

**BOARD OF SELECTMEN**  
**January 27, 2015**  
**Needham Town Hall**  
**Agenda**

	<b>6:00</b>	Executive Session Exception 3
	<b>6:45</b>	Informal Meeting with Citizens <i>One or more members of the Board of Selectmen will be available between 6:45 and 7:00 p.m. for informal discussion with citizens. While not required, citizens are encouraged to call the Selectmen's Office at (781) 455-7500 extension 204 in advance to arrange for an appointment. This enables the Board to better assure opportunities for participation and respond to citizen concerns.</i>
<b>1.</b>	<b>7:00</b>	Public Hearing NSTAR- Kendrick Street <ul style="list-style-type: none"> <li>• Maureen Carroll, NSTAR representative</li> </ul>
<b>2.</b>	<b>7:05</b>	Introduce Fire Officers <ul style="list-style-type: none"> <li>• Dennis Condon, Fire Chief</li> </ul>
<b>3.</b>	<b>7:10</b>	Local Initiative Program Housing Proposal <ul style="list-style-type: none"> <li>• Normandy Real Estate Partners</li> <li>• Roy Cramer, Esq.</li> </ul>
<b>4.</b>	<b>7:40</b>	Town Manager <ul style="list-style-type: none"> <li>• Walker Gordon Conservation Restriction</li> <li>• Presentation of FY2016 Proposed Annual Budget</li> </ul>
<b>5.</b>	<b>8:15</b>	Board Discussion <ul style="list-style-type: none"> <li>• Committee Reports</li> </ul>

**CONSENT AGENDA      \*=-Backup attached**

1.	Accept the following donation to the Needham Community Revitalization Trust Fund: \$100 from Sylvia & Adolph Hutter.
2.*	In accordance with M.G.L. Chapter 54, Section 34 vote to approve the use of ImageCast voting system (approved by the Secretary of State) beginning with the April 14, 2015 Annual Town Election.
3.*	Approve a Special One Day Wines & Malt Beverages License for Mark Murray of the Knights of Columbus to hold a Super Bowl Party on Sunday, February 1, 2015 from 4:00 p.m. to 11:00 p.m. The event will be held at the Knights of Columbus, 1211 Highland Avenue, Needham.
4.*	Approve a Special One Day Wines & Malt Beverages License for Mark Murray of the Knights of Columbus to hold a Saint Patrick's Dinner Dance on Saturday, March 14, 2015 from 5:00 p.m. to 11:00 p.m. The event will be held at the Knights of Columbus, 1211 Highland Avenue, Needham.
5.	Accept a \$40 donation made to the Needham Police Department's Car Safety Seat Installation Program from Daniel Gilman, a resident of Needham, MA.
6.*	Water and Sewer Abatement Order #1191



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

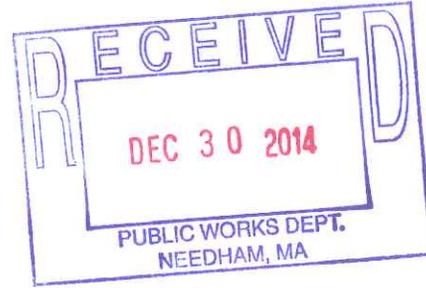
**MEETING DATE: 01/27/2015**

<b>Agenda Item</b>	Public Hearing – NSTAR Petition for Kendrick Street
<b>Presenter(s)</b>	Maureen Carroll, NSTAR

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>		
	<p>NSTAR requests permission to install 1654.40 feet of conduit from manhole #29930 Kendrick Street, Needham. NSTAR will also install six new manholes: #29612, #29613, #29930, #29931, #29932, and #29933. This work is necessary in order for NSTAR Electric to increase capacity due to the growth and demand for electricity in the area of Needham.</p> <p>The Department of Public Works has approved this petition, based on NSTAR's commitment to adhere to the Town's regulation that <b>all conduit installed must be 3" schedule 40 minimum; and, that when buried, the conduit must be placed at 24" below grade to the top of the conduit.</b></p>		
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>	<b>YES</b>	<b>NO</b>
	<p><b>Suggested Motion:</b> Move that the Board of Selectmen approve and sign a petition from NSTAR to install 1654.40 feet of conduit from manhole #29930 Kendrick Street, Needham. NSTAR will also install six new manholes: #29612, #29613, #29930, #29931, #29932, and #29933. This work is necessary in order for NSTAR Electric to increase capacity due to the growth and demand for electricity in the area of Needham.</p>		
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>	<b>YES</b>	<b>NO</b>
	<p><b>(Describe backup below)</b></p> <ul style="list-style-type: none"> <li>a. Letter of Application</li> <li>b. Petition</li> <li>c. Order</li> <li>d. Petition Plan</li> <li>e. Notice Sent to Abutters</li> <li>f. List of Abutters</li> </ul>		



200 Calvary Street  
Waltham, Massachusetts 02453



December 18, 2014

Board of Selectmen  
Town Hall  
1471 Highland Ave  
Needham, MA 02192

RE: **Kendrick Street  
Needham, MA  
W.O. #2019122**

Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR Electric Company for the purpose of obtaining a Grant of Location to install 1654.40 ± feet of conduit from manhole # 29930 Kendrick Street, Needham.

This work is necessary in order for NSTAR Electric to increase capacity due to the growth and demand for electricity in the area of Needham

If you have any further questions, contact Maureen Carroll @ (781) 314-5053. Your prompt attention to this matter would be greatly appreciated.

Very truly yours

*William D. Lemos*  
William D. Lemos, Supervisor  
Rights and permits

*OK to proceed  
TMM, DPW asst. Tom Engl.  
11/14/15  
OK R.P. Messon  
DPW Director  
11/11/15*

WDL/zj  
Attachments

**PETITION OF NSTAR ELECTRIC COMPANY FOR LOCATION FOR  
CONDUITS  
AND MANHOLES**

To the **Board of Selectmen** of the Town of **NEEDHAM** Massachusetts:

Respectfully represents **NSTAR Electric Company** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

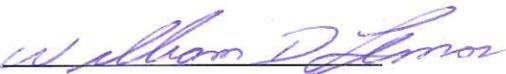
WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **A. Debenedictis Dated November 18, 2014** and filed herewith, under the following public way or ways of said Town:

**Kendrick St – At and Easterly from intersection of Kendrick Street and Hunting Road a distance of about 1654.10± feet conduit.**

**Install 6 new manholes, #'s 29612, 29613, 29930, 29931, 29932,  
29933**

**(WO: 2019122)**

**NSTAR ELECTRIC COMPANY**

BY   
William D. Lemos  
Rights & Permits, Supervisor

**Dated this 12th day of December 2014**

Town of **NEEDHAM** Massachusetts

Received and filed \_\_\_\_\_ 2014

**ORDER FOR LOCATION FOR CONDUITS AND MANHOLES**  
**Town of NEEDHAM**

WHEREAS, **NSTAR ELECTRIC COMPANY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

**Kendrick Street – At and Easterly from intersection of Kendrick Street and Hunting Road a distance of about 1654.10± feet conduit**

**Install 6 new manholes, #'s 29612, 29613, 29930, 29931, 29932, 29933**

**WO: (2019122)**

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **A.Debenedictis, Dated November 18, 2014** on the file with said petition.
2. Said shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. Company All work shall be done to the satisfaction of the Board of Selectmen or such officer or officers as it may appoint to supervise the work.

1 \_\_\_\_\_  
2 \_\_\_\_\_ Board of Selectmen  
3 \_\_\_\_\_ the Town of  
4 \_\_\_\_\_ **NEEDHAM**  
5 \_\_\_\_\_

**CERTIFICATE**

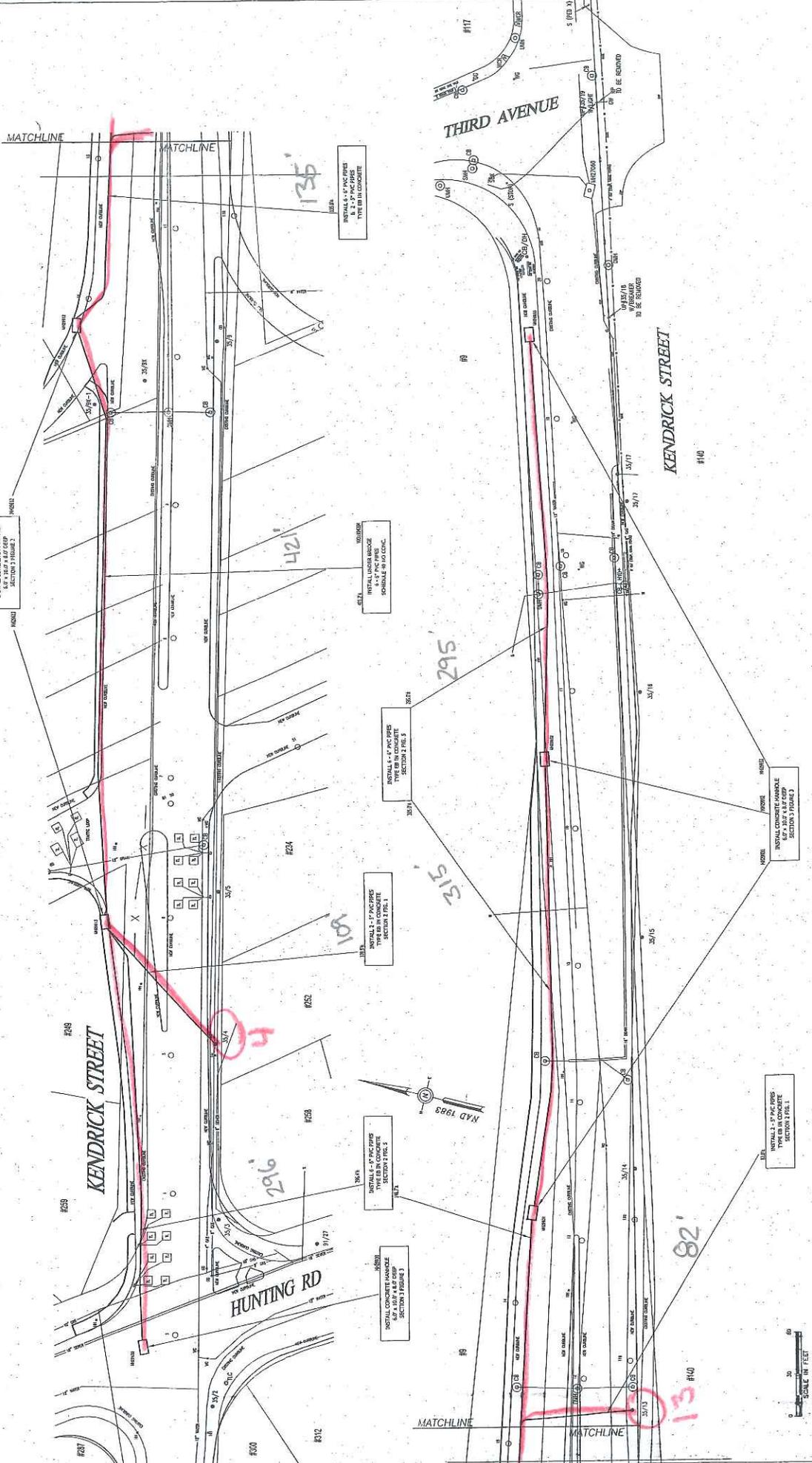
We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the \_\_\_\_\_ day of \_\_\_\_\_ 2014 at \_\_\_\_\_ in said Town.

1 \_\_\_\_\_  
2 \_\_\_\_\_ Board of Selectmen  
3 \_\_\_\_\_ the Town of  
4 \_\_\_\_\_ **NEEDHAM**  
5 \_\_\_\_\_

**CERTIFICATE**

I hereby certify that the foregoing are true copies of the Order of the **Board of Selectmen** of the Town of **NEEDHAM**, Massachusetts, duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 and recorded with the records of location Orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

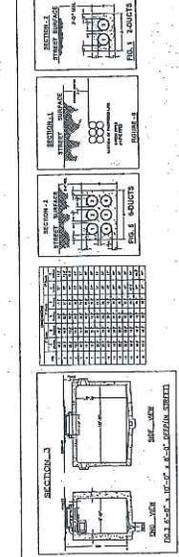
Attest: \_\_\_\_\_  
Clerk of the Town of **NEEDHAM**, Massachusetts



CF 219-14	Ward #	2019122
Work Order #	2019122	
Surveyed by:	SC	
Plotted by:	SC/BS	
Proposed Structure:	PDM	
Approved:	A DEBENEDICTIS	
Scale	1"=30'	
Sheet	1 of 1	

BY THE USE OF THE INFORMATION CONTAINED IN THIS DRAWING, THE USER ASSUMES ALL LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING THE USER'S CONTRACTORS, ARISING FROM THE USE OF THIS DRAWING. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED TO THE ENGINEER. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING THE USER'S CONTRACTORS, ARISING FROM THE USE OF THIS DRAWING. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED TO THE ENGINEER.

**MASS. LAW**  
REQUIRES 24 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING IN ANYONE. CALL 800-452-4545



**NSTAR ELECTRIC**  
1 North Main Street  
1185 MASSACHUSETTS AVE. BOSTON, MASS. 02129  
Plan of KENDRICK STREET, NEEDHAM & HUNTING ROAD  
Showing PROPOSED MANHOLE & CONDUIT LOCATIONS  
REVISED 12/27/14  
Date NOVEMBER 18, 2014



## NOTICE- Revised

To the Record

You are hereby notified that a public hearing will be held at the **Needham Town Hall, 1471 Highland Avenue, at 7:00 p.m. on January 27, 2015** upon petition of NSTAR dated **December 12, 2014** to install 1654.40 feet of conduit from manhole #29930 Kendrick Street, Needham. **NSTAR will also install six new manholes: #29612, 29613, 29930, 29931, 29932, & 29933.** This work is necessary in order for NSTAR Electric to increase capacity due to the growth and demand for electricity in the area of Needham. A public hearing is required and abutters should be notified.

If you have any questions regarding this petition, please contact NSTAR representative, Maureen Carroll at 617-369-6421.

John A. Bulian  
Maurice P. Handel  
Matthew D. Borrelli  
Marianne B. Cooley  
Daniel P. Matthews

BOARD OF SELECTMEN

Dated: January 20, 2015

# KENDRICK ST / HUNTING RD

<u>PARCEL ID</u>	<u>St No.</u>	<u>Street</u>	<u>Owner Names</u>	<u>Owner Address</u>	<u>OWNER CITY</u>	<u>State</u>	<u>OWNER ZIP</u>
199/001.0-9999-9999.0	0	ROUTE 128	COMMONWEALTH OF MASSACHUSETTS DEPT. OF PUBLIC WORKS - MDC	10 PARK PLAZA	BOSTON	MA	02116
199/058.0-0021-0000.0	286	HUNTING RD	NOON, KATHERINE N. & WHITCOMB, JEREMY J.	286 HUNTING RD	NEEDHAM HTS	MA	02494
199/058.0-0022-0000.0	258	KENDRICK ST	SWEET, ELAINE LOUISE	258 KENDRICK ST	NEEDHAM HTS	MA	02494
199/058.0-0023-0000.0	252	KENDRICK ST	MAHONEY, DONNA M. + MAHONEY, JOHN J.	252 KENDRICK ST	NEEDHAM HTS	MA	02494
199/058.0-0024-0000.0	234	KENDRICK ST	COUPER, AUDREY	234 KENDRICK ST	NEEDHAM	MA	02494
199/058.0-0028-0000.0	300	GREENDALE AVE	PURCELL, STEPHEN L + PURCELL, CHRISTINE B	300 GREENDALE AVE	NEEDHAM HTS	MA	02494
199/058.0-0029-0000.0	312	GREENDALE AVE	LUDWIG, ALEXANDER & LUDWIG, ESTELA A.	312 GREENDALE AVE	NEEDHAM HTS	MA	02494
199/058.0-0030-0000.0	318	GREENDALE AVE	HASTINGS, WILLIAM D. & HASTINGS, CHRISTINE RILEY	318 GREENDALE AVE	NEEDHAM	MA	02492
199/066.0-0026-0000.0	253	GREENDALE AVE	BREDA, JOHN & BREDA, KAREN	253 GREENDALE AVE	NEEDHAM HTS	MA	02494
199/066.0-0027-0000.0	259	GREENDALE AVE	NOWELL, EUGENE F. C/O DICAMILLO, ROBERT J & KELLEY, MARC	259 GREENDALE AVE	NEEDHAM	MA	02494
199/066.0-0064-0000.0	287	KENDRICK ST	BLOOM, STEVEN S. & BLOOM, MARTI	287 KENDRICK ST	NEEDHAM HTS	MA	02494
199/300.0-0001-0000.0	140	KENDRICK ST	BP 140 KENDRICK STREET PROPERTY LLC C/O BOSTON PROPERTIES, INC	800 BOYLSTON ST. STE 1900	BOSTON	MA	02199-8103
199/300.0-0002-0000.0	0	KENDRICK ST	TOWN OF NEEDHAM SEWER DEPT--PUMPING STA	1471 HIGHLAND AVE	NEEDHAM	MA	02492
199/300.0-0004-0000.0	60	KENDRICK ST	COM REALTY CORPORATION	P.O. BOX 514	NEEDHAM	MA	02494-0004
199/300.0-0006-0000.0	63	KENDRICK ST	155 FOURTH, LLC, TRUSTEE C/O BLUESTONE MANAGEMENT SVCS	100 WELLS AVE - SUITE 200	NEWTON	MA	02459
199/300.0-0012-0000.0	117	KENDRICK ST	INTERCONTINENTAL FUND III, C/O 117 KENDRICK DE, LLC	C/O BULLFINCH COMPANIES INC	NEEDHAM	MA	02494

Parcel ID

199/300.0-0014-0000.0

St No.

9

Street

B ST

Owner Names

COCA COLA REFRESHMENTS

C/O PROPERTY TAX DEPT, NAT 11

Owner Address

PO BOX 1734

Mailing Address

OWNER CITY

ATLANTA

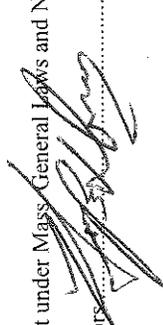
State

GA

OWNER ZIP

30301

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





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

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**MEETING DATE: 1/27/2015**

<b>Agenda Item</b>	Introduce Fire Officers
<b>Presenter(s)</b>	Dennis Condon, Fire Chief

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>		
	Chief Condon will introduce newly promoted Fire Officers Deputy Chief Peter Cosgrove and Lieutenant Matt Bagnell.		
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>	<b>YES</b>	<b>NO</b>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>	<b>YES</b>	<b>NO</b>
	<b>(Describe backup below)</b>		
	a. Resumes – Peter Cosgrove and Matt Bagnell		



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

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**MEETING DATE: 1/27/2015**

<b>Agenda Item</b>	Local Initiative Program Housing Proposal
<b>Presenter(s)</b>	Kevin Daley, Vice President, Development & Construction, Normandy Real Estate Partners Roy Cramer, Esq.

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>		
	<p>Mr. Daly and Mr. Cramer will present, and request the Board's consideration of, a Local Initiative Program ("friendly 40B") for construction of an apartment complex at the newly acquired General Dynamics site near Second Avenue. Representatives from Normandy's consulting team Elkus (architect), Tetrattech Rizzo (civil engineering/ Traffic), and SEB (Housing ) will be available to answer any questions the Board may have about the proposal.</p>		
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>	<b>YES</b>	<b>NO</b>
	No vote is scheduled at this meeting.		
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>	<b>YES</b>	<b>NO</b>
	<p><b>(Describe backup below)</b></p> <ul style="list-style-type: none"> <li>a. Town of Needham Chapter 40B Guidelines</li> <li>b. Memo from Roy Cramer to Lee Newman, Director of Planning and Community Development dated 1/20/2015.</li> </ul>		

# **Town of Needham Chapter 40B Guidelines**

## **Prepared by:**

### **40B Guidelines Working Group that included the following members:**

Dan Matthews, Board of Selectmen  
Bruce Eisenhut, Planning Board  
Howard Goldman, Zoning Board of Appeals  
Jon Schneider, Zoning Board of Appeals  
William DeBear, Housing Authority  
Scott Brightman, Council on Aging  
Steve Tanner, Design Review Board

### **Technical support provided by:**

Lee Newman, Director of Planning and Community Development  
Alexandra Clee, Assistant Town Planner  
Judi Barrett, Consultant

**October 2012**

# Town of Needham Chapter 40B Guidelines

## I. INTRODUCTION

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These Guidelines provide information about the Town of Needham's policies, procedures, and requirements for comprehensive permits under G.L. c. 40B, §§ 20-23 ("**Chapter 40B**"). In addition, the Guidelines are intended to advise the Zoning Board of Appeals (**ZBA**) and other Town boards and departments with a role in the development review process. Applicants planning to apply for a Chapter 40B comprehensive permit in Needham should review these Guidelines and meet with the Director of Planning and Community Development as early as possible *before* submitting a Project Eligibility (Site Approval) application to a housing subsidy program.

Note: the Town's guidelines are not a substitute for the statute, the Department of Housing and Community Development's (**DHCD**) Chapter 40B regulations (760 CMR 56.00), or the requirements and policies of affordable housing subsidy programs. It is the applicant's responsibility to comply with these and other applicable state requirements.

### A. CHAPTER 40B

Enacted in 1969, Chapter 40B encourages the construction of low- and moderate-income housing (affordable housing). Under Chapter 40B, a Zoning Board of Appeals (**ZBA**) may grant a comprehensive permit for a housing development that meets the requirements of the statute and qualifies for funding from a state or federal housing subsidy program. A mixed-income development is considered eligible for a comprehensive permit if at least twenty-five percent of the units in it are affordable.<sup>1</sup>

When less than ten percent of a community's housing is affordable as defined by Chapter 40B, the statute effectively supersedes many local regulations that would make it difficult for developers to build affordable housing. In a community that is subject to Chapter 40B, affordable housing developers may file a single (comprehensive permit) application with the **ZBA** in lieu of separate applications to other local boards. The **ZBA** may grant, grant with conditions, or deny the comprehensive permit. If the **ZBA** denies an application or grants a comprehensive permit with conditions that make the development uneconomic, the applicant may appeal to the State's Housing Appeals Committee (**HAC**), which has authority to overrule the **ZBA**. **HAC** decisions may be appealed to Superior Court.

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<sup>1</sup> Rental developments may be eligible for a comprehensive permit if at least 20 percent of the apartments are affordable to very-low-income renters.

### 3. HOUSING CONDITIONS IN NEEDHAM

Needham is a maturely developed suburb of Boston. Its Census 2010 population of 28,886 consists primarily of people in family households, and most of its housing units are owner-occupied. Needham has relatively little rental housing, and the existing rental inventory offers a limited supply of affordable, suitable housing choices for families. According to the most recent American Community Survey (ACS) data (2005-2009), over half of all renters in Needham spend more on housing costs than the benchmark standard of 30 percent of monthly gross income. Furthermore, some 35 percent of the Town's renter households spend more than half of their monthly gross income on housing costs.<sup>2</sup>

#### Renters with High Housing Cost Burdens

Renters paying more than...	Massachusetts	Norfolk County	Needham	Boston Metro Area
30% monthly income	49.7%	47.6%	51.2%	49.5%
50% monthly income	24.8%	23.4%	34.7%	24.7%

Source: American Community Survey, 2005-2009 Estimates.

Census 2010 provides the following information regarding the number of housing units in Needham:

Needham Census Data	2000	2010
Housing Units	10,846	11,122
Housing Occupied Units	10,612	10,341

The increased number of non-housing occupied units may be related to temporary market conditions during the census period. Overall, there has been a slow increase in the number of housing units in recent years.

Almost 80 percent of Needham's total housing inventory was built prior to 1980, and 27.4 percent prior to 1939. Future housing growth in Needham will most likely be dominated by redevelopment of existing properties because there is relatively little vacant land left on which to build. It is challenging to provide for affordable housing in Needham due to the Town's limited vacant, developable land and high buildable lot values.

The Needham Affordable Housing Plan (June, 2007) outlines four important goals which are furthered by these Guidelines. They include:

<sup>2</sup> U.S. Bureau of the Census, American Community Survey (ACS) 2005-2009 Five-Year Estimates, B25070, "Gross Rent as a Percentage of Household Income." [www.census.gov](http://www.census.gov)

- An overarching goal is to build a stronger and deeper community. The way in which housing efforts are carried out can help in bringing the community together in addressing a widely shared concern.
- A related goal is to remain a community having a broad socio-economic diversity shaped less by economic imperatives than by individual choices about the living environment. Achieving that goal entails meeting housing needs across the full range of incomes, promoting the diversity and stability of individuals and families living in Needham.
- A widely expressed goal is to have this community able to shape its own housing future, doing so with sensitivity to larger-than-local considerations but without loss of the Town's ability to guide development outcomes. A key objective in seeking to assure local control is to meet the subsidized housing standard set by Chapter 40B, which currently calls for 10 percent of all housing to benefit through long-term subsidies, as well as to meet annual affordable housing goals for communities above 10%.
- A related goal is to have assurance that new housing is appropriate to its location and context, which is made easier by achieving the above goals, but it requires more than that, including sensitively designed regulation and cooperative development and decision-making processes.<sup>3</sup>

## II. POLICY STATEMENT

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The Board of Selectmen has set a goal of having ten percent of Needham's housing units eligible for and counted on the Chapter 40B Subsidized Housing Inventory, consistent with the best interests of the Town. The benefits of this policy include advancing economic diversity for the community and protecting the Town's control of its own zoning.

While all 40B applications will be addressed individually according to applicable laws and regulations, the facts and circumstances of the individual case, input from public participation, and the sound exercise of discretion by the Town and other public agencies, developers and other affected parties are all encouraged to consider the factors set forth below in planning, review, development, and management of 40B properties.

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<sup>3</sup> *Needham Affordable Housing Plan*, 9.

### **III. REVIEW CONSIDERATIONS**

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#### **PERMANENT AFFORDABILITY**

Affordable housing in Needham should be permanently affordable, i.e., the affordability restriction should not lapse with the passage of time. Except in unique circumstances, all parties should expect this principle to apply to all Chapter 40B development in Needham.

#### **PREFERENCE FOR RENTAL DEVELOPMENTS**

The Town prefers rental developments over homeownership developments for two reasons: first, under current state policies, market units in mixed-income rental developments count towards the Town's Subsidized Housing Inventory, and second, the Town believes that rental housing provides greater affordability and flexibility than ownership units even when not specifically regulated as means-tested housing.

#### **PROPERTY MANAGEMENT AND COMPLIANCE WITH AFFORDABILITY RESTRICTION**

Rental housing developers must provide qualified, experienced, property management personnel, on-site in the case of large projects. In addition, they must demonstrate adequate capacity to comply with the project's affordable housing restriction, e.g., the income eligibility of tenants and monthly rent and utility charges consistent with limits imposed by the applicable housing subsidy program.

#### **PERCENTAGE OF AFFORDABILITY**

At least 25 percent and not more than 50 percent of the units in a comprehensive permit should be affordable. However, the Town is open to making 20 percent of the units affordable in a comprehensive permit rental development if the units are affordable to low-income (at or below 50 percent of area median income) tenants.

#### **INCOME TARGETS**

Rental developments should provide a continuum of affordability, such as units at 30 percent, 50 percent, 80 percent, and 110 percent of Area Median Income (AMI).

#### **LOCATION; GENERAL**

In general, the Town prefers that affordable housing be located near public transportation and retail services. In addition, the Town prefers affordable housing for families to be located near elementary schools, and affordable housing for seniors to be located near the Town's Senior Center. No section of Needham is precluded from affordable housing development.

#### **LOCATION; SPECIFIC AREAS**

The Town encourages affordable housing development in the New England Business Center, Highland Commercial – 128, Mixed Use – 128, and the adjacent Industrial District, located in the area North of Kendrick Street bounded by Kendrick Street, the Charles River, Central Avenue, and the Route 128 right of way. Additionally, the areas around Avery Square – specifically the Hillside Avenue Business District, Avery Square Business District and the adjacent Industrial District – the Center Business District and Chestnut Street Business District are appropriate areas, all as shown on the attached Priority Map. (See Priority Areas Map)

## DESIGN

The Town recognizes that many factors determine appropriate design. The following points are general guidance for developers to consider in designing their projects. The Town understands that each project is different and that some of the following points may not apply in particular cases.

- **Make every reasonable effort to comply with local regulations.** Minimize the number and extent of waivers required for height, setback, or other requirements. Under Chapter 40B, waivers of local rules and regulations are not “automatic.” Rather, the Town’s responsibility is to consider waiving requirements that would make a project uneconomic to build. It is the applicant’s burden to demonstrate the need for each requested waiver.
- **Orient buildings toward the street wherever possible.** A portion of the project should continue the neighborhood street front. Orientation for other considerations such as solar access should also consider general site orientation to the street. Developers should choose design solutions that serve the interests of the site, sustainability, and preservation of the character of the neighborhood.
- **Pay attention to design elements found in the neighborhood, and make use of them where possible to help developments fit with the neighborhood.** The design should be as consistent as possible with the existing building frontage in scale and character. Use existing topography where possible to minimize the impacts of the massing of the new construction on adjacent properties.
- **Locate off-street parking to the side and rear of buildings.** This will help to ensure that buildings and landscaping, not parking, define views from the road.

## DENSITY

In the single residence districts, the Town wants to limit affordable housing development to a density of eight to ten units per acre. Higher densities (up to twenty-four units per acre) in apartment-zoned parcels and sixteen units per acre in other zones will be considered. Densities exceeding twenty-four units per acre will be considered on an individual case basis in the Kendrick/Fremont area (see Specific Locations).

## Density of Permitted Chapter 40B Developments in Needham (Sample)

Project name	Address	Number of units	Total area (acre)	Units/acre
<b>Rental Project</b>				
Charles River Landing	300 Second Avenue	350	7.94	44.1
Nehoiden Glen	1035, 45 & 55 Central Avenue	61	4.6	13.3
<b>Condominium Project</b>				
Suites of Needham	797 Highland	8	0.61	13.1
Craftsman Village	21 High Street	6	0.61	9.8
High Cliff Estates	199 St. Mary Street	12	1.46	8.2
Browne - Whitney Place	207-213 Garden St.	6	0.62	9.7
Junction Place	32 Junction Street	5	0.26	19.2

Source: Needham Planning Department

### HISTORIC PRESERVATION

Preserve historically significant buildings and features. Buildings listed in the State Register of Historic Places or the Massachusetts Cultural Resources Inventory System (MACRIS) are presumed to be significant, but other buildings not listed may be significant as well. Developers should consult with the Needham Historical Commission if their site includes an existing older building *before* submitting a Project Eligibility application to MassHousing or another Subsidizing Agency.



### MIXED USE/VILLAGE DEVELOPMENT

Developers are encouraged to:

- Provide housing that is oriented to encourage and take advantage of public transportation.

- Reuse and redevelop existing buildings, e.g., older commercial, industrial, or institutional facilities, and
- Provide housing in mixed-use buildings, provided the location is zoned for compatible business uses.

#### **ENVIRONMENTAL CONSIDERATIONS**

- **Use environmentally responsible design**, whether Leadership in Energy and Environmental Design (LEED) certification or other generally accepted standards, taking steps to minimize adverse impacts on natural resources, conserve water and energy, use native plants, and use green building construction materials.
- **Incorporate landscaping treatments** that will help to blend the project with surrounding area, including retaining mature trees and existing vegetation where possible.
- **Take active steps to protect nearby wetlands and other open space**, including resource areas covered by the local wetlands bylaw even if not required by the Massachusetts Wetlands Protection Act.
- **Minimize impervious surfaces.**

#### **NEIGHBORHOOD SUPPORT**

Developers are encouraged to work with residents of affected neighborhoods. It is a favorable consideration for developers to address reasonable neighborhood concerns.

#### **LOCAL PREFERENCE**

To the maximum extent allowed by law, the Town wants local preference observed in tenant and buyer selection, including affordable housing lotteries. Local preference means:

- At least one member of the household currently lives in Needham;
- At least one member of the household works for the Town of Needham, or for a business or non-profit organization located in Needham; or
- The household includes at least one student attending the Needham Public Schools through the METCO Program.

State policies or other requirements may limit or preclude local preference for a specific development. However, the Town expects developers to advocate and make reasonable efforts to secure applicability of local preference for their projects.

#### **OTHER PUBLIC BENEFITS**

Provide other public benefits in addition to affordable housing, e.g., 1) pass-through easements to adjacent public properties and open space; 2) streetscape improvements; or 3) pedestrian linkages.

## PROCEDURES

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### A. PRE-APPLICATION PHASE

When planning to apply for a comprehensive permit, an applicant should meet with Town staff and some of the Town boards at the earliest possible point in the planning process. These discussions should occur **before filing a Project Eligibility application** with MassHousing or another subsidizing agency. Many problems that occur during the permitting process can be reduced or avoided altogether if applicants take the time to consult with local officials and accommodate reasonable requests while a project is still at the conceptual stage. Furthermore, early consultation can help make local review of Project Eligibility applications much smoother.

#### KEY STEPS

- **Meet with the Director of Planning and Community Development** to discuss plans for the site. Ask about the site's history, the neighborhood, other recent developments and developments in the pipeline nearby, and issues that might cause concern for Town boards.
- **Meet with the Town's Development Review Team (DRT)**, and be open to input and guidance from Town staff. They have technical information that the applicant will need in order to plan the site and prepare for the meetings with Town boards. In addition to the Director of Planning and Community Development, the DRT includes the Assistant Town Manager/Operations, Building Commissioner, Director of Conservation, Director of Economic Development, Director of Public Works, Town Engineer, Highway Superintendent, Water and Sewer Superintendent, Chief of Police, Fire Chief, and Director of Public Health. A meeting with the DRT is an efficient way to obtain feedback about many aspects of the project without having to attend individual appointments with department heads.
- **Have a preliminary meeting with the Design Review Board (DRB)**. The degree to which proposed buildings fit with surrounding development will weigh heavily in how a comprehensive permit application is received in Needham. The DRB can help applicants explore possibilities for building design, landscaping treatments, exterior lighting, and so forth, depending on the site and the types of housing you intend to construct.
- **Have a preliminary meeting with the Conservation Commission** if the project will require approval under the state Wetlands Protection Act, G.L. c. 131, s. 40 and/or any waivers under the Needham Wetlands Bylaw. Chapter 40B developments that affect wetland resource areas usually require an Order of Conditions under G.L. c. 131, s. 40, but the local wetlands bylaw, like other local regulations, falls under the purview of the ZBA. It is in your interests to comply with the local wetlands bylaw because doing so may reduce the number of waivers you need in order to construct your project. You should not assume the ZBA will grant local wetlands bylaw waivers simply because you ask for them.

- **Meet with the Needham Historical Commission** if your project involves substantial alterations to or demolition of a historically significant building. (See Section III, Historic Preservation)
- Meetings with the DRB, the Conservation Commission, and other Town boards and committees are subject to the Open Meeting Law.
- The Town cannot require applicants to discuss the project with neighbors, but it is to the developers' advantage to do so as soon as possible - certainly before applying for a Project Eligibility letter (see below).

Pre-application consultations will not lead to any binding decisions. The purpose of the meetings is to give the applicant a chance to present the proposal for the property and to obtain information from the Town, and to give the Town a chance to learn about the proposed plans. If the ZBA is represented at any of these meetings, the ZBA member who participates will speak only as an individual, not in an official capacity as a ZBA member.

#### **B. ELIGIBILITY TO APPLY FOR A COMPREHENSIVE PERMIT**

The following prerequisites must be met by anyone applying for a Chapter 40B comprehensive permit:

- The applicant must have site control, such as a deed, purchase and sale agreement, or option to purchase;
- The applicant must be a public agency, non-profit organization, or limited dividend organization; and
- A housing subsidy program must have determined that the proposed project is fundable.

This third requirement means that developers have to obtain a pre-application eligibility letter from an agency that subsidizes low- or moderate-income housing. Doing so requires filing an application to a housing subsidy program. In most cases, MassHousing will be the housing subsidy agency that issues a **Project Eligibility** determination, but DHCD, the Massachusetts Housing Partnership (MHP), and MassDevelopment also subsidize low- or moderate-income housing and issue project eligibility letters. Furthermore, developers wishing to build under a Local Initiative Program (LIP) comprehensive permit must obtain a project eligibility determination from DHCD - with approval of the Needham Board of Selectmen.

Once an applicant submits a Project Eligibility application to MassHousing, the Board of Selectmen will be notified. MassHousing will request local comments within 30 days. In Needham, the Board of Selectmen seeks comments from Town departments and other Town boards, and compiles all comments received into a single submission to MassHousing.

Depending on the project (mainly the project's size, location, and density), the Board of Selectmen may convene a meeting with representatives of other Town departments and committees in order to facilitate a conversation about the proposed development. Applicants will be afforded an opportunity to be heard, and may be invited to make a presentation and respond to questions.

### C. APPLICATION, REVIEW, AND DECISION PROCEDURES

This section of the Guidelines summarizes the key features of Needham's comprehensive permit process. In accordance with Chapter 40B, however, the ZBA has adopted **Comprehensive Permit Rules**. An applicant should review the ZBA's Rules (Appendix A). If there is a conflict between these Guidelines and the ZBA's Rules, the latter will control. An application will not be deemed received until all the information required by the ZBA Rules is provided and the required fee is paid.

#### THE FOLLOWING APPLICABLE TO ALL ZBA APPLICANTS

- Within **7 days** of the receipt of the comprehensive permit application, the ZBA must distribute copies of the application to all Town departments, boards, and committees with a role in the review process. In Needham, this means the Planning Board, Design Review Board, Conservation Commission, Board of Health, Public Works Department, and Board of Selectmen. (This is why pre-application meetings may be helpful both to the applicant and the participating Town officials.)
- Within **14 days** of receipt of the comprehensive permit application, the public hearing must be advertised, with proper legal notice and proper notice to abutters. (Applicants will be responsible for the cost of publishing the legal notice and mailing the notice to abutters.)
- Within **30 days** of receipt of a complete comprehensive application, the ZBA must open the public hearing unless the applicant grants permission in writing to hold the hearing at a later date.
- Within **15 days** of opening the public hearing, the ZBA must determine whether it wants to deny an application on one or more of the grounds identified in DHCD's Chapter 40B regulations at 760 CMR 56.03(1), following procedures under 760 CMR 56.03(8). The ZBA must provide written notice to the applicant and to DHCD.
- Within **15 days** of receiving the ZBA's notice, the applicant must file a written response with DHCD if she/he wants to challenge the ZBA's assertion that it can deny the application. The applicant must provide a copy of that response to the ZBA.
- Within **30 days** of receiving the applicant's appeal, DHCD must issue a decision. DHCD's failure to issue a timely decision will result in a determination in favor of the ZBA.

- Unless the applicant provides written consent, the ZBA cannot extend the public hearing beyond **180 days** of the initial hearing date. The 180 day limit assumes that the applicant will make timely submissions of materials reasonably requested by the ZBA.
- The ZBA must render a decision - a denial, approval, or approval with conditions - within **40 days** of the closing of the public hearing, unless the applicant agrees in writing to an extension.
- If the ZBA denies the permit or approves the permit with unacceptable conditions or requirements, the applicant has the right to appeal to the Housing Appeals Committee within **20 days** after the written decision has been filed with the Town Clerk. Similarly, any person aggrieved by the ZBA's issuance of a comprehensive permit may appeal in court within **20 days** of the date that the decision is filed with the Town Clerk.

#### **MANAGING THE PROCESS**

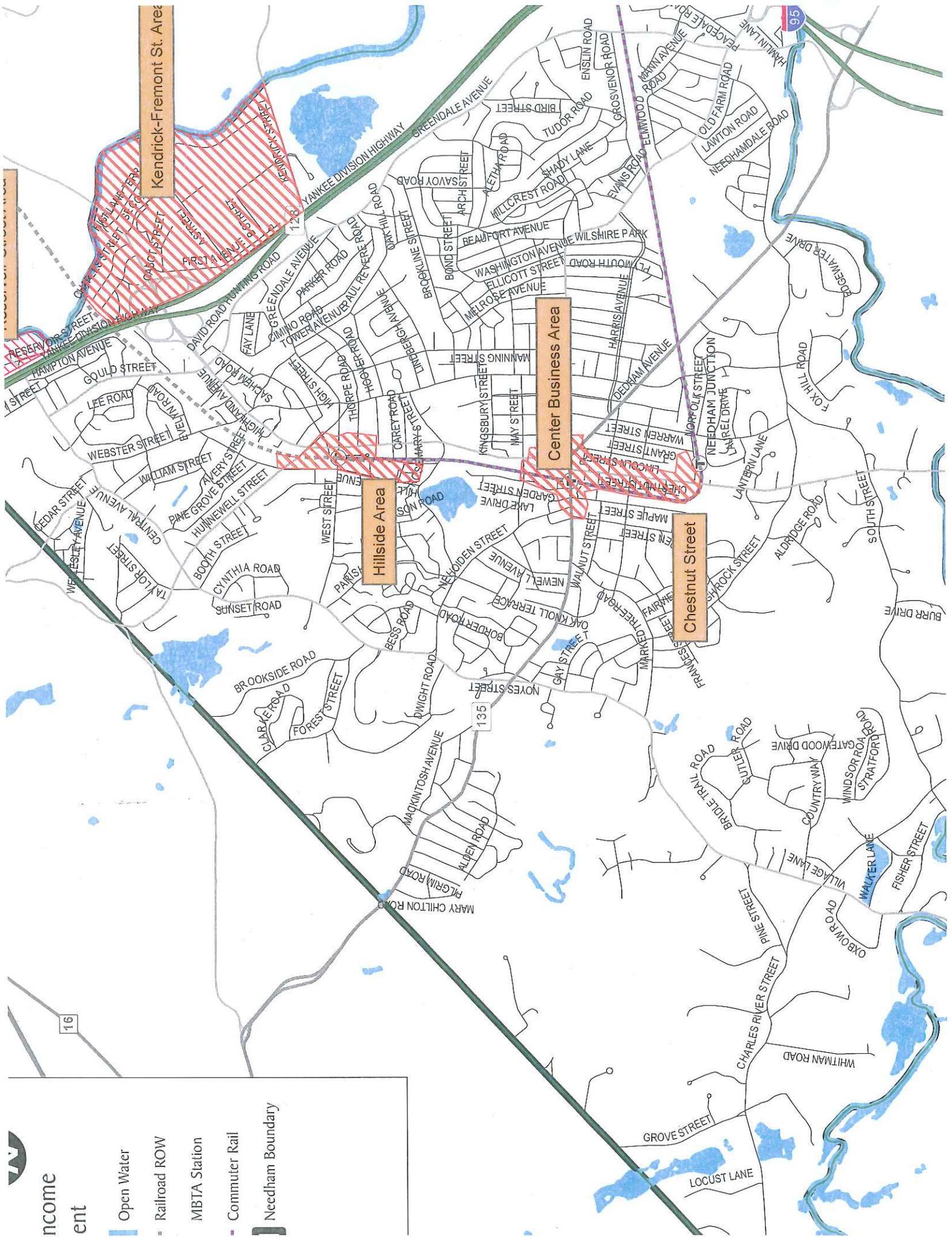
- The ZBA requires enough information to understand the physical characteristics of the site, the health, safety, and welfare impacts of the project, and the impact on the neighborhood. The ZBA's minimum application requirements are designed to provide this information at the outset. A **complete comprehensive permit application** will help to minimize delays in the permitting process.
- The ZBA strongly encourages that applicants meet with the neighbors in advance of the first public hearing to explain the proposed project and receive input that will make the project more acceptable to the neighbors.
- In addition to considering the contents of an application, the ZBA may conduct a **site visit** in order to understand the site and neighborhood conditions, the proposed site plan and building design, and the location of abutters who will be most affected by the proposed development.
- Depending on the issues involved with the site or the proposed development plan, the ZBA may hire qualified **peer review consultants** to assist with the review process. The applicant will be responsible for paying the reasonable cost of these services. Needham has adopted the provisions of G.L. c. 44, s. 53G, so the applicant will be asked to deposit funds in an escrow account that the ZBA can use to pay the peer review consultants.
- The ZBA may ask the applicant to participate in **work sessions** in order to examine specific issues in a setting less formal than that of a public hearing. Work sessions are advisory; they do not constitute an extension of the public hearing. The sessions would be announced at the public hearing and posted as public meetings under the Open Meeting Law so that interested people can attend and observe. No substantive decisions can be made at work sessions, however. At the next public hearing, one of the attendees will provide the full ZBA with a report about matters discussed at the work sessions. The ZBA has the discretion to

hire a third party mediator to facilitate these meetings, to be paid for by the Applicant or through the use of a consultant with experience in Chapter 40B at no cost, through the Massachusetts Housing Partnership program.

- In its discretion, the ZBA may defer to the Town Manager to assemble a mitigation team or committee to negotiate with you for mitigation to address the impacts of your project on traffic, infrastructure, public facilities, or public services. At the conclusion of its work, the mitigation team will make recommendations to the ZBA for conditions to be incorporated in the comprehensive permit decision.
- If the applicant and the ZBA cannot reach agreement about project changes the ZBA has requested, the applicant will be asked to prove that the requested changes will make the project uneconomic. This means the applicant will need to submit a development pro forma for the ZBA's review, and the ZBA may decide to hire a peer review consultant to examine the pro forma and its assumptions.

#### PUBLIC HEARING

- The ZBA will close the public hearing when all relevant information has been received and all parties have had opportunity to present their issues. After closing the hearing, the ZBA will deliberate and reach a decision.
- The ZBA has three members and two associate members. One or more of the associate members may participate in the public hearing. The affirmative vote of two persons of a three person panel is required to render a decision. The panel to render a decision will normally be the three members of the ZBA. If any regular member has not attended all sessions of the public hearing or is otherwise unavailable, the Chairman will designate an associate member to serve on the panel to render a decision.
- The ZBA will review the waivers the applicant has requested in the application. The ZBA will normally grant waivers that will allow an affordable housing development to go forward, assuming the project's impacts can be mitigated in a manner that protects the Town and surrounding neighborhood. However, applicants should not assume that all of the requested waivers will be granted. The applicant has the burden to demonstrate that the waivers are essential for constructing the project.



**Income**

**ent**

- Open Water
- Railroad ROW
- MBTA Station
- Commuter Rail
- Needham Boundary

Kendrick-Fremont St. Area

Center Business Area

Hillside Area

Chestnut Street

16

135

95

# FRIEZE CRAMER ROSEN & HUBER LLP

COUNSELLORS AT LAW

60 WALNUT STREET, WELLESLEY, MASSACHUSETTS 02481

781-943-4000 • FAX 781-943-4040

ROY A. CRAMER

781-943-4030

RAC@128LAW.COM

January 20, 2015

**BY HAND**

LNewman@needhamma.gov  
Ms. Lee Newman, Planning Director  
Town of Needham  
500 Dedham Avenue  
Needham, MA 02492

Re: Normandy Nine Owner, LLC  
Development Review Team Meeting  
Proposed Chapter 40B Project  
A Street and Second Avenue, Needham, MA

Dear Lee:

I represent Needham Nine Owner, LLC, the present owner of the former General Dynamics property comprised of approximately 27.25 acres in the New England Center Business District and an affiliate of Normandy Real Estate Partners. Needham Nine Owner, LLC is proposing to subdivide the former General Dynamics property to create a new parcel of approximately 4.77 acres (approximately 207,696 square feet) at the corner of A Street and Second Avenue. Needham Nine Owner, LLC will enter into a joint venture with an entity with substantial Chapter 40B experience to redevelop the 4.77 acre parcel into a 400-unit Chapter 40B rental residence. The residential building will contain six floors (although a portion of the building will step down to five floors). The total floor area of the building will be approximately 458,000 square feet. Attached to the residential building will be a four-level parking garage for approximately 575 vehicles. There will also be nine (9) surface parking spaces near the main entrance of the building for visitors. The anticipated unit mix is the following:

- a) Studio (52 units)
- b) One bedroom (121 units)
- c) One bedroom with den (39 units)
- d) Two bedroom (113 units)
- e) Two bedroom with den (35 units)
- f) Three bedrooms (40 units)

for a total of 400 units.

Ms. Lee Newman, Planning Director

January 20, 2015

Page 2

The building will have an inner courtyard as well as a second inner courtyard and pool area.

The garage will be accessed (a) from the south side of the building adjacent to the main entrance to the residence, and (b) a direct entrance from A Street. The site will be accessible from both First Avenue and Second Avenue.

As you are aware, the balance of the former General Dynamics property will be redeveloped as a commercial project. Some of the first floor space in that development will contain retail and other uses available for the convenience of the employees and visitors to the businesses in the commercial development and for residents of the residential project. It is also anticipated that the project will utilize the shuttle service to the Greenline presently available to other establishments in the New England Business Center.

Attached to this letter are a set of plans that more fully describe the proposed work.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Roy A. Cramer

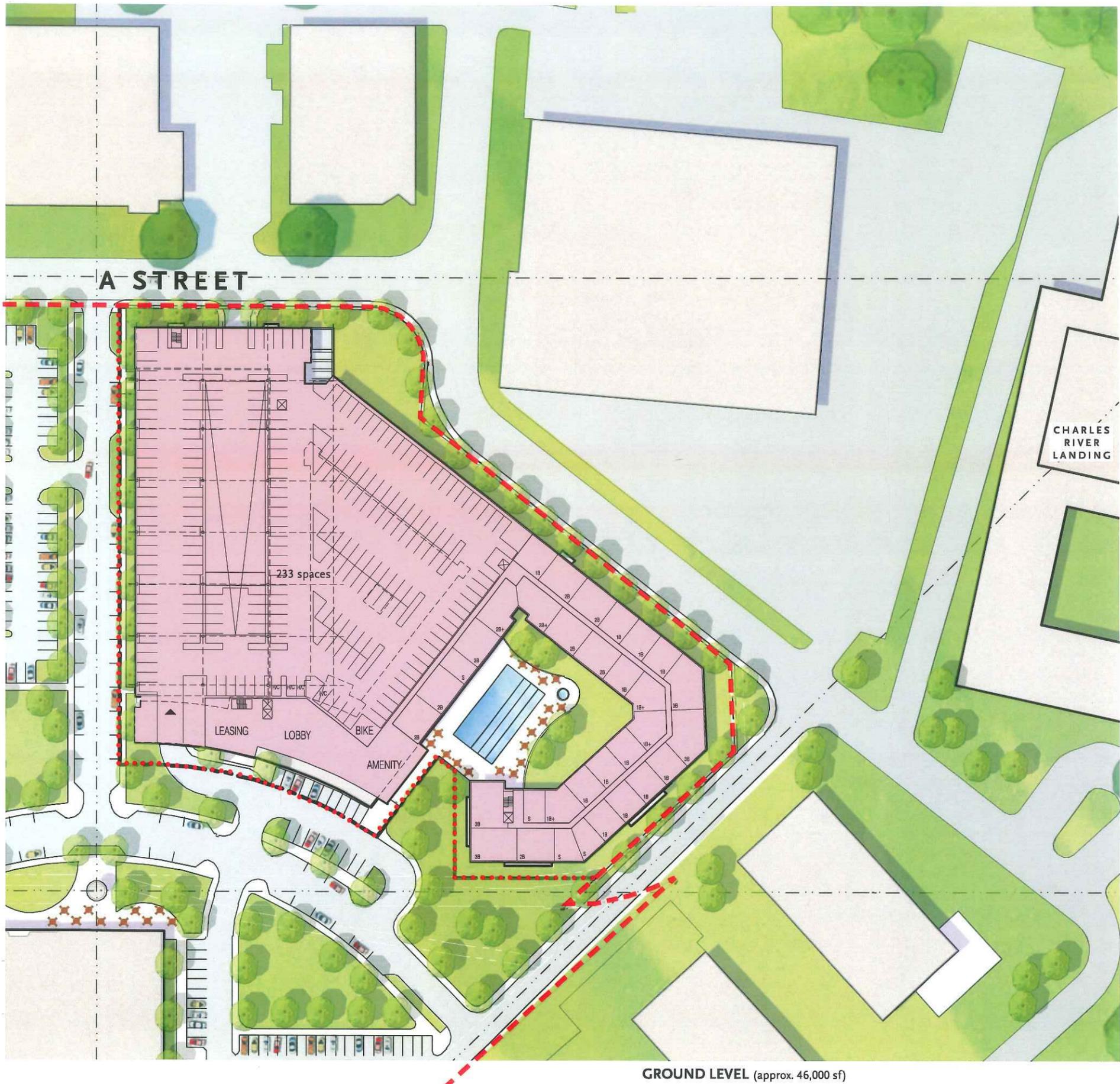
Off/Ret A	40,000 gsf (2 floors)
Office B	262,000 gsf (2 floors)
Office C	170,000 gsf (1 floor)
Res D	458,000 gsf (6 floors)

<b>TOTAL:</b>	<b>930,000 gsf</b>
Total Office	452,000 gsf
Total Residential	458,000 gsf
Total Retail	20,000 gsf

**PARKING**

Garage 1	966 cars (6 levels)
Garage 2	575 cars (4 levels)
Surface:	548 cars
<b>TOTAL:</b>	<b>2,089 cars</b>
Off	1,505 cars (3.33)
Res.	584 cars (400 res)

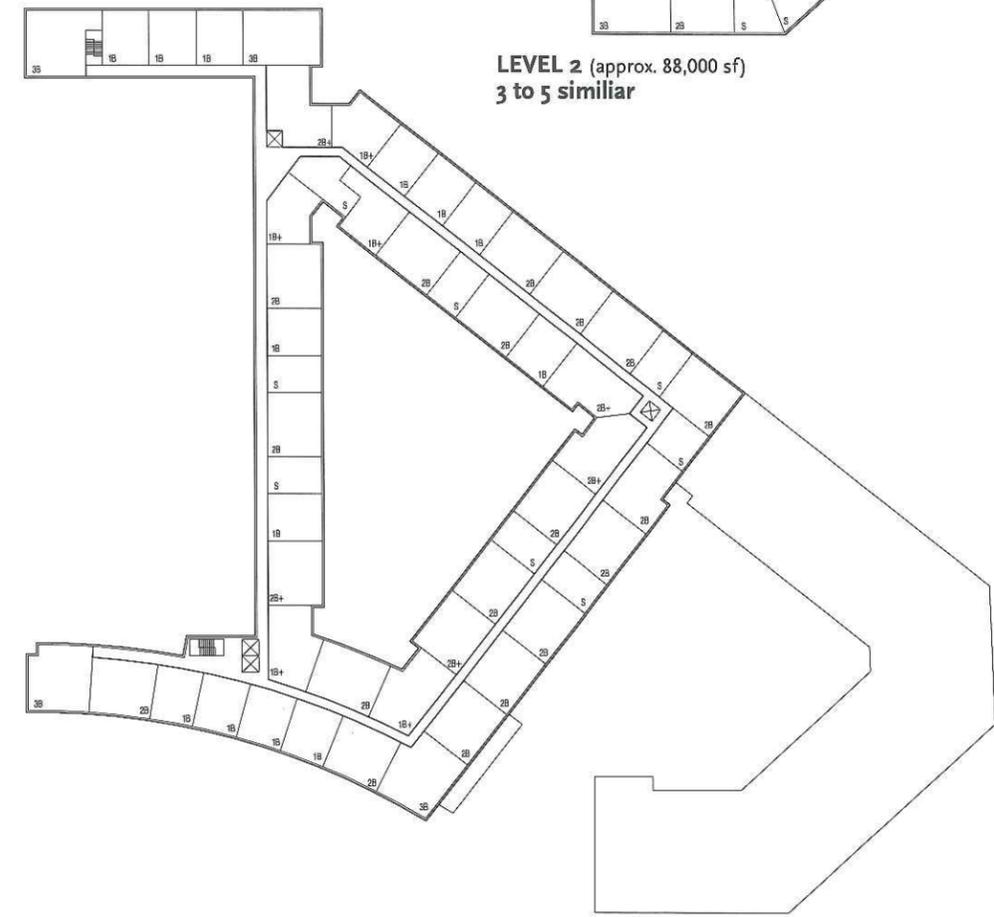




GROUND LEVEL (approx. 46,000 sf)



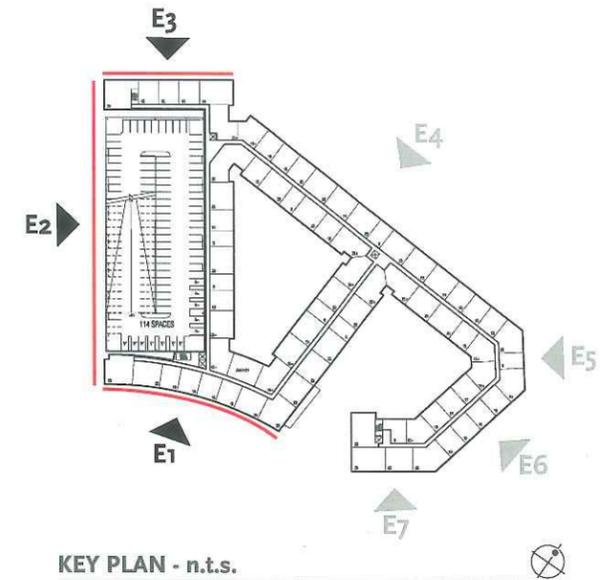
LEVEL 2 (approx. 88,000 sf)  
3 to 5 similar



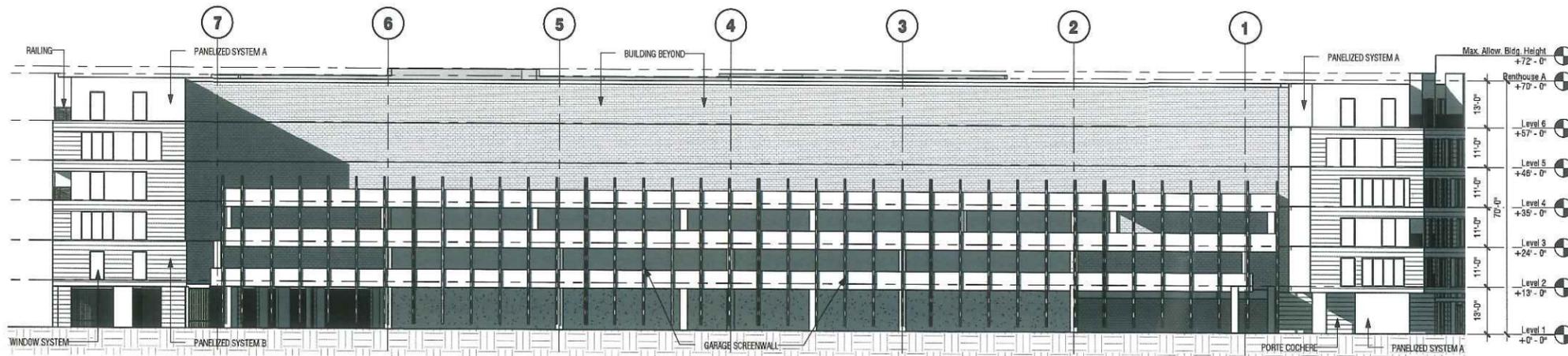
LEVEL 6 (approx. 60,000 sf)



E1 - SOUTH ELEVATION



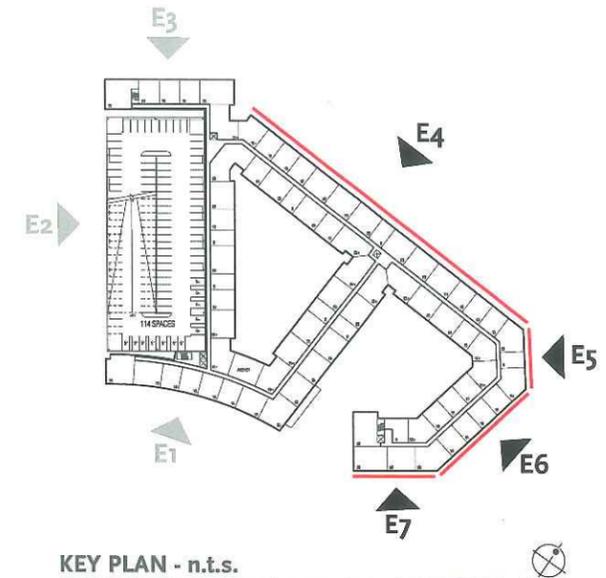
KEY PLAN - n.t.s.



E2 - WEST ELEVATION



E3 - NORTHWEST ELEVATION



KEY PLAN - n.t.s.

E4 - NORTH ELEVATION



E5 - NORTHEAST ELEVATION

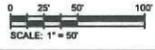
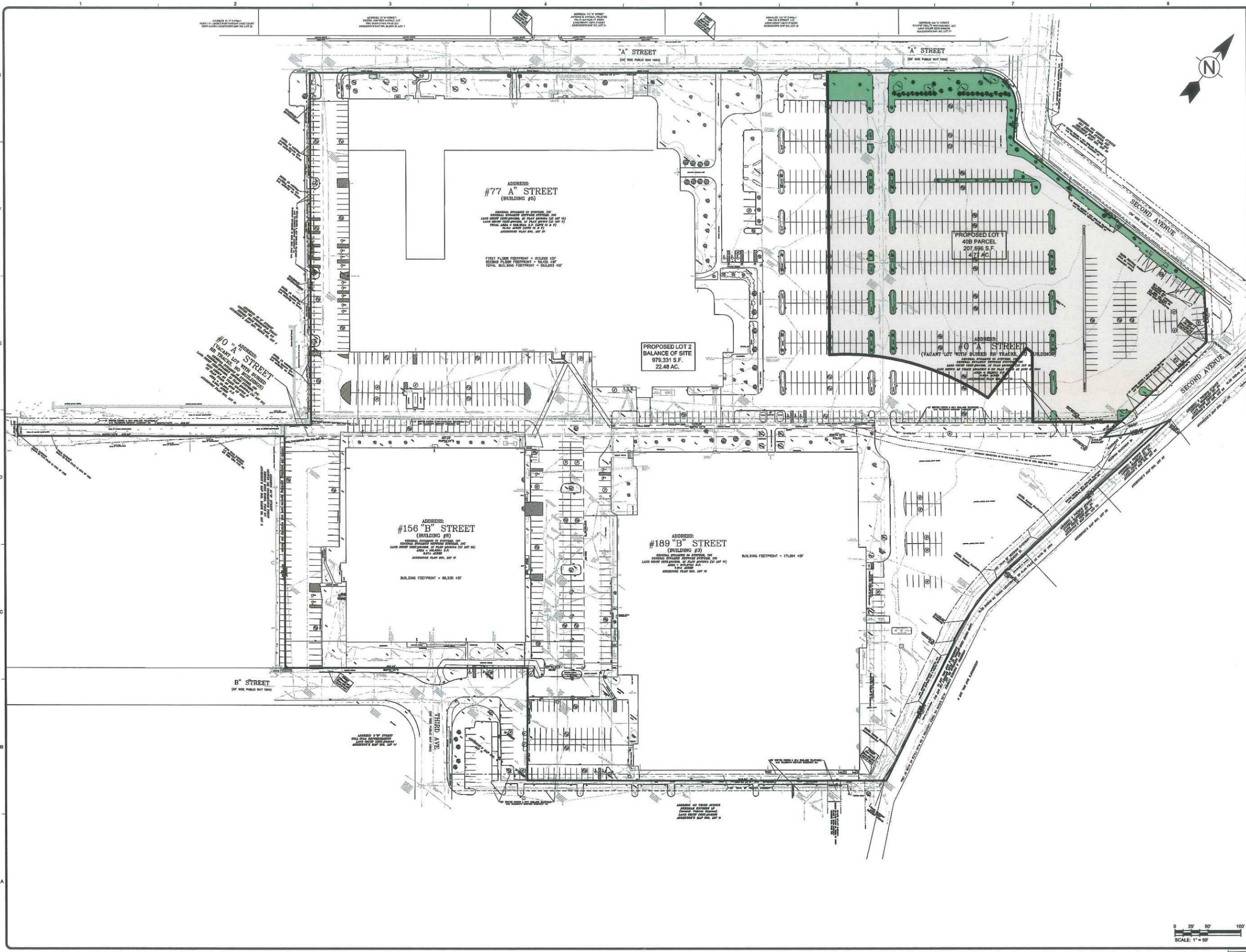


E6 - EAST ELEVATION



E7 - SOUTHEAST ELEVATION

1/21/2016 11:51:59 AM - P:\103813\145-103813-14002\CAUS\14002\DWG\EXISTING CONDITIONS.DWG - PAPPAS, JLD



**TETRA TECH**

www.tetrattech.com  
One Court Street  
Framingham, MA 01701  
PHONE: (508) 900-2000 FAX: (508) 900-2001

MARK	DATE	DESCRIPTION	BY
1	1-21-16	D.R.T. A BOARD OF SELECTMEN SUBMISSIONS	

Client: Normandy  
Proj. Loc.: Northam MA

Project No.: 143-103813-14002  
Designed By: G.K.D.  
Drawn By: J.L.P.  
Checked By:

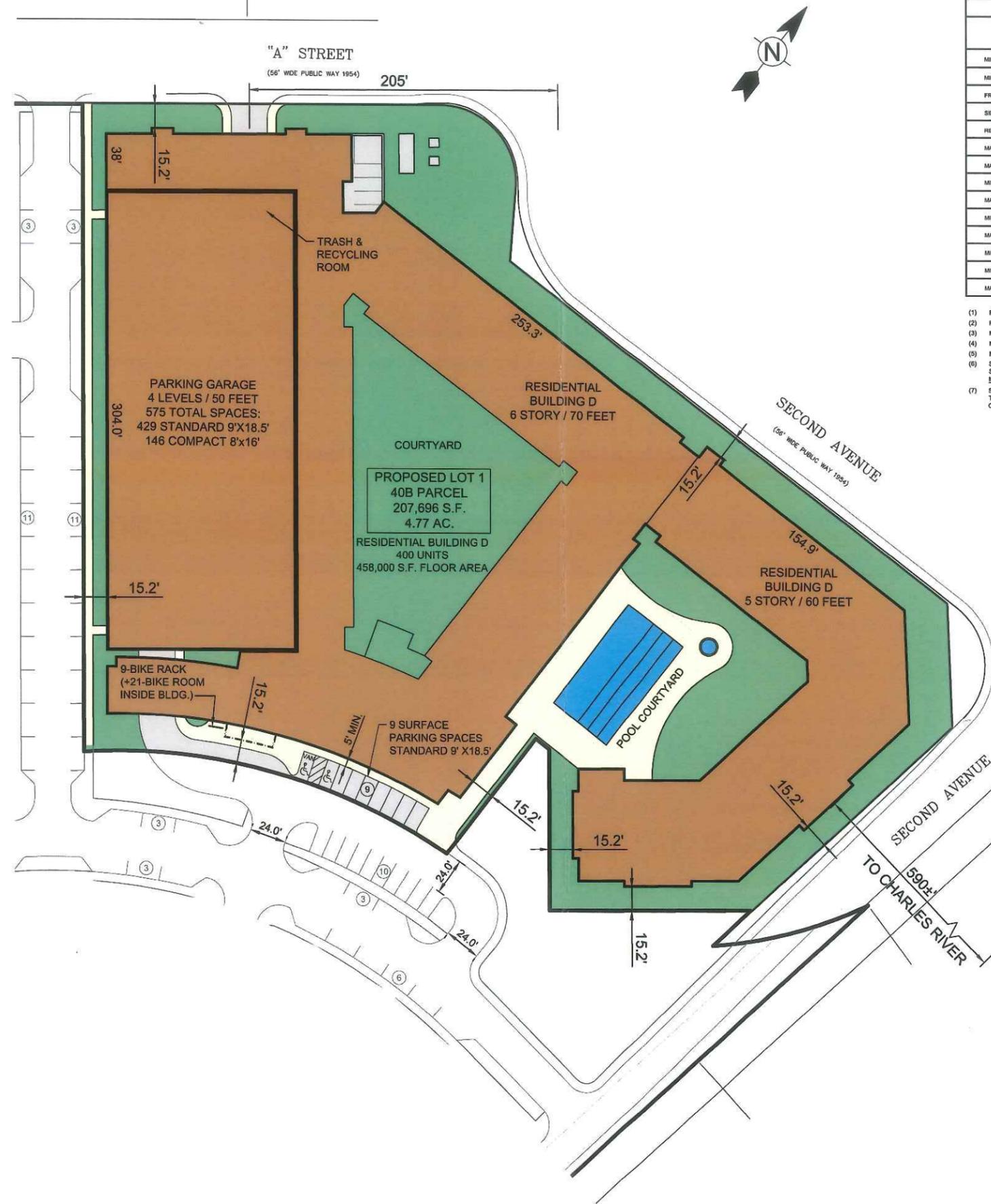
**Existing Conditions Plan**

1

Bar Measures 1 inch

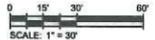


1/2/2015 11:20:35 AM - P:\103813\1402\CD\0\HET\LESS\40B SITE LAYOUT PLAN.DWG - PMPAS.JUD



40B ZONING SUMMARY			
NEW ENGLAND BUSINESS CENTER (NEBC) DISTRICT			
ITEM	REQUIRED	EXISTING 40B PARCEL	PROPOSED 40B PARCEL
MINIMUM LOT AREA	40,000 S.F.	207,696 S.F.	207,696 S.F.
MINIMUM LOT FRONTAGE	100'	996.51'	996.51'
FRONT SETBACK	15' OR 11.25' (1)	N/A	15.2'
SIDE SETBACK	20' OR 15' (1)	N/A	15.2'
REAR SETBACK	20' OR 15' (1)	N/A	N/A
MAXIMUM FLOOR AREA RATIO	1.00 OR 1.75 (2)	N/A	2.21
MAXIMUM % LOT COVERAGE	65% OR 81.25% (3)	N/A	70.1%
MINIMUM OPEN SPACE	25% OR 18.75% (4)	10.6%	18.5%
MAXIMUM BUILDING HEIGHT	72' OR 84' (5)	N/A	70'
MINIMUM PARKING SPACE COUNT	1.5 SPACES PER D.U. (6) = 600 SPACES	471 SPACES	584 SPACES
MAX. COMPACT PARKING SPACE COUNT	50% (232 SPACES) (7)	N/A	29% (146 SPACES)
MIN. HANDICAP PARKING SPACE COUNT	PER ARCH. ACCESS BD 2% OF 584 SPACES = 12	N/A	12 HC SPACES
MIN. NUMBER OF BIKE RACK SPACES	1 BIKE / 20 PARKING SPACES = 30 BIKE RACK SPACES	N/A	30
MAXIMUM UNINTERRUPTED FACADE	300'	N/A	342'

- (1) FRONT, SIDE, REAR SETBACKS MAY BE REDUCED BY 25% BY SPECIAL PERMIT FROM PLANNING BOARD.
- (2) FLOOR AREA RATIO (F.A.R.) MAY BE INCREASED BY 25% TO 1.75 BY SPECIAL PERMIT FROM PLANNING BOARD.
- (3) MAXIMUM % LOT COVERAGE MAY BE INCREASED BY 25% TO 81.25% BY SPECIAL PERMIT FROM PLANNING BOARD.
- (4) MINIMUM OPEN SPACE MAY BE REDUCED BY 25% TO 18.75% BY SPECIAL PERMIT FROM PLANNING BOARD.
- (5) MAXIMUM BUILDING HEIGHT MAY BE INCREASED BY 25% TO 84 FEET BY SPECIAL PERMIT FROM PLANNING BOARD.
- (6) SECTION 5.1.2 REQUIRED PARKING OF THE ZONING BY-LAW DOES NOT PROVIDE A REQUIRED NUMBER OF SPACES FOR MULTIFAMILY USES, HOWEVER, SECTION 5.1.4 OFF-STREET PARKING REQUIREMENTS FOR MULTIFAMILY STRUCTURES, REQUIRES 1.5 SPACES PER DWELLING UNIT FOR MULTIFAMILY USES IN THE APARTMENT DISTRICT.
- (7) SECTION 5.1.3 (a) COMPACT CARS - OFF-STREET PARKING AREAS MAY BE DESIGNATED TO ALLOW UP TO A MAXIMUM OF 50% OF THE TOTAL NUMBER OF PARKING SPACES TO BE USED BY COMPACT CARS. COMPACT CAR SPACES SHALL NOT BE LESS THAN 8' X 16'.



**TETRA TECH**  
www.tetrattech.com  
One Great Street  
Providence, RI 02903  
PHONE: (401) 803-2000 FAX: (401) 803-2001

MARK	DATE	DESCRIPTION
1	1-21-15	D.R.T. & BOARD OF SELECTMEN SUBMISSIONS

Client: Nonamody  
Proj. Loc.: Needham MA  
2nd Avenue Residences  
40B Development Plans  
**Conceptual 40B Site Layout Plan**

Project No.: 143-103813-14002  
Designed By: G.K.D.  
Drawn By: J.L.P.  
Checked By:



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

**MEETING DATE: 1/27/2015**

<b>Agenda Item</b>	Walker Gordon Conservation Restriction
<b>Presenter(s)</b>	Kate Fitzpatrick, Town Manager

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>		
<p>At its meeting on December 9, 2014 the Board voted to approve and sign the Conservation Restriction for the property known as "Carol-Brewster" to be held by the Land Trust, Inc.</p> <p>In accordance with the Community Preservation Act (CPA), property purchased with CPA funds must be subject to a permanent conservation restriction (CR) – a legal agreement that prevents development and other activities on protected natural and recreational resources. The CR details what activities can and cannot take place on a specific parcel.</p> <p>The Town cannot both own the land and hold the restriction – hence a non-profit land trust or similar organization must do so. The Town has negotiated with the Needham Land Trust, Inc. to perform conservation restriction activities for this parcel.</p> <p>The remaining parcel requiring a conservation restriction is the Walker Gordon parcel formerly known as 174 Charles River Street. Town Counsel has approved the final version and recommends it to the Board for approval.</p>			
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>	<b>YES</b>	<b>NO</b>
<p><i>Suggested Motion:</i> That the board approve and sign the Conservation Restriction for the property known as "Walker Gordon" to be held by the Needham Land Trust, Inc to be dated January 27, 2015.</p>			
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>	<b>YES</b>	<b>NO</b>
<p>a. Conservation Restriction</p>			

Grantor: Town of Needham, acting by and through its Board of Selectmen, 1471 Highland Avenue, Needham, MA 02492  
Grantee: Needham Land Trust, Inc., a Massachusetts non-profit corporation, 199 Bridle Trail Road, Needham, MA 02492  
For Title See: Deed dated December 1, 2010, and recorded at Norfolk Registry of Deeds at Book 28341, Page 211. The Premises constitute all of the land conveyed to the Grantor described in the deeds described above.

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### CONSERVATION RESTRICTION

The TOWN OF NEEDHAM, acting by and through its Board of Selectmen 1471 Highland Avenue, Needham, MA 02492, for its successors and assigns (“Grantor”), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, in consideration of One (\$1.00) Dollar paid, grants with Quitclaim Covenants for nominal consideration to the NEEDHAM LAND TRUST, INC., a Massachusetts nonprofit corporation, having an address of 199 Bridle Trail Road, Needham, MA 02492, and its permitted successors and assigns (“Grantee”), in perpetuity and exclusively for recreational and open space purposes, the following Conservation Restriction (Restriction) on land located at 174 Charles River Street, Needham, Massachusetts constituting approximately 1.76 acres of land (the Premises’), all as more particularly shown on a plan entitled “Town of Needham, 174 Charles River Street, Needham, Massachusetts Conservation Restriction Exhibit”, dated August 7, 2014, and prepared by Kelly Engineering Group, Inc., 0 Campanelli Drive, Braintree, MA 02184 (the “Plan”), and recorded herewith. A reduced copy of the Plan is attached here as Exhibit A.

#### **I. PURPOSES:**

This Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Restriction is to assure that the Premises will be maintained for recreational and open space purposes.

The Restriction is established to protect the Premises, which were purchased by Grantor for recreational purposes pursuant to the vote taken under Article 10 of the May 5, 2012 Special Town Meeting, using Community Preservation Funds pursuant to G.L. c. 44B.

The Premises shall be restricted to recreational and open space purposes. These values include the following:

**Open Space Preservation.** The protection of the Premises contributes to the protection of the scenic and natural character of the open spaces described in the Open Space and Recreation Plan of the Town of Needham and the protection of the Premises will enhance the open space value of these lands. The Premises are adjacent to other open space owned by the Town of Needham.

**Protection of Wildlife Habitat.** The preservation of the Premises as open space, a portion of which is within the buffer zone to a bordering vegetated wetland and Walker Pond will provide wildlife habitat.

**Water Quality.** The Premises are adjacent to a pond and bordering vegetated wetlands. The Premises contribute to protection of water quality and wetland species by protecting bordering vegetated wetlands, buffer zones and existing woodlands.

**Scenic Preservation.** The Premises formerly contained a single family residence in a state of serious disrepair. By demolishing the single family residence and associated outbuildings and incorporating the property into adjacent public land owned by the Town of Needham has resulted in the enhancement of the streetscape along a portion of Charles River Street.

**Recreation.** The Premises abuts land that is owned by the Town and used for playing fields. The Premises were acquired for open space and recreational purposes.

## **II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO & PERMITTED USES**

### **A. Prohibited Acts and Uses**

Except as specifically reserved and excepted in Section II. B below, the Grantor will not perform or permit the following acts and uses which are prohibited on, above, and below the Premises:

- (1) Constructing, placing or allowing to remain any temporary or permanent building, mobile home, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
- (2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise make topographical changes to the area;
- (3) Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;

- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, or archaeological conservation;
- (6) Use, parking or storage of vehicles including, without limitation, motorcycles, mopeds, all-terrain motorized vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their lawful duties and motorized wheelchairs for the disabled;
- (7) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel except as needed to support recreational activities;
- (8) The use of any portion of the Premises towards satisfaction of any building or development requests on the Premises or on any other parcel;
- (9) Any other use of the Premises or activity thereon which is inconsistent with the purpose of this Restriction or which would materially impair its open space and recreational purposes.

B. Reserved Rights and Exceptions

Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not materially impair the recreational or open space values or purposes of this Restriction:

- (1) The maintenance and use of the area as part of recreational fields; including and not limited to fencing, grass cutting, irrigation, replanting dead or damaged grass, marking of playing fields, lighting, installation, repair, maintenance and replacement of foul poles, playing games, hiking, cross country skiing and other non-motorized outdoor recreational activities that do not involve commercial recreational activities;
- (2) Picnicking, hiking, bird watching, photography, cross-country skiing and other outdoor recreational activities that do not involve commercial recreational activities;
- (3) The erection, maintenance and replacement of signs with respect to education, instruction of proper use, hunting, trespass, identity of the fields and recreational activities, other similar information, the Grantee's interest in the Premises, and the protected recreational values;
- (4) The uses and activities prohibited in Section II.A of this Restriction when needed to support recreational activities.

The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with applicable zoning, the Wetlands Protection Act, Needham Wetlands Bylaw and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any

reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.

C. Notice and Approval

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

III. **LEGAL REMEDIES OF THE GRANTEE**

A. Legal and Injunctive Relief

The rights hereby granted shall include the right to enforce this Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of, when applicable (it being agreed that the Grantee will have no adequate remedy at law). In any instance in which Grantee determines there is either an ongoing violation by Grantor or diminution of the recreational values or purposes of this Restriction, Grantee agrees to provide written notice to Grantor of any violation of this Restriction and grant Grantor a reasonable period of time to cure any violations prior to resorting to enforcement action against Grantor, provided Grantor ceases the objected to violation(s) or as agreed to by Grantee. Grantor covenants and agrees to promptly reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Restriction.

B. Non-Waiver

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

C. Disclaimer of Liability

By acceptance of this Restriction, Grantee does not undertake any liability or obligation relating to the physical condition of the Premises or relating to the compliance of the Premises with zoning, environmental laws and regulations (including the presence of hazardous materials), nor shall Grantee have any liability for any personal injury or property damage occurring on the Premises not caused by the willful act of Grantee or its agents, or for acts caused by trespass on the Premises. It is also the intention of the parties that any public use which is permitted by the terms of this Restriction constitutes permission to use the Premises for purposes described in Chapter 21, Section 17C of the General Laws, and that the parties hereto benefit from exculpation from liability to the extent provided in such section. Nothing contained in this Restriction shall be construed to entitle Grantee to bring any actions against Grantor for any injury to or change in the Premises resulting from acts caused by trespass on the Premises not contributed to or acquiesced in by acts or omissions of Grantor. Grantor shall indemnify, hold harmless and defend Grantee and/or its members from any claims, suits and/or damages it may incur as the result of actions by a third party against Grantee and/or any of Grantees members not caused by the negligence of the Grantee or any of its members and only up to the limit of \$100,000 per claim.

D. Acts Beyond the Grantor's Control

Nothing contained in this Restriction shall be construed to entitle Grantee to bring any actions against Grantor for any injury to or change in the Premises resulting from causes beyond Grantor's control, including, but not limited to fire, flood, storm and earth movement, and acts caused by trespass on the Premises not contributed to or acquiesced in by acts or omissions of Grantor, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. The parties shall cooperate with each other with respect to restoration efforts if desirable or feasible.

**IV. ACCESS**

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

**V. EXTINGUISHMENT**

1. Grantee's Receipt of Legal Interest

Grantor and Grantee agree that the grant of this Restriction gives rise for purposes of this paragraph to a legal interest in Grantee for purposes of enforcing the terms of this Restriction.

2. Grantor/Grantee Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then Grantor and Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action.

3. Division of Proceeds

If any occurrence gives rise to extinguishment or other release of this Restriction under applicable law, after and approval by the Secretary of Energy and Environmental Affairs. Grantor shall be reimbursed from the proceeds, once recovered, for its respective share of reasonable legal expenses, if any, associated with the recovery of said proceeds. Then remaining balance of said proceeds shall be used in compliance with Massachusetts General Laws Chapter 44B for recreational purposes.

VI. **ASSIGNABILITY**

A. Running of the Burden

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

B. Execution of Instruments

Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Restriction.

C. Running of the Benefit

The benefits of this Restriction shall run to the Grantee, shall be in gross and shall not be assignable by Grantee, except with the assent of the Grantor.

As a condition of any assignment, Grantee shall require that the purpose of this Restriction continues to be carried out; and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable. In the event that the Needham Land Trust, Inc. ceases to exist and has not assigned this Restriction, the Grantor shall have the right to name a successor Grantee, provided that such successor Grantee is not a fee owner of the Premises and is eligible to receive this Restriction as provided in this paragraph, and provided that Grantor records a notice of appointment and acceptance of a successor Grantee at the Norfolk Registry of Deeds.

## **VII. SUBSEQUENT TRANSFERS**

Grantor agrees to incorporate by reference the terms of this Restriction in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Premises, including a leasehold interest and to notify Grantee of such transfer. Failure to do so shall not impair the validity or enforceability of this Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

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

## **VIII. ESTOPPEL CERTIFICATES**

Upon request by Grantor, Grantee shall, within twenty (20) days, execute and deliver to Grantor any document, including an estoppel certificate, which certifies Grantor's compliance with or violation of any obligation of Grantor contained in this Restriction.

## **IX. NON MERGER**

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

## **X. AMENDMENT**

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

**XI. EFFECTIVE DATE**

This Restriction shall be effective when Grantor and Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in the Norfolk Registry of Deeds in a timely manner.

**XII. NOTICES**

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally with a receipt or sent by first class mail, postage pre-paid, return receipt requested, addressed to the parties at the addresses set forth above, or to such other address as any of the above parties shall designate from time to time by written notice to the other or that is reasonably ascertainable by the parties.

**XIII. GENERAL PROVISIONS**

A. Controlling Law

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

B. Liberal Construction

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

C. Severability

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

D. Entire Agreement

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

#### XIV. MISCELLANEOUS

##### A. Pre-existing Public Rights

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

##### B. Exhibits

Attached hereto and incorporated herein are the following:

Exhibit A Description of 174 Charles River Street, Needham, MA  
Exhibit B Attested copy of Town Meeting vote authorizing the purchase of the Premises

Grantor: Board of Selectmen:  
John A. Bulian  
Maurice P. Handel  
Matthew Borrelli  
Marianne Cooley  
Daniel P. Matthews

Grantee: Alicia L. Downey, President  
Daniel P. Dain, Treasurer

[signature page follows]

WITNESS our hands and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

TOWN OF NEEDHAM

By its Board of Selectmen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared \_\_\_\_\_, Selectman of the Town of Needham, as aforesaid, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Needham.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

ACCEPTANCE OF GRANT

The above Conservation Restriction from the Town of Needham was accepted by the Needham Land Trust, Inc. on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Needham Land Trust, Inc.

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose as \_\_\_\_\_ of the Needham Land Trust, Inc.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

APPROVAL OF BOARD OF SELECTMEN

We, the undersigned, being a majority of the Board of Selectmen of the Town of Needham, hereby certify that at a public meeting duly held on \_\_\_\_\_, 2015, the Board of Selectmen voted to approve the foregoing Conservation Restriction from the Town of Needham to the Needham Land Trust, Inc. pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts.

TOWN OF NEEDHAM  
By its Board of Selectmen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared \_\_\_\_\_, Selectman of the Town of Needham, as aforesaid, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Needham.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from the Town of Needham to the Needham Land Trust, Inc. has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Dated: \_\_\_\_\_, 2015 \_\_\_\_\_

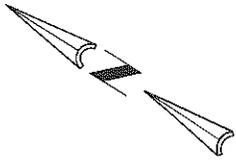
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

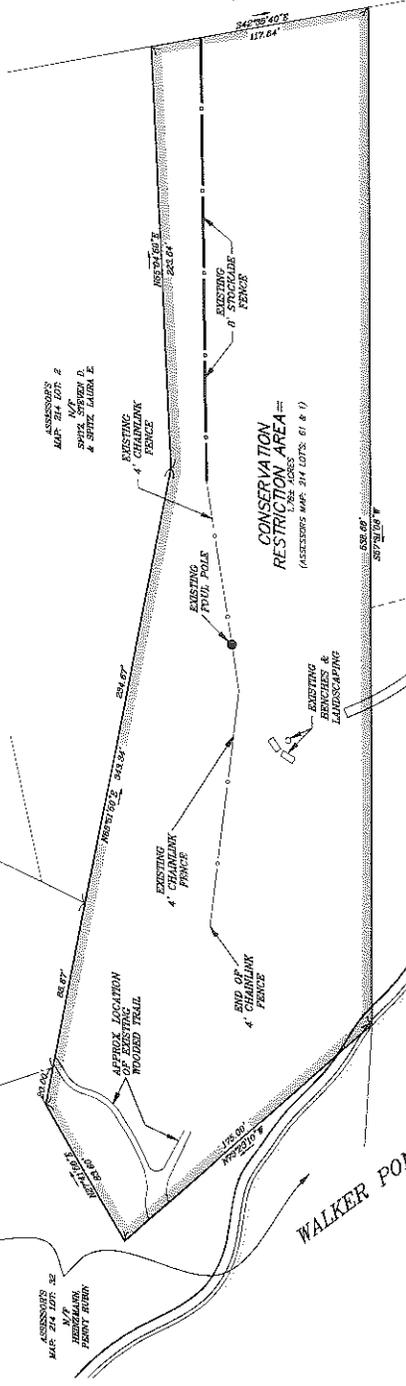
Suffolk, ss.

On this \_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as Secretary of the Executive Office of Energy and Environmental Affairs.

\_\_\_\_\_  
Notary Public  
My Commission Expires:



**CHARLES RIVER STREET**  
(PUBLIC WAY)



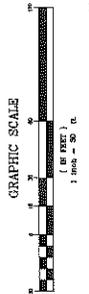
I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES WITHIN EXISTING OWNERSHIPS, AND THE LINES OF STREETS, AND OTHER SHOWING THESE AREAS, ARE THE LINES AS SHOWN ON THE RECORDS OF THE TOWN OF NEEDHAM, MASSACHUSETTS, AND THAT THE NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

STAVEN M. HORSFALL, P.L.S. DATE \_\_\_\_\_

NOTE: LOTS CONSIST OF LOTS SHOWN AS ASSESSORS MAP 284, LOT 61 & LOT 1

SCALE 1" = 30'	REV 1	DATE	REVISION	BY
DATE				
PROJECT	TOWN OF NEEDHAM 174 CHARLES RIVER STREET NEEDHAM, MASSACHUSETTS CONSERVATION RESTRICTION EXHIBIT			
PLAN NO.	1			
DISK REF NO.	201-07-008			
DRAWN BY	JPM			
CHECKED BY	JPM			
DATE	2011			
PRO BY	JPM			



**KELLY ENGINEERING GROUP, INC.**  
CIVIL ENGINEERING CONSULTANTS  
6 CAMPANELLI DRIVE - BRAINTREE, MA 01908  
PHONE: 781 843 0331 FAX: 781 843 0088



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

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**MEETING DATE: 1/27/2015**

<b>Agenda Item</b>	Budget Presentation
<b>Presenter(s)</b>	Kate Fitzpatrick, Town Manager

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>		
	The Town Manager will present the proposed annual balanced budget for fiscal year 2016.		
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>	<b>YES</b>	<b>NO</b>
	<i>Suggested Motion:</i> That the Board vote to recommend approval of the Town Manager's Proposed Annual Budget for FY2016.		
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>	<b>YES</b>	<b>NO</b>
	a. FY2016 Budget Message b. FY2016 Proposed Annual Balanced Budget Provided Under Separate Cover		

# Sustainable Needham:

## A Ten Year Look Back 2005 - 2015

The "Proposed Annual Budget" celebrates its 10<sup>th</sup> anniversary in FY2016, providing an opportunity to reflect on the accomplishments the community has made during that period. The successes highlighted throughout this document were achieved through the efforts of Town staff and volunteers, non-profit organizations, and the business sector. Working together in a sustainable way, even during a period that has come to be known as the "great recession," we have ensured the desirability of Needham as a place to live, work and play.

A major factor in that success has been our emphasis on sustainability - meeting the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable budgeting remains as relevant today as when we started down this road ten years ago, and continues to be our guiding principle.

## Budget in Brief

Department spending requests were submitted to the Finance Committee on December 10, 2014. The total department spending requests represented an increase of 4.8% over FY2015.

The recommended FY2016 General Fund operating budget totals \$135,799,837, or \$6,420,438 more than FY2015, representing a change of 5.0%. This includes an increase of 6.1% for the Public Schools (5.7% excluding the transfer of cash capital as fully outlined below), 4.7% for municipal departments, and 4.1% for true Townwide expenses. Total General Fund appropriations total 6.4% more than in FY2015, reflective of the stronger than normal Free Cash position, which is recommended for non-recurring items. A comparison of the FY2015 budget to the FY2016 recommended budget is shown in Table 1.1 below:

**Table 1.1**  
**General Fund Spending Plan**

Description	FY2015 Current	FY2016 Recommended	\$ Change	% Change
Townwide Expenses (excludes CPS)	\$35,301,063	\$36,735,091	\$1,434,028	4.1%
General Departments (includes CPS)	\$27,151,898	\$28,256,575	\$1,104,677	4.1%
Department of Public Facilities	\$8,071,939	\$8,610,363	\$538,424	6.7%
Needham Public Schools	\$57,961,288	\$61,497,808	\$3,536,520	6.1%
Minuteman Assessment	\$893,211	\$700,000	(\$193,211)	-21.6%
<b>Total Operating Budget</b>	<b>\$129,379,399</b>	<b>\$135,799,837</b>	<b>\$6,420,438</b>	<b>5.0%</b>
Cash Capital	\$2,667,260	\$2,852,111	\$184,851	6.9%
Financial Warrant Articles	\$53,805	\$1,152,500	\$1,098,695	2042.0%
Other Appropriations	\$1,924,125	\$2,782,490	\$858,365	44.6%
<b>Total General Fund Appropriations</b>	<b>\$134,024,589</b>	<b>\$142,586,938</b>	<b>\$8,562,349</b>	<b>6.4%</b>

# Budget Process

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## **Budgeting Best Practices**

In developing the FY2016 budget, we continue to use the following best practices in order to produce a budget that preserves the Town's fiscal sustainability: current revenues must be sufficient to support current expenditures; debt must not be used to fund on-going operating expenses; the use of Free Cash to fund operations should be minimized; adequate contingency funds should be maintained; and sufficient maintenance and replacement funds should be allocated to ensure that capital facilities and equipment are properly maintained.

## **Core Budget Priorities**

The Board of Selectmen has adopted the following core budget priorities for general government operations. These priorities served as a key guideline in our evaluation of departmental spending requests. As in recent years, the primary goal of the Board of Selectmen in consideration of the FY2015 operating budget is the maintenance and optimization of existing Town services. In addition, mindful of the availability of revenue for appropriation, the Board has set the following priorities for FY2016:

1. Support for items that contribute to the achievement of the Board's goals and objectives.
2. Support for a five to ten year plan for the renovation, reconstruction and/or preservation of the Town's capital assets in the most prudent, realistic, and efficient manner.
3. Support for initiatives that contribute to financial sustainability, including the maintenance of a debt service plan that balances capital needs with the Town's ability to pay, identification of alternative funding sources for traditional cash capital needs, evaluation of creative financing alternatives, and alignment of capital and maintenance needs with appropriate funding sources.

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### **10 YEAR LOOK BACK: 2005 - 2015**

25% Funded OPEB Liability •  
AAA bond rating • Capital Facility  
Stabilization Fund •  
Athletic Facility Stabilization Fund

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4. Support for initiatives aimed at achieving greater coordination and efficiency among Town departments, and providing adequate resources to address the general administrative needs of the Town in the most cost effective manner.
  5. Promote initiatives that contribute to the long-term economic vitality of Needham.
  6. Support for the stewardship of existing land and resources, including expansion (both in terms of amount and usability) of Town-owned land for active and conservation uses.
  7. Promote initiatives that contribute to the appearance of the Town.
-

## Budget Process

The Town Manager, the Finance Committee, the Board of Selectmen, and the School Committee all play different and important roles in the budget process. The General By-laws of the Town of Needham provide for the following process:

**2.2.1 Operating Budget** The Town Manager shall issue budget guidelines and instructions for all Town departments to submit their spending requests for the ensuing fiscal year. The Town Manager shall consult with the Finance Committee prior to the issuance of said guidelines and instructions. The Town Manager and School Superintendent will provide the Finance Committee with copies of their respective departmental spending requests on or before the 2<sup>nd</sup> Wednesday of December. Following receipt of these spending requests, the Finance Committee may begin its consideration of same, including the commencement of budget hearings. The Town Manager, after consultation with the Board of Selectmen and School Committee, shall not later than the 31<sup>st</sup> day of January, present to the Finance Committee a balanced budget recommendation in the form of an executive budget, which shall include the spending priorities of all Town departments for the ensuing fiscal year, including in addition thereto, the voted School Committee budget request if different than that contained in the proposed balanced budget. The Town Manager's executive budget recommendation shall not be binding on the Finance Committee. Said executive budget recommendation shall include the estimates of Town revenues and proposed expenditures of all Town departments, including debt service and other amounts required to be raised for the ensuing fiscal year. The Town Manager may amend or otherwise revise revenue estimates as may be warranted. All such revisions shall be provided in writing to the Board of Selectmen, School Committee and Finance Committee.

The FY2016 budget calendar is shown in Table 1.2.

**Table 1.2**  
**Key Dates for the FY2016 Budget Process**

July	1	2014	Start of Fiscal Year 2015
August	1	2014	Capital Improvement Plan submission guidelines released
August	19	2014	Town Manager budget consultation with the Board of Selectmen
September	3	2014	Town Manager budget consultation with the Finance Committee
September	29	2014	FY2016 Budget submission guidelines released
October	14	2014	Town Manager budget consultation with the Board of Selectmen
<b>October</b>	<b>17</b>	<b>2014</b>	<b>Department capital requests due to the Town Manager</b>
<b>October</b>	<b>24</b>	<b>2014</b>	<b>FY2016 Department Spending Requests due to Town Manager</b>
October	27	2014	Special Town Meeting
November	12	2014	Town Manager budget consultation with the Board of Selectmen

November	25	2014	Preliminary FY2016 capital recommendations to the Board of Selectmen
December	9	2014	Preliminary five-year capital recommendations to the Board of Selectmen
December	10	2014	FY2016 Department Spending Requests due to the Finance Committee
December	23	2014	Board of Selectmen votes CIP recommendation
<b>January</b>	<b>6</b>	<b>2015</b>	<b>FY2016 – FY2020 Capital Improvement Plan released</b>
January	6	2015	Town Manager budget consultation with the School Committee
<b>January</b>	<b>31</b>	<b>2015</b>	<b>Town Manager's Balanced Budget due</b>
February	2	2015	Warrant Articles for the 2015 Annual Town Meeting due to the Board of Selectmen
February	22	2015	Finance Committee's FY2016 draft budget is due to the Town Manager
<b>March</b>	<b>15</b>	<b>2015</b>	<b>Finance Committee's budget recommendations are due for inclusion in the Annual Town Meeting Warrant</b>
<b>April</b>	<b>14</b>	<b>2015</b>	<b>Annual Town Election</b>
May	4	2015	Annual Town Meeting Begins
July	1	2015	Start of Fiscal Year 2016

Budget guidelines were distributed to departments, boards, and committees on September 29, 2014, with spending requests due on October 24 2014. The senior management team held budget review meetings with all departments during the month of November. Finance Committee and Community Preservation Committee liaisons were invited to attend these meetings in order to prepare for their own deliberations. Discussions with the Board of Selectmen, Finance Committee, and School Committee continued during the fall and winter. The Town Manager's official budget consultation with the School Committee occurred on January 6, 2015. At the time of the distribution of this proposed budget, the School Committee had not yet voted its FY2016 budget recommendation.

## Budget Drivers: Personnel-Related Costs & Enrollment

Because the primary product of local government is services, the operating budget is heavily weighted to salaries and other personnel-related costs. In Needham, continued and sustained School enrollment growth has also placed a significant demand on available resources.

### Salary Related Expenses

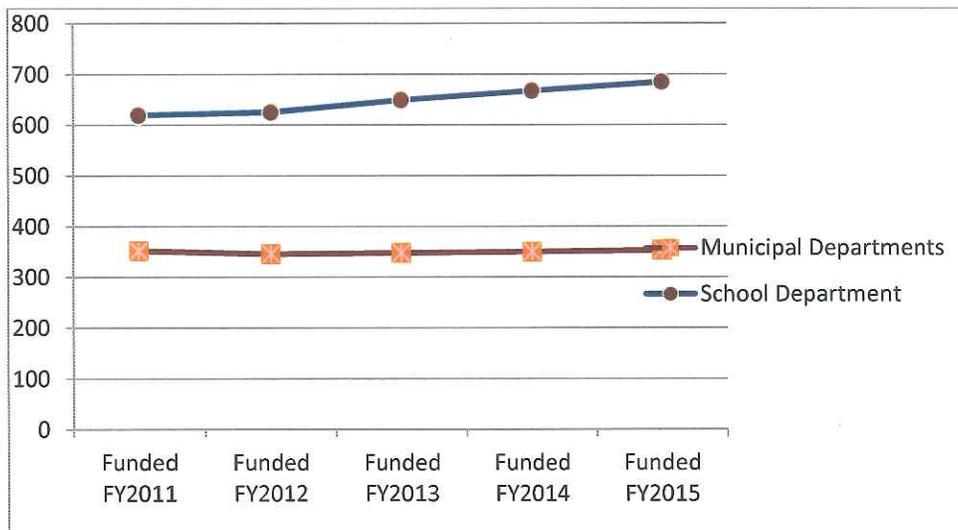
Personnel-related costs remain the highest proportion of the Town's budget. Table 1.3 details the number of General Fund and Enterprise Fund benefit-eligible employees by department. The number of General Government benefit-eligible full-

time equivalent employees (FTE) remained relatively constant from FY2011 to FY2015 increasing by 0.43%. The number of School Department FTEs grew by 10.6% over that same period.

**Table 1.3  
General and Enterprise Fund Full-time Equivalent Benefit-Eligible Positions  
FY2011 to FY2015**

Department	Funded FY2011	Funded FY2012	Funded FY2013	Funded FY2014	Funded FY2015	FY2011-2015 % Change
Town Manager/Selectmen	8.00	8.00	8.00	8.00	8.00	0.00%
Town Clerk	4.00	4.00	4.00	4.00	4.00	0.00%
Finance	21.00	21.00	23.00	23.00	23.20	10.48%
Police	58.00	57.00	57.00	57.00	59.00	1.72%
Fire	74.00	72.00	72.00	72.00	71.00	-4.05%
Building	7.00	7.00	7.00	8.60	8.60	22.86%
DPW	89.00	86.00	86.00	86.00	87.00	-2.25%
Public Facilities	53.80	54.80	55.00	55.80	56.00	4.09%
Health	4.60	4.60	4.60	4.60	5.40	17.39%
Human Services	8.30	7.80	7.80	7.80	7.80	-6.02%
Planning & Community Development	5.58	5.80	5.80	5.80	5.80	3.94%
Library	14.00	13.00	13.00	13.00	13.00	-7.14%
Park and Recreation	4.00	4.00	4.00	4.00	4.00	0.00%
<b>Municipal Departments</b>	<b>351.28</b>	<b>345.00</b>	<b>347.20</b>	<b>349.60</b>	<b>352.80</b>	<b>0.43%</b>
<b>School Department</b>	<b>618.50</b>	<b>624.40</b>	<b>648.50</b>	<b>666.90</b>	<b>684.20</b>	<b>10.62%</b>

**Chart 1.1  
Change in Benefit Eligible FTEs FY2011 - FY2015**



As noted on Table 1.4, average annual increases in salary line items from FY2011 to FY2015 are slightly higher than our sustainability target due to increases in headcount for program improvements, predominantly in the Needham Public Schools (5.2% overall, 6.2% for the Needham Public Schools, and 3.5% for General Government departments).

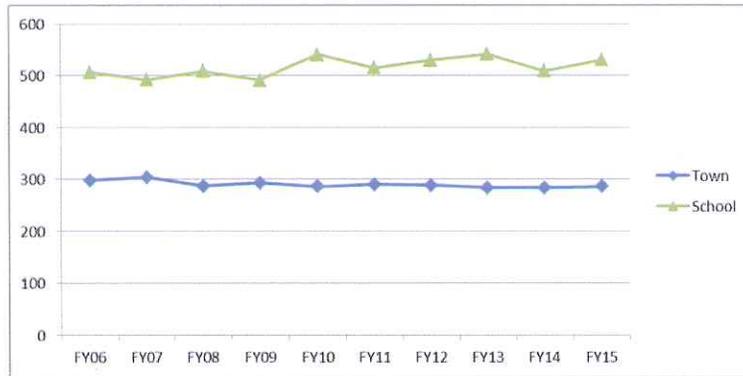
**Table 1.4  
Changes in Salary Line Items FY2011 to FY2015**

Description	FY2011	FY2012	FY2013	FY2014	FY2015 - Current	Average % Change
Board of Selectmen and Office of the Town Manager	644,644	649,992	669,819	691,474	715,158	2.6%
Town Clerk and Board of Registrars	282,308	281,663	296,301	282,647	312,927	2.8%
Town Counsel	68,664	68,664	70,039	71,790	73,584	1.8%
Personnel Board	600	600	600	600	0	
Finance Department	1,342,043	1,399,514	1,600,620	1,637,963	1,690,829	6.1%
Finance Committee	27,493	28,524	30,289	31,668	32,462	4.2%
<b>Municipal Administration</b>	<b>2,365,752</b>	<b>2,428,957</b>	<b>2,667,668</b>	<b>2,716,142</b>	<b>2,824,960</b>	<b>4.6%</b>
Planning Department	218,028	235,022	244,849	259,826	267,920	5.3%
Community Development Department	102,588	112,305	118,626	129,899	135,795	7.3%
Land Use & Development	320,616	347,327	363,475	389,725	403,715	5.9%
Police Department	4,884,190	4,863,916	4,959,157	5,175,845	5,581,122	3.4%
Fire Department	5,812,408	6,100,123	6,249,767	6,581,793	6,758,282	3.8%
Building Department	445,919	443,280	460,619	528,614	553,286	5.7%
<b>Public Safety</b>	<b>11,142,517</b>	<b>11,407,319</b>	<b>11,669,543</b>	<b>12,286,252</b>	<b>12,892,690</b>	<b>3.7%</b>
<b>Department of Public Works (including enterprise employees)</b>	<b>5,705,831</b>	<b>5,603,635</b>	<b>5,693,797</b>	<b>5,853,827</b>	<b>6,110,486</b>	<b>1.8%</b>
<b>Department of Public Facilities</b>	<b>2,870,212</b>	<b>3,087,351</b>	<b>3,227,402</b>	<b>3,407,208</b>	<b>3,512,871</b>	<b>5.2%</b>
Health Department	383,012	388,665	401,658	418,295	483,055	6.1%
Human Services Department	488,996	498,717	510,811	555,478	599,275	5.3%
Commission on Disabilities					1,500	
Public Library	1,076,094	1,077,213	1,071,967	1,103,803	1,156,157	1.8%
Park and Recreation Department	443,185	443,118	453,499	468,456	483,633	2.2%
<b>Community Services</b>	<b>2,391,287</b>	<b>2,407,713</b>	<b>2,437,935</b>	<b>2,546,032</b>	<b>2,723,620</b>	<b>3.3%</b>
<b>Total</b>	<b>24,796,215</b>	<b>25,282,302</b>	<b>26,059,820</b>	<b>27,199,186</b>	<b>28,468,342</b>	<b>3.5%</b>
<b>Education</b>	<b>40,264,790</b>	<b>40,908,300</b>	<b>43,903,789</b>	<b>46,455,864</b>	<b>51,156,319</b>	<b>6.2%</b>
<b>Combined Total</b>	<b>65,061,005</b>	<b>66,190,602</b>	<b>69,963,609</b>	<b>73,655,050</b>	<b>79,624,661</b>	<b>5.2%</b>

Health Insurance Expenses

Health insurance costs for employees and retirees continue to grow faster than the rate of revenue growth. This is a systemic problem on the national level. As evidenced in Chart 1.2, health insurance enrollment for active employees has fluctuated over the past ten years, increasing by 3.0% from FY2014 to FY2015.

**Chart Table 1.2  
Health Insurance Enrollment  
FY2006 - FY2015**

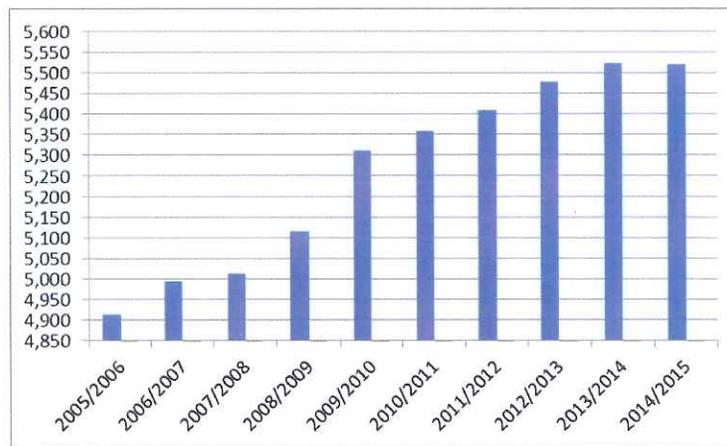


The Town has absorbed the savings associated with converting the workforce to the Rate Saver program, and should expect increases in line with projected health insurance costs (in the range of 6 – 9%) in FY2017 and beyond. That increase, along with potential increases in headcount, will put greater pressure on the operating budget.

School Enrollment

Over the past ten years, School enrollment in Needham has increased by 12.3%, or 605 additional students. Chart 1.3 and Table 1.6 detail the School enrollment growth.

**Chart 1.3  
Needham Public Schools Enrollment 2005/2006 to 2014/2015**



Source: DESE

**Table 1.6  
Needham Public Schools Enrollment**

	Enrollment	Percentage Change
2005/2006	4,914	1.6%
2006/2007	4,995	1.6%
2007/2008	5,013	0.4%
2008/2009	5,115	2.0%
2009/2010	5,311	3.8%
2010/2011	5,358	0.9%
2011/2012	5,409	1.0%
2012/2013	5,476	1.2%
2013/2014	5,523	0.9%
2014/2015	5,519	-0.1%
<b>Increase</b>	<b>605</b>	<b>12.3%</b>

Source: DESE

When compared to other jurisdictions in the comparable community group, Needham's school enrollment growth is at the high end of the range - 12% from the 2005/2006 school year to 2014/2015 - compared to the average of 8% (Table 1.7). Needham's enrollment grew by 605 children during that period, ranking 6<sup>th</sup> of 18 comparable communities. The percent of the population that is enrolled in the public schools as a percent of the total population is also at the high end - 19% as compared to the average of 15%, or 6<sup>th</sup> of 18 communities (Table 1.8).

Community	10 year Change
Brookline	25%
Winchester	18%
Natick	16%
Belmont	16%
Arlington	15%
Needham	12%
Wellesley	11%
Bedford	11%
Westwood	10%
Milton	10%
Newton	10%
Lexington	9%
Walpole	2%
Watertown	2%
Framingham	0.4%
Dedham	-4%
Weston	-4%
Wayland	-9%
Average without Needham	8%

**Table 1.7  
Comparable Enrollment Growth 2005/2006 to 2014/2015**

Source: DESE

Community	% School Age
Westwood	22%
Lexington	22%
Winchester	21%
Wayland	20%
Weston	20%
Needham	19%
Bedford	19%
Wellesley	18%
Belmont	17%
Walpole	16%
Natick	16%
Newton	15%
Milton	15%
Brookline	13%
Arlington	12%
Framingham	12%
Dedham	11%
Watertown	8%
Average without Needham	15%

**Table 1.8  
School Enrollment as a Percent of Population 2014/2015**

Source: DESE

# Balanced Budget Highlights

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The following is a summary of key considerations that serve as the basis of the balanced budget recommendations. The full discussion of each department is included in the submitted departmental spending requests contained in Section 4.

## Townwide Expenses

The **Retirement Assessments** budget increased by 9.4% over FY2015 based on the January 1, 2014 funding schedule. The Retirement Board voted to adopt an actuarial schedule that includes a reduction in the assumed rate of return from 8% to 7.75%. This is a more conservative approach.

**Employee Benefits and Employer Assessments** The recommended employee benefits budget reflects an increase of 7.5%. The submitted budget has been increased by \$75,252 to account for the increase of 9.2 FTEs recommended in the General Government (2) and School Department budgets (7.2). The West Suburban Health Group – a consortium of regional towns and districts joining together to purchase health insurance – has not yet released the health insurance rate structure for FY2016, so this budget is still preliminary.

**Retiree Insurance and Insurance Liability Fund** This budget request increased by 8% from FY2015 to FY2016. The proposed budget is based on the July 1, 2013 funding schedule, which includes a reduction in the assumed rate of return from 8% to 7.75% - a more conservative approach.

**General Fund Debt Service** The recommended debt budget has been reduced by 3.1% for FY2016. The change reflects a reduction in excluded debt and CPA debt – FY2014 was the peak debt service year for both categories. The allowance for General Fund debt service increased based on the Town's policy of allocating or reserving 3% of General Fund revenue for debt services within the levy.

**Casualty, Liability and Self-Insurance** The recommended budget has increased by 3.3% over FY2015 based on the number and value of facilities covered.

**Classification, Performance and Settlements** This line provides a reserve for funding General Government personnel-related items as they occur during the year. Three of the Town's collective bargaining agreements are not yet settled for FY2016. The Classification, Performance and Settlements line includes a reserve for those three settlements, as well as for performance increases, merit pay, and reclassification for non-represented personnel.

The purpose of the **Reserve Fund** is to provide an annual budgetary reserve for unforeseen or extraordinary expenses. The FY2016 Reserve Fund request presented by the Finance Committee is calculated at 1.4% of the projected operating budget – a budget increase of 1.7% over FY2015.

## General Government

**Board of Selectmen/Town Manager** The recommended Board of Selectmen/Town Manager's budget increased by 7.9% primarily attributable to the partial funding of a Management Fellow for FY2016 in the amount of \$36,012. This position is proposed to be partially funded through the Personnel Board budget in FY2016.

**Town Clerk/Board of Registrars** The recommended Town Clerk/Board of Registrars budget decreased by 0.7% primarily due to the number of elections (one) scheduled for FY2016 and projected compensation adjustments for existing staff.

**Town Counsel** The recommended legal budget increased by 0.6%.

**Personnel Board** The \$15,000 Personnel Board budget has been transferred from expenses to salaries for FY2016. The compensation analysis funded by the Personnel Board budget is proposed to be performed by the Management Fellow in the Human Resources Office. There is no recommended increase in the Personnel Board budget.

**Finance Department** The recommended Finance Department budget increased by 1.7% from FY2015 to FY2016, primarily attributable to software licenses and technology replacement.

**Finance Committee** This budget increased by 4.6% from FY2015 to FY2016 due to projected compensation adjustments for existing staff.

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## Planning and Community Development

The recommended Community Development budget has increased by 16.4% attributable primarily to an increase of \$13,200 to supplement the hours of the Conservation Specialist (already a benefit-eligible position). The hours for this position will be increased from 20 to 30 per week, and will support the Director of Conservation in professional responsibilities, including assisting other Town departments performing work requiring Conservation permitting. The Community Development Department is partially supported by the Wetlands Fund in the amount of \$5,400 in FY2016.



The recommended Planning and Economic Development budget increased by 11.6% over FY2015, attributable mostly to the phased transition of the Community Housing Specialist from CPA funding to the General Fund (\$17,000). The budget request was

reduced by \$17,500 which was proposed for additional consulting services. A special warrant article has been recommended for this purpose in the amount of \$25,000, as noted below.

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## Public Safety

**The Police Department** budget is proposed to increase by 1.6% over FY2015; however, the recommended budget does not include potential wage increases for union employees. An allowance for such increase has been included in the Classification, Performance and Settlements budget. The recommended budget includes an allocation of \$20,000 as a contingency in the event there are police detail fees that are deemed uncollectable.



**Fire Department** The recommended Fire Department budget is 2.0% higher in FY2016 than FY2015, which covers expenses for existing staff and operations.

**Building Department** The recommended budget for the Building Department is 3.8% higher than FY2015, covering expenses for existing staff and operations.

## Education

**Minuteman School** The Town has received a preliminary assessment from the Minuteman School in the amount of \$654,134 which is \$239,077 or 27% lower than the FY2015 budget. Since the Minuteman School Committee's proposed budget includes reliance on additional State Aid and is subject to change, the recommended budget for the Minuteman School Assessment is \$700,000 until more information about the State budget is available.

**Needham Public Schools** The Town Manager's recommended budget for the School Department is \$61,497,808, representing an increase of 6.1%.



This recommendation includes the Superintendent's submitted budget request of \$61,073,288, and an allocation for operating capital removed from the Capital Improvement Plan of \$259,520 (as described more fully in the Executive Summary of the FY2016 - FY2020 Capital Improvement Plan under Section 5). The Superintendent presented a revised budget request for the School Committee for its consideration, including an additional \$276,934, primarily for identified special education tuition payments that will be needed in FY2016.

The development of the recommended School budget begins with an evaluation of the traditional formula for the allocation of revenue available for appropriation. Revenue is first reserved for Townwide expenses, the Minuteman School Assessment, and Public Facilities. Remaining funds are then reviewed for allocation between the School Department and municipal departments based on the percent that each bears to the total. The School Department budget accounts for 66% of the total after accounting for the exclusion of the items listed above.

The FY2016 recommended allocation for the School Department is higher than the traditional formula for two reasons - the allocation of \$259,520 for operating capital, and the allocation of an additional \$165,000 to address the unusually high out-of-district tuition costs that the Department is experiencing. Finally, the proposed increase in benefit-eligible employees contained in the School budget (7.2) necessitated an increase in the employee benefits line as noted above.

## Public Works

The Department of Public Works General Fund operating budget is recommended to increase by 4.4% which will cover expenses for existing staff and operations. The recommended budget includes an allocation of \$5,000 for personal protective gear for employees working in and around tree damage and downed wires caused by storms.

**Municipal Parking** The recommended Municipal Parking budget is 36.8% higher in FY2016,



attributable to an increase in the number

of parking lots that will be maintained by the Town, the annual increase in the lease payment to the MBTA for the Needham Center Lot, and the transition of parking lot rental payments for the Needham Public Library from the Library's State Aid account to the General Fund. New parking lots include the expanded Lincoln Street Lot, the new public lot at the corner of School

Street and Lincoln Street, the new Public Safety lot on School Street, and the expanded Eaton Square Lot and new pedestrian plaza.

**Municipal Streetlight Program** The recommended Municipal Streetlight Program budget is 15.3% higher than FY2015 based on projected contractual increases and energy costs.

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### 10 YEAR LOOK BACK: 2005 - 2015

Reservoir B Pump Station • St. Mary's Pump Station • Chestnut Street reconstruction • Webster Street reconstruction • Water main replacement • I/I removal • South Street / Willow Street bridge • Kendrick Street bridge over Charles River • Needham Center Streetscape Design • Great Plain Avenue Pumping Station • Route 128 Water and Sewer Line replacement • Traffic Signals at Forest and Central, Charles River and Central, High Rock and Chestnut, South and Chestnut

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## Public Facilities

The recommended budget for the Department of Public Facilities is 6.7% higher than FY2015, and does not include projected compensation adjustments for most union personnel. An allowance for projected salary increases for those employees is included in the Classification, Performance and Settlements budget. The recommended budget includes the addition of one full-time custodian to support both the Center at the Heights and the Emery Grover Building. Operations and hours at Center at the



Heights are limited by the assignment of only one custodian – the addition of the custodian will allow increased operating hours, and more appropriate cleaning after Senior Center business day. The Emery Grover Building has no permanently assigned custodian. The requested budget of \$47,934 has been reduced to \$27,934 by the transfer of funds allocated to these facilities for services previously provided on an overtime basis. As noted above, the recommended employee benefits budget has been increased to account for this additional benefit-eligible position.

The budget request includes \$31,050 in funding to support the engagement of a consultant to monitor and ensure appropriate savings from the photovoltaic solar array to be constructed on the landfill during 2015. The Town will pay the provider – SolarCity – for electricity generation, and NSTAR will provide the Town will energy credits through the various electricity meter accounts. Given that the Town expects to receive energy credits in FY2016, the funding for the consultant can be absorbed in the recommended energy budget, and no additional funding is proposed for this important service.

After several years of moderating energy prices, projections over the next several years are for significant cost increases associated with the limited supply of natural gas during the winter months, and the budget has been increased accordingly.



## Human Services

### Health & Human Services

**Department** The Health and Human Services Department was consolidated by vote of the Board of Selectmen in 2014, and FY2016 is the first time the consolidated department is included in the budget process. The total budget recommendation reflects an increase of 8.9%. In addition to projected compensation increases for existing personnel, the proposed budget includes \$10,000 in funding to support the Traveling Meals Program, including funds for substitute drivers and funds to reimburse volunteers for out of pocket costs. The recommendation also includes the addition on one full-time administrative assistant to support the Center at the



Heights, which currently has no dedicated administrative help and relies heavily on volunteers. The administrative assistant will relieve full-time professional staff from administrative duties, allowing them to make progress toward the community's goal of increased programming and service delivery. The administrative assistant will also assist in the rental of the facility for community use - another goal of the Town. As noted above, the recommended employee benefits budget has been increased to account for this additional

benefit-eligible position. Other HHS priorities, including additional social work hours at the Senior Center (\$25,902), traveling meals staffing (\$47,906), a part-time substance abuse program coordinator (\$22,725) and Public Health accreditation (\$3,500) have been deferred.

**Commission on Disabilities** The Commission on Disabilities budget has been increased by \$1,500 to appropriately account for the stipend provided to the Committee Liaison. The previous liaison was paid a stipend from the Park and Recreation Budget.

**Historical Commission** No change is recommended for the Historic Commission budget in FY2016.

**Public Library** The recommended Library budget is 6.4% higher than FY2015 due to projected compensation adjustments for existing staff, and a recommended increase in part-time hours to support a Children's Programming Librarian (\$1,766) and the Circulation desk (\$15,922) for a total of \$37,688. Over the past few years, the Library has used its dedicated State Aid account to meet a growing service demand, but such funding is unsustainable. The submitted budget was reduced by a total of \$14,093 for a network transfer page, museum pass software, and Sunday openings during the month of June.

**Park and Recreation** The Park and Recreation budget increased by 2.1% from FY2015 to FY2016 attributable to projected compensation adjustments for existing staff. As noted above, the submitted budget was reduced by \$1,500 for the Commission on Disabilities Liaison which is now included in that Commission's budget.

**10 YEAR LOOK BACK: 2005 - 2015**

- Carol-Brewster Property Acquisition
- Greene's Field & Play Structure •
- Memorial Park • DeFazio Park •
- Walker Gordon Field and
- Acquisition • Trails Master Plan •
- Newman School, Mills Field, Claxton
- Field and Riverside Park
- Playgrounds • Tennis Courts at
- Newman, Mills & NHS • Bike Racks
- Throughout Town • Community
- Farm at NIKE • Off-leash Dog Area at
- NIKE



**Memorial Park** No change is proposed for the Memorial Park budget for FY2016. A special warrant article to fund landscaping improvements to the Memorial Park Garden is proposed as noted below.

## Beyond the General Fund Operating Budgets

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### Capital Budget Summary

The focus of this document is the FY2016 General Fund, Enterprise Fund, and Community Preservation Fund budgets. The FY2016 - FY2020 Capital Improvement Plan (CIP) is published as a separate document. Section 5 of this document contains the executive summary of the FY2016 - FY2020 CIP. An integral part of the balanced budget proposal contained herein, however, is the funding of capital and other non-operating budget items. The FY2016 proposed annual budget includes \$2,852,111 in General Fund cash capital projects. In addition to the projects contained in the five year CIP, the Town will also fund projects through Chapter 90 funds received from the Commonwealth. Currently, the Chapter 90 allotment is funding the design of the Needham Center infrastructure improvement project including the installation of new traffic signals, and street and sidewalk layouts.

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#### 10 YEAR LOOK BACK: 2005 - 2015

High Rock 6th Grade Center •  
Needham High School •  
Mitchell Modular classrooms •  
Pollard Roof • Newman HVAC •  
Town Hall • PSAB •  
Center at the Heights • Needham  
Public Library • New Salt Shed •  
DPW Garage Bays • Energy Efficiency  
improvements Town-wide

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### Enterprise Fund Summary

**RTS** The recommended Recycling & Solid Waste Enterprise Fund budget has been reduced by 1.1% primarily attributable to the favorable renegotiation of the Town's waste disposal contract with Wheelabrator - a \$100,000 reduction from FY2015. The Department's request for \$48,000 for roll-off container replacement catch-up is proposed for funding through a special warrant article, as noted below.

**Sewer** The recommended Sewer Enterprise Fund budget is 1.3% higher than in fiscal year 2015, and covers expenses for existing staff and operations. The budget includes \$25,000 for services to inspect, test and calibrate ten permanent sewer flow meters and two portable sewer flow meters, all of which are integral to the Town's infiltration and inflow removal program. The MWRA Assessment line has been level-funded as the Town's 2016 assessment is not yet available. A request for consulting services to review environmental compliance has been eliminated and will be conducted with other available funds.



**Water** The recommended Water Enterprise Fund budget is 0.4% lower than the FY2015 budget. The recommend budget includes two new items: \$20,000 for water leak detection equipment to help minimize unaccounted for water, and \$10,000 for calibrating commercial and industrial water meters. The MWRA Assessment line has been level-funded as the Town's FY2016 assessment is not yet available.

#### **Community Preservation**

The administrative budget of the Community Preservation Fund is unchanged from FY2015.

## Other Financial Warrant Articles

Given the amount of Free Cash available for appropriation, and consistent with the Town's policy to minimize the use of Free Cash for recurring operating expenses, the FY2016 proposed budget includes allocation of funds to one time programs and projects, and to reserves.

**Compensated Absences Fund** 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. Given the projected level of retirements and existing fund balance, there is no request for compensated absences funding this year.

**Senior Corps Program** The FY2016 proposed budget includes \$15,000 for the Senior Corps Program.

**Property Tax Relief Fund** The balanced budget includes \$27,500 in funding for the Property Tax Relief Fund. The 2009 Annual Town Meeting voted to establish a Property Tax Assistance Program. The goal of the Board of Selectmen is to set a target annual appropriation for the fund equal to the amount of private contributions to the Town's statutory voluntary tax relief program during the preceding fiscal year, up to a maximum appropriation of \$25,000 (2008 dollars). The Board voted to recommend the higher amount for FY2016 given the impact on lower income homeowners of the most recent property revaluation and override. The voluntary fund received \$10,976 in fiscal year 2014.

**GF/RTS Contribution** The balanced budget includes an estimated contribution to the RTS Enterprise Fund of \$1,420,000 - unchanged from the FY2015 budget.

**Drains/Sewer Contribution** The balanced budget includes a \$496,078 contribution to the Sewer Enterprise Fund to offset the cost of the Drains program – an increase of 7% over FY2015, attributable mostly to property-related and public works supply categories associated with addressing the increasing number of flooding concerns around Town. The Drains program, which is a General Fund expense, is appropriated to the Sewer Enterprise Fund as it is more efficient to account for the program in that manner.

**DPW/PSAB Location Feasibility**

The Facility Working Group examined the 470/500 Dedham Avenue location for the establishment of a modern and comprehensive Public Works facility, consisting of administrative offices, garage maintenance bays, employee facilities, shops, wash bays, and appropriate vehicle storage, and related support systems. The Working Group concluded that the Dedham



Avenue site is not adequate to support the entire facility with or without the location of a school at DeFazio Field Complex. The recommended option in the Facility Master Plan is for the relocation of operations and administration to Parcel 74 on Greendale Avenue at an estimated cost of \$45,000,000. The purpose of this study is to further evaluate and identify alternatives to relocating the full program to Greendale Avenue. The evaluation will include opportunities for phasing the project, alternatives to co-location of all facilities, and implication of phasing and scattered site options on Public Works, other departments co-located at 500 Dedham Avenue, a potential school, and DeFazio Park. The recommended funding for the DPW location feasibility study is \$40,000.

**Quiet Zone Feasibility** – Given the recent renewed interest in evaluating options to the train horn, and the planned infrastructure investment at the Town’s at-grade crossings in the coming years, a quiet zone feasibility analysis is recommended for funding in the amount of \$35,000. The evaluation will consider alternatives to train horns at the Town’s at-grade crossings and any impact on pedestrian and motorist safety.



**Public Facilities Maintenance Program** - A component of the FY2016 Capital Improvement Plan is the transition of items that do not meet the definition of capital from the CIP to the operating budget. Transitioning the Public Facilities Maintenance Program to a financial warrant article, in the amount of \$570,000 was deemed appropriate given that the program supports maintenance activities, and many of the projects do not meet the capital expenditure test. This warrant article covers annual necessary maintenance of public buildings throughout the Town and School department including but not limited to: asbestos abatement, duct cleaning, painting, and other repairs and necessary upgrades. Unless circumstances require otherwise, the FY2016 program will fund duct

cleaning at the Pollard School, Fire Station #2, and Broadmeadow School; xeriscape gardening at the High School; wood floor refinishing in various school buildings; asbestos abatement at the Pollard School; flooring replacement at the Pollard School; renovation of two restrooms at the Pollard School; repairs to the auditorium at the Pollard School, and replacement of a portion of the lockers at the Pollard School.

**Memorial Park Garden** – The amount of \$20,000 is proposed for improvements to

the Memorial Park Garden at the intersection of Highland Avenue and Rosemary Street. The funds would support the removal of most of the existing plant material that has become unsightly, and the planting of low maintenance and low water use varieties.

**Sidewalk Needs Assessment** – Originally requested in the FY2016 Capital Improvement Plan, this item was reallocated to a special warrant article and proposed for funding at \$100,000. The purpose of the assessment is to evaluate the Town’s sidewalk network to determine where sidewalks should be installed (numerous requests to improve pedestrian safety are received each year), and where there may be opportunities to remove sidewalks. The Department’s goal is to maintain the same or reduce the linear footage of sidewalks throughout the Town.



**Planning Consulting** – The Planning and Economic Development Department requested \$17,500 as part of its operating budget for professional and technical assistance in support of the Department’s evaluation of applications for projects and the development of new zoning proposals. In lieu of including the request in the operating budget, an allocation of \$25,000 is recommended as a special warrant article for this purpose. The funds will then be available for several years and used as projects arise.

**RTS Roll-Off Replacement Catch-up** – The roll-off container replacement catch-up originally requested in the RTS Operating budget is proposed for funding as a special warrant article. A roll-off replacement program was established in the operating budget in FY2015 to ensure appropriate replacement of the containers in future years. This funding will support the acquisition of six containers to replace the most severely deficient containers at the site in the amount of \$48,000.



**OPEB Trust Fund** The balanced budget includes an allocation of \$320,000 to the OPEB Trust Fund.

**Athletic Facility Stabilization Fund** The 2012 Annual Town Meeting approved the creation of an athletic facility stabilization fund to set aside capital funds for renovation and reconstruction of the Town’s athletic facilities and associated structures, particularly at Memorial and DeFazio. Replacement of the synthetic turf fields is estimated at \$2.4 million at the time of replacement in 2020.

The Town Manager’s recommendation for funding the Athletic Facility Stabilization Fund in FY2016 includes the traditional match of the Park and Recreation administrative fee receipts (\$45,700 in FY2014) and the unexpended balance of the Memorial Park Track warrant article in the amount of \$20,712. Additional funding is recommended on an annual basis in the amount of \$300,000 as circumstances permit, in order to achieve the \$2.4 million goal by 2020.

Finally, the recommended budget includes an appropriation of \$500,000 to begin setting asides funds to support the renovation or reconstruction of the Memorial Park Building. It is expected that a combination of funding sources will be required to achieve that goal.

A request for a special warrant article for predictive catch basin cleaning in the amount of \$756,000 for a multi-year program has been deferred for further study based on pending NPDES compliance regulations.

## In Conclusion

This balanced budget proposal is promulgated prior to the completion of the budget process for the Commonwealth. As revenue estimates are refined in the winter and spring, we will work with the various Town boards and committees in preparing the final budget to be presented to Town Meeting.

Our entire management team has worked collectively to implement creative ways of meeting the Town's sustainability goals. Efforts have been made to implement measures that will maximize the productivity of our organization and deliver the highest quality of services within available resources.

I applaud the commitment to sustainability and spirit of cooperation that has been demonstrated by the Board of Selectmen, School Committee, Finance Committee, Town Meeting, and ultimately the community. We are fortunate to have a dedicated and loyal staff who are working every day to maintain the high quality of life our residents expect and deserve. I thank you for the opportunity to serve the residents and businesses in the Town of Needham.

*Kate Fitzpatrick*

Town Manager

Budget	FY2014 Expenditures	FY2015 Current 12/2014	Department Submission			Town Manager Recommendation		
			FY2016 Department Request	FY2016 \$ Change	FY2016 % Change	FY2016 Balance Budget	FY2016 \$ Change	FY2016 % Change
Retirement Assessments	5,358,572	5,656,200	6,185,312	529,112	9.4%	6,185,312	529,112	9.4%
Employee Benefits and Employer Assessments	10,044,397	11,085,124	11,838,657	753,533	6.8%	11,913,909	828,785	7.5%
Retiree Insurance Program & Insurance Liability Fund	5,535,139	4,940,198	5,336,302	396,104	8.0%	5,336,302	396,104	8.0%
Debt Service	12,129,006	11,587,884	11,224,301	(363,583)	-3.1%	11,224,301	(363,583)	-3.1%
Casualty, Liability, Property and Self Insurance Program	507,278	542,000	560,000	18,000	3.3%	560,000	18,000	3.3%
Classification, Performance and Settlements*	see note	4,035	175,000	170,965	#####	175,000	170,965	#####
Reserve Fund*	see note	1,489,657	1,515,267	25,610	1.7%	1,515,267	25,610	1.7%
<b>TOTAL</b>	<b>33,574,392</b>	<b>35,305,098</b>	<b>36,834,839</b>	<b>1,529,741</b>	<b>4.3%</b>	<b>36,910,091</b>	<b>1,604,993</b>	<b>4.5%</b>
*This is a budget reserve and therefore no direct expenditure from this line is allowed, only transfers to other budget lines.								
<b>Board of Selectmen &amp; Town Manager</b>								
Salary & Wages	685,666	715,158	793,991	78,833		778,991	63,833	8.9%
Expenses	94,873	109,741	111,312	1,571		111,312	1,571	1.4%
Capital	75,000	-	-	-		-	-	
<b>TOTAL</b>	<b>855,539</b>	<b>824,899</b>	<b>905,303</b>	<b>80,404</b>	<b>9.7%</b>	<b>890,303</b>	<b>65,404</b>	<b>7.9%</b>
<b>Town Clerk and Board of Registrars</b>								
Salary & Wages	266,643	312,927	312,414	(513)		312,414	(513)	-0.2%
Expenses	32,823	47,450	45,520	(1,930)		45,520	(1,930)	-4.1%
Capital	-	-	-	-		-	-	
<b>TOTAL</b>	<b>299,467</b>	<b>360,377</b>	<b>357,934</b>	<b>(2,443)</b>	<b>-0.7%</b>	<b>357,934</b>	<b>(2,443)</b>	<b>-0.7%</b>
<b>Town Counsel</b>								
Salary & Wages	71,790	73,584	75,422	1,838		75,422	1,838	2.5%
Expenses	231,525	254,000	254,000	-		254,000	-	
Capital	-	-	-	-		-	-	
<b>TOTAL</b>	<b>303,315</b>	<b>327,584</b>	<b>329,422</b>	<b>1,838</b>	<b>0.6%</b>	<b>329,422</b>	<b>1,838</b>	<b>0.6%</b>
<b>Personnel Board</b>								
Salary & Wages	-	-	-	-		15,000	15,000	
Expenses	-	15,000	15,000	-		-	(15,000)	
Capital	-	-	-	-		-	-	
<b>TOTAL</b>	<b>-</b>	<b>15,000</b>	<b>15,000</b>	<b>-</b>		<b>15,000</b>	<b>-</b>	
<b>Finance Department</b>								
Salary & Wages	1,563,941	1,690,829	1,701,565	10,736		1,701,565	10,736	0.6%
Expenses	704,654	783,479	813,261	29,782		813,261	29,782	3.8%
Capital	37,044	37,500	38,475	975		38,475	975	2.6%
<b>TOTAL</b>	<b>2,305,639</b>	<b>2,511,808</b>	<b>2,553,301</b>	<b>41,493</b>	<b>1.7%</b>	<b>2,553,301</b>	<b>41,493</b>	<b>1.7%</b>
<b>Finance Committee</b>								
Salary & Wages	31,295	32,462	34,000	1,538		34,000	1,538	4.7%
Expenses	814	1,225	1,225	-		1,225	-	
Capital	-	-	-	-		-	-	
<b>TOTAL</b>	<b>32,109</b>	<b>33,687</b>	<b>35,225</b>	<b>1,538</b>	<b>4.6%</b>	<b>35,225</b>	<b>1,538</b>	<b>4.6%</b>
<b>General Government</b>	<b>-</b>	<b>4,073,355</b>	<b>4,196,185</b>	<b>122,830</b>	<b>3.0%</b>	<b>4,181,185</b>	<b>107,830</b>	<b>2.6%</b>

Budget	FY2014 Expenditures	FY2015 Current 12/2014	Department Submission			Town Manager Recommendation		
			FY2016 Department Request	FY2016 \$ Change	FY2016 % Change	FY2016 Balance Budget	FY2016 \$ Change	FY2016 % Change
<b>Planning &amp; Economic Development</b>								
Salary & Wages	259,250	267,920	300,901	32,981		300,901	32,981	12.3%
Expenses	13,372	16,460	33,960	17,500		16,460	-	
Capital	-	-	-	-		-	-	
<b>TOTAL</b>	<b>272,622</b>	<b>284,380</b>	<b>334,861</b>	<b>50,481</b>	<b>17.8%</b>	<b>317,361</b>	<b>32,981</b>	<b>11.6%</b>
<b>Community Development</b>								
Salary & Wages	128,440	135,795	160,055	24,260		160,055	24,260	17.9%
Expenses	7,796	11,858	11,858	-		11,858	-	
Capital	-	-	-	-		-	-	
<b>TOTAL</b>	<b>136,236</b>	<b>147,653</b>	<b>171,913</b>	<b>24,260</b>	<b>16.4%</b>	<b>171,913</b>	<b>24,260</b>	<b>16.4%</b>
<b>Land Use</b>								
	-	432,033	506,774	74,741	17.3%	489,274	57,241	13.2%
<b>Police Department</b>								
Salary & Wages	5,077,759	5,581,122	5,660,317	79,195		5,660,317	79,195	1.4%
Expenses	235,422	306,930	331,885	24,955		331,885	24,955	8.1%
Capital	152,918	174,724	166,964	(7,760)		166,964	(7,760)	-4.4%
<b>TOTAL</b>	<b>5,466,098</b>	<b>6,062,776</b>	<b>6,159,166</b>	<b>96,390</b>	<b>1.6%</b>	<b>6,159,166</b>	<b>96,390</b>	<b>1.6%</b>
<b>Fire Department</b>								
Salary & Wages	6,502,790	6,758,282	6,890,572	132,290		6,890,572	132,290	2.0%
Expenses	218,142	288,907	308,090	19,183		308,090	19,183	6.6%
Capital	-	32,831	20,311	(12,520)		20,311	(12,520)	
<b>TOTAL</b>	<b>6,720,932</b>	<b>7,080,020</b>	<b>7,218,973</b>	<b>138,953</b>	<b>2.0%</b>	<b>7,218,973</b>	<b>138,953</b>	<b>2.0%</b>
<b>Building Department</b>								
Salary & Wages	510,630	553,286	575,454	22,168		575,454	22,168	4.0%
Expenses	25,780	31,040	31,040	-		31,040	-	
Capital	-	-	-	-		-	-	
<b>TOTAL</b>	<b>536,410</b>	<b>584,326</b>	<b>606,494</b>	<b>22,168</b>	<b>3.8%</b>	<b>606,494</b>	<b>22,168</b>	<b>3.8%</b>
<b>Public Safety</b>								
	-	13,727,122	13,984,633	257,511	1.9%	13,984,633	257,511	1.9%
<b>Minuteman Assessment</b>								
Minuteman Assessments	733,961	893,211	729,726	(163,485)	-18.3%	700,000	(193,211)	-21.6%
<b>Needham Public Schools</b>								
Needham Public Schools	53,673,463	57,961,288	61,073,288	3,112,000	5.4%	61,497,808	3,536,520	6.1%
<b>Education</b>								
	4,237	58,854,499	61,803,014	2,948,515	5.0%	62,197,808	3,343,309	5.7%
<b>Department of Public Works</b>								
Salary & Wages	3,188,307	3,339,322	3,461,561	122,239		3,461,561	122,239	3.7%
Expenses	1,392,377	1,485,421	1,576,633	91,212		1,576,633	91,212	6.1%
Capital	7,750	6,284	18,000	11,716		18,000	11,716	186.4%
Snow and Ice	1,106,635	400,000	404,000	4,000		404,000	4,000	
<b>TOTAL</b>	<b>5,695,069</b>	<b>5,231,027</b>	<b>5,460,194</b>	<b>229,167</b>	<b>4.4%</b>	<b>5,460,194</b>	<b>229,167</b>	<b>4.4%</b>

Budget	FY2014 Expenditures	FY2015 Current 12/2014	Department Submission			Town Manager Recommendation		
			FY2016 Department Request	FY2016 \$ Change	FY2016 % Change	FY2016 Balance Budget	FY2016 \$ Change	FY2016 % Change
<b>Municipal Parking Program</b>								
Municipal Parking Program	67,590	71,445	97,730	26,285	36.8%	97,730	26,285	36.8%
<b>Municipal Lighting Program</b>								
Municipal Lighting Program	163,881	221,153	254,951	33,798	15.3%	254,951	33,798	15.3%
Public Works	136,236	5,523,625	5,812,875	289,250	5.2%	5,812,875	289,250	5.2%
<b>Department of Public Facilities</b>								
Salary & Wages	3,181,814	3,512,871	3,596,277	83,406		3,576,277	63,406	1.8%
Expenses	4,552,301	4,559,068	5,065,136	506,068		5,034,086	475,018	10.4%
Capital	-	-	-	-		-	-	
TOTAL	7,734,115	8,071,939	8,661,413	589,474	7.3%	8,610,363	538,424	6.7%
Public Facilities	-	8,071,939	8,661,413	589,474	7.3%	8,610,363	538,424	6.7%
<b>Health Department</b>								
Salary & Wages	409,300	483,055	-	(483,055)		-	(483,055)	-100.0%
Expenses	95,851	100,874	-	(100,874)		-	(100,874)	-100.0%
Capital	-	-	-	-		-	-	
TOTAL	505,151	583,929	-	(583,929)	-100%	-	(583,929)	-100.0%
<b>Health &amp; Human Services</b>								
Salary & Wages	505,865	599,275	1,290,965	691,690		1,186,457	587,182	98.0%
Expenses	112,170	131,841	240,770	108,929		245,245	113,404	86.0%
Capital	-	-	-	-		-	-	
TOTAL	618,035	731,116	1,531,735	800,619	109.5%	1,431,702	700,586	95.8%
<b>Commission on Disabilities</b>								
Salary & Wages	-	1,500	1,500	-		1,500	-	
Expenses	100	550	550	-		550	-	
Capital	-	-	-	-		-	-	
TOTAL	100	2,050	2,050	-		2,050	-	
<b>Historical Commission</b>								
Salary & Wages	-	-	-	-		-	-	
Expenses	34	1,050	1,050	-		1,050	-	
Capital	-	-	-	-		-	-	
TOTAL	34	1,050	1,050	-		1,050	-	
<b>Needham Public Library</b>								
Salary & Wages	1,103,803	1,156,157	1,255,403	99,246		1,242,035	85,878	7.4%
Expenses	313,209	319,043	328,793	9,750		328,068	9,025	2.8%
Capital	-	-	-	-		-	-	
TOTAL	1,417,012	1,475,200	1,584,196	108,996	7.4%	1,570,103	94,903	6.4%
<b>Parks and Recreation Department</b>								
Salary & Wages	441,151	483,633	495,453	11,820		493,953	10,320	2.1%
Expenses	84,379	114,000	114,000	-		114,000	-	
Capital	-	-	-	-		-	-	
TOTAL	525,531	597,633	609,453	11,820	2.0%	607,953	10,320	1.7%

Budget			Department Submission			Town Manager Recommendation		
	FY2014 Expenditures	FY2015 Current 12/2014	FY2016 Department Request	FY2016 \$ Change	FY2016 % Change	FY2016 Balance Budget	FY2016 \$ Change	FY2016 % Change
<b>Memorial Park</b>								
Salary & Wages	-	-	-	-	-	-	-	-
Expenses	722	750	750	-	-	750	-	-
Capital	-	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>722</b>	<b>750</b>	<b>750</b>	<b>-</b>	<b>-</b>	<b>750</b>	<b>-</b>	<b>-</b>
Community Services	62	3,391,728	3,729,234	337,506	10.0%	3,613,608	221,880	6.5%
Department Budgets	88,063,031	94,074,301	98,694,128	4,619,827	4.9%	98,889,746	4,815,445	5.1%
Townwide Expense Group	33,574,392	35,305,098	36,834,839	1,529,741	4.3%	36,910,091	1,604,993	4.5%
<b>TOTAL</b>	<b>121,637,423</b>	<b>129,379,399</b>	<b>135,528,967</b>	<b>6,149,568</b>	<b>4.8%</b>	<b>135,799,837</b>	<b>6,420,438</b>	<b>5.0%</b>
<b>Recycling and Transfer Station Enterprise</b>								
Salary & Wages	602,290	731,026	739,993	8,967	-	739,993	8,967	1.2%
Expenses	1,157,133	1,225,721	1,287,160	61,439	-	1,187,160	(38,561)	-3.1%
Capital	60,000	81,000	134,000	53,000	-	86,000	5,000	6.2%
MWRA	-	-	-	-	-	-	-	-
Debt Service	149,147	150,000	150,000	-	-	150,000	-	-
Reserve Fund	transfers only	25,000	25,000	-	-	25,000	-	-
<b>TOTAL</b>	<b>1,968,570</b>	<b>2,212,747</b>	<b>2,336,153</b>	<b>123,406</b>	<b>5.6%</b>	<b>2,188,153</b>	<b>(24,594)</b>	<b>-1.1%</b>
<b>Sewer Enterprise</b>								
Salary & Wages	902,486	962,166	987,170	25,004	-	987,170	25,004	2.6%
Expenses	355,518	352,958	417,763	64,805	-	407,763	54,805	15.5%
Capital	24,799	25,000	50,000	25,000	-	50,000	25,000	100.0%
MWRA	5,423,810	5,466,144	5,466,144	-	-	5,466,144	-	-
Debt Service	1,390,516	1,500,000	1,500,000	-	-	1,500,000	-	-
Reserve Fund	Transfers only	35,000	35,000	-	-	35,000	-	-
<b>TOTAL</b>	<b>8,097,129</b>	<b>8,341,268</b>	<b>8,456,077</b>	<b>114,809</b>	<b>1.4%</b>	<b>8,446,077</b>	<b>104,809</b>	<b>1.3%</b>
<b>Water Enterprise</b>								
Salary & Wages	1,014,577	1,077,972	1,105,680	27,708	-	1,105,680	27,708	2.6%
Expenses	990,584	1,079,548	1,063,541	(16,007)	-	1,043,541	(36,007)	-3.3%
Capital	31,500	40,200	10,500	(29,700)	-	30,500	(9,700)	-24.1%
MWRA	1,271,018	1,193,697	1,193,697	-	-	1,193,697	-	-
Debt Service	1,535,767	1,550,000	1,550,000	-	-	1,550,000	-	-
Reserve Fund	Transfers only	75,000	75,000	-	-	75,000	-	-
<b>TOTAL</b>	<b>4,843,445</b>	<b>5,016,417</b>	<b>4,998,418</b>	<b>(17,999)</b>	<b>-0.4%</b>	<b>4,998,418</b>	<b>(17,999)</b>	<b>-0.4%</b>



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

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**MEETING DATE: 01/27/2015**

<b>Agenda Item</b>	Committee Reports
<b>Presenter(s)</b>	Board Discussion

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>		
	<i>Board members will report on the progress and / or activities of their Committee assignments.</i>		
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>	YES	<b>NO</b>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>	YES	<b>NO</b>
	<b>(Describe backup below)</b>		
	None		

## Theodora Eaton

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**From:** Theodora Eaton  
**Sent:** Thursday, January 15, 2015 3:12 PM  
**To:** Kate Fitzpatrick; Nikki Witham  
**Cc:** Dave Davison; Tatiana Swanson  
**Subject:** Vote of Board of Selectmen!

Hello Kate and Nikki –

Today Dave Davison, Tatiana and I awarded LHS the bid for the new electronic voting machines to be used at the Annual Town Election on Tuesday, April 14, 2015.

Massachusetts General Laws, Chapter 54, Section 34 requires that the Board of Selectmen, at a meeting held not later than one hundred and twenty days prior to a state or presidential primary or state election, **and not later than sixty days prior to a municipal primary, preliminary election or election** at which an electronic voting system is first to be used, determine upon the use of, and may lease, purchase or lease with an option to purchase, the marking units or automatic tabulating equipment necessary to any electronic voting system approved for use in the commonwealth in accordance with section thirty-two. Thereafter, at all primaries, preliminary elections and elections held in said city or town, until otherwise ordered by vote of the city council in a city or of the selectmen in a town, said electronic voting system shall be used in those polling places designated by the city council or board of selectmen.

**Notice of determination to use an approved electronic voting system, or to discontinue its use, shall be sent to the state secretary by the city or town clerk within five days after such determination.....**

Thus..... I would appreciate very much if Nikki can place under the consent agenda on Tuesday, January 27 2015 a vote to use the ImageCast voting system approved by the Secretary of State beginning with the April 14, 2015 Annual Town Election.

If you have any questions, please do not hesitate to contact me!!

Thank you

Tedi Eaton

**Theodora K. Eaton, MMC**  
**Town Clerk**  
Town of Needham  
1471 Highland Avenue  
Needham, MA 02492  
Phone: 781-455-7500 x 216  
Fax: 781-449-1246  
Email: [Teaton@needhamma.gov](mailto:Teaton@needhamma.gov)  
Website: [www.needhamma.gov](http://www.needhamma.gov)

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE VIII** ELECTIONS**CHAPTER 54** ELECTIONS**Section 34** Use of voting machines by cities and towns

Section 34. A city or town may, by vote of a majority of the city council or by vote of a majority of the board of selectmen, at a meeting held at least one hundred and twenty days before the primary, preliminary election or election at which voting machines are to be used, determine upon and purchase, lease, or lease with an option to purchase, one or more voting machines approved as provided in section thirty-two, and order the use thereof at primaries, preliminary elections and elections of state, city or town officers in such city or town; and thereafter at all primaries and elections of state, city or town officers in that city or town, until otherwise ordered by the city council in a city and the selectmen in a town, said machines shall be used at primaries and preliminary elections and for voting for the officers to be elected at such elections and for taking the vote upon questions submitted to the voters. Notice of such determination to use voting machines, or to discontinue the use thereof, shall be sent to the state secretary by the city or town clerk within five days after such determination; provided, however, that no such discontinuance shall take place later than ninety days prior to a state or presidential primary or state election, nor later than thirty days prior to a city or town primary, preliminary election or election at which it is to become effective.

A city or town may, by vote of a majority of the city council or by vote of a majority of the board of selectmen, at a meeting held not later than one hundred and twenty days prior to a state or presidential primary or state election, and not later than sixty days prior to a municipal primary, preliminary election or election at which an electronic voting system is first to be used, determine upon the use of, and may lease, purchase, or lease with an option to purchase, the marking units or automatic tabulating equipment necessary to any electronic voting system approved for use in the commonwealth in accordance with section thirty-two. Thereafter, at all primaries, preliminary elections and elections held in said city or town, until otherwise ordered by vote of the city council in a city or of the selectmen in a town, said electronic voting system shall be used in those polling places designated by the city council or board of selectmen.

Notice of determination to use an approved electronic voting system, or to discontinue its use, shall be sent to the state secretary by the city or town clerk within five days after such determination; provided, however, that no such discontinuance shall take place later than ninety days prior to a state or presidential primary or state election, nor later than thirty days

prior to a city or town primary, preliminary election or election at which it is to become effective; and, provided further, that no such discontinuance shall prevent the state secretary from selecting appropriate voting machines and vote tally systems pursuant to section thirty-two.

**ONE DAY SPECIAL LICENSE  
TOWN OF NEEDHAM BOARD OF SELECTMEN  
EVENT INFORMATION SHEET**  
*(Please complete and attach event flyer or other information.)*

Event Manager Name (Name that will appear on license)	Mark Murray
Event Manager Address	1211 Highland Avenue Needham MA 02492
Event Manager Phone Number	781-449-1492 781-724-2307
Organization Representing (if applicable)	Fr. Daniel Kennedy - Needham Knights of Columbus
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	<input checked="" type="checkbox"/> Non-profit <input type="checkbox"/> For profit <input type="checkbox"/> Proof of non-profit status is attached Form of Proof: _____
Name of Event	Super Bowl Party
Date of Event	February 1, 2015
License is for Sale of: <input checked="" type="checkbox"/> Wines & Malt Beverages Only <input type="checkbox"/> All Alcoholic Beverages (for non-profit groups only)	
Requested Time for Liquor License	FROM: 4PM TO: 11:00PM
Are tickets being sold in advance for this event?	<input checked="" type="checkbox"/> YES \$ 25.00 /per ticket <input type="checkbox"/> NO
Is there an admission fee for this event?	<input checked="" type="checkbox"/> YES \$ 25.00 /per ticket <input type="checkbox"/> NO
Are you using dues collected to purchase alcohol for this event?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
How many people are you expecting at this event?	75
Name & address of event location. Please attach proof of permission to use this facility. Father Daniel Kennedy-Needham Knights of Columbus 1211 Highland Avenue Needham MA 02492	
Who will be serving the alcohol to your guests? Paid bartender	
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate). Matthew Ching	
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan. Guests will purchase beer and wine from bartender at temporary bar area **** Floor plan on file from previous years****	
<input checked="" type="checkbox"/> I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04))	
Event Manager Signature:	Date:
	JAN 21, 2015



## 20th annual SUPER BOWL Party!

Father Daniel J. Kennedy  
Needham Knights of Columbus  
1211 Highland Ave. Needham

**Sunday February 1, 2015**  
**Doors Open at 4pm**

Food, raffle, silent auction. Families welcome!  
**\$25 Donation**

We will be raffling off a **brand NEW**  
**Samsung LED 50"HD TV!**  
Raffle tickets for the TV are **\$10 each.**

All proceeds benefit local Seminarians/Catholic Vocations

Contact: Mark Murray (781-724-2307)  
or: [needhamkofc@gmail.com](mailto:needhamkofc@gmail.com)



CERTIFICATION NUMBER:

76322

ALCOHOL INTERVENTION METHODS  
CERTIFIES:

*MATTHEW L. CHING*

CAMPBELL TRENT  
508-756-8542

EXPIRES:  
APR 18 2016

**ONE DAY SPECIAL LICENSE  
TOWN OF NEEDHAM BOARD OF SELECTMEN  
EVENT INFORMATION SHEET**  
*(Please complete and attach event flyer or other information.)*

Event Manager Name (Name that will appear on license)	Mark Murray
Event Manager Address	1211 Highland Avenue Needham MA 02492
Event Manager Phone Number	781-449-1492    781-724-2307
Organization Representing (if applicable)	Father Daniel Kennedy - Needham Knights of Columbus
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	<input checked="" type="checkbox"/> Non-profit <input type="checkbox"/> For profit <input type="checkbox"/> Proof of non-profit status is attached Form of Proof: _____
Name of Event	Saint Patrick's Dinner Dance
Date of Event	March 14, 2015
License is for Sale of: <input checked="" type="checkbox"/> Wines & Malt Beverages Only <input type="checkbox"/> All Alcoholic Beverages (for non-profit groups only)	
Requested Time for Liquor License	FROM: 5PM      TO: 11 PM
Are tickets being sold in advance for this event?	<input checked="" type="checkbox"/> YES \$ 25.00 /per ticket <input type="checkbox"/> NO
Is there an admission fee for this event?	<input checked="" type="checkbox"/> YES \$25.00 /per ticket <input type="checkbox"/> NO
Are you using dues collected to purchase alcohol for this event?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
How many people are you expecting at this event?	100
Name & address of event location. Please attach proof of permission to use this facility. Father Daniel Kennedy - Needham Knights of Columbus 1211 Highland Avenue Needham MA 02492	
Who will be serving the alcohol to your guests? Paid Bartender	
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate). Matthew Ching	
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan. Guests will purchase beer and wine from bartender at temporary bar area *** Floor plan on file from previous years*****	
<input checked="" type="checkbox"/> I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04))	
Event Manager Signature:	Date:
	JAN 21, 2015



**FATHER DANIEL KENNEDY- NEEDHAM**

**KNIGHTS OF COLUMBUS**

**ANNUAL ST. PATRICK'S DINNER DANCE**

**SATURDAY, MARCH 14, 2015**

**SOCIAL HOUR 6 PM**

**DINNER 7PM**

**FOLLOWED BY MUSIC AND DANCING**

**SPECIAL GUEST APPEARANCE BY THE O'DWYER SCHOOL  
OF IRISH DANCE**

**TICKET \$25.00 PER PERSON**

**CASH BAR BEER AND WINE ONLY**

**FOR TICKETS CALL PAUL WHYTE 781-444-9632**

CERTIFICATION NUMBER:

76322

ALCOHOL INTERVENTION METHODS  
CERTIFIES:

*MATTHEW L. CHING*

CAMPBELL TRENT  
508-756-8542

EXPIRES:

APR 18 2016

Town of Needham  
Water Sewer Billing System  
Adjustment Form

DEPARTMENT OF PUBLIC WORKS

TO: TOWN TREASURER AND COLLECTOR  
cc: TOWN ACCOUNTANT, WATER AND SEWER SUPERINTENDENT

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

WHEREAS certain inadvertent error(s) were made in said commitment(s), it is hereby requested that you abate these particular account(s) in the amount(s) stated below.

Water Sales:	-	\$202.86
Water Irrigation:		\$0.00
Water Admin Fees		\$0.00
Sewer Sales:	-	\$415.62
Transfer Station Charges:		\$0.00
Total Abatement:	-	\$618.48

Order #: 1191

Read and Approved:

  
Assistant Director of Public Works  
*1/22/15*

For the Board of Selectmen  
Date: 1/27/15

  
Director of Public Works  
*1/27/15*

Town of Needham  
Water Sewer Billing System  
Adjustment Form

Prepared By:	Last Name	First Name	Customer ID#	Location ID#	Street Number	Street Name	Irrigation Water	Domestic Water	Sewer	Total	Reason	Corrected Last Read Y/N
DB	Bycoff	Darren & Susan	36811	1802	105	Broad Meadow Road	\$0.00	-\$70.39	-\$121.63	-\$192.02	ACC	N
DB	Patz	Bruce & Melissa	26463	8994	39	Woodbine Circle	\$0.00	-\$21.92	-\$37.64	-\$59.56	ACC	N
JO	Council on Aging (1)						\$0.00	-\$110.55	-\$256.35	-\$366.90	COA	N

Total:                   -\$618.48

ALSO, LET THIS SERVE AS AUTHORIZATION TO ABATE ANY PENALTY OR INTEREST WHICH HAS ACCRUED DUE TO THE NON-PAYMENT OF AMOUNTS AS STATED ABOVE.

**Legend:**  
 O.I. = O.I. reading slower than inside meter causing large bill when inside meter is read.  
 TWN = Town Project caused damage to private property  
 EC = Extenuating Circumstances  
 Equip = Equipment Malfunction  
 UEW = Unexplained water loss  
 ACC = Accidental Water Loss  
 BP = Billing Period beyond 100 days  
 COA - Council on Aging