVICE 2024	DEBT SERVICE 2025	DEBT SERVICE 2026	DEBT SERVICE 2027	DEBT SERVICE 2028 - 2032	DEBT SERVICE After 2032
Project	TM Vote	Art		Amount Issued	Final Maturity	Average Rate								
MWRA Sewer System Rehab - I/I Work	Jun-18	48	\$600,000	\$179,548	May-23		35,910	35,910						
MWRA Sewer System Rehab - I/I Work				\$440,000	Nov-24		88,000	88,000	88,000	88,000				
Total Sewer Fund Debt Service							601,082	576,050	468,560	468,381	380,202	380,077	1,879,747	375,154
Water System Rehabilitation - Rte 128 Area (Refunding Bond)	May-06	71	\$3,000,000	\$638,000	Nov-22	4.00%	127,000	117,300						
MWPAT Water DWS-08-24	May-08	47	\$1,900,000	\$765,335	Jul-30	2.00%	49,044	48,979	48,913	48,845	48,777	48,707	194,099	
Water Main Improvements	May-08	47	\$1,900,000	\$400,000	Nov-20	3.95%	45,600	44,000	42,400	40,800				
St Mary's Pump Station	May-13	47	\$5,565,100	\$1,995,000	May-34	2.85%	136,775	134,775	132,775	130,275	127,775	125,275	584,075	205,150
St Mary's Pump Station	May-13	47	\$5,565,100	\$1,700,000	Nov-33	3.36%	127,950	124,350	120,750	117,150	113,550	109,950	509,025	175,100
Water Service Connection Replacement (MWRA)	Jun-18	50	\$1,000,000	\$1,000,000	May-28		100,000	100,000	100,000	100,000	100,000	100,000	100,000	
Water System Rehabilitation (MWRA)	Jun-18	51	\$1,300,000	\$1,131,265	May-28		113,127	113,127	113,127	113,127	113,127	113,127	113,127	
Total Water Fund Debt Service							699,495	682,530	557,965	550,197	503,229	497,059	1,500,325	380,250
Total Debt Service							19,446,407	15,739,249	14,944,474	13,554,528	12,023,731	11,207,282	42,300,032	46,846,679

Note: Massachusetts Water Pollution Abatement Trust (MWPAT) loans include many communities and multiple loans and are restructured from time to time by the Trust. The program provides grants and other financial assistance which in some instances results in a low or no interest rate loan.

* Rate reflects the average coupon rate over the life of the loan.

Town of Needham - Debt Service Appendix A**Issued Long Term Debt Service**

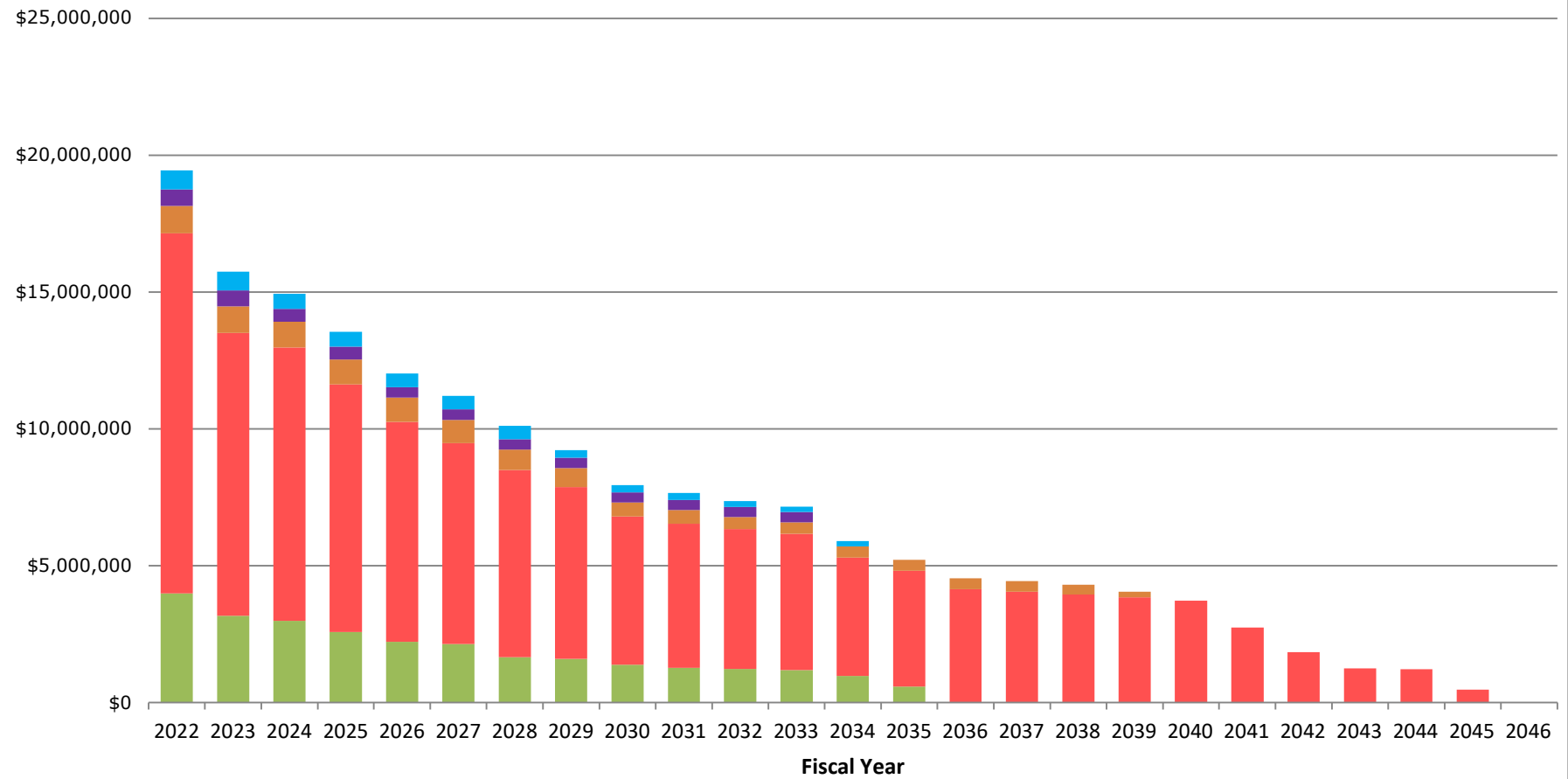
Fiscal Year	General	Excluded	CPA	Sewer	Water	Total
2022	\$3,982,551.27	\$13,169,223.06	\$994,055.57	\$601,082.43	\$699,495.06	\$19,446,407.39
2023	\$3,167,356.27	\$10,343,681.26	\$969,631.26	\$576,050.46	\$682,530.17	\$15,739,249.42
2024	\$2,983,167.52	\$9,996,151.26	\$938,631.26	\$468,559.50	\$557,964.58	\$14,944,474.12
2025	\$2,576,802.52	\$9,051,066.26	\$908,081.26	\$468,380.66	\$550,196.91	\$13,554,527.61
2026	\$2,218,452.52	\$8,038,891.26	\$882,956.26	\$380,202.39	\$503,228.76	\$12,023,731.19
2027	\$2,134,484.39	\$7,343,006.26	\$852,656.26	\$380,076.63	\$497,058.76	\$11,207,282.30
2028	\$1,651,051.26	\$6,851,198.76	\$738,543.76	\$379,952.24	\$491,411.50	\$10,112,157.52
2029	\$1,593,115.64	\$6,277,250.01	\$700,918.76	\$374,829.00	\$273,088.06	\$9,219,201.47
2030	\$1,381,686.27	\$5,408,413.76	\$514,668.76	\$374,907.65	\$267,663.04	\$7,947,339.48
2031	\$1,269,538.76	\$5,257,080.01	\$500,281.26	\$374,987.84	\$261,387.51	\$7,663,275.38
2032	\$1,224,827.50	\$5,114,128.76	\$437,256.26	\$375,070.14	\$206,775.00	\$7,358,057.66
2033	\$1,184,580.00	\$4,978,695.02	\$424,856.26	\$375,154.05	\$195,650.00	\$7,158,935.33
2034	\$977,268.75	\$4,316,878.14	\$413,556.26		\$184,600.00	\$5,892,303.15
2035	\$583,156.25	\$4,231,046.89	\$403,356.26			\$5,217,559.40
2036		\$4,144,362.51	\$393,056.26			\$4,537,418.77
2037		\$4,056,375.01	\$382,531.26			\$4,438,906.27
2038		\$3,945,940.63	\$366,853.13			\$4,312,793.76
2039		\$3,845,384.38	\$203,250.00			\$4,048,634.38
2040		\$3,720,753.13				\$3,720,753.13
2041		\$2,741,225.00				\$2,741,225.00

Town of Needham - Debt Service Appendix A

Issued Long Term Debt Service

Fiscal Year	General	Excluded	CPA	Sewer	Water	Total
2042		\$1,845,650.00				\$1,845,650.00
2043		\$1,252,300.00				\$1,252,300.00
2044		\$1,213,300.00				\$1,213,300.00
2045		\$466,900.00				\$466,900.00
2046						

Current Total Annual Long Term Debt Service
By Category
FY2022 - FY2046



General Excluded CPA Sewer Water

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DEBT
APPENDIX
B

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Town of Needham - Open Authorizations Appendix B**Open and Authorized Projects and Proposed Projects Financed by Debt**

Project	T M Vote	Article	Approved	Open or Requested Authorization
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Open General Fund Projects - as of March 30, 2022

Recycling and Transfer Station Property Improvements	May-18	37	\$645,000	\$535,000
Memorial Park Building Project	May-18	30	\$2,918,000	\$38,000
Public Works Storage Facility	May-18	35	\$3,503,000	\$2,353,000
Mitchell School Restroom Upgrades	Jun-20	23	\$676,700	\$660,000
Public Safety Buildings Construction	Jun-20	23	\$1,400,000	\$1,400,000
Emery Grover Renovation Design	Oct-21	7	\$1,475,000	\$1,475,000

TOTAL				\$6,461,000
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Proposed General Fund Projects for the 2022 ATM

Emery Grover Renovation	Pending			\$7,900,000
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TOTAL				\$7,900,000
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Open CPA Fund Projects - as of March 30, 2022

Rosemary Recreational Complex	May-17	33	\$8,000,000	\$87,500
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TOTAL				\$87,500
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Town of Needham - Open Authorizations Appendix B**Open and Authorized Projects and Proposed Projects Financed by Debt**

Project	T M Vote	Article	Approved	Open or Requested Authorization
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Proposed CPA Fund Projects for the 2022 ATM

Emery Grover Renovation	Pending			\$4,000,000
TOTAL				\$4,000,000

Open Sewer Enterprise Fund Projects - as of March 30, 2022

Sewer Main Replacement	May-21	39	\$363,000	\$363,000
TOTAL				\$363,000

Proposed Sewer Enterprise Fund Projects for the 2022 ATM

NONE				
TOTAL				\$0

Open Water Enterprise Fund Projects - as of March 30, 2022

Water Distribution System Improvements	May-19	41	\$4,500,000	\$4,150,000
Water Service Connections	May-21	41	\$1,000,000	\$1,000,000
TOTAL				\$5,150,000

Town of Needham - Open Authorizations Appendix B**Open and Authorized Projects and Proposed Projects Financed by Debt**

Project	T M Vote	Article	Approved	Open or Requested Authorization
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Proposed Water Enterprise Fund Projects for the 2022 ATM

NONE				
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TOTAL				\$0
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Open General Fund Projects Funded by Debt Exclusion - as of March 30, 2022

Williams Elementary School	Oct-16	2	\$57,542,500	\$226,633
Public Safety Building & Fire Station #2 Project	Oct-18	10	\$66,245,000	\$11,902,000

SUB TOTAL				\$12,128,633
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Proposed General Fund Projects for the 2022 ATM to be Funded by Debt Exclusion

NONE				
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TOTAL				\$0
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