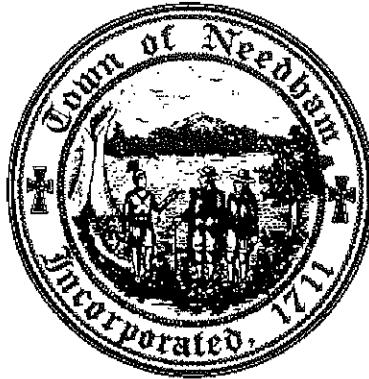


TOWN OF NEEDHAM

Office of the Town Clerk

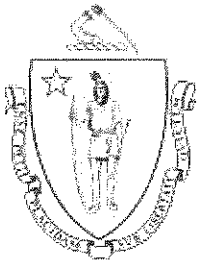


BY-LAWS

Approved By the Attorney General

Annual Town Meeting
May 1, 2017

August 31, 2017



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

August 31, 2017

Theodora K. Eaton, Town Clerk
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Re: Needham Annual Town Meeting of May 1, 2017 – Case # 8476
Warrant Articles # 23, 24, 25, 26, 27, 28, 29, 30, and 31 (Zoning)
Warrant Articles # 19, 58, 59, and 60 (General)

Dear Ms. Eaton:

Articles 19, 23, 24, 25, 26, 27, 28, 29, 30, 31, 58, 59, and 60 - We approve these Articles from the Needham May 1, 2017, Annual Town Meeting. Our comments on Article 19 are provided below.

Article 19 - Article 19 amends the Town's general by-laws by inserting a new Section 2.2.7, "Department Revolving Funds." General Laws Chapter 44, Section 53E ½, requires revolving funds to be established by by-law. Section 53 E ½ authorizes municipalities to establish revolving funds for "any fees, charges or other receipts from the departmental programs or activities supported by the revolving fund," to be accounted for separately from other monies in the town, and authorizes expenditures from such fund without further appropriation, subject to the provisions of Section 53 E ½. According to the Department of Revenue/Division of Local Services (DOR/DLS), the purpose of a departmental revolving fund is to enable the department to separately account for money received from a specific program or activity and to make expenditures from that separate account for that specific program or activity.

However, according to DOR/DLS, not all receipts may lawfully be deposited in a revolving fund. For example, property taxes, motor vehicle taxes, or revenues from general municipal activities, rather than those of a particular department, are not properly categorized as "fees, charges or other receipts from the departmental programs or activities supported by the revolving fund." See G.L. c 44, § 53 and 53E ½. In addition, receipts reserved by law (for example betterment payments under G.L. c. 44, § 53J), or receipts authorized by law for expenditure for a particular purpose (for example, local acceptance of G.L. c. 44B, Community Preservation Act), are expressly prohibited from being included in a revolving fund under the statute.

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NEEDHAM, MA 02492

The DOR/DLS has published several informational guidelines to provide information regarding municipal revenues and special funds. In particular, DOR/DLS has published Bulletin 2017-01B, "Authorization of Departmental Revolving Funds and Model By-law/Ordinance:"

<http://www.mass.gov/dor/docs/dls/publ/bull/2017/2017-01b.pdf>

and an "Overview of Statutory Treatment of Municipal Revenues:"

<http://www.mass.gov/dor/docs/dls/training/overview.pdf>

We approve the by-law created under Article 19. However, the Town should consult closely with Town Counsel to ensure that receipts designated for each revolving fund are not already reserved under other funds or statutes, and are properly included in the designated revolving fund. In addition, the Town should consult closely with Town Counsel to ensure that any deposits into a revolving fund are properly from "fees, charges or other receipts" associated with a specific departmental program or activity and that the funds are expended in connection with that specific program or activity, not for the general use of the department.

Further, G.L. c. 44, § 53E ½, requires the establishment of any revolving fund to be "made not later than the beginning of the fiscal year in which the fund shall begin." The Town established these revolving funds by by-law at a vote of Town Meeting on May 1, 2017, apparently with the intention that these funds be used during Fiscal Year 2018 (beginning July 1, 2017). According to DOR/DLS, all receipts collected during Fiscal Year 2018 can be credited to the revolving funds created under Article 19. The Town should consult with Town Counsel and/or DOR/DLS with any questions on this issue.

In light of the above, we offer specific comments on certain revolving funds established in the by-law.

A. Section 2.2.7.5.1 "School Transportation Revolving Fund."

The Town established a School Transportation revolving fund. The by-law states that the revenue source for this fund is "fee-based transportation program receipts . . ." General Laws Chapter 44, Section 53E ½, provides that the following receipts may not be used as a revenue source for a revolving fund: "receipts reserved by law or as authorized by law for expenditure for a particular purpose."

According to DOR/DLS, many fees, charges or other receipts pertaining to schools are not properly deposited into a departmental revolving fund because these school related fees have previously been designated by the Legislature for other specific funds. DOR/DLS has published a chart pertaining to specific school revolving funds to assist municipalities in determining where certain school related fees must, or may by local option, be deposited:

<http://www.mass.gov/dor/docs/dls/training/revolvingfundchartschool.pdf>

The Town should work closely with Town Counsel and DOR/DLS to review the School Transportation revolving fund to determine whether such fees are properly accounted for in a departmental revolving fund under G.L. c. 44, § 53E ½, or whether these school fees need to be accounted for in a separate school specific revolving fund, as detailed in the DOR/DLS link provided above.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

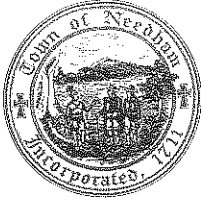
by: Kelli E. Gunagan, Assistant Attorney General
Municipal Law Unit
Ten Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel David S. Tobin

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2017

TOWN CLERK
August 31, 2017

NEEDHAM
10:14 A.M.



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

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AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 3, 2017

UNDER ARTICLE 23

It was

VOTED: That the Town vote to amend the Needham Zoning By-Law as follows:

- (a) In Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, by replacing Section 4.2 and by replacing Section 4.2.1, Table of Regulations with new sections 4.2.1, 4.2.2, 4.2.3 4.2.4. 4.2.5, 4.2.6 and 4.2.7, so that the entire section shall now read as follows:

"4.2 Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts

The terms used in the Table of Regulations in Sections 4.2.1, 4.2.2 and 4.2.3 below are as defined in Section 1.3 of the By-law except as otherwise noted below.

The symbol "NR" means no requirements.

The symbol "1/2" as to maximum stories means Half-story under Story as defined in Section 1.3 of the By-Law.

The term "New Construction" means any one or any combination of the following: (a) Any construction of a structure on a vacant lot; (b) Any construction which involves demolition of more than 50% (fifty percent) of the exterior frame or exterior envelope of an existing structure; (c) Any addition to an existing one-story structure which results in a gross floor area greater than 240% (two hundred forty percent) of the gross floor area of the existing structure; (d) Any addition to an existing one and one-half story structure which results in a gross floor area greater than 220% (two hundred twenty percent) of the gross floor area of the existing structure; and (e) Any addition to an existing two-story or two and one-half story structure which results in a gross floor area greater than 175% (one hundred seventy five percent) of the gross floor area of the existing structure. Gross floor area for purposes of this definition is as defined in Section 1.3 of the Zoning By-Law under the heading "Floor Area, Gross". For purposes of calculating the percentages of any construction, addition or demolition under this definition, all construction shall be taken into account which commenced, or could have commenced, pursuant to an issued permit within two (2) years prior to the date of any request for any permit to construct, re-construct, alter, add, extend or otherwise structurally change any structure.

4.2.1 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures on Lots Created by Deed or Plan Endorsed or Recorded Prior to January 9, 1986 and Not Including New Construction

Except as otherwise provided in Section 4.2.4 for public, semi-public and institutional uses, no building or structure that is not New Construction shall be constructed, altered, or relocated on any lot created by deed or plan endorsed or recorded prior to January 9, 1986 except in conformance with these regulations:

District	Min. Lot Area (sf)	Min. Frontage (ft)	Front Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Max. Floor Area Ratio (F.A.R.)	Max. Lot Coverage	Max. Stories	Max. Height (ft)
Rural Residence Conser- vation	43,560	150	50	25	25	NR	15%	2-1/2	35
Single Residence A	43,560	150	30	15 (a)	15 (a)	NR	NR	2-1/2	35
Single Residence B	10,000	80	20	10	10	NR	NR	2-1/2	35
General Residence	10,000	80	20	10	10	NR	NR	2-1/2	35

(a) Notwithstanding the foregoing, in the Single Residence A District, a change in the area, frontage or configuration of an existing improved lot created by deed or plan, endorsed or recorded before January 9, 1986, which includes a conforming structure or building shall not change the minimum side or rear line setback requirement of 15 feet provided that (i) no other dimensional violations of the By-Law are created as a result of such change in the area, frontage or configuration of such existing improved lot, (ii) such lot otherwise continues to be a conforming lot in terms of minimum lot area, frontage and build factor following such change in the area, frontage or configuration of such existing improved lot, and (iii) such change in the area, frontage or configuration of such existing improved lot does not result in the creation of any additional building lot. The deed conveying land by reference to a plan showing such change in the area, frontage or configuration of such existing improved lot shall contain a restriction affecting the land of both the grantor and the grantee prohibiting the creation of an additional building lot as a result of such conveyance.

4.2.2 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures, on Lots Created by Deed or Plan, Endorsed or Recorded on or After January 9, 1986 and Not Including New Construction

Except as otherwise provided in Section 4.2.4 for public, semi-public and institutional uses, no building or structure that is not New Construction shall be constructed, altered, or relocated on any lot created by deed or plan endorsed or recorded on or after January 9, 1986 except in conformance with these regulations:

District	Min. Lot Area (sf)	Min. Frontage (ft)	Front Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Max. Floor Area Ratio (F.A.R.)	Max. Lot Coverage	Max. Stories	Max. Height (ft)
Rural Residence Conser- vation	43,560	150	50	25	25	NR	15%	2-1/2	35
Single Residence	43,560	150	30	25	15	NR	NR	2-1/2	35

A									
Single Residence B	10,000	80	20	12.5 (a)	10	NR	NR	2-1/2	35
General Residence	10,000	80	20	12.5 (a)	10	NR	NR	2-1/2	35

- (a) Buildings and structures shall have a minimum sideline setback requirement of 12.5 feet in the Single Residence B and General Residence Districts. A maximum of 28 linear feet of structure, as measured parallel to the side lot line at the first-floor plane, may be constructed to the minimum side setback line. For the remaining length of structure, as measured parallel to the side lot line at the first-floor plane, the minimum sideline setback distance shall be increased to 14.5 feet. Notwithstanding anything to the contrary contained herein, the minimum sideline setback requirement for all buildings and structures on any lot in a Single Residence B District or General Residence District which contains less than 10,000 square feet or has less than 80 feet of frontage shall be 10.0 feet.

4.2.3 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures Created Through New Construction on any Lot

Except as otherwise provided in Section 4.2.4 for public, semi-public and institutional uses, no building or structure created through New Construction shall be constructed, altered, or relocated on any lot except in conformance with these regulations:

District	Min. Lot Area (sf)	Min. Frontage (ft)	Front Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Max. Floor Area Ratio (F.A.R.)	Max. Lot Coverage	Max. Stories	Max. Height (ft)
Rural Residence Conser- vation	43,560	150	50	25	25	NR	15%	2-1/2	35
Single Residence A	43,560	150	30	25	15	NR	NR	2-1/2	35
Single Residence B	10,000	80	20	12.5 (a)(d)	20	NR	25%-30% (b)	2-1/2	35
General Residence	10,000	80	20	12.5 (a)(d)	20	NR	30%-35% (c)	2-1/2	35

- (a) Buildings and structures shall have a minimum sideline setback requirement of 12.5 feet in the Single Residence B and General Residence Districts. A maximum of 28 linear feet of structure, as measured parallel to the side lot line at the first-floor plane, may be constructed to the minimum side setback line. For the remaining length of structure, as measured parallel to the side lot line at the first-floor plane, the minimum sideline setback distance shall be increased to 14.5 feet. Notwithstanding anything to the contrary contained herein, the minimum sideline setback requirement for all buildings and

structures on any lot in a Single Residence B District or General Residence District which contains less than 10,000 square feet or has less than 80 feet of frontage shall be 10.0 feet.

- (b) Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 5,500 square feet – 30%; For lots containing at least 5,500 square feet but less than 6,000 square feet – 29%; For lots containing at least 6,000 square feet but less than 6,500 square feet – 28%; For lots containing at least 6,500 square feet but less than 7,000 square feet – 27%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 26%; and For lots containing at least 7,500 square feet – 25%. For purposes of this section lot coverage shall be defined as that portion of a lot that is covered or occupied by buildings or structures, but excluding unenclosed porches and decks, and pools.
- (c) Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 7,000 square feet – 35%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 34%; For lots containing at least 7,500 square feet but less than 8,000 square feet – 33%; For lots containing at least 8,000 square feet but less than 8,500 square feet – 32%; For lots containing at least 8,500 square feet but less than 9,000 square feet – 31%; For lots containing at least 9,000 square feet – 30%. For purposes of this section lot coverage shall be defined as that portion of a lot that is covered or occupied by buildings or structures, but excluding unenclosed porches and decks, and pools.
- (d) Any building or structure that meets current zoning requirements but is prevented from commencing New Construction because the New Construction will be within the 12.5-foot sideline setback, but not within the 10-foot sideline setback, may commence the New Construction upon receipt of a special permit from the Board of Appeals under Section 7.5.2 of the Zoning By-Law, provided: (1) the New Construction meets all other requirements of the Zoning By-Law; (2) the Board determines that such change, extension, alteration, or enlargement would not be substantially more detrimental to the neighborhood than the existing structure; and (3) no more than 50% of the exterior frame or exterior envelope of the existing structure is demolished as a function of the proposed construction activity.

4.2.4 Table of Regulations for Public, Semi-Public and Institutional Uses in the Rural Residence Conservation, Single Residence A, Single Residence B and General Residence Districts and for the Institutional District

No building or structure for public, semi-public or institutional use, as listed in Section 3.2 Schedule of Use Regulations, shall be constructed, altered, or relocated on any lot except in conformance with these regulations:

District	Min. Lot Area (sf)	Min. Frontage (ft)	Front Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Max. Floor Area Ratio (F.A.R.)	Max. Lot Coverage	Max. Stories	Max. Height (ft)
Rural Residence Conser- vation	43,560	150	50	25	25	.30	15%	2-1/2 (g)	35
Single Residence A	43,560	150	35 (a)	25	25 (d)	.30	15%	2-1/2 (g)	35
Single Residence B	10,000	80	25 (b)	25 (c)	25 (d)	.30	15%	2-1/2 (g)	35
General Residence	10,000	80	25 (b)	25 (c)	25 (d)	.30	15%	2-1/2 (g)	35
Institutional	43,560	150	30	25 (e)	15	NR	15%	2-1/2 (f)	35 (f)

The terms used in the Table of Regulations above are as defined in Section 1.3 of the By-Laws.

The symbol "NR" means no requirements.

- (a) The setback area shall be kept open and landscaped with grass or other plant materials; such area shall be unpaved except for walks and driveways. The Board of Appeals may grant a special permit reducing the minimum front yard setback required by this footnote to no less than thirty (30) feet. (See Section 4.2.14)
- (b) The setback area shall be kept open and landscaped with grass or other plant materials; such area shall be unpaved except for walks and driveways. The Board of Appeals may grant a special permit reducing the minimum front yard setback required by this footnote to no less than twenty (20) feet. (See Section 4.2.14)
- (c) The Board of Appeals may grant a special permit reducing the minimum side yard setback required by this footnote to no less than twenty (20) feet. (See Section 4.2.14)
- (d) The Board of Appeals may grant a special permit reducing the minimum rear yard setback required by this footnote in a Single Residence A District to no less than fifteen (15) feet and the minimum rear yard setback required by this footnote in Single Residence B and General Residence Districts to no less than ten (10) feet. (See Section 4.2.14)
- (e) Buildings or structures on lots created by deed or plan, endorsed or recorded before January 9, 1986, shall have a minimum side line setback of 15 feet in the Institutional Districts.
- (f) Buildings and structures located in an Institutional District devoted to educational uses and uses accessory thereto and located at least 800 feet from any public way in the Town of Needham in existence as of September 1, 1998, shall have a maximum height in accordance with the following limitation:

<u>Roof Type</u>	<u>Average Height (feet)</u>	<u>Maximum Height at any single point (feet)</u>
Flat Roof	63*	68*
Sloping Roof Top of Roof	85	90
Wall, cornice or eave line	63*	68*
Gabled endwalls	63*	68*

There shall be no limit on the number of stories of such buildings. The foregoing limitations are not intended to supercede any of the requirements of the Massachusetts State Building Code.

*The Board of Appeals may grant a Special Permit to allow the average height of a structure to increase as much as an additional seven (7) feet above the average height listed.

- (g) See the definition of Half-story, under Story in the Definitions section.

4.2.5 Build Factor Formula

In order to limit the degree to which a lot may have an irregular shape, the following **build factor formula** shall be used:

$$\frac{\text{Lot Perimeter Squared}}{\text{Actual Lot Area}} \text{ Divided By } \frac{\text{Actual Lot Area}}{\text{Required Lot Area}}$$

Lots recorded or endorsed after August 22, 1985 shall be subject to a maximum Build Factor of 20 in Single Residence B and General Residence Districts and 30 in Single Residence A and Institutional Districts. Lots recorded or endorsed prior to August 22, 1985 may not be modified such that the Build Factor of the modified lot exceeds 20 in SRB and General Residence Districts or 30 in SRA and Institutional Districts. Lots recorded or endorsed after February 16, 1995 shall be subject to a maximum Build Factor of 30 in a Rural Residence Conservation District. Lots recorded or endorsed prior to February 16, 1995 may not be modified such that the Build Factor of the modified lot exceeds 30 in a Rural Residence Conservation District.

4.2.6 Lot Area Calculation

No portion of a lot which is covered by a water body shall be counted in calculating the area of a lot for purposes of determining the respective minimum lot areas as listed in the Tables 4.2.1, 4.2.2, 4.2.3, and 4.2.4 above. Not more than a combined total of thirty (30) percent of: (a) land located in a Flood Plain District; (b) land area subject to the Wetlands Protection Act and the Inlands Wetlands Act, M.G.L., Ch. 131, S. 40 and 40A (but not including any area defined as a buffer area under said statutes); and (c) land subject to federal flood storage restrictions included within the Charles River Valley Storage Project shall be counted in calculating the area of a lot for purposes of determining the respective minimum lot areas in Single Residence A, Single Residence B, General Residence and Institutional Districts. The provisions of the second sentence of this paragraph (a) shall apply in Single Residence A, Single Residence B and General Residence Districts to any lot created after May 8, 1989.

Not more than a combined total of ten (10) percent of: (a) land located in a Flood Plain District; (b) land areas subject to the Wetlands Protection Act and the Inland Wetlands Act, M.G.L., Ch. 131, S. 40 and 40A (but not including any area defined as a buffer area under said statutes); and (c) land subject to federal flood storage restrictions included within the Charles River Valley Storage Project shall be counted in calculating the area of a lot for purposes of determining the minimum lot area in a Rural Residence-Conservation District as listed in the Tables 4.2.1, 4.2.2, 4.2.3, and 4.2.4 above.

4.2.7 Special Regulations for Rural Residence – Conservation District

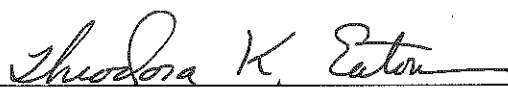
- (a) Lot Coverage No building or structure, or addition to any building or structure, but not including accessory buildings or structures, shall be erected or placed on a lot which will result in the covering by buildings or structures of more than fifteen percent (15%) of the lot area in a Rural Residence-Conservation District.
- (b) Vegetative Buffer In a Rural Residence-Conservation District, the first thirty-five (35) feet of the required minimum front setback of fifty (50) feet, as measured from Chestnut Street and from the designated Scenic Roads of South Street and Charles River Street, shall remain as a natural vegetative buffer not to be cut or cleared except for normal maintenance and vehicular access, including private driveways and subdivision roadways.”
- (b) In Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, by renumbering Section 4.2.2 as 4.2.8, Section 4.2.3 as 4.2.9, Section 4.2.4 as 4.2.10, Section 4.2.5 as 4.2.11, Section 4.2.6 as 4.2.12, Section 4.2.7 as 4.2.13, and 4.2.8 as 4.2.14.
- (c) Amend the Needham Zoning By-Law by revising and updating all references in the By-Law to Section 4.2 and its associated subsections from the captions, as well as from the text and the respective zoning requirements as follows:
 - 1. Amend Section 1.4.7.2 Alteration of Single-Family and Two-Family Dwellings, by replacing in the first sentence the phrase “Section 4.2.1(g)(i)(j)(k)” with the phrase “Section 4.2.3”.
 - 2. Amend Section 1.4.7.3 Reconstruction of Single-Family and Two-Family Dwellings Located in a Zoning District Where the Use is Permitted, by replacing in the first sentence the phrase “Section 4.2.1(g)(i)(j)(k)” with the phrase “Section 4.2.3”.
 - 3. Amend Section 1.4.7.4 Reconstruction of Two-Family Dwellings Located in a Single Residence A, Single Residence B or Rural Residence-Conservation District Where the Use is Prohibited, by replacing in the first sentence of the first paragraph and again in paragraph “(d)” the phrase “Section 4.2.1(g)(i)(j)(k)” with the phrase “Section 4.2.3”.
 - 4. Amend Section 3.2.1 Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, and Industrial-1 Districts, by replacing in the schedule of uses table under the category “Residence” the entry “PRD (See 4.2.5)” with the entry “PRD (See 4.2.11)” and by further replacing the entry “RC (See 4.2.6)” with the entry “RC (See 4.2.12)”.
 - 5. Amend Section 3.2.1 Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, and Industrial-1 Districts, by replacing in the schedule of uses table under the entry which reads “The use of a single-family detached dwelling for a residential hospice house”, *footnote (3)(a), the phrase “s.4.2.1 (a)” with the phrase “Section 4.2.6”.
 - 6. Amend Section 3.6.6 Dimensional Regulations for the Medical Overlay District, Subsection 3.6.6.1 Lot Area, Frontage and Setback Requirements, by replacing in the second sentence the phrase “Section 4.2.7 Reduction in Dimensional Regulations” with the phrase “Section 4.2.13 Reduction in Dimensional Regulations”.
 - 7. Amend Section 3.6.6 Dimensional Regulations for the Medical Overlay District, Subsection 3.6.6.3 Building Height Requirements, by replacing in the second sentence the phrase “Section 4.2.1” with the phrase “Sections 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, 4.2.7”.

8. Amend Section 3.12.6 Dimensional Regulations for the Elder Services Zoning District, subparagraph (d), by replacing in the last sentence the phrase "Section 4.2.7 (a)-(f)" with the phrase "Section 4.2.13 (a)-(f)".
9. Amend Section 3.13 Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District, Subsection 3.13.6.7 Dimension, Density and Parking Requirements, subparagraph (h), by replacing in the first sentence the phrase "(per Section 4.2.8)" with the phrase "(per Section 4.2.14)".
10. Amend Section 4.1.5 Minimum Required Lot Width, by replacing in the first sentence the phrase "Sections 4.2.1, 4.3.1, 4.4.1 and 4.6.1;" with the phrase "Sections 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.3.1, 4.4.1 and 4.6.1;"
11. Amend Section 4.2.8 Height Limitation Exception, as follows: by replacing in the first sentence of the first paragraph the phrase "Section 4.2.1" with the phrase "Section 4.2.4"; by replacing in the third sentence of the second paragraph the phrase "footnote (h) of Section 4.2.1 Table of Regulations" with the phrase "footnote (f) of Section 4.2.4 Table of Regulations for Public, Semi-Public and Institutional Uses in the Rural Residence Conservation, Single Residence A, Single Residence B and General Residence Districts and for the Institutional District"; by replacing in the first sentence of the third paragraph the phrase "Section 4.2.1, footnote (h)" with the phrase "Section 4.2.4, footnote (f)"; by replacing in the second sentence of the fourth paragraph the phrase "Section 4.2.1" with the phrase "Sections 4.2.1, 4.2.2, 4.2.3 and 4.2.4"; and by replacing in the first sentence of the fifth paragraph the phrase "Section 4.2.1" with the phrase "Section 4.2.4".
12. Amend Section 4.2.10 Flexible Development Consistent with the Subdivision Control Law, Subsection (a), General, by replacing in the first sentence the phrase "Section 4.2.4" with the phrase "Section 4.2.10" and by further replacing the phrase "Sections 4.2.1, 4.2.2 and 4.2.3" with the phrase "Sections 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, 4.2.7, 4.2.8 and 4.2.9."
13. Amend Section 4.2.10 Flexible Development Consistent with the Subdivision Control Law, Subsection (b), Dimensional Requirements, by replacing in the first sentence the phrase "Section 4.2.1" with the phrase "Sections 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, and 4.2.7."
14. Amend Section 4.2.10 Flexible Development Consistent with the Subdivision Control Law, Subsection (b), Dimensional Requirements, sub-paragraph (4) Setback, by replacing in the first sentence the phrase "Section 4.2.1" with the phrase "Sections 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, and 4.2.7" and by further replacing in the third sentence the phrase "4.2.1" with the phrase "Sections 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, and 4.2.7".
15. Amend Section 4.2.10 Flexible Development Consistent with the Subdivision Control Law, Subsection (d), Documentation, by replacing in the first and second sentences the phrase "Section 4.2.4" with the phrase "Section 4.2.10."
16. Amend Section 4.2.13 Reductions in Dimensional Regulations by Special Permit, by replacing in the first sentence the phrase "Section 4.2.1" with the phrase "Section 4.2.4".
17. Amend Section 4.2.14, Screening for Public, Semi-Public and Institutional Uses, by replacing in the second sentence the phrase "Section 4.2.8.3" with the phrase "Section 4.2.14.3".
18. Amend Section 4.3 Dimensional Regulations for Apartment District, Subsection 4.3.5 Setback for Other Uses, by replacing in the first sentence the phrase "Section 4.2.1" with the phrase "Sections 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, 4.2.7".
19. Amend Section 6.4, Outdoor Parking of Vehicles, Subsection 6.4.1 Basic Requirements, sub-paragraph (b), by replacing the phrase "Section 4.2.1" with the phrase "Sections 4.2.1, 4.2.2, 4.2.3, and 4.2.4".
20. Amend Section 7.5.2 Special Permits, Subsection 7.5.2.2 Conditions for Approval of a Special Permit, sub-paragraph (a), by replacing the phrase "4.2.8" with the phrase "4.2.14".
21. Amend Section 7.6 Planning Board, Subsection 7.6.1 Special Permit Granting Authority, by replacing in the first sentence the phrase "4.2.4, 4.2.5, 4.2.6" with the phrase "4.2.10, 4.2.11, 4.2.12".
22. Amend Section 7.7 Design Review, Subsection 7.7.2.2 Authority and Specific Powers, by replacing in the first sentence the phrase "4.2.5" with the phrase "4.2.11" and by further replacing the phrase "4.2.4" with the phrase "4.2.10".
23. Amend Section 7.7 Design Review, Subsection 7.7.3 Procedure, by replacing in the second sentence of the second paragraph the phrase "4.2.5" with the phrase "4.2.11" and by further replacing the phrase "4.2.4" with the phrase "4.2.10".
24. Amend Section 7.7 Design Review, Subsection 7.7.3 Procedure, by replacing in the fifth paragraph the phrase "4.2.5" with the phrase "4.2.11".

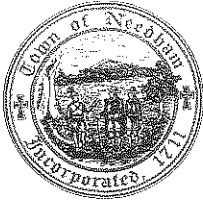
And provided further that such amendment shall not be effective until June 1, 2017.

TWO-THIRDS VOTE ON A VOICE VOTE
DECLARED BY THE MODERATOR

A true copy
ATTEST:



Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

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AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 3, 2017

UNDER ARTICLE 24

It was

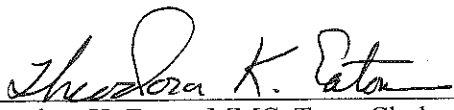
VOTED: That the Town vote to amend footnote (a) to the tables contained within Sections 4.2.2 and 4.2.3 of the Needham Zoning By-Law as amended by Article 23 of this Town Meeting by deleting the final sentence of each such footnote so that, as amended, the footnotes would read as follows:

(a) *Buildings and structures shall have a minimum sideline setback requirement of 12.5 feet in the Single Residence B and General Residence Districts. A maximum of 28 linear feet of structure, as measured parallel to the side lot line at the first-floor plane, may be constructed to the minimum side setback line. For the remaining length of structure, as measured parallel to the side lot line at the first-floor plane, the minimum sideline setback distance shall be increased to 14.5 feet.*

And provided further that such amendment shall not be effective until June 1, 2017.

TWO-THIRDS VOTE ON A VOICE VOTE
DECLARED BY THE MODERATOR

A true copy
ATTEST:


Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

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AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 3, 2017

UNDER ARTICLE 25

It was

VOTED: That the Town vote to make the following three amendments to Section 4.2 of the Needham Zoning By-Law as amended by Article 23 of this Town Meeting, as follows:

1. By inserting a new definition in Section 4.2 for "Height" as follows:

Height - Height shall be measured using one of the following two alternative methods, the method to be determined at the discretion of the applicant: (1) the vertical distance from average original grade or finished grade, whichever is lower, of the land surrounding the footprint of the structure to the highest point of a structure or roof of a building. The average height shall be measured starting at one corner of the structure measuring the height of the structure to the highest point above grade, and measurements shall be taken every 10 linear feet. The height limit under this method is 35 feet. For purposes of this alternative, original grade shall be defined as the grade of the lot before any regrading, demolition or development begins. If an existing structure is to be demolished, the original grade shall be the grade determined prior to demolition of the structure. If there is no existing structure on the property, the natural grade of the property, prior to any modification, shall be considered the original grade; except in new subdivisions where the original grade shall mean the approved and recorded grade; or (2) the height of the structure measured from a single point in the street centerline which is the average elevation of the highest 1/3 of the property's street frontage. The height limit under this method is 32 feet.

2. By inserting new footnotes (b) and (c) to the "Max. Height" in the Single Residence B and General Residence Districts on the tables contained in Sections 4.2.1 and 4.2.2, such footnotes to read as follows:

(b) The maximum height at any point of any building or structure shall not exceed 41 feet above the lower of original or finished grade.

(c) If all or a portion of a basement wall is exposed for the full height of the wall, dormers in the one-half story above the basement wall shall not be permitted.

3. By inserting new footnotes (e) and (f) to the "Max. Height" in the Single Residence B and General Residence Districts on the table contained in Section 4.2.3, such footnotes to read as follows:

(e) The maximum height at any point of any building or structure shall not exceed 41 feet above the lower of original or finished grade.

(f) If all or a portion of a basement wall is exposed for the full height of the wall, dormers in the one-half story above the basement wall shall not be permitted.

And provided further that such amendments shall not be effective until June 1, 2017.

TWO-THIRDS VOTE ON A VOICE VOTE
DECLARED BY THE MODERATOR

A true copy

ATTEST:



Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

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AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 3, 2017

UNDER ARTICLE 26

It was

VOTED: That the Town vote to make the following four amendments to Section 4.2 of the Needham Zoning By-Law as amended by Article 23 of this Town Meeting, as follows:

1. By inserting a new definition in Section 4.2 for "Floor Area Ratio" as follows:

The term "Floor Area Ratio" means the floor area divided by the lot area. Floor area shall be the sum of the horizontal areas of the several floors of each building on a lot, as measured from the exterior faces of the exterior walls, but excluding basements, attics, half-stories located directly above the second floor, unenclosed porches, and up to 600 square feet of floor area intended and designed for the parking of automobiles whether in accessory buildings or structures, or in main buildings or structures.

2. By inserting a new requirement for Floor Area Ratio of ".36-.38" for the Single Residence B District, in the tables in Sections 4.2.1, 4.2.2 and 4.2.3
3. By inserting a footnote (d) for the Floor Area Ratio in the Single Residence B District on the tables contained in Sections 4.2.1 and 4.2.2, such footnotes to read as follows:

(d) *The maximum floor area ratio shall be as follows: for lots containing less than 12,000 square feet – .38; and for lots containing 12,000 or more square feet – .36.*

4. By inserting a footnote (g) for the Floor Area Ratio in the Single Residence B District on the table contained in Section 4.2.3, such footnote to read as follows:

(g) *The maximum floor area ratio shall be as follows: for lots containing less than 12,000 square feet – .38; and for lots containing 12,000 or more square feet – .36.*

And provided further that such amendments shall not be effective until June 1, 2017.

UNANIMOUS VOTE

A true copy
ATTEST:


Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

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AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 3, 2017

UNDER ARTICLE 27

It was

VOTED: That the Town vote to make the following eight amendments to Section 4.2 of the Needham Zoning By-Law as amended by Article 23 of this Town Meeting, as follows:

1. By inserting new definitions for Front Yard Setback, Side Yard Setback, Rear Yard Setback and Lot Coverage in Section 4.2 as follows:

Front Yard Setback - the minimum horizontal distance from a front lot line of a lot to the nearest portion of the exterior wall sheathing of a building or structure. The following elements are permitted in the front yard setback: (i) uncovered steps; (ii) roof overhangs projecting not more than 2 feet from the wall of a building; (iii) siding and trim projecting not more than 6 inches from the wall of a building; (iv) first floor bay windows that do not have a foundation nor create any floor area nor project more than 2 feet from the wall of a building, provided that the width of a single bay window is limited to 8 feet, total overall area of a bay or bays is limited to 25% of the first floor wall area where the bay or bays are installed, and roofs on bay windows may project an additional 6 inches into the setback; and (v) unenclosed, covered or uncovered landings or entrance porches located on the first floor and having no habitable space directly above, provided that no more than a maximum of 50 square feet of said landing or porch is allowed in the front setback and the maximum porch or landing projection into the front setback is limited to 5 feet.

Side Yard Setback - the minimum horizontal distance from a side line of a lot to the nearest portion of the exterior wall sheathing of a building or structure. The following elements are permitted in the side yard setback: (i) uncovered steps; (ii) roof overhangs projecting not more than 2 feet from the wall of a building; (iii) siding and trim projecting not more than 6 inches from the wall of a building; (iv) unenclosed, covered or uncovered landings which neither exceed a total area of 25 square feet nor project more than 4 feet from the face of a building; (v) first floor bay windows that do not have a foundation nor create any floor area nor project more than 2 feet from the wall of a building, provided that the width of a single bay window is limited to 8 feet, total overall area of a bay or bays is limited to 25% of the first floor wall area where the bay or bays are installed, and roofs on bay windows may project an additional 6 inches into the setback; (vi) attached chimneys and fireplace enclosures projecting not more than 2 feet from the wall of a building; and (vii) covered basement entrances (bulkheads) which neither exceed a total area of 40 square feet nor a maximum height of 3.5 feet nor project more than 7.5 feet from the wall of a building.

Rear Yard Setback - the minimum horizontal distance from the rear line of a lot to the nearest portion of the exterior wall sheathing of a building or structure. The following elements are permitted in the rear yard setback: (i) uncovered steps; (ii) roof overhangs projecting not more than 2 feet from the wall of a building; (iii) siding and trim projecting not more than 6 inches from the wall of a building; (iv) unenclosed, covered and uncovered landings which neither exceed a total area of 25 square feet nor project more than 4 feet from the face of a building; (v) first floor bay windows that do not have a foundation nor create any floor area nor project more than 2 feet from the wall of a building, provided that the width of a single bay window is limited to 8 feet, total overall area of a bay or bays is limited to 25% of the first floor wall area where the bay or bays are installed, and roofs on

bay windows may project an additional 6 inches into the setback; (vi) attached chimneys and fireplace enclosures projecting not more than 2 feet from the wall of a building; and (vii) covered basement entrances (bulkheads) which neither exceed a total area of 40 square feet nor a maximum height of 3.5 feet nor project more than 7.5 feet from the wall of a building.

Lot Coverage - that portion of a lot that is covered or occupied by any building or structure, but excluding unenclosed, covered or uncovered landings or porches (unless such covered landings or porches have habitable space directly above), steps, roof overhangs, bay windows, chimneys and bulkheads as permitted in required setbacks as provided above, as well as outdoor fireplaces, decks, patios and pools.

2. By amending subsection (b) of the definition of "New Construction" so that, as amended, it shall read: "(b) Any construction which involves demolition of more than 50% (fifty percent) of the building shell exclusive of demolition of a single story attached garage;"
3. By deleting the final sentence in footnotes (b) and (c) to the Table contained in Section 4.2.3, so that, as amended, such footnotes read as follows:
 - (b) *Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 5,500 square feet – 30%; For lots containing at least 5,500 square feet but less than 6,000 square feet – 29%; For lots containing at least 6,000 square feet but less than 6,500 square feet – 28%; For lots containing at least 6,500 square feet but less than 7,000 square feet – 27%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 26%; and For lots containing at least 7,500 square feet – 25%.*
 - (c) *Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 7,000 square feet – 35%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 34%; For lots containing at least 7,500 square feet but less than 8,000 square feet – 33%; For lots containing at least 8,000 square feet but less than 8,500 square feet – 32%; For lots containing at least 8,500 square feet but less than 9,000 square feet – 31%; For lots containing at least 9,000 square feet – 30%.*
4. By changing the Side Setbacks in the Single Residence B and General Residence Districts to 14 feet on the tables contained in Sections 4.2.1, 4.2.2 and 4.2.3.
5. By inserting new footnotes (e) and (f) for Side Setback in the Single Residence B and General Residence Districts on the table contained in Section 4.2.1, such footnotes to read as follows:
 - (e) *The minimum side yard setback is 14 feet, and a maximum of 32 linear feet of structure may be built at the minimum setback line, as measured parallel to the side lot line, provided that the remaining length of structure along the side yard setback must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet, and a maximum of 32 linear feet of structure may be built at the minimum setback distance, as measured parallel to the side lot line, provided that the remaining length of structure along the side yard setback must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2 foot offset.*
 - (f) *Existing single family or two-family structures non-conforming for side yard setback and for which the building permit for the existing structure was issued prior to June 1, 2017, may be altered or structurally changed as-of-right to a 10-foot setback, notwithstanding the provisions of Section 1.4.7.2, provided any demolition of the existing structure does not exceed 50% of the building shell exclusive of demolition of a single story attached garage and further provided that the structure shall not be closer to the side lot line than the farthest extent of the existing structure. For the purposes of this footnote, the definition of "setback" in Section 1.3 of these By-Laws shall control.*
6. By amending footnote (a) to the table contained in Sections 4.2.2 and 4.2.3 so that, as amended, such footnotes reads as follows:
 - (a) *The minimum side yard setback is 14 feet, and a maximum of 32 linear feet of structure may be built at the minimum setback line, as measured parallel to the side lot line, provided that the remaining length of structure along the side yard setback must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet, and a maximum of 32 linear feet of structure may be built at the minimum setback distance, as measured parallel to the side lot line, provided that the remaining length of structure along the side yard setback must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2 foot offset.*
7. By inserting a new footnote (e) to Side Setback for the Single Residence B and General Residence Districts on the table contained in Section 4.2.2, such footnote to read as follows:

(e) Existing single family or two-family structures non-conforming for side yard setback and for which the building permit for the existing structure was issued prior to June 1, 2017, may be altered or structurally changed as-of-right to a 12.5 foot setback, notwithstanding the provisions of Section 1.4.7.2, provided any demolition of the existing structure does not exceed 50% of the building shell exclusive of demolition of a single story attached garage and further provided that the structure shall not be closer to the side lot line than the farthest extent of the existing structure. For the purposes of this footnote, the definition of "setback" in Section 1.3 of these By-Laws shall control.

8. By deleting footnote (d) for Side Setback in the Single Residence B and General Residence Districts on the table contained in Section 4.2.3.

And provided further that such amendments shall not be effective until June 1, 2017.

TWO-THIRDS VOTE ON A VOICE VOTE
DECLARED BY THE MODERATOR

A true copy

ATTEST:


Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

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AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 3, 2017

UNDER ARTICLE 28

It was

VOTED: That the Town vote to make the following three amendments to Section 4.2 of the Needham Zoning By-Law as amended by Article 23 of this Town Meeting, as follows:

1. By inserting new footnotes (g) and (h) for Front Setback in the Single Residence B and General Residence Districts on the table contained in Section 4.2.1, such footnotes to read as follows:

(g) Attached garages shall have a minimum front yard setback of 25 feet. For corner lots the increased front yard setback of 25 feet is required along both frontage streets.

(h) Existing single family or two-family structures non-conforming for front yard garage setback and for which the building permit for the existing structure was issued prior to June 1, 2017, may be altered or structurally changed as-of-right to a 20-foot setback, notwithstanding the provisions of Section 1.4.7.2, provided any demolition of the existing structure does not exceed 50% of the building shell exclusive of demolition of a single story attached garage and further provided that the garage structure shall not be closer to the front lot line than the farthest extent of the existing garage structure. For the purposes of this footnote, the definition of "setback" in Section 1.3 of these By-Laws shall control.

2. By inserting new footnotes (f) and (g) for Front Setback in the Single Residence B and General Residence Districts on the table contained in Section 4.2.2, such footnotes to read as follows:

(f) Attached garages shall have a minimum front yard setback of 25 feet. For corner lots the increased front yard setback of 25 feet is required along both frontage streets.

(g) Existing single family or two-family structures non-conforming for front yard garage setback and for which the building permit for the existing structure was issued prior to June 1, 2017, may be altered or structurally changed as-of-right to a 20-foot setback, notwithstanding the provisions of Section 1.4.7.2, provided any demolition of the existing structure does not exceed 50% of the building shell exclusive of demolition of a single story attached garage and further provided that the garage structure shall not be closer to the front lot line than the farthest extent of the existing garage structure. For the purposes of this footnote, the definition of "setback" in Section 1.3 of these By-Laws shall control.

3. By inserting a new footnote (h) for Front Setback in the Single Residence B and General Residence Districts on the table contained in Section 4.2.3, such footnote to read as follows:

(h) *Attached garages shall have a minimum front yard setback of 25 feet. For corner lots the increased front yard setback of 25 feet is required along both frontage streets.*

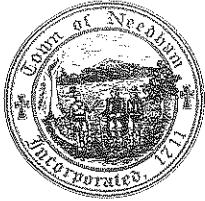
And provided further that such amendments shall not be effective until June 1, 2017.

TWO-THIRDS VOTE ON A VOICE VOTE
DECLARED BY THE MODERATOR

A true copy

ATTEST:


Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

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AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 3, 2017

UNDER ARTICLE 29

It was

VOTED: That the Town vote to make the following three amendments to Section 4.2 of the Needham Zoning Bylaw as amended by Article 23 of this Town Meeting, as follows:

1. By Changing the Max. Lot Area Coverage in the Single Residence B District to 25%-30% and General Residence District to 30%-35% in the Tables contained in Section 4.2.1 and 4.2.2.
2. By inserting new footnotes (i) and (j) for Max. Lot Coverage in the Single Residence B and General Residence Districts on the table contained in Section 4.2.1, such footnotes to read as follows:
 - (i) Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 5,500 square feet – 30%; For lots containing at least 5,500 square feet but less than 6,000 square feet – 29%; For lots containing at least 6,000 square feet but less than 6,500 square feet – 28%; For lots containing at least 6,500 square feet but less than 7,000 square feet – 27%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 26%; and For lots containing at least 7,500 square feet – 25%.
 - (j) Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 7,000 square feet – 35%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 34%; For lots containing at least 7,500 square feet but less than 8,000 square feet – 33%; For lots containing at least 8,000 square feet but less than 8,500 square feet – 32%; For lots containing at least 8,500 square feet but less than 9,000 square feet – 31%; For lots containing at least 9,000 square feet – 30%.
3. By inserting new footnotes (h) and (i) for Max. Lot Coverage in the Single Residence B and General Residence Districts on the table contained in Section 4.2.2, such footnotes to read as follows:
 - (h) Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 5,500 square feet – 30%; For lots containing at least 5,500 square feet but less than 6,000 square feet – 29%; For lots containing at least 6,000 square feet but less than 6,500 square feet – 28%; For lots containing at least 6,500 square feet but less than 7,000 square feet – 27%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 26%; and For lots containing at least 7,500 square feet – 25%.
 - (i) Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 7,000 square feet – 35%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 34%; For lots containing at least 7,500 square feet but less than 8,000

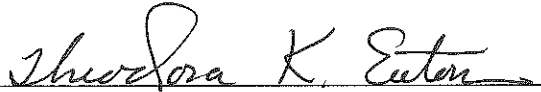
square feet -- 33%; For lots containing at least 8,000 square feet but less than 8,500 square feet -- 32%; For lots containing at least 8,500 square feet but less than 9,000 square feet -- 31%; For lots containing at least 9,000 square feet -- 30%.

And provided further that such amendments shall not be effective until June 1, 2017.

UNANIMOUS VOTE

A true copy

ATTEST:

A handwritten signature in cursive script, reading "Theodora K. Eaton", written over a horizontal line.

Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

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AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 3, 2017

UNDER ARTICLE 30

It was

VOTED: That the Town vote to make the following two amendments to Section 4.2 of the Needham Zoning By-Law as amended by Article 23 of this Town Meeting, as follows:

1. By amending the definition of "New Construction" so that, as amended, it shall read: "The term 'New Construction' means any one or any combination of the following: (a) Any construction of a structure on a vacant lot; and (b) Any construction which involves demolition of more than 50% (fifty percent) of the building shell exclusive of demolition of a single story attached garage. For purposes of calculating the percentages of any demolition under this definition, all demolition shall be taken into account which commenced, or could have commenced, pursuant to an issued permit within two (2) years prior to the date of any request for any permit to construct, re-construct, alter, add, extend or otherwise structurally change any structure."
2. By inserting a new footnote (i) for Front Setback in the Single Residence B and General Residence Districts on the table contained in Section 4.2.3, such footnote to read as follows:
 - (i) Existing single or two-family structures non-conforming for front yard garage setback where demolition exceeds 50% of the building shell exclusive of demolition of a single story attached garage and for which the building permit for the existing structure was issued prior to June 1, 2017 may be altered, extended or structurally changed (but not reconstructed) to a front yard garage setback of 20 feet upon receipt of a special permit from the Board of Appeals under Section 7.5.2 of the Zoning By-Law provided: (1) the new construction meets all other requirements of the Zoning By-Law; (2) the garage structure is sited no closer to the front lot line than the farthest extent of the existing garage structure; and (3) the Board determines that such change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said special permit may be granted notwithstanding the provisions of Section 1.4.7.2. For the purposes of this footnote, the definition of "setback" in Section 1.3 of these Bylaws shall control.
3. By inserting a new footnote (j) for Side Setback in the Single Residence B and General Residence Districts on the table contained in Section 4.2.3, such footnote to read as follows:
 - (j) Existing single or two-family structures non-conforming for side yard setback where demolition exceeds 50% of the building shell exclusive of demolition of a single story attached garage and for which the building permit for the existing structure was issued prior to June 1, 2017 may be altered, extended or structurally changed (but not reconstructed) to a side yard setback of 10 feet upon a lot created by deed or plan endorsed or recorded prior to January 9, 1986 and to a side yard setback of 12.5 feet upon a lot created by deed or plan endorsed or recorded on or after January 9, 1986 upon receipt of a

special permit from the Board of Appeals under Section 7.5.2 of the Zoning By-Law provided: (1) the new construction meets all other requirements of the Zoning By-Law; (2) the structure is sited no closer to the side lot line than the farthest extent of the existing structure; and (3) the Board determines that such change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said special permit may be granted notwithstanding the provisions of Section 1.4.7.2. For the purposes of this footnote, the definition of "setback" in Section 1.3 of these Bylaws shall control.

And provided further that such amendment shall not be effective until June 1, 2017.

TWO-THIRDS VOTE ON A VOICE VOTE
DECLARED BY THE MODERATOR

A true copy
ATTEST:



Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

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AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 3, 2017

UNDER ARTICLE 31

It was

VOTED: That the Town vote to amend the Needham Zoning By-Law, as follows:

- (a) By adding a new Section 8, Temporary Moratorium on the Sale and Distribution of Recreational Marijuana, to read as follows:

“8 Temporary Moratorium on the Sale and Distribution of Recreational Marijuana

8.1 Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved Chapter 334 of the Acts of 2016, which was amended by Chapter 351 of the Acts of 2016, regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law as amended provides that it is effective on December 15, 2016 and the Cannabis Control Commission is required to issue regulations regarding implementation by March 15, 2018.

Currently under the Zoning By-Law, Recreational Marijuana Establishments and Marijuana Retailers are not a permitted use in the Town and any regulations promulgated by the State Cannabis Control Commission are expected to provide guidance to the Town in regulating Recreational Marijuana Establishments and Marijuana Retailers. Further, Chapter 334 establishes two important provisions that relate to ballot action that the Town may wish to take prior to the adoption of Zoning By-Law amendments relating to Recreational Marijuana Establishments. First, under Section 3 of General Laws Chapter 94G inserted by Section 5 of Chapter 334 the Town may, by ballot, determine whether it will adopt a By-Law that will limit the number of marijuana establishments in the Town or govern the time, place and manner of marijuana establishment operations in such a way as to require a vote of the voters of the Town and second, by ballot that cannot occur prior to November 6, 2018, the next biennial state election, on whether to allow on-site consumption of marijuana products.

The regulation of Recreational Marijuana Establishments and Marijuana Retailers raise novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-Law regarding regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments and Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning By-Law in a manner consistent with sound land use planning goals and objectives.

8.2 Definitions

"Manufacture", to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana cultivator", an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, not including any registered or medical marijuana dispensary as authorized by Chapter 369 of the Acts of 2012 – An Act for the Humanitarian Medical Use of Marijuana or as regulated by Massachusetts Department of Public Health Regulations 105 CMR 725.000.

"Marijuana product manufacturer", an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers, not including any registered or medical marijuana dispensaries as authorized by Chapter 369 of the Acts of 2012 – An Act for the Humanitarian Medical Use of Marijuana or as regulated by Massachusetts Department of Public Health Regulations 105 CMR 725.00.

8.3 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning By-Law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers and the sale of any marijuana, but not including any marijuana sold for medical purposes by a registered or medical marijuana dispensary as authorized by Chapter 369 of the Acts of 2012 – An Act for the Humanitarian Medical Use of Marijuana or as regulated by Massachusetts Department of Public Health Regulations 105 CMR 725.000. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and Marijuana Retailers and related uses, determine whether the town shall limit the number of marijuana establishments in the Town or govern the time, place and manner of marijuana establishment operations, determine whether the town will prohibit on-site consumption at Recreational Marijuana Establishments and Marijuana Retailers and shall consider adopting new provisions of the Zoning By-Law to address the impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses.

8.4 Severability.

The provisions of this By-Law are severable. If any provision, paragraph, sentence, or clause of this By-Law or the application thereof to any person, establishment, or circumstances shall be held invalid."

- (b) Amend the Table of Contents to add Section 8, Temporary Moratorium on Recreational Marijuana Establishments and Recreational Marijuana Retailers.

TWO-THIRDS VOTE ON A VOICE VOTE
DECLARED BY THE MODERATOR

A true copy
ATTEST:


Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

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AT THE ANNUAL TOWN MEETING

HELD ON MONDAY, MAY 1, 2017

UNDER ARTICLE 19

It was

VOTED: That the Town vote to amend the Town's General By-Laws by renumbering the existing section 2.2.7 to 2.2.8 and by adding the following new section:

Section 2.2.7 Departmental Revolving Funds

2.2.7.1 This By-Law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies, or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Law Chapter 44, Section 53E½.

2.2.7.2 A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this By-Law without appropriation subject to the following limitations:

- (a) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- (b) No liability shall be incurred in excess of the available balance of the fund.
- (c) The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.

2.2.7.3 Interest earned on monies credited to a revolving fund established by this By-Law shall be credited to the general fund.

2.2.7.4 Except as provided in Massachusetts General Law Chapter 44, Section 53E½ and this By-Law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this By-Law. The Town shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.

2.2.7.5 Authorized Revolving Funds

2.2.7.5.1 School Transportation Revolving Fund

Fund Name There shall be a separate fund called the School Transportation Revolving Fund authorized for use by the School Committee.

Revenues The town accountant shall establish the School Transportation Revolving Fund as a separate account and credit to the fund all of the fee-based transportation program receipts charged and received by the School Committee in connection with school transportation programs.

Purposes and Expenditures During each fiscal year, the School Committee may incur liabilities against and spend monies from the School Transportation Revolving Fund for pupil and other districtwide transportation activities in connection with school transportation programs. The costs associated for students bussed and not charged a fee will be funded through a regular budget appropriation or other funding source.

Fiscal Years The School Transportation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.2 Needham Transportation Revolving Fund

Fund Name There shall be a separate fund called the Needham Transportation Revolving Fund authorized for use by the Health and Human Services Department.

Revenues The town accountant shall establish the Needham Transportation Revolving Fund as a separate account and credit to the fund all of the fees the transportation program charged and received by the Health and Human Services Department in connection with the services.

Purposes and Expenditures During each fiscal year, the Health and Human Services Department may incur liabilities against and spend monies from the Needham Transportation Revolving Fund for transportation provided to seniors and other users of the service in connection with Health and Human Services transportation program

Fiscal Years The Needham Transportation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.3 Water Conservation Revolving Fund

Fund Name There shall be a separate fund called the Water Conservation Revolving Fund authorized for use by the Department of Public Works.

Revenues The town accountant shall establish the Water Conservation Revolving Fund as a separate account and credit to the fund all of the receipts from sale of water conservation devices and program fees charged and received by the Department of Public Works in connection with water conservation programs.

Purposes and Expenditures During each fiscal year, the Department of Public Works may incur liabilities against and spend monies from the Water Conservation Revolving Fund for the purchase, resale, and promotion of water conservation devices and outreach programs to encourage water conservation in connection with promotion of water conservation and sale of devices to conserve water.

Fiscal Years The Water Conservation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.4 Home Composting Revolving Fund

Fund Name There shall be a separate fund called the Home Composting Revolving Fund authorized for use by the Department of Public Works.

Revenues The town accountant shall establish the Home Composting Revolving Fund as a separate account and credit to the fund all of the receipts from sale of composting bins charged and received by the Department of Public Works in connection with the promotion of home composting.

Purposes and Expenditures During each fiscal year, Department of Public Works may incur liabilities against and spend monies from the Home Composting Revolving Fund for the purchase, resale, and promotion of home composting bins and related outreach programs.

Fiscal Years The Home Composting Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.5 Youth Services Programs Revolving Fund

Fund Name There shall be a separate fund called the Youth Services Programs Revolving Fund authorized for use by the Health and Human Services Department.

Revenues The town accountant shall establish the Youth Services Programs Revolving Fund as a separate account and credit to the fund all of the program receipts charged and received by the Health and Human Services Department in connection with the related fee based programs.

Purposes and Expenditures During each fiscal year, the Health and Human Services Department may incur liabilities against and spend monies from the Youth Services Programs Revolving Fund for costs related to youth service and community program activities.

Fiscal Years The Youth Services Programs Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.6 Traveling Meals Revolving Fund

Fund Name There shall be a separate fund called the Traveling Meals Revolving Fund authorized for use by the Health and Human Services Department.

Revenues The town accountant shall establish the Traveling Meals Revolving Fund as a separate account and credit to the fund all of the program receipts charged and received by the Health and Human Services Department in connection with traveling meals program.

Purposes and Expenditures During each fiscal year, the Health and Human Services Department may incur liabilities against and spend monies from the Traveling Meals Revolving Fund for the costs to provide traveling meals in connection with program.

Fiscal Years The Traveling Meals Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.7 Immunization Program Revolving Fund

Fund Name There shall be a separate fund called the Immunization Program Revolving Fund authorized for use by the Health and Human Services Department.

Revenues The town accountant shall establish the Immunization Program Revolving Fund as a separate account and credit to the fund all of the program receipts charged and received by the Health and Human Services Department in connection with the immunization and vaccination programs.

Purposes and Expenditures During each fiscal year, the Health and Human Services Department may incur liabilities against and spend monies from the Immunization Program Revolving Fund for costs associated with immunization, vaccination, and medical countermeasure distribution programs, as well as educational programs and public information efforts in support of those services.

Fiscal Years The Immunization Program Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.8 Public Facility Use Revolving Fund

Fund Name There shall be a separate fund called the Public Facility Use Revolving Fund authorized for use by the Department of Public Facilities.

Revenues The town accountant shall establish the Public Facility Use Revolving Fund as a separate account and credit to the fund all of the facility use receipts charged and received by the Public Facilities Department in connection with the use of Town facilities by community groups and organizations.

Purposes and Expenditures During each fiscal year, the Public Facilities Department may incur liabilities against and spend monies from the Public Facility Use Revolving Fund for costs to operate and maintain the facility for use for conferences, programs, functions or other events in connection with the use of the facilities.

Fiscal Years The Public Facility Use Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.9 Memorial Park Activities Revolving Fund

Fund Name There shall be a separate fund called the Memorial Park Activities Revolving Fund authorized for use by the Memorial Park Trustees.

Revenues The town accountant shall establish the Memorial Park Activities Revolving Fund as a separate account and credit to the fund receipts from food sales and voluntary program activities received by the Memorial Park Trustees.

Purposes and Expenditures During each fiscal year, the Memorial Park Trustees may incur liabilities against and spend monies from the Memorial Park Activities Revolving Fund to provide a food concession and to maintain and improve Memorial Park.

Fiscal Years The Memorial Park Activities Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

2.2.7.5.10 Tree Replacement Revolving Fund

Fund Name There shall be a separate fund called the Tree Replacement Revolving Fund authorized for use by the Department of Public Works.

Revenues The town accountant shall establish the Tree Replacement Revolving Fund as a separate account and credit to the fund all of the receipts accepted by the Needham Board of Selectmen for the purpose of tree plantings charged and received by the Department of Public Works in connection with tree removal approvals.

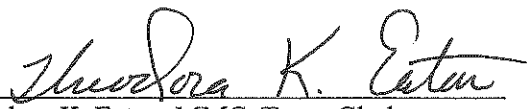
Purposes and Expenditures During each fiscal year, the Department of Public Works may incur liabilities against and spend monies from the Tree Replacement Revolving Fund for purchase, maintenance, distribution, and promotion of shade trees in the Town of Needham in connection with payments received by the Town and accepted by the Board of Selectmen for said purpose. Salary or wages of full-time staff shall be paid from the annual budget appropriation of the Department of Public Works and not from the Fund.

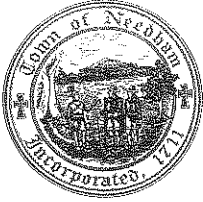
Fiscal Years The Tree Replacement Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

UNANIMOUS VOTE

A true copy

ATTEST:


Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

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AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 10, 2017

UNDER ARTICLE 58

It was

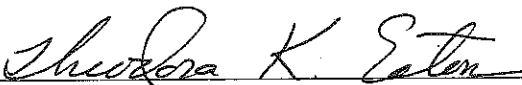
VOTED: That the Town vote to amend the General By-Laws by deleting section 2.7.2 and inserting in place thereof the following:

"2.7.2 Future School Needs Committee

2.7.2.1 There shall be a Future School Needs Committee consisting of seven members: two members of the Finance Committee, two members of the School Committee, two members of the Board of Selectmen, and one member appointed by the Town Moderator. The chairman shall be designated from time to time by vote of the Committee. The Future School Needs Committee will assist in the identification of the criteria necessary to develop the estimates and projections. It shall be the responsibility of the School Committee to procure professionally-developed estimates of the Town's current and projected student population and to provide this information to the Future School Needs Committee for their review, guidance, and feedback."

MAJORITY VOTE ON A VOICE VOTE
DECLARED BY THE MODERATOR

A true copy
ATTEST:


Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

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AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 10, 2017

UNDER ARTICLE 59

It was

VOTED: That the Town vote to amend the General By-Laws by deleting Section 3.1.11 Licensed Hawkers and Peddlers, and inserting in place thereof the following:

“3.1.11 Licensed Hawkers and Peddlers. Except as otherwise specified by regulations issued by the Board of Selectmen:

3.1.11.1 No person, under Massachusetts General Law Chapter 101, Section 22, shall sell or offer to sell items specified therein within 1,000 feet of any recreational area in organized use, or within 1,000 feet of any school (public or private) during the hours that school is in session, nor until one hour after the closing of said school or schools.

3.1.11.2 Such hawkers or peddlers shall not remain parked at any one location for a period of time exceeding ten (10) minutes, nor shall a bell, horn or other device to attract customers be used after the hour of 8:00 P.M. of any day.”

MAJORITY VOTE ON A VOICE VOTE
DECLARED BY THE MODERATOR

A true copy
ATTEST:


Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

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AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 10, 2017

UNDER ARTICLE 60

It was

VOTED: That the Town vote to amend the General By-Laws Article 5, Sign By-Law as follows:

1. Amend Section 5.2 by adding to the end of the section the following: "Street Banner: A sign in the form of a banner spanning a public street, placed within the Town right-of-way, and/or in locations designated pursuant to Section 5.3.1.5 below."
2. Amend Subsection 5.3.1 by inserting between the words "**Design Review Board.**" And "The review of all sign permits applications" the words "Except for street banners governed, reviewed and approved by the Board of Selectmen pursuant to Subsection 5.3.1.5,"
3. Insert a new Subsection 5.3.1.5 as follows:

"5.3.1.5 Board of Selectmen. Street Banners, which are placed within the Town right-of-way, spanning public streets and/or in locations authorized by the Board of Selectmen providing notice of a community-wide public event open to the general public and/or an activity of general community interest and which are hosted by the Town or its departments, boards, agencies, or commissions or by non-profit groups or organizations, may be specifically approved by the Board of Selectmen and displayed in locations authorized by the Board of Selectmen for a time period not to exceed fourteen (14) consecutive days before the announced event. Neither commercial advertising nor partisan political content shall be allowed to appear on the street banner. All street banners will be removed within two business days after the announced event or entertainment. Street Banners shall not be subject to the sign requirements of Subsections 5.3.2, 5.3.3, 5.3.4, 5.3.5, 5.3.6, and 5.3.7, and Sections 5.4 and 5.5. The Board of Selectmen may promulgate such regulations regarding street banners as it deems appropriate."

MAJORITY VOTE ON A VOICE VOTE
DECLARED BY THE MODERATOR

A true copy

ATTEST:


Theodora K. Eaton, MMC, Town Clerk