

# BOARD OF SELECTMEN

## February 14, 2017

### Needham Town Hall

### Agenda

*Note: Agenda subject to revision, start times are approximate and agenda items may be discussed at earlier or later times.*

	<b>5:30</b>	Executive Session Exception 3 & 6
	<b>6:45</b>	<p>Informal Meeting with Citizens</p> <p><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></p>
<b>1.</b>	<b>7:00</b>	<p>Public Hearings: Eversource Energy</p> <ul style="list-style-type: none"> <li>• Linden Street/Cypress Street</li> <li>• Nichols Road</li> <li>• Edgewater Drive</li> </ul>
<b>2.</b>	<b>7:05</b>	<p>FY2016 Financial Audit</p> <ul style="list-style-type: none"> <li>• Scott McIntire, CPA, Melanson &amp; Heath Company, P.C.</li> <li>• David Davison, Assistant Town Manager/Director of Finance</li> </ul>
<b>3.</b>	<b>7:25</b>	<p>Town Manager</p> <ul style="list-style-type: none"> <li>• Accept and Refer Zoning</li> <li>• Complete Streets Policy</li> <li>• Close ATM Warrant</li> </ul>
<b>4.</b>	<b>7:45</b>	<p>Board Discussion</p> <ul style="list-style-type: none"> <li>• Regulations for the Sale of Alcoholic Beverages</li> <li>• Street Banners</li> <li>• Committee Reports</li> </ul>

### APPOINTMENTS

1.	Downtown Streetscape Working Group	Gary Levine (term expires 6/30/2018)
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### CONSENT AGENDA      \*=Backup attached

1.*	<p>Approve a request from Liz Mingle, of PMC- PanMass Challenge, to hold its PMC Kids Ride Needham event on Sunday, June 11, 2017 from 8:00 a.m. to 4:00 p.m. The bike route begins and ends at the Pollard Middle School on Harris Avenue. The route of the ride has been approved by the following departments, DPW, Police, Fire, and Park and Recreation. Approval for use of the parking lot at Pollard has been granted.</p>
2.	<p>Accept a \$300 donation made to Needham Youth Services from the Patrick C. Forde Memorial Fund. They would like the monies to be used to sponsor Needham Youth Services Programs.</p>

3.	Accept a \$1,000 donation made to the Needham Health Department's Traveling Meals Program from Darshana and Sandeep Thakore.
4.*	Approve Open Session minutes of December 13, 2016, January 10, 2017, January 23, 2017, January 24, 2017, and February 3, 2017; and Executive Session minutes of December 13, 2016, January 10, 2017, and January 24, 2017.
5.	Accept a \$100 donation made to the Needham Fire Department from Fidelity Charitable through the generosity and recommendation of Barbara B. Levine to be spent on fire safety education for children and seniors.
6.*	Water and Sewer Abatement Order #1231.
7.*	Ratify a Special One Day All Alcoholic Beverages license for Ernest A. Steeves Jr. of the Village Club who hosted a Family Party event on January 29, 2017 from 4:30 p.m. to 8:30 p.m. The event was held at the Village Club, 83 Morton Street, Needham.
8.*	Ratify a Special One Day All Alcoholic Beverages license for Ernest A. Steeves Jr. of the Village Club who hosted a Surprise 40 <sup>th</sup> Birthday event on February 4, 2017 from 7:00 p.m. to 11:00 p.m. The event was held at the Village Club, 83 Morton Street, Needham.
9*	Ratify a Special One Day Wines & Malt Beverages License for Ken Marcotrigiano, Director Restaurant Associates, of Trip Advisor who hosted an event for UXPA on February 7, 2017 from 6:00 p.m. to 9:00 p.m. The event was held at Trip Advisor headquarters, 400 First Avenue, Needham, MA.
10.*	Approve a Special One Day Wines & Malt Beverages License for Ken Marcotrigiano, Director Restaurant Associates, of Trip Advisor to host an event for Boston Talent Acquisition on February 15, 2017 from 6:00 p.m. to 9:00 p.m. The event will be held at Trip Advisor headquarters, 400 First Avenue, Needham, MA.
11.	Approve a request from the Exchange Club of Needham to sponsor 4 <sup>th</sup> of July fireworks on Monday, July 3, 2017 (rain date of July 4, 2017) and activities on Monday, July 3, 2017, and Tuesday, July 4, 2017. Activities on the 4 <sup>th</sup> will include a Flag Raising on the Town Common, the Grand Parade, a 5K road race, the Crafts Fair/Flea Market, and athletic competitions for younger children. Coordination of all additional activities will be made with appropriate Town Departments.
12.	Accept a \$100 donation made to the Needham Police Department's Honor Guard from Gale Endyke, a Needham resident.
13.	Approve and sign Integrated Agreement with Police Union FY2016, FY2017, FY2018 and FY2019.



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

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**MEETING DATE: 02/14/2017**

<b>Agenda Item</b>	Public Hearing: Eversource Energy – Linden Street/Cypress Street
<b>Presenter(s)</b>	Maureen Carroll, Eversource Energy representative

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	<p>Eversource Energy requests permission to install approximately 11 feet of conduit in Linden Street. This work is necessary to provide underground electric service at 11 Cypress Street, Needham.</p> <p>The Department of Public Works has approved this petition, based on Eversource Energy'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>
	<p><b><u>Suggested Motion:</u></b></p> <p>Move that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 11 feet of conduit in Linden Street. This work is necessary to provide underground electric service at 11 Cypress Street, Needham.</p>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	<p><b>(Describe backup below)</b></p> <ul style="list-style-type: none"><li>a. Petition Letter of Application</li><li>b. Order</li><li>c. Petition Plan</li><li>d. Notice Sent to Abutters</li><li>e. List of Abutters</li></ul>



*Mailed 1/27/15*

200 Calvary Street  
Waltham, Ma 02453

**RECEIVED**

January 11, 2017

**JAN 12 2017**

**PUBLIC WORKS DEPT.  
NEEDHAM, MA**

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

RE: Linden Street  
Needham, MA  
W/O #2175567

Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install about 31 feet of conduit in Linden Street.

The reason for this work is to provide underground electric service to 11 Cypress Street.

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

Very truly yours,

Steven M. Owens, Supervisor  
Rights and Permits

SMO/kj  
Attachments

*OK to proceed  
Thru  
New Eng.  
OK R.P. Marson  
Dir Director 1/25/17*

**PETITION OF NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY  
FOR LOCATION FOR CONDUITS AND MANHOLES**

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

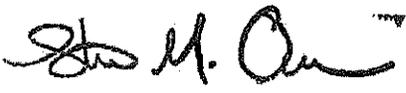
Respectfully represents **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

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 12, 2016** and filed herewith, under the following public way or ways of said Town:

**Linden Street – Easterly from pole 38/11 opposite Cypress Street  
a distance of 31 ± feet of conduit.**

**(W.O. #2175567)**

**NSTAR ELECTRIC COMPANY  
dba EVERSOURCE ENERGY**

BY 

Steven M. Owens  
Rights & Permits, Supervisor

**Dated this 11th day of January 2017**

Town of **NEEDHAM** Massachusetts

Received and filed \_\_\_\_\_ 2017  
\_\_\_\_\_

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

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** 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 dba EVERSOURCE ENERGY** 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:

**Linden Street – Easterly from pole 38/11 opposite Cypress Street**  
**a distance of 31 ± feet of conduit.**

**(W.O. #2175567)**

**Hearing Required**

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 12, 2016** 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	_____	<b>NEEDHAM</b>
5	_____	

**CERTIFICATE**

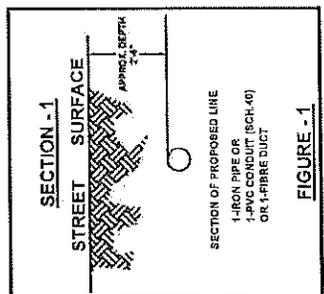
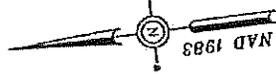
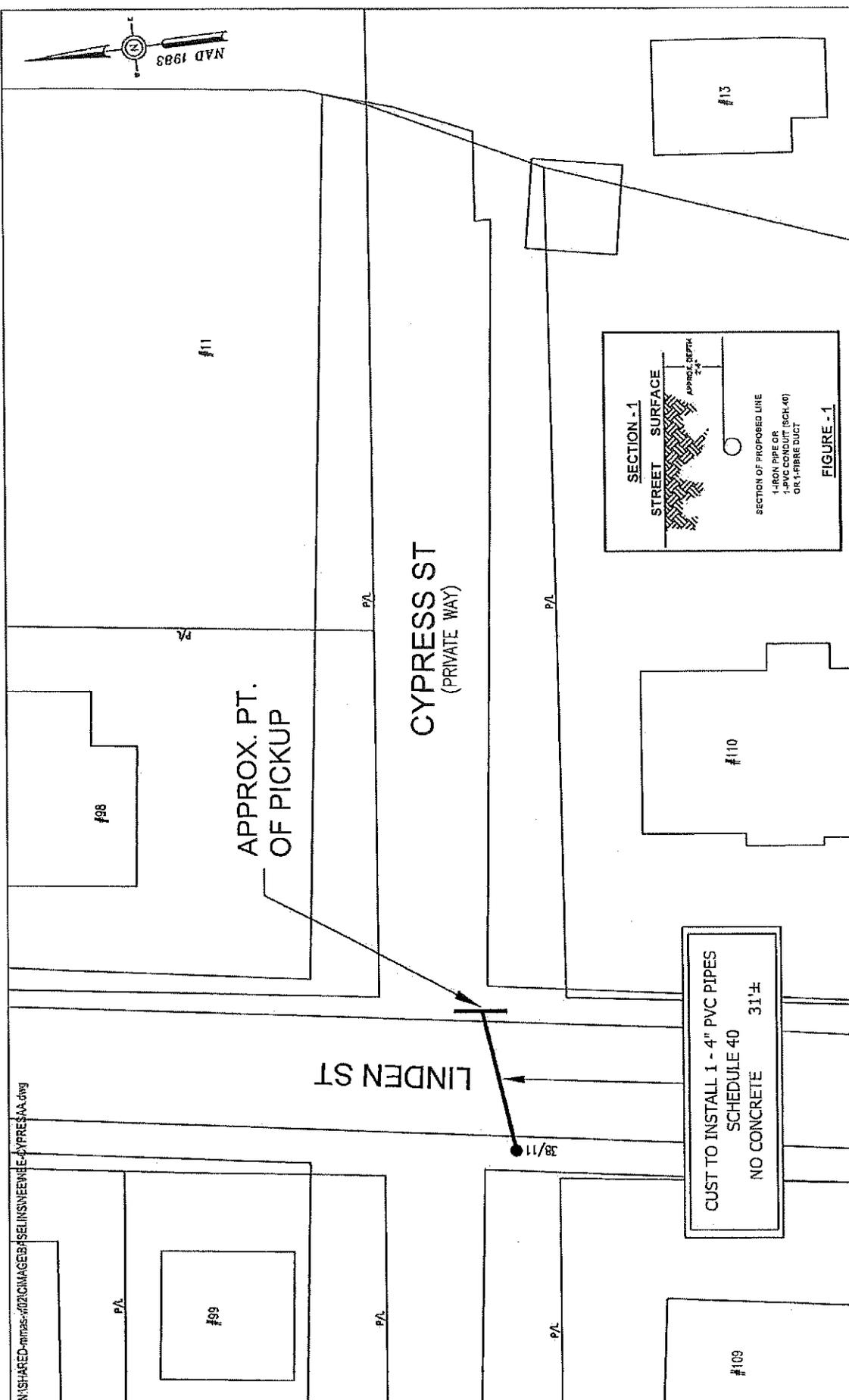
We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven 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 \_\_\_\_\_ 2017 at \_\_\_\_\_ in said Town.

1	_____	
2	_____	Board of Selectmen
3	_____	the Town of
4	_____	<b>NEEDHAM</b>
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 \_\_\_\_\_, 2017 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



**NSI STAR EVERSOURCE**  
Electric  
 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

C#	
Ward #	
Work Order #	2175567
Surveyed by:	N/A
Research by:	SC
Plotted by:	LM
Proposed Structures:	LM
Approved:	A DEBENEDICTIS
Scale	1"=30'
Date	NOVEMBER 12, 2016
SHEET	1 of 1

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSI STAR ELECTRIC COMPANY, NSI STAR GAS COMPANY NOR ITS SHAREHOLDERS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS COLLECTIVELY THE "NSI STAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OF INJURY CAUSED IN WHOLE OR IN PART BY THE INFORMATION CONTAINED HEREIN, INCLUDING BUT NOT LIMITED TO RELEASE, NEGLIGENCE AND HOLD THE NSI STAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED BY NSI STAR ELECTRIC COMPANY, NSI STAR GAS COMPANY OR ANY OTHER PARTY FOR ANY LOSS OF INJURY CAUSED BY THE INFORMATION OR USE, USE OF INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

**MASS. LAW**  
 REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-384-7233



N:\SHARED-nmsas-072\CONIMAGEB7\SEI\INS\ENGINEE-CYPRESAA.dwg



## NOTICE

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 February 14, 2017** upon petition of Eversource Energy dated **January 11, 2017** to install about 31 feet of conduit in Linden Street. The work is necessary to provide underground electric service to 11 Cypress Street, Needham.

A public hearing is required and abutters should be notified.

If you have any questions regarding this petition, please contact Eversource Energy representative, Maureen Carroll, at 781-314-5053.

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

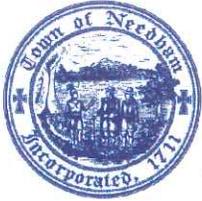
BOARD OF SELECTMEN

Dated: January 26, 2017

# 11 CYPRESS STREET

OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	STATI	ZIP	PARCEL ID	PROPERTY ADDRESS
DADDESIO, KATHRYN L. OAK STREET LLC		110 LINDEN ST 235 BILLERICA ROAD	NEEDHAM CHELMSFORD MA	MA MA	02492 01824	1991320007000000 1991320010200000	110 LINDEN ST 0 CYPRESS ST
TRASK, KAREN A. TR. COLLINS, AMY & MCSWEENEY, PAUL S.	98 LINDEN STREET REALTY TRUST COLLINS, JARED C/O PS CONSTRUCTION LLC	98 LINDEN ST 60 OAK ST 1085 COMMONWEALTH AVE BOSTON	NEEDHAM NEEDHAM NEEDHAM	MA MA MA	02492 02492 02215	1991320006700000 1991320003200000 1991320006900000	98 LINDEN ST 60 OAK ST 13 MAPLE PL
WAINWRIGHT, CAROLINE L. SHARPE, EDWARD J. & DEVLIN, BRIDGET M.	SHARPE, REGINA	109 MAPLE ST 103 MAPLE ST 111 MAPLE ST	NEEDHAM NEEDHAM NEEDHAM	MA MA MA	02492 02492 02492	1991320002901090 1991320003000000 1991320002901110	109 MAPLE ST 103 MAPLE ST 111 MAPLE ST
HOWELL, BRUCE A. & OAK STREET LLC	HOWELL, SUSAN E. B.	99 MAPLE ST 235 BILLERICA ROAD	NEEDHAM CHELMSFORD MA	MA MA	02492 01824	1991320003100000 1991320006800000	99 MAPLE ST 66 OAK ST
SCHOOLING, GRAHAM G. &	SCHOOLING, KATHRYN H.	90 LINDEN ST	NEEDHAM	MA	02492	1991320006600000	90 LINDEN ST

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



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

**MEETING DATE: 02/14/2017**

<b>Agenda Item</b>	Public Hearing: Eversource Energy – Nichols Road
<b>Presenter(s)</b>	Maureen Carroll, Eversource Energy representative

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	<p>Eversource Energy requests permission to install approximately 7 feet of conduit in Nichols Road. This work is necessary to provide underground electric service at 56 Nichols Road, Needham.</p> <p>The Department of Public Works has approved this petition, based on Eversource Energy'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>
	<p><b><u>Suggested Motion:</u></b></p> <p>Move that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 7 feet of conduit in Nichols Road. This work is necessary to provide underground electric service at 56 Nichols Road, Needham.</p>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	<p><b>(Describe backup below)</b></p> <ul style="list-style-type: none"><li>a. Petition Letter of Application</li><li>b. Order</li><li>c. Petition Plan</li><li>d. Notice Sent to Abutters</li><li>e. List of Abutters</li></ul>

mailed 1/27/17



200 Calvary Street  
Waltham, Ma 02453

January 11, 2017

RECEIVED

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

JAN 12 2017

PUBLIC WORKS DEPT.  
NEEDHAM, MA

RE: <sup>56</sup> Nichols Road  
Needham, MA  
W/O #2180630

Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install about 7 feet of conduit in Nichols Road.

The reason for this work is to provide underground electric service to 56 Nichols Road.

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

Very truly yours,

Steven M. Owens, Supervisor  
Rights and Permits

SMO/kj  
Attachments

OK to proceed  
mm  
1/25/17

**PETITION OF NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY  
FOR LOCATION FOR CONDUITS AND MANHOLES**

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

Respectfully represents **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** 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 January 3, 2017** and filed herewith, under the following public way or ways of said Town:

**Nichols Road** - Southerly from pole 163/1 approximately 81 feet east of Washington Avenue a distance of 7 ± feet of conduit.

(W.O. #2180630)

**NSTAR ELECTRIC COMPANY  
dba EVERSOURCE ENERGY**



BY \_\_\_\_\_  
Steven M. Owens  
Rights & Permits Supervisor

**Dated this 11th day of January 2017**

Town of **NEEDHAM** Massachusetts

Received and filed \_\_\_\_\_ 2017  
\_\_\_\_\_

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

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** 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 dba EVERSOURCE ENERGY** 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:

**Nichols Road - Southerly from pole 163/1 approximately 81 feet east of Washington Avenue a distance of 7 ± feet of conduit.**

(W.O. #2180630)

**Hearing Required**

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 January 3, 2017** 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	_____	
3	_____	Board of Selectmen
4	_____	the Town of
5	_____	<b>NEEDHAM</b>

**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 \_\_\_\_\_ 2017 at \_\_\_\_\_ in said Town.

1	_____	
2	_____	
3	_____	Board of Selectmen
4	_____	the Town of
5	_____	<b>NEEDHAM</b>

**CERTIFICATE**

I hereby certify that the foregoing are true copies of the Order of the **Board of Selectmen** of the Town of **NEEDHAM**, Masssachusetts, duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2017 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

\\SHARED-1\map-462\IMAGE\BASE\INS\NEEV\EE-NICHOLAA.dwg

WASHINGTON AVE

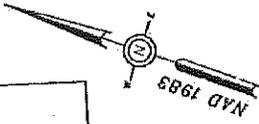
168/10

#99

NICHOLS RD

BSW

#55



CUSTOMER TO INSTALL  
1 - 3" PVC PIPES  
SCH. 40 NO CONC.

7±

163/1

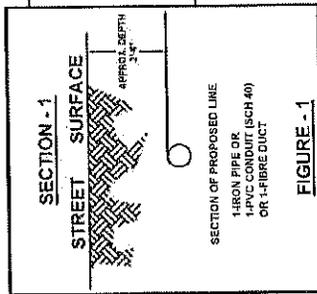


APPROX. PT.  
OF PICKUP

#56

BSW

168/9



#89

0 20 40



SCALE IN FEET

**NSTAR EVERSOURCE**  
ELECTRIC  
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of NICHOLS ROAD

NEEDHAM MA

Showing PROPOSED CUSTOMER CONDUIT LOCATION

Date 1/3/17

Scale 1"=20'

SHEET 1 of 1

C#

Ward #

Work Order # 2180630

Surveyed by: N/A

Research by: SC

Plotted by: GC

Proposed Structures: MR

Approved: A DEBENEDICTIS

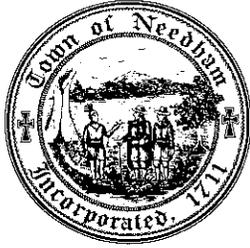
P#

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP YOU AGREE THAT NO WARRANTY OF ANY KIND IS MADE BY NSTAR EVERSOURCE WITH RESPECT TO THE INFORMATION HEREIN. NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY AND ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION, OR BY RELIANCE UPON IT TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THIS INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THIS INFORMATION WAS NOT PREPARED BY A SURVEYOR, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACQUISITION OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN THE INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233



## NOTICE

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 February 14, 2017** upon petition of Eversource Energy dated **January 11, 2017** to install about 7 feet of conduit in Nichols Road. The work is necessary to provide underground electric service to 56 Nichols Road, Needham.

A public hearing is required and abutters should be notified.

If you have any questions regarding this petition, please contact Eversource Energy representative, Maureen Carroll, at 781-314-5053.

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

BOARD OF SELECTMEN

Dated: January 26, 2017

56 NICHOLS STREET

OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	STATI	ZIP	PARCEL ID	PROPERTY ADDRESS
LEMAIRE, THERESA M., TRUSTEE	THE T. M. LEMAIRE REAL ESTATE TRUST	83 HAWTHORN AVE	NEEDHAM	MA	02492	1990300000600000	83 HAWTHORN AVE
MUROFF, JONATHAN B &	MUROFF, JENNIFER W.	89 HAWTHORN AVE	NEEDHAM	MA	02492	1990300000700000	89 HAWTHORN AVE
56 NICHOLS ROAD LLC	C/O RICE, ROBERT J. & JESSICA C.	56 NICHOLS RD	NEEDHAM	MA	02492	1990300003100000	56 NICHOLS RD
DEVANEY, MICHAEL A + DENISE	C/O DEVANEY, DENISE TR.	77 HAWTHORN AVE	NEEDHAM	MA	02492	1990300000500000	77 HAWTHORN AVE
JAMES, CLIFFORD N. &	JAMES, JUDY M.	79 WASHINGTON AVE	NEEDHAM	MA	02492	1990300003300000	79 WASHINGTON AVE
THEALL, MARK H. &	THEALL, ALLISON M.	89 WASHINGTON AVE	NEEDHAM	MA	02492	1990300003200000	89 WASHINGTON AVE
HILLS, LESUE S.		99 WASHINGTON AVE	NEEDHAM	MA	02492	1990300003300000	99 WASHINGTON AVE
SIRK, DANIEL A &	SIRK, YOUNG MEE Y	67 HAWTHORN AVENUE	NEEDHAM	MA	02492	1990300000400000	67 HAWTHORN AVE
PERLMUTTER, STUART M. &	PERLMUTTER, MITZI P.	55 NICHOLS RD	NEEDHAM	MA	02492	1990300003400000	55 NICHOLS RD

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**

**MEETING DATE: 02/14/2017**

<b>Agenda Item</b>	Public Hearing: Eversource Energy – Edgewater Drive
<b>Presenter(s)</b>	Maureen Carroll, Eversource Energy representative

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	<p>Eversource Energy requests permission to install approximately 36 feet of conduit in Edgewater Drive. This work is necessary to provide underground electric service at 129 Edgewater Drive, Needham.</p> <p>The Department of Public Works has approved this petition, based on Eversource Energy'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>
	<p><b><u>Suggested Motion:</u></b></p> <p>Move that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 36 feet of conduit in Edgewater Drive. This work is necessary to provide underground electric service at 129 Edgewater Drive, Needham.</p>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	<p><b>(Describe backup below)</b></p> <ul style="list-style-type: none"><li>a. Petition Letter of Application</li><li>b. Order</li><li>c. Petition Plan</li><li>d. Notice Sent to Abutters</li><li>e. List of Abutters</li></ul>

mailed 1/27/17



200 Calvary Street  
Waltham, Ma 02453

RECEIVED

January 12, 2017

JAN 13 2017

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

PUBLIC WORKS DEPT.  
NEEDHAM, MA

RE: <sup>129</sup> Edgewater Drive  
Needham, MA  
W/O #2181317

Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install about 36 feet of conduit in Edgewater Drive.

The reason for this work is to provide underground electric service to 129 Edgewater Drive.

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

Very truly yours,

Steven M. Owens, Supervisor  
Rights and Permits

SMO/kj  
Attachments

OK to proceed  
M. Anderson  
1/25/17  
OK R.P. Anderson  
DPW Director  
1/25/17

**PETITION OF NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY  
FOR LOCATION FOR CONDUITS AND MANHOLES**

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

Respectfully represents **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** 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 December 22, 2016** and filed herewith, under the following public way or ways of said Town:

**Edgewater Drive – Northerly from pole 402/12 approximately 1860 feet west of South Street a distance of 36 ± feet of conduit.**

(W.O. #2181317)

**NSTAR ELECTRIC COMPANY  
dba EVERSOURCE ENERGY**



BY \_\_\_\_\_  
Steven M. Owens  
Rights & Permits Supervisor

**Dated this 12th day of January**

Town of **NEEDHAM** Massachusetts

Received and filed \_\_\_\_\_ 2017  
\_\_\_\_\_

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

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** 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 dba EVERSOURCE ENERGY** 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:

**Edgewater Drive – Northerly from pole 402/12 approximately 1860 feet west of  
South Street a distance of 36 ± feet of conduit.**

**(W.O. #2181317)**

**Hearing Required**

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. Debeneditis, Dated December 22, 2016** 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	_____	<b>NEEDHAM</b>	
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 \_\_\_\_\_ 2017 at \_\_\_\_\_ in said Town.

1	_____		
2	_____	Board of Selectmen	
3	_____	the Town of	
4	_____	<b>NEEDHAM</b>	
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 \_\_\_\_\_, 2017 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





## NOTICE

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 February 14, 2017** upon petition of Eversource Energy dated **January 12, 2017** to install about 36 feet of conduit in Edgewater Drive. The work is necessary to provide underground electric service to 129 Edgewater Drive, Needham.

A public hearing is required and abutters should be notified.

If you have any questions regarding this petition, please contact Eversource Energy representative, Maureen Carroll, at 781-314-5053.

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

BOARD OF SELECTMEN

Dated: January 26, 2017

129 EDGEWATER DR

OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	STATI	ZIP	PARCEL ID	PROPERTY ADDRESS
EMILL, ANDREW &	QURESHI, ALIA	112 EDGEWATER DR	NEEDHAM	MA	02492	199201000011000000	112 EDGEWATER DR
SWETT, CHESTER, JR., TR		124 EDGEWATER DR	NEEDHAM	MA	02492	199201000012000000	124 EDGEWATER DR
SCHLAUCH, ROBERT W., TR	THE ROBERT W SCHLAUCH 1999 TRUST	134 EDGEWATER DR	NEEDHAM	MA	02492	199201000013000000	134 EDGEWATER DR
KATZ, FREDERIC, TR.	148 EDGEWATER DRIVE REALTY TRUST	148 EDGEWATER DR	NEEDHAM	MA	02492	199201000014000000	148 EDGEWATER DR
GEORGE, JACOB &	WEAR- GEORGE, JENNIFER	151 EDGEWATER DR	NEEDHAM	MA	02492	199201000032000000	151 EDGEWATER DR
COLEMAN, COLIN A. &	COLEMAN, MARY ELIZABETH	141 EDGEWATER DR	NEEDHAM	MA	02492	199201000033000000	141 EDGEWATER DR
RODER, TRACEY D. & EHREN F.	C/O BALLAST CONSTRUCTION LLC	77 PEARL ST	CHARLESTOWN	MA	02129	199201000034000000	129 EDGEWATER DR
HALLIDAY, THOMAS S. &	HALLIDAY, DARLYNN H.	111 EDGEWATER DR	NEEDHAM	MA	02492	199201000035000000	111 EDGEWATER DR
CADIGAN, JOHN B., JR. &	CADIGAN, ELEANOR M.	283 EDGEWATER DR	NEEDHAM	MA	02492	199201000038000000	283 EDGEWATER DR
HUNNICUTT, JONATHAN E &	HUNNICUTT, ANNA A	271 EDGEWATER DR	NEEDHAM	MA	02492	199201000039000000	271 EDGEWATER DR
DELANDERS, ZINA TR.	ZINA DELANDERS IRREVOCABLE TRUST	259 EDGEWATER DR	NEEDHAM	MA	02492	199201000040000000	259 EDGEWATER DR

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: 2/14/2017**

<b>Agenda Item</b>	FY2016 Financial Audit
<b>Presenter(s)</b>	Scott McIntire, CPA, Melanson & Heath Company, P.C. David Davison, Assistant Town Manager/Director of Finance

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	Representatives of the audit firm Melanson & Heath Company P.C. will update the Board as to their recently completed audit of the Town's general purpose financial statements for fiscal year 2016 and their recommendations.
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	a. Memo from Assistant Town Manager/Director of Finance dated February 10, 2017 b. FY2016 Audit and Management Letter provided under separate cover

## Memo

To: Members of the Board of Selectmen  
From: David Davison, Assistant Town Manager/Director of Finance  
CC: Kate Fitzpatrick, Town Manager; Anne Gulati, Director of Financial Operations for Needham Public Schools; Daniel E. Gutekanst, Superintendent of Schools; Evelyn Poness, Treasurer/Collector; Michelle Vaillancourt, Town Accountant  
Date: February 10, 2017  
Re: Fiscal Year 2016 Annual Audit

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### FY2016 Audit

The independent audit firm Melanson, Heath and Company, PC (MHC) has completed its audit of the Town's Financial Statements for the fiscal year ended June 30, 2016. Mr. Scott C. McIntire CPA from the firm is scheduled to meet with the Board on Tuesday, February 14, 2017. He will give an overview of the audit process and MHC's comments regarding their recommendations to management. We will be available to address questions that the Board may have.

The Auditors included in their Management Letter to the Town five recommendations of which one is a carryover from the prior year, and four are new with this report. Recommendations one (research and resolve uncashed checks) and three (reconciliation of withholding accounts) are general issues which were squeezed by staffing and timing constraints. Whereas, recommendations two (GASB 74 and 75 requirements), four (Municipal Moderation Act) and five (IT Assessment) are much broader in scope and are of a long term nature.

An invitation has been extended to the members of the Finance Committee through the Executive Secretary and through School Superintendent to members of the School Committee to attend your meeting so that they will also have an opportunity to hear the report first hand.

Please do not hesitate to contact me if you have any questions prior to the meeting.



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

**MEETING DATE: 2/16/2017**

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

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
<p>At its meeting of February 7, 2017, the Planning Board voted to place the following articles on the warrant for the May 2017 Annual: (1) Amend Zoning By-law – Dimensional Regulations for Residential Districts (Technical Formatting Amendment); (2) Amend Zoning By-law – Side Yard Setback Requirement in the Single Residence B and General Residence Districts for Nonconforming Lots; (3) Amend Zoning By-law – Height Requirements in Residential Districts; (4) Amend Zoning By-law – Floor Area Ratio Requirement in the Single Residence B District; (5) Amend Zoning By-law – Side Yard Setback Requirement in the Single Residence B and General Residence Districts; (6) Amend Zoning By-law – Garage Setback Requirement in the Single Residence B and General Residence Districts; (7) Amend Zoning By-law – Definitions; (8) Amend Zoning By-law – Lot Coverage Requirement in the Single Residence B and General Residence Districts; (9) Amend Zoning By-law – Front and Side Yard Special Permit Exceptions for Nonconforming Structures in the Single Residence B and General Residence Districts; and (10) Amend Zoning By-law – Temporary Moratorium on the Sale and Distribution of Recreational Marijuana.</p> <p>Under State law, the Board has 14 days to accept the proposed amendments and refer the amendments back to the Planning Board for its review, hearing, and report. The Board's action in this matter is not discretionary.</p>	

<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
<p><i>Suggested Motion:</i> That the Board vote to accept the proposed zoning amendments: (1) Amend Zoning By-law – Dimensional Regulations for Residential Districts (Technical Formatting Amendment); (2) Amend Zoning By-law – Side Yard Setback Requirement in the Single Residence B and General Residence Districts for Nonconforming Lots; (3) Amend Zoning By-law – Height Requirements in Residential Districts; (4) Amend Zoning By-law – Floor Area Ratio Requirement in the Single Residence B District; (5) Amend Zoning By-law – Side Yard Setback Requirement in the Single Residence B and General Residence Districts; (6) Amend Zoning By-law – Garage Setback Requirement in the Single Residence B and General Residence Districts; (7) Amend Zoning By-law – Definitions; (8) Amend Zoning By-law – Lot Coverage Requirement in the Single Residence B and General Residence Districts; (9)</p>	

Amend Zoning By-law – Front and Side Yard Special Permit Exceptions for Nonconforming Structures in the Single Residence B and General Residence Districts; and (10) Amend Zoning By-law – Temporary Moratorium on the Sale and Distribution of Recreational Marijuana.

**3.**

**BACK UP INFORMATION ATTACHED**

- a. Letter from Lee Newman, Director of Planning & Community Development dated February 10, 2017
- b. Proposed Warrant articles
- c. M.G.L. c. 40A Section 5



# TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT

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

PLANNING  
February 10, 2017

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

Re: Zoning Articles for 2017 Annual Town Meeting

Dear Kate:

The Planning Board at its meeting of February 7, 2017 voted to place the following articles on the warrant for the May 2017 Annual Town Meeting: (1) Amend Zoning By-Law – Dimensional Regulations for Residential Districts (Technical Formatting Amendment); (2) Amend Zoning By-Law – Side Yard Setback Requirement in the Single Residence B and General Residence Districts for Nonconforming Lots; (3) Amend Zoning By-Law-Height Requirements in Residential Districts; (4) Amend Zoning By-Law – Floor Area Ratio Requirement in the Single Residence B District; (5) Amend Zoning By-Law – Side Yard Setback Requirement in the Single Residence B and General Residence Districts; (6) Amend Zoning By-Law – Garage Setback Requirement in the Single Residence B and General Residence Districts; (7) Amend Zoning By-Law – Definitions; (8) Amend Zoning By-Law – Lot Coverage Requirement in the Single Residence B and General Residence Districts; (9) Amend Zoning By-Law - Front and Side Yard Special Permit Exceptions for Nonconforming Structures in the Single Residence B and General Residence Districts; and (10) Amend Zoning By-Law - Temporary Moratorium on the Sale and Distribution of Recreational Marijuana. Accordingly, please find the above-named articles as approved by the Planning Board for inclusion in the warrant of the 2017 Annual Town Meeting.

As you know, the Board of Selectmen will need to accept the articles and to then forward them to the Planning Board for review, public hearing and report. Please have the Selectmen act on the enclosed articles at their next meeting of Tuesday, February 14, 2017, so that the Planning Board can meet its statutory obligations. The Planning Board plans to schedule the public hearing on these articles for Thursday, March 9, 2017.

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

Very truly yours,

NEEDHAM PLANNING BOARD

Lee Newman  
Director of Planning and Community Development

cc: Planning Board

Enclosure

**ARTICLE 1: AMEND ZONING BY-LAW – DIMENSIONAL REGULATIONS FOR RESIDENTIAL DISTRICTS (TECHNICAL FORMATING AMENDMENT)**

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

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

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

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

The symbol “NR” means no requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Buildings and structures shall have a minimum sideline setback requirement of 12.5 feet in the Single Residence B and General Residence Districts. A maximum of 28 linear feet of structure, as measured parallel to the side lot line at the first-floor plane, may be constructed to the minimum side setback line. For the remaining length of structure, as measured parallel to the side lot line at the first-floor plane, the minimum sideline setback distance shall be increased to 14.5 feet. Notwithstanding anything to the contrary contained herein, the minimum sideline setback requirement for all buildings and structures on any lot in a Single Residence B District or General Residence District which contains less than 10,000 square feet or has less than 80 feet of frontage shall be 10.0 feet.
- (b) Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 5,500 square feet – 30%; For lots containing at least 5,500 square feet but less than 6,000 square feet – 29%; For lots containing at least 6,000 square feet but less than 6,500 square feet – 28%; For lots containing at least 6,500 square feet but less than 7,000 square feet – 27%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 26%; and For lots containing at least 7,500 square feet – 25%. For purposes of this section lot coverage shall be defined as that portion of a lot that is covered or occupied by buildings or structures, but excluding unenclosed porches and decks, and pools.
- (c) Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 7,000 square feet – 35%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 34%; For lots containing at least 7,500 square feet but less than 8,000 square feet – 33%; For lots containing at least 8,000 square feet but less than 8,500 square feet – 32%; For lots containing at least 8,500 square feet but less than 9,000 square feet – 31%; For lots containing at least 9,000 square feet – 30%. For purposes of this section lot coverage shall be defined as that portion of a lot that is covered or occupied by buildings or structures, but excluding unenclosed porches and decks, and pools.

(d) Any building or structure that meets current zoning requirements but is prevented from commencing New Construction because the New Construction will be within the 12.5-foot sideline setback, but not within the 10-foot sideline setback, may commence the New Construction upon receipt of a special permit from the Board of Appeals under Section 7.5.2 of the Zoning By-Law, provided: (1) the New Construction meets all other requirements of the Zoning By-Law; (2) the Board determines that such change, extension, alteration, or enlargement would not be substantially more detrimental to the neighborhood than the existing structure; and (3) no more than 50% of the exterior frame or exterior envelope of the existing structure is demolished as a function of the proposed construction activity.

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

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

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

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

The symbol "NR" means no requirements.

(a) The setback area shall be kept open and landscaped with grass or other plant materials; such area shall be unpaved except for walks and driveways. The Board of Appeals may grant a special permit reducing the minimum front yard setback required by this footnote to no less than thirty (30) feet. (See Section 4.2.14)

(b) The setback area shall be kept open and landscaped with grass or other plant materials; such area shall be unpaved except for walks and driveways. The Board of Appeals may grant a

special permit reducing the minimum front yard setback required by this footnote to no less than twenty (20) feet. (See Section 4.2.14)

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

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

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

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

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

#### 4.2.5 Build Factor Formula

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

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

Lots recorded or endorsed after August 22, 1985 shall be subject to a maximum Build Factor of 20 in Single Residence B and General Residence Districts and 30 in Single Residence A and Institutional

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

#### 4.2.6 Lot Area Calculation

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

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

#### 4.2.7 Special Regulations for Rural Residence – Conservation District

- (a) Lot Coverage No building or structure, or addition to any building or structure, but not including accessory buildings or structures, shall be erected or placed on a lot which will result in the covering by buildings or structures of more than fifteen percent (15%) of the lot area in a Rural Residence-Conservation District.
- (b) Vegetative Buffer In a Rural Residence-Conservation District, the first thirty-five (35) feet of the required minimum front setback of fifty (50) feet, as measured from Chestnut Street and from the designated Scenic Roads of South Street and Charles River Street, shall remain as a natural vegetative buffer not to be cut or cleared except for normal maintenance and vehicular access, including private driveways and subdivision roadways.”
- (b) In Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, by renumbering Section 4.2.2 as 4.2.8, Section 4.2.3 as 4.2.9, Section 4.2.4 as 4.2.10, Section 4.2.5 as 4.2.11, Section 4.2.6 as 4.2.12, Section 4.2.7 as 4.2.13, and 4.2.8 as 4.2.14.

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

Or take any other action relative thereto.

**ARTICLE 2: AMEND ZONING BY-LAW – SIDE YARD SETBACK REQUIREMENT IN THE SINGLE RESIDENCE B AND GENERAL RESIDENCE DISTRICTS FOR NONCONFORMING LOTS**

To see if the Town will vote to amend footnote (a) to the tables contained within Sections 4.2.2 and 4.2.3 of the Needham Zoning By-Law as amended by Article 1 of this Town Meeting by deleting the final sentence of each such footnote so that, as amended, the footnotes would read as follows:

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

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

Or take any other action relative thereto.

### ARTICLE 3: AMEND ZONING BY-LAW – HEIGHT REQUIREMENTS IN RESIDENTIAL DISTRICTS

To see if the Town will vote to make the following three amendments to Section 4.2 of the Needham Zoning By-Law as amended by Article 1 of this Town Meeting, as follows:

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

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

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

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

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

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

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

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

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

Or take any other action relative thereto.

**ARTICLE 4: AMEND ZONING BY-LAW – FLOOR AREA RATIO REQUIREMENT IN THE SINGLE RESIDENCE B DISTRICT**

To see if the Town will vote to make the following four amendments to Section 4.2 of the Needham Zoning By-Law as amended by Article 1 of this Town Meeting, as follows:

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

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

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

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

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

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

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

Or take any other action relative thereto.

**ARTICLE 5: AMEND ZONING BY-LAW – SIDE YARD SETBACK REQUIREMENT IN THE SINGLE RESIDENCE B AND GENERAL RESIDENCE DISTRICTS**

To see if the Town will vote to make the following six amendments to Section 4.2 of the Needham Zoning By-Law as amended by Article 1 of this Town Meeting, as follows:

1. By amending subsection (b) of the definition of “New Construction” so that, as amended, it shall read: “(b) Any construction which involves demolition of more than 50% (fifty percent) of the building shell exclusive of demolition of a single story attached garage;
2. By changing the Side Setbacks in the Single Residence B and General Residence Districts to 14 feet on the tables contained in Sections 4.2.1, 4.2.2 and 4.2.3.
3. By inserting new footnotes (e) and (f) for Side Setback in the Single Residence B and General Residence Districts on the table contained in Section 4.2.1, such footnotes to read as follows:
  - (e) *The minimum side yard setback is 14 feet, and a maximum of 32 linear feet of structure may be built at the minimum setback line, as measured parallel to the side lot line, provided that the remaining length of structure along the side yard setback must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet, and a maximum of 32 linear feet of structure may be built at the minimum setback distance, as measured parallel to the side lot line, provided that the remaining length of structure along the side yard setback must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2 foot offset.*
  - (f) *Existing single family or two-family structures non-conforming for side yard setback and for which a building permit has been issued prior to June 1, 2017, may be altered or structurally changed as-of-right to a 10-foot setback, notwithstanding the provisions of Section 1.4.7.2, provided any demolition of the existing structure does not exceed 50% of the building shell exclusive of demolition of a single story attached garage and further provided that the side yard setback does not exceed the farthest extent of the setback of the existing structure. For the purposes of this footnote, the definition of “setback” in Section 1.3 of these By-Laws shall control.*
4. By amending footnote (a) to the table contained in Sections 4.2.2 and 4.2.3 so that, as amended, such footnotes reads as follows:
  - (a) *The minimum side yard setback is 14 feet, and a maximum of 32 linear feet of structure may be built at the minimum setback line, as measured parallel to the side lot line, provided that the remaining length of structure along the side yard setback must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet, and a maximum of 32 linear feet of structure may be built at the minimum setback distance, as measured parallel to the side lot line, provided that the remaining length of structure along the side yard setback must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2 foot offset.*
5. By inserting a new footnote (e) to Side Setback for the Single Residence B and General Residence Districts on the table contained in Section 4.2.2, such footnote to read as follows:

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

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

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

Or take any other action relative thereto.

**ARTICLE 6: AMEND ZONING BY-LAW – GARAGE SETBACK REQUIREMENT IN THE SINGLE RESIDENCE B AND GENERAL RESIDENCE DISTRICTS**

To see if the Town will vote to make the following three amendments to Section 4.2 of the Needham Zoning By-Law as amended by Article 1 of this Town Meeting, as follows:

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

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

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

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

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

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

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

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

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

Or take any other action relative thereto.

## ARTICLE 7: AMEND ZONING BY-LAW – DEFINITIONS

To see if the Town will vote to make the following two amendments to Section 4.2 of the Needham Zoning By-Law as amended by Article 1 of this Town Meeting, as follows:

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

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

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

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

Lot Coverage - that portion of a lot that is covered or occupied by any building or structure, but excluding unenclosed, covered or uncovered landings or porches (unless such covered landings or

porches have habitable space directly above), steps, roof overhangs, bay windows, chimneys and bulkheads as permitted in required setbacks as provided above, as well as outdoor fireplaces, decks, patios and pools.

2. By deleting the final sentence in footnotes (b) and (c) to the Table contained in Section 4.2.3, so that, as amended, such footnotes read as follows:

*(b) Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 5,500 square feet – 30%; For lots containing at least 5,500 square feet but less than 6,000 square feet – 29%; For lots containing at least 6,000 square feet but less than 6,500 square feet – 28%; For lots containing at least 6,500 square feet but less than 7,000 square feet – 27%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 26%; and For lots containing at least 7,500 square feet – 25%.*

*(c) Buildings and structures created on any lot shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 7,000 square feet – 35%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 34%; For lots containing at least 7,500 square feet but less than 8,000 square feet – 33%; For lots containing at least 8,000 square feet but less than 8,500 square feet – 32%; For lots containing at least 8,500 square feet but less than 9,000 square feet – 31%; For lots containing at least 9,000 square feet – 30%.*

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

Or take any other action relative thereto.

**ARTICLE 8: AMEND ZONING BY-LAW – LOT COVERAGE REQUIREMENT IN THE SINGLE RESIDENCE B AND GENERAL RESIDENCE DISTRICTS**

To see if the Town will vote to make the following three amendments to Section 4.2 of the Needham Zoning Bylaw as amended by Article 1 of this Town Meeting, as follows:

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

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

Or take any other action relative thereto.

**ARTICLE 9: AMEND ZONING BY-LAW – FRONT AND SIDE YARD SPECIAL PERMIT  
EXCEPTIONS FOR NONCONFORMING STRUCTURES IN THE SINGLE  
RESIDENCE B AND GENERAL RESIDENCE DISTRICTS**

To see if the Town will vote to make the following two amendments to Section 4.2 of the Needham Zoning By-Law as amended by Article 1 of this Town Meeting, as follows:

1. By amending the definition of “New Construction” so that, as amended, it shall read: “The term ‘New Construction’ means any one or any combination of the following: (a) Any construction of a structure on a vacant lot; and (b) Any construction which involves demolition of more than 50% (fifty percent) of the building shell exclusive of demolition of a single story attached garage. For purposes of calculating the percentages of any demolition under this definition, all demolition shall be taken into account which commenced, or could have commenced, pursuant to an issued permit within two (2) years prior to the date of any request for any permit to construct, re-construct, alter, add, extend or otherwise structurally change any structure.”
2. By inserting a new footnote (i) for Front Setback in the Single Residence B and General Residence Districts on the table contained in Section 4.2.3, such footnote to read as follows:
  - (i) *Existing single or two-family structures non-conforming for front yard setback where demolition exceeds 50% of the building shell exclusive of demolition of a single story attached garage and for which a building permit has been issued prior to June 1, 2017 may be altered or structurally changed to a front yard setback of 12 feet upon receipt of a special permit from the Board of Appeals under Section 7.5.2 of the Zoning By-Law provided: (1) the new construction meets all other requirements of the Zoning By-Law; (2) the front yard setback as permitted by the special permit does not exceed the farthest extent of the setback of the existing structure; and (3) the Board determines that such change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said special permit may be granted notwithstanding the provisions of Section 1.4.7.2. For the purposes of this footnote, the definition of “setback” in Section 1.3 of these Bylaws shall control.*
3. By inserting a new footnote (j) for Side Setback in the Single Residence B and General Residence Districts on the table contained in Section 4.2.3, such footnote to read as follows:
  - (j) *Existing single or two-family structures non-conforming for side yard setback where demolition exceeds 50% of the building shell exclusive of demolition of a single story attached garage and for which a building permit has been issued prior to June 1, 2017 may be altered or structurally changed to a side yard setback of 10 feet upon a lot created by deed or plan endorsed or recorded prior to January 9, 1986 and to a side yard setback of 12.5 feet upon a lot created by deed or plan endorsed or recorded on or after January 9, 1986 upon receipt of a special permit from the Board of Appeals under Section 7.5.2 of the Zoning By-Law provided: (1) the new construction meets all other requirements of the Zoning By-Law; (2) the side yard setback as permitted by the special permit does not exceed the farthest extent of the setback of the existing structure; and (3) the Board determines that such change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said special permit may be granted notwithstanding the provisions of Section 1.4.7.2. For the purposes of this footnote, the definition of “setback” in Section 1.3 of these Bylaws shall control.*

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

Or take any other action relative thereto.

**ARTICLE 10: AMEND ZONING BY-LAW – TEMPORARY MORATORIUM ON THE SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA**

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

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

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

8.1 Purpose

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

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

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

Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning By-Law in a manner consistent with sound land use planning goals and objectives.

## 8.2 Definitions

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

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

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

"Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business. (k) "Marijuana product manufacturer", an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

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

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

"Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

## 8.3 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning By-Law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and Marijuana Retailers and related uses, determine whether the town shall limit the number of marijuana establishments in the Town or govern the time, place and manner of marijuana establishment operations, determine whether the town will prohibit on-site consumption at Recreational Marijuana Establishments and Marijuana Retailers and shall consider adopting new provisions of the Zoning By-Law to address the impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses.

8.4 Severability.

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

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

Or take any other action relative thereto

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

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

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

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

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

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

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

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

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

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

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

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



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

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**MEETING DATE: 2/14/2017**

<b>Agenda Item</b>	Complete Streets Policy
<b>Presenter(s)</b>	Kate Fitzpatrick, Town Manager

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	<p>The Town Manager will recommend that the Board of Selectmen approve and authorize the Chairman to sign the Complete Streets Policy. Acceptance of such a policy allows access to State funds for roadway improvement, and will help the Town make progress towards its goal of becoming a more age-friendly community.</p>
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
	<p><i>Suggested Motion:</i> That the Board vote to approve and authorize the Chairman to sign the Complete Streets Policy.</p>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	<p>a. BOS DPW-010 Policy: Complete Streets dated February 14, 2017</p>

## Board of Selectmen

<b>Policy Number:</b>	BOS-DPW-010
<b>Policy:</b>	Complete Streets Policy
<b>Date Approved:</b>	February 14, 2017
<b>Date Revised:</b>	
<b>Approved:</b>	Chairman, Board of Selectman

### Section 1: Definitions

- 1.1 Complete Streets are designed and operated to provide safety and accessibility for all users of our roadways, trails, and transit systems, including pedestrians, bicyclists, transit riders, motorists, commercial vehicles, and emergency vehicles and for people of all ages and abilities. Furthermore, Complete Streets principles contribute toward the safety, health, economic viability, and quality of life in a community by providing accessible and efficient connections between home, school, work, recreation and retail destinations, by improving the transportation environments throughout communities.
- 1.2 Complete Streets principles include the development and implementation of projects in a manner in which project implementation is sensitive to the community's physical, economic, and social setting. This context-sensitive approach to process and design includes a range of goals by considering stakeholder and community values on a level plane with project need. It includes goals related to livability with greater participation of those affected in order to gain project consensus. The overall goal of this approach is to preserve and enhance scenic, aesthetic, historical, and environmental resources while improving or maintaining safety, mobility, and infrastructure conditions.

### Section 2: Policy

- 2.1 The Town of Needham recognizes that users of various modes of transportation, including, but not limited to, pedestrians, cyclists, transit and school bus riders, motorists, delivery and service personnel, freight haulers, and emergency responders, are all legitimate users of streets and deserve safe facilities. The Town will prioritize improvements to its transportation network to accommodate the needs of users of all ages and abilities, and will apply Complete Streets design principles to all new, renovation, and reconstruction projects to the maximum extent feasible.
- 2.2 The Town will endeavor to ensure that Needham ways, including but not limited to those subject to improvements under this policy, are accessible to all, and the Town will employ education, encouragement and enforcement to help ensure the safety of

all users.

### Section 3. Procedures

- 3.1 The Town recognizes that all projects – new, maintenance, or reconstruction –, are potential opportunities to apply Complete Streets principles and design elements. The Town will, to the maximum extent practical, design construct, maintain, and operate all streets to provide for a comprehensive and integrated street network of facilities for people of all ages and abilities.
- 3.2 Complete Streets design recommendations shall be incorporated into all transportation infrastructure and street design projects requiring funding or approval by the Town of Needham, as well as projects funded by the State and Federal government, such as the Chapter 90 funds, Town improvement grants, Transportation Improvement Program (TIP), the MassWorks Infrastructure Program, Community Development Block Grants (CDBG), capital improvement funding and other State and Federal funds for street and infrastructure design.
- 3.3 Private development affecting public rights of way shall also adhere to the Complete Streets principles to the maximum extent practical.
- 3.4 To the extent practical, the design, construction, and maintenance of State roadways within Town boundaries will adhere to Complete Streets principles.
- 3.5 The Town of Needham Complete Streets policy will focus on developing a connected, integrated network that serves all users. Complete Streets principles will be integrated into policies, planning, and design of all types of public and private projects, including new construction, reconstruction, rehabilitation, repair, and maintenance of transportation facilities on streets and redevelopment projects.
- 3.6 Complete streets design may be achieved through single elements incorporated into a particular project, or incrementally through a series of smaller improvements or maintenance activities over time.
- 3.7 The latest design guidance, standards, and recommendations available will be used in the implementation of Complete Streets including:
  - The Massachusetts of Department of Transportation Project Development and Design Guidebook and current Engineering Directives;
  - Massachusetts Department of Transportation Engineering Directive E-14-006, “Design Criteria for MassDOT Highway Division Projects”;
  - The latest edition of American Association of State Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets;

- The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Design Controls (2009);
  - The Architectural Access Board (AAB) 521CMR Rules and Regulations; and
  - Documents and plans created by or for the Town of Needham, such as pedestrian network plans, Needham Bicycle Plan, transportation master plan, land use plans, Town of Needham Trails Master Plan, and the Town of Needham Pavement Management Program Five-year Roadway Improvements Plan.
- 3.8 Complete Streets implementation and effectiveness should be continually evaluated for success and the identification of opportunities for improvement. The Town will develop performance measures to gauge implementation and effectiveness of the policies.
- 3.9 Implementation of the Town of Needham Complete Streets Policy will be carried out cooperatively within all departments in the Town of Needham with multi-jurisdictional cooperation, to the greatest extent possible, among private developers, and State, regional, and federal agencies.
- 3.10 The Town shall make Complete Streets practices a routine part of everyday operations, shall approach every transportation project and program as an opportunity to improve streets and the transportation network for all users, and shall work in coordination with other departments, agencies, and jurisdictions to achieve Complete Streets goals.
- 3.11 Town shall review and evaluate all appropriate planning documents, by-laws, regulations, guidelines, programs, and templates to integrate Complete Streets principles in all street and infrastructure projects. A committee of stakeholders designated by the Town Manger will be created to implement this initiative.
- 3.12 The Town will maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure including infrastructure in need of maintenance, repair and connectivity that will prioritize projects to eliminate gaps in the sidewalk and bikeway network.
- 3.14 The Town will consider Complete Streets design elements in its annual capital planning process.
- 3.15 The Town will educate staff and decision-makers about Complete Streets principles and best practices.
- 3.16 The Town will seek out appropriate sources of funding and grants for implementation of Complete Streets policies, and advocate for such funding directly or through affiliations.

**Section 4. Exceptions**

- 4.1 The Board of Selectmen retains the authority to make exceptions to this policy if considered in the best interest of the Town to do so. Transportation infrastructure may be excluded, upon approval by the Board of Selectmen where documentation and data indicate that:

- Facilities where specific users are prohibited by law, such as interstate freeways or pedestrian malls. An effort will be made in these cases for accommodation elsewhere; and
- Where cost or impacts of accommodation are excessively disproportionate to the need or probable use or probable future use.



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

**MEETING DATE: 2/14/2017**

<b>Agenda Item</b>	Close Annual Town Meeting Warrant
<b>Presenter(s)</b>	Kate Fitzpatrick, Town Manager

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	The Town Manager will recommend that the Board vote to close the warrant for the 2017 Annual Town Meeting.
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
	<i>Suggested Motion:</i> That the Board vote to close the warrant for the 2017 Annual Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel and Bond Counsel.
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	a. Draft Warrant dated February 10, 2017 to be provided under separate cover.



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

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**MEETING DATE: 2/14/2017**

<b>Agenda Item</b>	Regulations for the Sale of Alcoholic Beverages
<b>Presenter(s)</b>	Board Discussion

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	The Board will discuss the provisions of the Regulations for the Sale of Alcoholic Beverages relating to service bars and waiting areas.
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	a. Regulations for the Sale of Alcoholic Beverages revised November 9, 2016



# **TOWN OF NEEDHAM**

## **REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES**

- I. Types of Licenses to be Granted in Needham
- II. Compliance
- III. Special License Provisions
- IV. General Rules and Regulations Applicable to Holders of Licenses to Sell Alcoholic Beverages within the Town
- V. Rules and Regulations for the Sale of Alcoholic Beverages by Innholders
- VI. Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants and Function Rooms
- VII. Rules and Regulations applicable to Clubs and Veterans Organizations seeking and issued Alcoholic Beverage Licenses within the Town authorized by Special Act of the General Court (Chapter 3 of the Acts of 1977)
- VIII. Rules and Regulations applicable to One-Day Special Event Licenses
- IX. Rules and Regulations applicable to Package Stores

**Licensing Authority: Board of Selectmen**

*Revision Date: 11/9/2016*

The Needham Board of Selectmen, acting as local licensing authority pursuant to the provisions of Massachusetts General Laws Chapters 138 and 140 and other relevant legal authority, promulgates these regulations applicable to the sale and distribution of alcoholic beverages in the Town of Needham. These regulations are in addition and supplemental to all other legal requirements, including but not limited to applicable State and Federal law and regulations.

## **I. TYPES OF LICENSES TO BE GRANTED IN NEEDHAM**

The Town of Needham issues the types of alcoholic beverages licenses listed below. All licenses shall comply with Chapter 138 of the Massachusetts General Laws, and Chapter 204 of the Code of Massachusetts Regulations, as they relate to the specific type of license.

- 1.1 Innholders All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms, under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Board of Selectmen. (M.G.L. c.138, s.11, D; 11/7/72 election)
- 1.2 Restaurant All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.11, E; 11/4/80 election; M.G.L. c.138, s.12; Chapter 32 of the Acts of 2014; 4/8/2014 election)
- 1.3 Restaurant Wine and Malt Beverages: issued to qualified applicants to sell only wine and malt beverages in a restaurant under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; Chapter 169 of the Acts of 2001; 11/8/01 election)
- 1.4 Club and Veterans' Organization All Alcoholic Beverages: issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; 11/8/88 election)
- 1.5 One Day Special Event: issued to qualified applicants of non-profit status to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants of for profit status to sell wine and malt beverages only under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all

conditions stipulated for the specific license. (M.G.L. c.138, s.14)

- 1.6 Package Store All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.7 Package Store Wine and Malt Beverages: issued to qualified applicants to sell wine and malt beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)

## II. COMPLIANCE

- 2.1 The issuance of a license by the Board of Selectmen for the sale of alcoholic beverages under M.G.L. c. 138 applies only to said sales and does not release the licensee from compliance, nor does it assume compliance with the rules, regulations, requirements and procedures of other government boards, agencies or bodies having jurisdiction.
- 2.2 Failure to comply with these regulations, the laws of the Commonwealth of Massachusetts, the Regulations of the Alcoholic Beverages Control Commission or the Town's bylaws may result in the revocation, suspension or cancellation of the license.

## III. SPECIAL LICENSE PROVISIONS (applicable to Restaurants only)

- 3.1 Service Bars / Waiting Areas (with or without stools/chairs), as defined for the purposes of these regulations as a counter, tabletop or other mechanism which is used for the purpose of providing alcoholic beverages to patrons who are waiting to dine, are permitted only in locations expressly approved and authorized by the Board of Selectmen. The sale or service of alcoholic beverages for consumption at any unapproved service bar / waiting area bar is prohibited.

An applicant or licensee may request from the Board of Selectmen, on an annual basis, an addendum to allow for the premises to have designated waiting areas for the service of alcoholic or wine and malt beverages only to those patrons who are waiting to dine, including stools / chairs located at the service bar area. This addendum shall be for one year and shall lapse unless renewed. In each instance, such addendum shall not be granted or renewed except under the following conditions:

- a) the Board makes a finding that it is in the best interest of the Town to allow the service of alcoholic beverages in the designated waiting areas;
- b) no more than a total of fifteen (15) seats or ten percent (10%) of the total seats in the premises, whichever is less, shall be allowed in the designated waiting area, including any seats at service bar(s);
- c) when calculating the number of seats in the premises, the seats where food is served in the designated waiting areas and service bars shall be included;
- d) all food and beverages on the menu served in the public dining room shall be available for service to the patrons in the designated waiting areas, including service bars. This requirement may be waived by the Board of Selectmen in waiting areas that do not have a service bar, but in such event no alcoholic or wine and malt beverages shall be served except to patrons who have asked to be seated in the dining area for a meal;
- e) no patron shall be served more than two (2) drinks or two (2) servings of wine or malt beverage until such time as a meal is served to that patron. For the purposes of this provision, a drink shall not contain more than one ounce of (pure) alcohol;
- f) any violation of the conditions set forth in this section, or any violation of any of the laws of the United States of America, the Commonwealth of Massachusetts or the Town of Needham shall be a basis for denying the granting or renewal of the allowance or for the revoking of the addendum;
- g) the applicant for a renewal of an addendum shall provide the Board of Selectmen with a statement certified by a Certified Public Accountant as to the percentage the annual sales for the previous period of October 1-September 30 of alcoholic beverages compared to the total annual sales of food and alcoholic or wine and malt beverages. If the percentage exceeds twenty-five (25%), the Board of Selectmen may investigate to determine whether the service of alcoholic beverages has become more than incidental to the service of food on the premises. If the Board determines that the sale of alcoholic beverages has become more than incidental to the sale of food on the premises, it may deny the granting or renewal of the addendum or suspend or revoke the addendum;
- h) any application for the original granting of an addendum shall be acted on only after notice as set forth in M.G.L. Chapter 138, Section 15A and a hearing by the Board of Selectmen. The annual renewal of the addendum shall be in a manner to be determined from time to time by the Board of Selectmen; and
- i) upon approval of such application for an addendum, the licensee shall pay an additional fee determined by the Board.

#### **IV. GENERAL RULES AND REGULATIONS APPLICABLE TO HOLDERS OF LICENSES TO SELL ALCOHOLIC BEVERAGES WITHIN THE TOWN**

This section shall apply to any and all alcoholic beverages licenses issued by the Board to eligible restaurants, clubs, veterans' organizations, innholders licensees, package stores and, with noted exceptions, one-day special event licensees. The Licensing Board reserves the right to add to, amend, modify or revoke these rules and regulations at such time or times as the Licensing Board deems appropriate.

Subject to further limitations fixed or from time to time modified by the Board of Selectmen with respect to a particular license, the General Laws of Massachusetts and the regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:

4.1 Fire Safety Inspections (applicable to Restaurants, Innholders & Clubs only)

Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety In the Commonwealth, requires that every license holder under M.G.L. Chapter 138 Section 12 must submit as a precondition of renewal of the license "a valid certificate of inspection issued by a local inspector and signed by the head of the fire department for the city, town or district in which the premises is located." No license shall be issued for the sale of alcoholic beverages in the Town until such time as a copy of the valid certificate of inspection has been filed with application.

4.2 Hours of Operation

The hours during which the sale of all alcoholic beverages may be made in a dining room are further limited to the time when the dining room is open and food service is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public. The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any licensee shall be from 11:00 a.m. to 12:00 midnight on secular days and from 12:00 noon to 12:00 midnight on Sundays unless otherwise determined by the Board of Selectmen. The hours during which the sale of all alcoholic beverages to be consumed off the premises may be made by any licensee shall be from 9:00 a.m. to 10:00 p.m., Monday through Saturday, including legal holidays, and 12:00 noon to 6:00 p.m. on Sundays, unless otherwise determined by the Board of Selectmen. Holiday sales hours are further limited to the holiday schedule set by the ABCC. The hours when sales may be made will be established by the Board of Selectmen with each individual application.

4.2.1 The Board may adjust hours for individual and/or classifications of licensees upon receipt of their request(s) for consideration of special circumstances and/or occasions.

4.2.2 No patron shall be served or sold alcoholic beverages within the licensed premises before or after the hours stated in the license.

4.2.3 No alcoholic beverages shall be served within the licensed premises during the fifteen (15) minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.

4.2.4 All bottles, glasses, containers, etc., shall be cleared from all tables and bars within thirty (30) minutes of the established closing hour and all patrons will be off the licensed premises within forty-five (45) minutes of the established closing hour.

4.2.5 With the exception of the licensee and the manager, all employees shall vacate the licensed premises no later than sixty (60) minutes after the official closing hour designated on the alcohol license. Bona fide employees of the licensed establishment may remain upon or enter upon

the licensed premises outside of the regular hours of operation while actually engaged in cleaning, opening, closing or preparing for the current or next day's business, but they may not dispense or consume any alcoholic beverage during such non-public hours. In any instance wherein a licensee will have employees working on the licensed premises in excess of sixty (60) minutes before or after the serving times, the licensee shall cause notification of the fact to be given by telephone to the Needham Police Department along with the estimate as to how long the work party will be on the premises.

4.3 Payment of Charges and Taxes

Applicants and licensees must pay in full all taxes and charges owed to the Town on a current basis prior to the issuance of a new license, the transfer of an existing license and/or the annual renewal of a license.

4.4 Filing and Application Requirements (excludes One Day Special Event Licenses)

4.4.1 Abutter Notification

When conducting a public hearing to consider the issuance of a license to sell or serve wine, malt and/or alcoholic beverages, the Board will endeavor to ask applicant to notify all owners of property within a 300 foot radius of the premises to be licensed. This will be in addition to any notification which is required by law.

4.4.2 Insurance

No license shall be issued for the sale of alcoholic beverages (one day special licenses excluded) in the Town until such time as the applicant shall present to the Board of Selectmen a certificate of insurance showing that the applicant carries the following policies of insurance from an insurance company licensed by the Department of Insurance of the Commonwealth of Massachusetts as follows: workers' compensation insurance as required by M.G.L. Chapter 152; and liquor liability insurance in the minimum amount of \$100,000 per person/\$1,000,000 aggregate for personal injury and \$100,000 per occurrence for property damage.

4.4.3 Fees

All license fees of the Board are incorporated in these rules and regulations as Attachment I, Schedule of Town of Needham Liquor License Fees. These fees shall be non-refundable.

4.4.3.1 Filing Fees All required filing fees shall be paid in full at such time as the application is filed. The Board's filing fee shall be paid by check, made payable to the "Town of Needham". Filing fees required by the Commission must be by certified check or bank treasurer's check made payable to the "Commonwealth of Massachusetts" and/or the "Alcoholic Beverages Control Commission". Filing fees shall not be pro-rated for any reason.

4.4.3.2 License Fees All license fees for the initial issuance of a new license, or for the transfer of an existing license, for a change in the structural composition of a licensed premises, and/or for the annual renewal of a license shall be paid in full prior to the issuance of the license. The payment of the license fee shall be by cash, certified check or bank treasurer's check payable to "Town of Needham". The initial license fee will be pro-rated based on the number of months remaining in the calendar year at the time of occupancy.

4.4.4 Floorplans – On Premises Licenses (M.G.L. Ch 138 s.12)

4.4.4.1 With the exception of applicants for package store licenses and a one-day special events license and without limiting the application of Chapter 6 of the State Building Code, applicants or licensees shall submit to the Board along with the application for license, an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:

- a. the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed including dining rooms, function rooms, exterior premises and rooms in which alcoholic beverages are to be stored;
- b. the location of any proposed bars/waiting areas and cocktail lounges (for innkeepers license only);
- c. areas in which seats or benches are to be securely fastened to the floor and areas in which the seats and tables are moveable;
- d. entrances and exits;
- e. kitchens and/or food preparation areas;
- f. take out areas;
- g. storage areas;
- h. restrooms;
- i. all rooms not being requested to be licensed shall be labeled as to their function, such as, kitchen, coatroom, lobby, etc.;
- j. total occupant load; and
- k. other spaces, or in relevant cases, exterior premises for which approval of the Board for the sale of alcoholic beverages is requested. Approval of the use of exterior space will only be allowed if there is a physical barrier and signage restricting the transportation or possession of any alcohol, wine, or malt beverage beyond the limitation of the barrier.

4.4.4.2 The number and location of all seats, chairs, and stools upon or within the licensed premises must be approved in writing by the Board. In no event shall the total number of seats, chairs, and stools upon the licensed premises exceed the maximum seating capacity nor the maximum occupancy capacity of the licensed premises.

4.4.4.3 No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license, shall be made without prior written approval of the Board.

4.4.4.4 Outdoor seating shall be excluded from the seating capacity used to determine the type of license granted to applicant.

#### 4.5.5 Floor Plans – Off Premise Licenses (M.G.L. Ch 138 s. 15)

4.5.5.1 Applicants for a package store license shall submit to the Board along with the application for license, an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked

- a. the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed;
- b. gross floor area of the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages;
- c. entrances and exits;
- d. storage areas;
- e. restrooms;
- f. cash register areas.

4.5.5.2 Applicants shall submit a plan for signage including window display signs.

#### 4.6 General and Miscellaneous Provisions

4.6.1 No alcoholic beverages shall be taken from the building so approved in the licenses, with exception of approved exterior seating noted on floorplan, as noted in section 4.4.4.1 (k). This does not apply to package stores.

4.6.2 No licensee shall sell alcoholic beverages in any part of the premises not specified on this license. No change of such area or location shall be made without prior written approval of the Board of Selectmen. The licensed

premises shall meet and fully comply with all health standards and regulations applicable to the sale of alcoholic beverages.

- 4.6.3 The licensed premises must be well lighted at all times.
- 4.6.4 There shall be no indecent or immoral entertainment on the licensed premises.
- 4.6.5 Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.
- 4.6.6 The licensed premises shall be subject, at all times, to inspection by members of the Board of Selectmen, the Town Manager, Inspector of Buildings, Board of Health or its representatives, Police Department, Fire Department, or any other department or official of the town so directed by the Selectmen.
- 4.6.7 Service of food is required in all areas where alcoholic beverages are to be served for consumption on premises.
- 4.6.8 Meals must be served on solid dinnerware with silverware accompanying the same. No paper plates or plastic cutlery is permitted. Alcoholic beverages may be consumed only from glassware. Package stores and one day licenses are excluded from this provision.
- 4.6.9 No pitchers of beer may be served (applicable to on premises licenses only).
- 4.6.10 No licensed restaurant or package store may permit the use of any amusement service such as electronic games on the premises.
- 4.6.11 Service of alcoholic beverages shall be by a server/wait person (applicable to on premise licensees only).
- 4.6.12 At all times that the licensed premises are open for the sale or service of alcoholic beverages, the licensee shall have on the premises a manager or assistant manager who has successfully completed an alcoholic beverage server training program satisfactory to the Board of Selectmen. The onsite manager/assistant manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. The designated manager/assistant manager shall have full authority to make decisions concerning the operation of the establishment.
  - a. A current employee roster shall be available upon request to the Town for all licensed establishments. It is the obligation of the licensee to inform all employees about the rules and regulations of the Needham

Board of Selectmen, the Alcoholic Beverages Control Commission, and any and all applicable Massachusetts laws.

- b. Any employees engaged in the sale and handling of alcoholic beverages must complete Board of Selectmen approved courses in alcohol safety training and have on file with the licensee and available for inspection by the Town a copy of current training certification and proof of age. Licensee will provide an approved training program certificate of completion for the manager to the Town with the application.
- c. All employees shall be required to be recertified every three years by a Town- approved program. Newly hired employees shall complete a Town-approved training program within 30 days of their employment, or provide proof of training certification at a Town-approved course within the last three years. In addition, all employees who are engaged with the direct handling, selling, storing or the preparation for the display of any alcoholic beverages are required to watch annually a Town-approved training video as part of the license renewal process.
- d. No licensee shall allow any employee to sell alcohol until such employee reads the rules and regulations of the Needham Board of Selectmen, the Alcoholic Beverages Control Commission, and any and all applicable Massachusetts laws regarding the sale of alcohol, and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read and understands the regulation and applicable state laws.

4.6.13 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.

## **V. RULES AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES BY INNHOLDERS**

Subject to further limitations fixed or from time to time modified by the Board of Selectmen with respect to a particular license, the General Laws of Massachusetts and the regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:

- 5.1 No application for an alcoholic beverage license shall be accepted except from qualified owners of a hotel having a dining room capacity of not less than ninety-nine [99] persons and living capacity of not less than fifty [50] rooms.
- 5.2 Each applicant shall submit to the Board of Selectmen with each application for a license a floor plan of the building or that portion of the building on which is clearly marked and designated the location of the proposed seating arrangement, service bars, dining rooms, function rooms or other rooms in which approval of the Board of Selectmen for the sale of alcoholic beverages is requested.

- 5.3 Cocktail lounges are permitted with the approval of the Board of Selectmen but limited to approved areas by the Board of Selectmen with appropriate identification of the specific location documented by the Inspector of Buildings.
- 5.4 The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Board of Selectmen.

## **VI. RULES AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES IN RESTAURANTS AND FUNCTION ROOMS**

Subject to further limitations fixed or from time to time modified or amended by the Board of Selectmen acting as the duly constituted Licensing Board of the Town of Needham with respect to this class of license, the General Laws of Massachusetts and the Regulations of the Alcoholic Beverages Commission, the following rules and regulations shall be in full force and effect:

- 6.1 It is the policy and purpose of the Board of Selectmen acting as the Licensing Board of the Town of Needham to limit the issuance of alcoholic licenses as an accommodating and incidental part of a Common Victualler's primary and principal business endeavor of preparing and serving food to the public in a restaurant and function room.
- 6.2 The issuance of alcoholic licenses will be utilized so as to both enhance the dining experience of individuals patronizing Needham restaurants and to foster the economic development of business areas in the Town by encouraging and promoting foot traffic in those areas where restaurants are located. The Board will consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, appropriateness of menu and other aesthetic considerations including the physical layout of the interior of the establishment. Licenses will not be granted to establishments whose principal business activity is fast food, take-out, or which has any "drive-through" component.
- 6.3 No function room may be separately licensed.
- 6.4 No alcohol license will be issued to any applicant unless such applicant is the licensee named in a common victualler's license and has operated a restaurant and function rooms for the twelve month period immediately preceding the filing of an application. When deemed appropriate by the Board of Selectmen this provision may be waived.
- 6.5 Service of food is required in all areas in which alcoholic beverages are to be served. Where a function room is available, the service of alcoholic beverages is permitted as authorized herein and may be closed to the general public.

## **VII. RULES AND REGULATIONS APPLICABLE TO CLUBS AND VETERANS ORGANIZATIONS SEEKING AND ISSUED ALCOHOLIC BEVERAGE**

## **LICENSES WITHIN THE TOWN AUTHORIZED BY SPECIAL ACT OF THE GENERAL COURT (CHAPTER 3 OF THE ACTS OF 1977)**

Licenses issued by the Needham Licensing Board shall be subject to the minimum requirements of G.L. Chapter 138, Regulations of the Alcoholic Beverage Commission and the following regulations of the local Licensing Board and any amendments thereto hereinafter adopted:

- 7.1 Every club applicant to be eligible to be licensed to sell any or all alcoholic beverages within the Town of Needham must be a corporation duly organized and existing under Chapter 180 of the General Laws of the Commonwealth of Massachusetts and has maintained club facilities for not less than three (3) years prior to the filing of an application. The within provisions may be waived by the Licensing Board.
- 7.2 Every Veterans organization to be eligible to be licensed to sell any and all alcoholic beverages within the Town of Needham must be duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts.
- 7.3 Each applicant shall furnish the Licensing Board with a copy of its Charter or other legal evidence of its eligibility as herein specified when requested by the Licensing Board.
- 7.4 Each eligible club and veteran's organization must have the exclusive legal right to the possession and enjoyment of indoor facilities of not less than 2,000 square feet of floor space on one or more floors and which may consist of one or more rooms.
- 7.5 Each licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager or bartender who is of good moral character and a responsible person. The manager or bartender will be in charge during open hours acting for and on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors the manager or bartender shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises and the neighborhood.

### **VIII. RULES AND REGULATIONS APPLICABLE TO ONE-DAY SPECIAL EVENT LICENSES**

The Board will review requests for One-Day Special Event Licenses in accordance with section 14 of Chapter 138 of the General Laws after receipt of the following documentation. A public hearing is not required for the issuance of a One-Day Special Event License.

- 8.1 Request for the sale of alcohol under a Special License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on secular days and 12:00 p.m. and 12:00 a.m. on Sundays.
- 8.2 One-Day licenses are exempt from the legal notice and publication requirements.

- 8.3 No special event license will be granted to a licensed premise of any person whose application for a license is pending before the licensing authorities.
- 8.4 No person shall be granted a special license for more than 30 days in a calendar year.
- 8.5 Forms and documentation required for One-Day Special License:
- a) ABCC Notice of Approval of Special License (completed by the Town)
  - b) Town of Needham Board of Selectmen Event Information Sheet
  - c) Descriptive information about the event (invitation, flyer, letter of explanation, etc.)
  - d) Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
  - e) Written evidence of the owner's permission to use the proposed licensed premises.
  - f) Proof of Non-profit Status (if request is for all alcoholic beverages).
  - g) Sketch/floorplan of the proposed licensed premises detailing where alcohol will be served, sold, delivered, and/or dispensed.
  - h) Designation and identification in writing of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages and evidence of whether or not said individuals have completed in the past three years an appropriate Massachusetts alcoholic beverages server training program.
  - i) Acknowledgement that the person holding the special license has purchased the alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. 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)
- 8.6 The One-Day Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, shall be physically present during the duration of the entire event and shall sign the Event Information Sheet. The One-Day Special Event Manager shall display such special One-Day License where sale of alcoholic beverages is taking place.

**IX. RULES AND REGULATIONS APPLICABLE TO PACKAGE STORES  
(M.G.L. CH 138, SEC. 15)**

9.1 General Provisions

- 9.1.1 Employees at the licensed premises on which a Section 15 license is exercised, must be 21 years of age except that such licensees may employ a person under the age of 21 who does not directly handle, sell,

store, or prepare for display any alcoholic beverages. Notwithstanding the foregoing, food store employees 18 years of age or older may handle, store, or prepare any alcoholic beverages for display and may sell alcohol provided that the onsite designated manager, aged 21 or over, approves and authorizes the transaction for sale.

- 9.1.2 No seating, chairs, stools, or tables for use by customers or patrons shall be placed or permitted by a retail package store licensee upon or within the licensed premises, or upon any area under the direction and control of the licensee.
- 9.1.3 Where the liquor licenses are granted to serve the public, licensees shall be open to the public and, except in exigent circumstances, operate on all days and hours in accordance with the terms of the issued liquor license. The closing of the licensed premises to the public, for a period of five (5) consecutive days or more, or for any period totaling ten (10) days during the calendar year without the prior approval of the Board of Selectmen may be deemed to be an abandonment of the Liquor License and sufficient grounds for revocation of the Liquor License.
- 9.1.4 No consumption of alcoholic beverages shall be permitted on the premises outside of the licensed hours of operation.
- 9.1.5 Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The licensee may be held responsible for such activity, whether present or not.
- 9.1.6 Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.
- 9.1.7 The licensing of liquor establishments, and what constitutes the public convenience in Needham, will be subject to the informed discretion of the Board of Selectmen. In determining suitability for licenses, the Board of Selectmen will consider the proximity of the proposed premises to neighborhoods, especially residential neighborhoods, and other sensitive areas as determined by the Board.
- 9.1.8 Section 15 licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.
- 9.1.9 Alcohol-related signage displayed so that it is visible to the public will be limited. As a condition of the license, the licensee will comply with the

Town of Needham Sign By-law, as from time to time amended.

- 9.1.10 Advertisement at local sporting events or school events and sponsorships of sporting teams where participant's uniforms carry the name, logo or advertisement for any business which derives more than 25% of its gross revenues from the sale of alcoholic beverages is prohibited.
- 9.1.11 "Nips" or bottles of spirits containing fewer than eight (8) fluid ounces shall not be located in an area directly accessible by customers, and shall be offered for sale upon the request of a customer from a location within the premises to which customers do not have direct access, such as behind a counter.

## 9.2 Hours Of Operation

- 9.2.1 For all deliveries conducted off the licensed premises, the licensee shall keep written records including the date of sale, quantities and sizes of items purchased, method of payment transaction, and name and address of purchaser. In addition to the preceding requirements, the amount of the beverages that were delivered, the date and time of delivery, the signature of the person receiving the delivery and the type of identification card used to confirm age. Such written records shall be maintained by the licensee within or upon the license premises for a period of not less than one year and must be readily available for inspection by the Town.
  - a. Deliveries must be made during the operating hours of the store.
  - b. Deliveries shall be made by persons no less than 21 years of age.
  - c. A copy of Off-Premises Transportation Permit, license to deliver issued by the ABCC, shall accompany application at time of submittal.
- 9.2.2 All transactions for the sale of alcoholic beverages must be completed on or before the closing hour set out in this section.
- 9.2.3 Hours for product deliveries to establishment and/or pick-up of bottle returns should be arranged so that activity does not interfere with the quiet enjoyment of the neighborhood.

## 9.3 Consumption On Premises Prohibited Except Sample Tastings

- 9.3.1 Consumption of alcoholic beverages within or upon the retail package store licensed premises, or upon any area under the direction and control of the licensee, by any person is strictly prohibited except for sample tasting.

## 9.4 Limitations On Transferability Of Off-Premises Section 15 Licenses

9.4.1 An application for a transfer of ownership at the same location or transfer of location may be granted by the Board after a public hearing in compliance with these regulations and state law.

9.5 Food Store Alcohol License Requirements

9.5.1 A food store is defined as a grocery store or supermarket, which sells at retail, food for consumption on or off the gross premises, whether alone, or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal, family or household use. Such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store for the purposes of these regulations shall not be a convenience store, any business that sells gasoline, or a business which derives more than 25% of its gross revenues from the sale of alcoholic beverages. The retail space used to display alcoholic beverages shall not exceed twenty-five percent (25%) of the total retail space on the premises. The Board of Selectmen shall determine whether an applicant is a food store as set out herein and in compliance with any and all requirements.

9.5.2 A convenience store is defined as an establishment that sells at retail food and other non-durable items to individuals more on a daily basis, such as but not limited to small quantities of food, candy, newspapers, and tobacco products. Convenience stores are frequently open with only one staff member on duty at a time, are usually open later than 10:00 p.m. and may or may not sell gasoline. The Board of Selectmen reserves the right to consider each of these factors when determining if an applicant will be considered a convenience store.

9.5.3 Any applicant for a Section 15 License (whether for an original application, change of ownership or change of location) must provide with the application materials, a floor plan evidencing the gross floor area of the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages. The licensee may not materially change the portions of its premises dedicated to sale, storage or display of alcoholic beverages without the approval of the Board of Selectmen. The licensee may not be open for business except during its licensed hours for sale of alcoholic beverages unless it has applied for and received approval by the Board of Selectmen of plan to properly secure all alcoholic beverages on the premises from public access during that time.

9.5.4 Regular sales and operation of the food store must continue during all times when the sales of wine and malt beverages are permitted.

9.5.5 Package store licenses issued to food stores shall be limited to wine and malt beverages only.

APPROVED:	6/14/77
Amended and revised:	11/18/97
Amended and revised:	2/9/99
Revised fee schedule:	12/7/99
Revised fee schedule:	12/5/00
Revised and approved:	8/20/02
Fee changes	12/21/04
Addition of Liquor	
Liability Insurance:	1/25/05
Addition of One-Day License:	1/25/05
Amended and revised:	11/14/06
Amended and revised:	6/22/10
Amended and revised:	12/18/12
Amended and revised:	5/13/14
Amended and revised:	9/10/2014
Amended and revised:	11/9/2016

**BOARD OF SELECTMEN  
ACTING AS  
NEEDHAM LICENSING BOARD**



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

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**MEETING DATE: 2/14/2017**

<b>Agenda Item</b>	Street Banner By-laws
<b>Presenter(s)</b>	Board Discussion

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	The Board will discuss the possibility of amending the General By-laws to allow for the hanging of banners over public ways as proposed by the Council of Economic Advisors.
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	a. Street Banner By-law Draft Provided by CEA

## STREET BANNER BY-LAW

### SECTION 5.2 DEFINITIONS

Amend Section 5.2 by adding to the end of the section the following:

Street Banner: A sign in the form of a banner spanning a public street, placed within the Town right-of-way, and/or in locations designated pursuant to Section 5.3.1.5 below.

### SECTION 5.3 ADMINISTRATION

Amend Subsection 5.3.1 by inserting the following words between the words "Design Review Board." And "The review of all sign permits applications":

"Except for street banners governed, reviewed and approved by the Board of Selectmen pursuant to Subsection 5.3.1.5,"

ADD NEW SUBSECTION 5.3.1.5:

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



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

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**MEETING DATE: 02/14/2017**

<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>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
<b>(Describe backup below)</b>	
None	

pd. cash \$25 10/31/16  
emailed 11/7/16



# Town of Needham, Massachusetts Road Event Form

### INTERNAL USE ONLY

<input checked="" type="checkbox"/> DPW	<input checked="" type="checkbox"/> Police
<input checked="" type="checkbox"/> Fire	<input type="checkbox"/> OTM
<input checked="" type="checkbox"/> Park & Rec	<input type="checkbox"/> Paid
<input checked="" type="checkbox"/> PFD	

**TYPE OF EVENT:** (check all that apply)

RUN    WALK    BICYCLE    MOTORCYCLE

**Name of Event:**

PMC Kids Ride - Needham

**Name of Organization:**

PMC - PanMass Challenge

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

**If yes, name of Town and date:**  
We coordinated Belmont last several years. Held in numerous towns throughout MA

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

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

**Organization Mailing Address:**

77 4th Ave Needham, MA 02494

**Organization is Not-for-Profit**

**Organization Billing Address (if Police Detail is required):**

77 4th Ave Needham, MA 02494

**Primary Contact:**

Justine Darmanian

*Volunteer/Coordinator  
LIZ Mingle*

**Contact Title:**

Fundraising & Kids Ride Coordinator

*Ride Coordinator*

**Contact Address:**

77th 4th Ave  
Needham, MA 02494

*Volunteer Contact  
Elizabeth Mingle  
9 Southwood Ln  
Needham, MA 02492*

*508-934-9198*

**Contact Phone (Day):**

781-343-4012

**Contact Phone (Cell):**

508-934-9198

**Contact Email:**

justine@pmc.org

elizabeth.mingle@gmail.com

<b>Event Date(s):</b> 6/11, 6/18, 6/25 1 date June 11 <sup>th</sup>	<b>Date Expected to be in Needham:</b> 6/11, 6/18, OR 6/25
<b>Earliest Time Expected in Needham:</b> 8am	<b>Latest Time Expected in Needham:</b> 4pm
<b>Number of Expected Participants:</b> 200	<b>Number of Expected Spectators at Peak Time:</b> 200
<b>Are participants charged a fee?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<b>Estimated Number of Vehicles:</b> 100	<b>What type of Parking is required:</b>
<b>Describe Parking Plan, include where participants and spectators will park and length of time expected to be parked:</b> Park @ De Fazio/Pollard	
<b>Are event organizers available to meet with members of the Town to plan event?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<b>Do event organizers foresee the need for any road closures (subject to police review)?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>What will be done in case of inclement weather?</b> cancelled	
<b>Will neighborhoods be impacted by parking and traffic?</b> Ladder St / Harris	
<b>What activities are planned for the start of the race (if in Needham)?</b> Bouncy House, Silent Auction, Raffles    → pollard parking lot for bouncy house.	
<b>What activities are planned for the end of the race (if in Needham)?</b> Bouncy House, Silent Auction, Raffles	

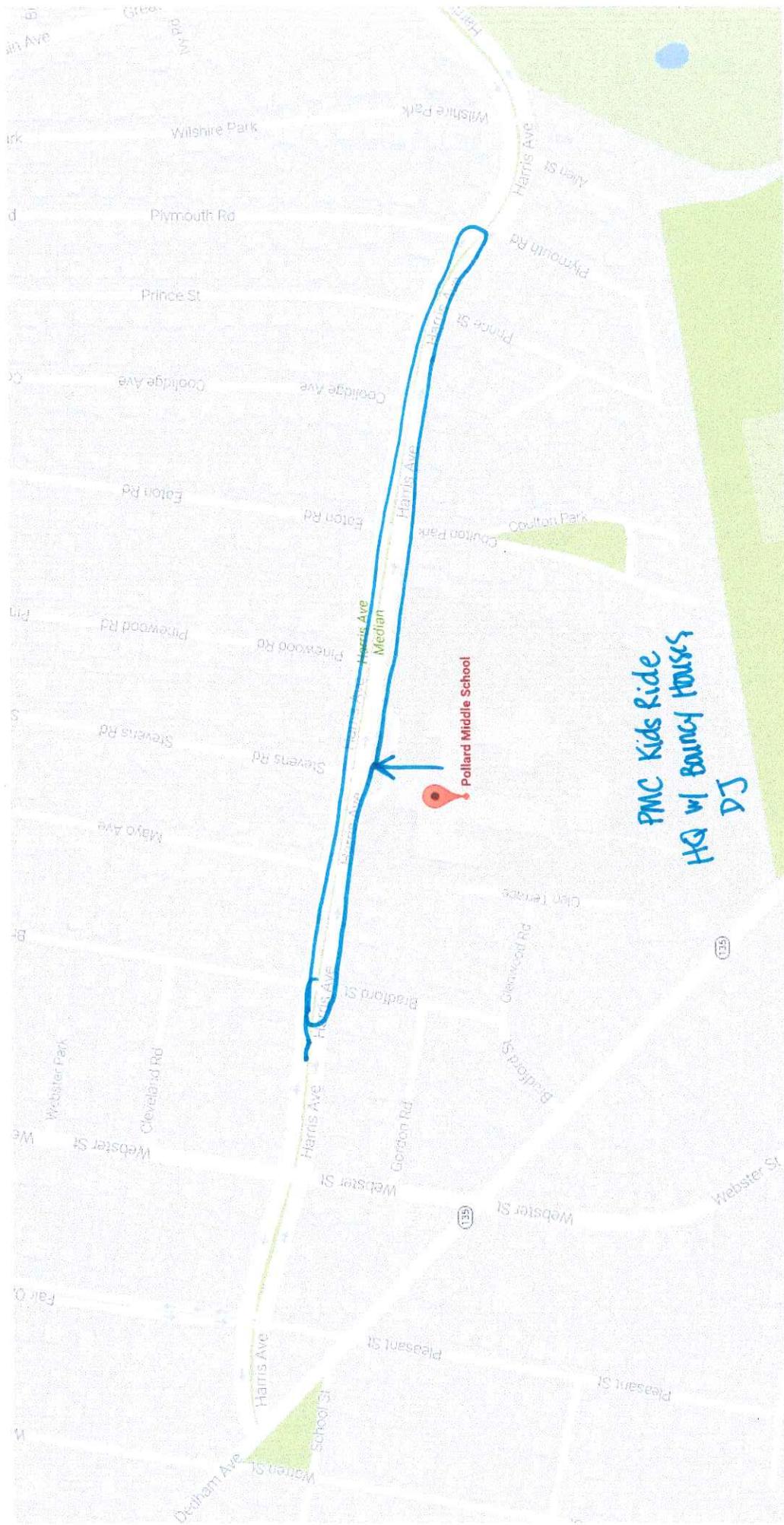
<b>What facilities are needed for the start of the race (if in Needham)?</b>	Restrooms
<b>What facilities are needed for the end of the race (if in Needham)?</b>	Restrooms
<b>Once the event begins, how long will it take to complete the event?</b>	2 hours
<b>Are signs requested to post at the start of the race? At the end of the race? Are signs requested for along the route?</b>	Yes
<b>Will volunteers be placed along the route?</b>	Yes
<b>Will you be using a sound system? (includes music) If yes, please describe where and when it will be used.</b>	Yes DJ'S
<b>Will there be any food served? (contact Needham Health Dept: 781-455-7500 x262)</b>	Yes * Food TRUCKS potentially * Food table (fruit, bagel, donuts)
<b>Will portable toilets be used? List locations.</b>	* possibly @ DeFazio & Pollard
<b>Will hydration stops be set up along route? If yes, please include these on route plan.</b>	No
<b>If the event takes place after dark, what is the plan to meet lighting needs?</b>	N/A
<b>What safety measures are being made for participants and spectators? What are plans for handling first aid and medical emergencies?</b>	First Aid Tent Police detail
<b>Does the event take place during commuter times?</b>	no
<b>Is school in session during the event? Will school drop off or pick up be impacted by the event?</b>	no
<b>Are businesses open during the time of the event?</b>	Yes
<b>Does the route pass any business that might be impacted by the event? (e.g. funeral homes, markets, restaurants)</b>	no

<p><b>Are there any churches/houses of worship located along the event route? Will church/house of worship services take place during the event?</b></p>	<p>no</p>
<p><b>What is the plan to handle trash?</b></p>	<p>coordinate for trash pick up. TBD</p>

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

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

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



**Bike Route: Begin/End @ Pollard. Ride to Plymouth, circle back on Harris to Bradford and back to Pollard.**

**HQ will be Pollard / Defazio w/ Food Trucks PJ, etc. Bouncy Houses**

**Minutes**  
**Board of Selectmen Meeting**  
**December 13, 2016**

6:30 p.m. A joint meeting of the Planning Board and Board of Selectmen was convened by Chairman Matt Borrelli at the Public Services Administration Building. Present were Ms. Marianne Cooley, Mr. Daniel Matthews, Mr. John Bulian, Mr. Moe Handel, and Town Manager Kate Fitzpatrick. Planning Board members included Marty Jacobs, Ted Owens, Paul Alpert, and Jeanne McKnight. Members of the Design Review Board (Bob Dermody, Mark Gluesing), PPBC (George Kent) and Finance Committee (Rick Lunetta, Dick Reilly, Louise Miller) were also present, as were Fire Chief Dennis Condon, Assistant Town Manager/Director of Operations Christopher Coleman, Assistant Town Manager/Director of Finance David Davison, Director of Planning & Community Development Lee Newman, Director of Design & Construction Steve Popper, Project Manager Mike Retzky, Project Manager Steve Gentile, and representatives of Kaestle Boos Architects.

6:30 p.m. Michael McKeon of KBA presented the work of the design team in the development of the Police & Fire Station project. Mr. Borrelli noted that the Selectmen felt the design was originally too modern, and were concerned about the parking in the front of the building. He said that he felt the current design was an improvement. Ms. McKnight raised questions about access to the facility and the lack of clear parking and pedestrian patterns. She asked whether re-zoning would be required. Mr. Gluesing said that the approach of the DRB is not to dictate design. He said that the Board evaluates what is presented and suggests areas for improvement. He said that the DRB preferred a more modern facility, and did not agree with the need to make it look more traditional. He said that the current plan, while better, still needs a common approach – which it is trying to do too many things. It would be better to use common materials and colors and apply them to an all-modern or all-traditional facility.

Mr. Handel agreed there seems to be a lack of consistency in the design. Mr. Borrelli said that he did not agree with a need to blend the new station in with the look of the Hospital. Mr. Gluesing noted that a tie in could be achieved by materials. Ms. Cooley asked questions about fencing. Mr. Bulian asked about the difference between modern and traditional in the cost to construct and maintain the building. Mr. Borrelli noted the need to have a

“Needham feel” and presence given that it is a 100 year building. He said he favored a more traditional approach.

Mr. Dermody said that the building should speak to what happens there in a poetic and important way. Mr. Gluesing said he had no concerns about Station 2. Mr. Reilly said that the Finance Committee will be interested to understand the need for increases in the size of both buildings. Mr. Lunetta raised concerns about the entrance and access to the front door given that the parking is closer to the back of the building. Ms. Miller reiterated the need for data to support the growth in size and cost. She asked about the option for creating community space within the building. Mr. McKeon noted that in the vast majority of new stations a community room is prominent and in the front of the stations.

Mr. Alpert asked how the building fits into the Chestnut Street corridor. Mr. McKeon said that he is developing elevation drawings that will show the relationship. Mr. Matthews noted that the project needs to move forward, and that operational and practical needs at the stations have changed. He said the project is a top priority of the Board's. He said that he agreed that the mix and match design is not convincing, and said he preferred a more contemporary approach, and the creation of a good, practical facility like PSAB.

Mr. Jacobs said that he would prefer the Town back-up and study the optimal location for the Police and Fire Station. He said he did not believe enough study had been done. Mr. Borrelli reiterated that the Board believes the current location is optimal. Mr. Handel said that the location signals to the Town our commitment to public safety. He said a well-designed building that can set a standard is preferred, and the function of the building is important and should be visible.

Ms. Miller asked why the building was in the middle of the block. Mr. McKeon said that the fire apron must be at least 200 feet from the intersection. Mr. Matthews said he has seen three master plans that highlighted the need to improve the two stations. The studies revealed that the site was tight so the Town began the process of acquiring property. He said the Board told Town Meeting that the purchases were to allow for the reconstruction of the station, and Town Meeting spent a lot of money with a 2/3 vote. He said he feels the Board considered the options. Mr. McKeon noted that the current site is close to the geographic center of the Town.

Mr. Borrelli noted that both stations may run up against zoning restrictions that would impact their reconstruction. Mr. Owens said that there are a number of ways to address the "parcel that time forgot" other than using an overlay. He noted that requirements can be tweaked, and he feels the zoning can be addressed.

8:00 p.m.

**Motion: Mr. Handel moved that the Board enter into executive session to consider the purchase, exchange, lease, or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiation position of the public body. The motion was seconded by Ms. Cooley. Mr. Borrelli polled the Board. Unanimous: 5-0.**

**Town of Needham  
Board of Selectmen  
Minutes for January 10, 2017  
Needham Town Hall**

6:00 p.m. Executive Session: (Exception 6)  
A meeting of the Board of Selectmen was convened by Chairman Matthew D. Borrelli. Those present were Maurice P. Handel, Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, Town Manager Kate Fitzpatrick. Recording Secretary Mary Hunt joined the meeting at 6:45 p.m.

**Motion by Mr. Handel that the Board of Selectmen vote to enter into Executive Session.**

**Exception 6 - To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.**

**Second: Mr. Bulian. Mr. Borrelli polled the Board. Unanimously approved 5-0.**

6:45 p.m. Informal Meeting with Citizens: No activity.

7:00 p.m. The public portion of the Board of Selectmen meeting of January 10, 2017 was convened by Chairman Matthew D. Borrelli.

7:01 p.m. Appointments and Consent Agenda:  
**Motion by Mr. Bulian that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented.**

**APPOINTMENTS**

1. Council of Economic Advisors Michael Wilcox (Reappointment: Term Expires 6/30/2019)  
Jack Cogswell (Term Expires 6/30/2017)  
Adam Block (Term Expires 6/30/2018)  
Stuart Agler (Term Expires 6/30/2018)  
Russell MacTough (Term Expires 6/30/2019)

**CONSENT AGENDA**

1. Accept a \$50 donation made to the Needham Health Department's Domestic Violence Action Committee from Ann MacFate, a Needham resident.
2. Accept a \$250 donation made to the Needham Fire Department's Student Awareness of Fire Education program from The Needham Exchange Club.
3. Accept the following donations made to Needham Youth Services "QPR" program: \$25 from Molly Kerrigan, a Needham resident, and \$25 from Maureen Steinberg, a Needham resident.
4. Approve a Special One Day All Alcoholic Beverages license for Ernest A. Steeves Jr. of the Village Club to host a Birthday Party event on January 17,

2017 from 7:00 p.m. to 11:00 p.m. The event will be held at the Village Club, 83 Morton Street, Needham.

5. Approve a Special One Day All Alcoholic Beverages license for Ernest A. Steeves Jr. of the Village Club to host a fundraiser for the Hillside School on January 21, 2017 from 7:00 p.m. to 11:00 p.m. The event will be held at the Village Club, 83 Morton Street, Needham.
6. Approve a Special One Day All Alcoholic Beverages license for Ernest A. Steeves Jr. of the Village Club to host a fundraiser for the Eliot School on January 28, 2017 from 7:00 p.m. to 11:00 p.m. The event will be held at the Village Club, 83 Morton Street, Needham.
7. Accept a \$300 donation made to the Needham Health Department's Traveling Meals Program from Amy Sherman, a Canton resident.
8. Accept the following donations made to the Needham Health Department's Gift of Warmth Fund: \$1,000 from The Congregational Church in Needham; and \$500 from the Christ Church in Needham.
9. Approve Open Session minutes from December 2, 2016, December 6, 2016, and December 20, 2016, and Executive Session minutes from November 9, 2016, December 6, 2016, and December 20, 2016.
10. Approve a 2017 Sunday Entertainment License for SAI Restaurant, Inc. d/b/a Masala Art, located at 990 Great Plain Avenue, Needham, MA.
11. Water & Sewer Abatement Order #1229.
12. Approve a request from Farid Quraishi of Bikes Not Bombs for its event to be held on June 4, 2017. It is a bike-a-thon event that will have cyclists riding through a portion of Needham during the 40 mile route of the ride, as well as the return path of the 60 mile ride. They will be in Needham around 11:45 a.m. The Needham portion of the route has been approved by the DPW, Police, Fire and Park and Recreation departments.
13. Approve a request from the Needham Track Club to hold "The Great Bear Run" road race on Sunday, May 21, 2017 from 10:30 a.m. to 2:45 p.m. on the grounds of the Pollard Middle School. Applicant will be informed about the upcoming Eversource Reliability Project. The route has been approved by the following departments, DPW, Police, Fire and Park and Recreation.
14. Approve a Special One Day All Alcoholic Beverages license for Harold Dubin of the Temple Aliyah Men's Club to hold a Whisky Tasting Dinner event on January 18, 2017 from 6:30 p.m. to 9:00 p.m. The event will be held at Temple Aliyah, 1664 Central Avenue, Needham, MA.

**Second: Mr. Handel. Unanimously approved 5-0.**

7:01 p.m. Public Hearing for the Removal of One (1) Public Shade Tree at 61 Fair Oaks Park: Edward Olsen, Tree Warden, Parks & Forestry Superintendent and Mark Mulhern, Hawthorn Real Estate appeared before the Board requesting permission to have one Public Shade Tree removed.

Mr. Olsen gave a brief history of tree hearings in Needham, stating tree hearings are part of M.G.L. Ch. 87. He acknowledged the sentiment of the public who are upset

about trees being taken down for new home construction, noting it is anticipated Town Meeting will consider a tree ordinance in the near future.

Mr. Olsen told the Board Mathew Roth of Hawthorn Real Estate, on behalf of his client, is requesting permission to have the tree removed and is proposing to construct a new driveway as part of a home renovation, located at 61 Fair Oaks Park. Mr. Olsen said the construction of the driveway would detrimentally impact one 24-inch caliper Sugar Maple tree on Town property at the front left of the property. Photographs of the tree were shown. It was noted a gas line was brought through the berm and through one of two main tap roots compromising the long term viability of the tree. Mr. Olsen said given the circumstances, he does not object to the removal of the tree as requested. He recommends the tree be removed at Mr. Roth's expense and a sum of \$400 be paid to the Town of Needham for future tree planting.

Mr. Borrelli invited public comment.

Sarah McLaughlin, 58 Fair Oaks Park said the tree provides shade to her porch during the summer. She commented the tree is healthy, substantial, and it would take a long time for a new tree to grow. Ms. McLaughlin said Fair Oaks Park is a showplace street in Needham and sugar maple trees are an important part of the character. She is against removal of the tree.

Mr. Olsen said if the tree were perfectly upright, it would be in good condition. He noted however, the tree is 2 sided and leaning at an angle of more than 30 degrees into the roadway. He said the tree is hazardous and set up for failure, even though it is currently in fair condition.

Rochelle Goldin, 68 Warren Street said her backyard abuts the property and has less shade due to construction. She said she does not want to see a loss of another shade tree.

Mr. Borrelli asked for Board comments.

Mr. Bulian said it is a struggle with the number of trees being lost, but agrees the tree won't survive and could cause a power outage or personal injury if action is not taken. He supports the decision to remove the tree, and is glad to hear the homeowner will plant new trees on the property.

Mr. Handel asked if the design of the new home could have been altered to save the tree. Mr. Olsen said this tree has a gas line through the trunk root on one side and a water line within 3 feet of another side. He said older trees cannot withstand the stress of a root being severed. Mr. Handel asked about a new tree being planted, wanting to know the species and how long will it take to mature. Mr. Olsen said he believes the tree is a young Sugar Maple, noting it will take time for the tree to provide shade, approximating 10 to 20 years.

Ms. Cooley asked what size tree \$400 could buy? Mr. Olsen said 10 small Sugar Maple trees could be purchased.

Mr. Borrelli asked how much money would be needed to buy a larger caliper tree? Mr. Olsen said \$1,000.

Discussion ensued on placement, caliper, and sum to be paid to the Town for future tree planting.

**Motion by Mr. Handel that the Board of Selectmen, under M.G.L. Ch. 87, vote to approve:**

1. **“That the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of one 24-inch Sugar Maple tree in front of 61 Fair Oaks Park.”**
2. **“That the Board vote to approve the sum of \$1,000 be paid to the Town of Needham for future tree planting on or near the berm in front of 61 Fair Oaks Park.”**
3. **“That the Board vote to approve the Tree Warden’s request that the owner is required to replace this tree with another tree on their property of at least 4” caliper or greater, DBH.**

**Second: Mr. Bulian. Unanimously approved 5-0.**

Ms. Cooley noted the immediate benefit to planting one large tree, but wondered about the trade off pondering whether planting 10 smaller trees for future generations may be a better option.

Mr. Borrelli pointed out the intent of the Board of Selectmen is to have a substantial tree plus planting of additional trees. He asked Mr. Olsen for comment. Mr. Olsen said monies in the Town’s revolving gift fund will supply several trees in the future. He said there are open spaces within the median where a more substantial tree could be planted.

Mr. Matthews said he understands the concerns of neighbors, commenting it is better to take the more difficult course now under the recommendation of the Tree Warden.

7:10 p.m.

**Change of Manager - Village Club:**

Robert Giumetti, Jr., proposed Manager appeared before the Board to discuss the Village Club Building Association, Inc., 83 Morton Street submittal of an application for a change in Manager. A review indicates that Mr. Guimetti meets the statutory requirements to serve as a manager of a facility licensed to dispense alcohol.

Mr. Borrelli commented the signed authorizing letter has a different description, noting the Board's vote will be subject to a change in the description.

Ms. Fitzpatrick stated all paperwork is in order on the application, except that the Corporate Vote of the Club's Board of Director's document must be changed to reflect the proper wording.

Mr. Guimetti gave a brief explanation of changes occurring at the Village Club, including a new Board of Directors and staff.

Mr. Borrelli asked for Board comment.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign an application for a Change in Manager to Robert Guimetti, Jr., for the Village Club Building Association, Inc., 83 Morton Street, Needham and to forward this application to the ABCC for approval, subject to receipt of the correct Corporate Vote documentation.**  
**Second: Mr. Handel. Unanimously approved 5-0.**

Mr. Matthews told Mr. Guimetti all liquor licensing in Needham is potentially controversial. He said he wants Mr. Guimetti to succeed and for the public to enjoy the club, insisting rules be observed and the public be protected. Mr. Matthews noted the length of time it took for the Club to obtain a license. He said it is understood the Club would like to have the full building be licensed, instead of the club room license with a separate daily permit for the hall. Mr. Matthews said while it is understood, the current arrangement is a compromise. He commented changing to a full building license will require a full process of notice in the newspaper and to neighbors.

Mr. Guimetti said he understands the process going forward.

7:34 p.m. Change of Manager - Needham Cabot Concessions LLC., d/b/a Sheraton Needham Hotel:  
Justin Purbeck, proposed Manager appeared before the Board to discuss an application for a change in Manager. A review indicates that Mr. Purbeck meets the statutory requirements to serve as manager of a facility licensed to dispense alcohol.

Ms. Fitzpatrick noted all paperwork is in order.

**Motion by Mr. Handel that the Board of Selectmen approve and sign an application for a Change in Manager to Justin Purbeck for the Sheraton Needham Hotel, 100 Cabot Street, Needham and to forward this application to the ABCC for approval.**  
**Second: Mr. Bulian. Unanimously approved 5-0.**

Mr. Matthews commented to Mr. Purbeck on the importance of abiding by the rules. He reminded Mr. Purbeck that by signing on as manager he becomes personally liable for problems associated with the license. Mr. Matthews noted Mr. Purbeck acknowledged his responsibility by what he has said and in the materials. Mr. Matthews said the Sheraton Hotel is a valued corporation in Needham and wished Mr. Purbeck good luck.

7:37 p.m. Recess to Attend Planing Board Meeting:

**Motion by Mr. Handel that the Board of Selectmen vote to recess in order to attend the Planning Board meeting being held in Powers Hall.  
Second: Mr. Bulian. Unanimously approved 5-0.**

8:40 p.m. The Board returned to open session.

8:40 p.m. Sale of Bonds & Notes:  
Dave Davison, Assistant Town Manager/Finance and Evelyn Poness, Town Treasurer/Collector appeared before the Board to review the results of the bond sale and discuss the S&P rating.

Mr. Davison asked the Board for its approval of a sale of a 25 year bond. He said the sale of the \$10,945,000 General Obligation Municipal Purpose Loan of 2017 Bonds of the Town dated January 17, 2017 is financing a number of capital projects including land purchased by the Town on Central Avenue for a new elementary school. He said 6 bids were received, and that Fidelity Capital Markets offered the Town the lowest interest rate. Mr. Davison noted prior to the bond sale Standard and Poor's was updated on the Town's financial, economic, and planning activities. He said an overview was give to Standard and Poor's on projects under consideration that may be presented for the Town to take action on in the next 2-5 years. The list includes the Public Safety building, new elementary school, Needham High School, Rosemary Pool complex, School Administration building, and the Memorial Park building. He asked the Board approve the award of the sale. It was noted Tedi Eaton, Town Clerk was in attendance to witness the vote.

Mr. Borrelli asked Mr. Davison to describe feedback and/or guidance received from Standard and Poor's.

Mr. Davison said S&P recognizes Needham continues to maintain a AAA credit rating. He said flexibility, stability, planning, and the ability to be proactive in trying to address costs likely to be incurred in the future is important. He noted having liquidity and reserves are also very important. Mr. Davison commented on the Town's stabilization funds, saying Standard and Poor's recognized Needham has not needed to draw down on any fund. Discussion ensued on fund balances and the fact that some balances will be spent down as more free cash is invested toward capital projects, legacy costs to fund retirement pension obligations, and other post employment benefit and health insurance costs. Mr. Borrelli thanked Mr. Davison

for his work, noting he is part of the reason the Town maintains such a great credit rating.

Motion A

Motion by Mr. Handel that the Board vote to approve the sale of the \$10,945,000 General Obligation Municipal Purpose Loan of 2017 Bonds of the Town dated January 17, 2017 (the "Bonds"), to Fidelity Capital Markets, a division of National Financial Services LLC at the price of \$11,625,250.25 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on January 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2018	\$1,175,000	4.000%	2029	\$305,000	4.000%
2019	950,000	4.000	2030	305,000	4.000
2020	775,000	4.000	2031	305,000	3.000
2021	655,000	4.000	2032	305,000	3.125
2022	505,000	4.000	2033	305,000	3.250
2023	505,000	4.000	2034	305,000	3.250
2024	505,000	4.000	2035	305,000	3.375
2025	505,000	4.000	2036	305,000	3.500
2026	505,000	4.000	2038	590,000	4.000
2027	505,000	4.000	2040	525,000	3.500
2028	305,000	4.000	2042	500,000	4.000

Second: Ms. Cooley. Unanimously approved 5-0.

Motion B

Motion by Mr. Handel that the Board vote to approve the Bonds maturing on January 15, 2038, January 15, 2040 and January 15, 2042 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due January 15, 2038

<u>Year</u>	<u>Amount</u>
2037	\$305,000
2038*	285,000

\*Final Maturity

Term Bond due January 15, 2040

<u>Year</u>	<u>Amount</u>
2039	\$275,000

2040\*                      250,000

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**\*Final Maturity**

**Term Bond due January 15, 2042**

<u>Year</u>	<u>Amount</u>
2041	\$250,000
2042*	250,000

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**\*Final Maturity**

**Second: Ms. Cooley. Unanimously approved 5-0.**

**Motion C**

**Motion by Mr. Handel that the Board vote that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated December 27, 2017, and a final Official Statement dated January 5, 2017 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.**

**Second: Ms. Cooley. Unanimously approved 5-0.**

**Motion D**

**Motion by Mr. Handel that the Board vote that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.**

**Second: Ms. Cooley. Unanimously approved 5-0.**

**Motion E**

**Motion by Mr. Handel that the Board vote that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.**

**Second: Ms. Cooley. Unanimously approved 5-0.**

**Motion F**

**Motion by Mr. Handel that the Board vote that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures**

are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

**Second: Ms. Cooley. Unanimously approved 5-0.**

Motion G

**Motion by Mr. Handel that the Board vote that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.**

**Second: Ms. Cooley. Unanimously approved 5-0.**

The Board signed appropriate documents.

8:55 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 2 items to discuss:

1. Open the 2017 Annual Town Meeting Warrant

Ms. Fitzpatrick reviewed with the Board a draft of the Preliminary List of Warrant Articles for the 2017 Annual Town Meeting. She also asked the Board to consider dedicating the last night of Town Meeting for zoning articles, particularly large house zoning.

Mr. Borrelli said it is wise to dedicate the last night to zoning since the topic will be dense. He also said he feels Citizen's Petitions should be the last topic of discussion at Town Meeting.

Mr. Bulian and Mr. Handel concurred.

**Motion by Mr. Bulian that the Board vote to open the warrant for the 2017 Annual Town Meeting.**

**Second: Ms. Cooley. Unanimously approved 5-0.**

2. Town Manager's Report

Ms. Fitzpatrick reported the Town received a grant from the Executive Office of Housing and Economic Development to complete the signal project at First Avenue, in conjunction with MassDOT.

Ms. Fitzpatrick reminded the Board it will host a public hearing with the Park and Recreation Commission and Eversource Energy to review the entire reliability project on January 23, 2017 at the Broadmeadow School beginning at 7 p.m.

9:00 p.m.

Board Discussion:

1. Noise By-law

Mr. Borrelli noted a public hearing concerning the Noise By-law was held on October 18, 2016 saying questions were heard about tear-downs and construction

starting before 7 a.m. He suggested builders should have to sign a formal notice indicating the construction company and all subcontractors are aware of the noise by-law and agree to abide by the 7 a.m. start time. He said abutters should also be informed and supplied a phone number to call in case of a violation. Mr. Borrelli clarified signing a formal notice is for the entire project, including demolition.

Ms. Cooley suggested using a better tracking system for logging calls to the police station.

Mr. Matthews said he wanted to understand the monitoring process, commenting the issue is not a police matter, but rather an inspectional matter. He said it wasn't clear to him whether a good system is in place, or if calls to the police station are the exception.

Ms. Fitzpatrick said having a formal procedure would be beneficial for everyone.

2. Demolition Delay By-law

Mr. Borrelli referred to the public hearing held on December 6, 2016 and concerns expressed about the list of homes and the impact to homeowners. He said the Board of Selectmen will propose meeting with the Historical Commission and Town Counsel to work through various issues at a future Board of Selectmen meeting.

Mr. Matthews said there are legal obligations to owning a historical home, particularly in terms of demolition. He asked whether or not it makes sense to incorporate language into the by-law adding additional restrictions within that section that could only be enacted by 2/3 vote at Town Meeting. Mr. Borrelli said the Board will have that discussion.

3. Committee Reports

No Committee Reports were made.

9:15 p.m.

Adjourn:

**Motion by Mr. Handel that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of January 10, 2017.**

**Second: Mr. Bulian. Unanimously approved 5-0.**

A list of all documents used at this Board of Selectmen meeting are available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>

**BOARD OF SELECTMEN**  
**Minutes of Meeting**  
**January 23, 2017**  
**Broadmeadow Performance Center**

**A joint meeting of the Board of Selectmen and the Park & Recreation Commission was convened by the Park & Recreation Commission at 7:02 p.m.**

Selectmen present were Matthew D. Borrelli, Chair, Marianne B. Cooley, Vice Chair, Daniel P. Matthews, Clerk, John A. Bulian, Maurice P. Handel and Town Manager Kate Fitzpatrick.

Park & Recreation Commissioners present were: Christopher J. Gerstel, Vice Chairman, Cynthia J. Chaston, Member, David C. DiCicco, Member, Michelle S. Geddes, Member, and Patricia M. Carey, Director of Park & Recreation

- 1. Joint Public Hearing with Board of Selectmen – Eversource West Roxbury to Needham Reliability Project:** Mr. Gerstel welcomed Board of Selectmen Chairman Matthew Borrelli, Vice Chairman Marianne Cooley, Dan Matthews, John Bulian and Moe Handel. Mr. Borrelli welcomed all who attended the meeting, explaining that the project is a federal mandate and that the Town of Needham would not make the final decision on the project route. The Board of Selectmen asked Eversource to pursue an underground route in Needham. Representatives from Eversource presented information on the project. The decision on the route will be made by the Siting Board, who is currently requesting information from Eversource and preparing for the public hearing process in March. Three volumes of information were submitted as part of the petition, or application. Volume One has the most detailed information on routes, and can be found on the Town's website, and all information on Department of Public Utility's (DPU) website. The preferred route, with variations, and the noticed alternative route can all be constructed. An overview was provided on the current right of way, and challenges for using it for either an underground or above ground option. The estimated construction time schedule in Needham would be eight months. Temporary pavement would initially be placed, but the final road repair will be done at a later time, under an agreement with Town officials. A traffic management consultant would create a plan with the Town, including Police, Fire, DPW and Schools, as part of determining the construction schedule.

Mr. Borrelli opened the meeting up for questions.

JB Royal (Broadmeadow Road) has used a meter to check radiation levels at various locations in and out of his home, and in areas along the proposed route, indicating that the levels of EMF are likely lower than in other locations people interact with daily.

Steven Brunelli (School Street) outlined his background as a physician and in public health. Studies of EMF are still not conclusive and have unanswered questions. The risk needs to be weighed.

Claire Fialkov (Warren Street) raised concern that the Town has not done its due diligence in researching the project and possible health issues. She has researched the health consultant providing input to Eversource and does not support their findings.

Chris Cox (Kimball Street) noted that the Town of Winchester has hired a consultant to do an independent analysis on a similar project. The analysis has shown that the proposed methodology for insulating the wires is not proven and there are other options that are less expensive that reduce EMF levels. He also noted that the methodology for studying and rating the routes is flawed and missing important components.

Ed Cosgrove, Chairman of the Board of Health, explained the process the Board went through to read and review extensive amounts of informational materials, including studies of EMF. Based on the data, the Board presented a two page review to the Board of Selectmen.

John Bergeron (Grant Street) questioned the scoring of the preferred route vs. the noticed alternative route. Using South Street as an example, why were there concerns for commuters when it appears most using it are not from Needham? How is the commuter route determined? The scenic road designation doesn't appear to impact South Street, as work would be done within the road. No mention of nursing homes or the hospital are mentioned in the scoring material. He questioned why the MBTA would support the preferred route rather than the alternate route that appears to have less impact on the commuter rail stations. There appears to be a bias towards protecting South Street.

Ted Villa (Kenney Street) stated that he felt more concern was raised for MBTA, Golf Course, and for Chapter 40B projects than for students at schools or in neighborhoods. He requested that East Needham be protected from more construction and more loss of trees. He asked that the Selectmen seek a waiver from the federal and state governments to keep the project from moving forward. He asked why South Street would get preferential treatment.

John Curtis (Greendale Avenue) and a trustee for the condominium association spoke on behalf of the 20 homeowners. They are concerned that 52 trees will be removed from their buffer. Construction is temporary, but damage to the environment is permanent. The preference is to move forward with the no-build option. He asked that a full study be undertaken and a rush to a decision not be made.

Ilan Barzilay (Thornton Road) asked how the scoring of each route was done, and whether information on the scoring was available. Mr. Borrelli noted that it is on the Town's website, as well as the DPU website.

David Moseley (Greendale Avenue) stated that he has Parkinson's Disease and worries about the impact from EMF on his implantable devices.

Sally Theran (Grant Street) noted that written information from Eversource was contradictory related to EMF.

Bob DeNoble (Webster Street at Harris Avenue) asked if there would be financial penalties if the estimated construction timeline was not met, and how residents would be compensated for the delay. He asked how to insure the temporary asphalt patches on the roadways would be replaced with permanent, and would it be done within 30-60 days? Mr. Borrelli said that the written agreement would be negotiated and would look at these types of terms.

Jimmy Phelan (Greendale Avenue) explained that his home was impacted with the building of the 40 B units, and the access from Greendale Avenue to the former gravel pit would go past his home. The 40 B units damaged his trees, and this project would damage more of them, plus the addition of shrubs between the 40B and his home had never been done. He noted the amount of construction and growth on Greendale Avenue, changing the long-time character.

Katie Buchheit (Grant Street) noted references to safe levels of EMF, but that there was not a scientific level that had been noted as safe. She felt that information provided was misleading. With children walking to school, any level is too high.

Allison McCarthy (Harris Avenue) had heard one projection for 18 months of construction, and another for eight months, and asked for a clarification. Eversource responded that the Needham portion was estimated at eight months, but that the full project from West Roxbury through Dedham to the Chestnut Street connection was 18 months. Ms. McCarthy asked if additional discussion would be held on placing the line on the current right of way, as it appeared to be the easiest method.

David Minard (Warren Street) asked why the Town would place permanent transmission lines underground in front of two schools. He stated that the Town had to spend money at other schools to correct unsafe conditions, and that this project would create unsafe conditions at two schools.

A resident (Grant Street) asked why a more rural route was being protected, when the preferred route impacted two schools and two commuter rail stations. A petition is being circulated to state a preference for the noticed alternative route.

A resident (Stevens Road) asked about the environmental impact on South Street and the ability to recoup costs for mitigation. What is the process for approval? Mr. Borrelli noted that the Town, through Town Meeting, needed to approve an easement across Town property, but that the approval for the route would be made by the Siting Board.

A resident (Grant Street) asked for further explanation on why the Right of Way would not be used, asking if it was a cost issue vs. a health issue?

A resident (Grosvenor Road) noted that the Broadmeadow neighborhood was densely populated and that the noticed alternative route passed by less homes.

Tammy Ghizzoni (Hillcrest Road) works at Pollard and feels the health and safety of students is the highest priority. Though they don't all walk to school, there are about 900 students at Pollard and 500 at Broadmeadow. Many other residents walk on these streets, too.

Laura Quinlan (Warren Street) asked for Needham to follow the Winchester model, by slowing down the review and asking for input from independent consultants.

A resident spoke about the amount of construction that has occurred at the hospital, and upcoming construction. She felt that the project was related to companies making a profit.

Mr. Borrelli thanked all the participants for their input, and opened the discussion up to the members of the boards. Mr. Bulian stated that he lived on the noticed alternative route, and has written a letter to Town Counsel to seek guidance on whether he has a conflict which will be reviewed by the state. He contacted a colleague in Winchester who explained that the project is for a larger transmission line to go through Winchester to service Woburn. He also stated that the Board of Selectmen is in the process of hiring a consultant to do a peer review. Mr. Matthews stated that he rose to speak, not to change people's minds, but to state that the project is a federal mandate. He said that the Selectmen heard all the concerns raised in the public hearing, and that all solutions would impact someone, especially as all are dependent on electricity. Mr. Borrelli thanked all those who had shared their comments and concerns. The peer review will be undertaken, while the Selectmen and Rep. Garlick look into confirming the mandate for the project.

Mr. Gerstel closed the public hearing at 9:17 PM and the Park and Recreation Commission went into a brief recess before returning to finish their meeting.

Mr. Gerstel called the Park and Recreation Commission meeting back into order at 9:23 PM.

**Adjournment of Meeting:** Mrs. Chaston made a motion to adjourn the meeting at 10:06 PM. The motion was seconded by Mr. DiCicco and the meeting adjourned at 10:06 PM.

A complete set of meeting minutes of the Park & Recreation Commission can be found at:  
<http://www.needhamma.gov/archive.aspx>.

**Town of Needham  
Board of Selectmen  
Minutes for January 24, 2017  
Selectmen's Chamber  
Needham Town Hall**

6:00 p.m. Executive Session: (Exception 6)  
A meeting of the Board of Selectmen was convened by Chairman Matthew D. Borrelli. Those present were Maurice P. Handel, Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, Town Manager Kate Fitzpatrick. Recording Secretary Mary Hunt joined the meeting at 6:45 p.m.

**Motion by Mr. Bulian that the Board of Selectmen vote to enter into Executive Session.**

**Exception 6 - To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.**

**Second: Mr. Handel. Mr. Borrelli polled the Board. Unanimously approved 5-0.**

6:45 p.m. Informal Meeting with Citizens:  
Padma Jammalamadaka, 305 Dedham Avenue spoke with the Board regarding an easement along the train tracks allowing for a small house to be built on her property. The Board referred the matter to the Town Manager.

7:00 p.m. The public portion of the Board of Selectmen meeting of January 24, 2017 was convened by Chairman Matthew D. Borrelli.

7:00 p.m. Appointments and Consent Agenda:  
**Motion by Mr. Bulian that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented.**

**APPOINTMENTS**

Council of Economic Advisors  
Traffic Management Advisory Committee  
Historical Commission

Bob Hentschel (Reappointment: Term Expires 6/30/2019)  
Kara Holmquist (Term Expires 6/30/2019)  
Don Lankiewicz (Term Expires 6/30/2019)

**CONSENT AGENDA**

- 1. Accept a \$150 donation made to the Needham Fire Department's Student Awareness of Fire Education program from The Needham Pack 8 Cub Scouts.**
- 2. Approve a 2017 Common Victualler License for A New Leaf located at 920 Great Plain Avenue, Needham.**
- 3. Approve a request for a Special One Day Wines & Malt Beverages Only license from Sandra Rizkallah of Plugged In Band Program for its "British Invasion of Needham" event to be held on April 29, 2017 from 7:00 p.m. to**

**11:00 p.m. The event will be held in Powers Hall at Town Hall, 1471 Highland Avenue, Needham.**

- 4. Approve a Special One Day All Alcoholic Beverages license for Gloria Greis of the Needham Historical Society to hold "Mardi Gras at the Mills House" event on February 4, 2017 from 7:00 p.m. to 11:00 p.m. The event will be held at the Needham Historical Society, 1147 Central Avenue, Needham.**
- 5. Approve a Special One Day Wine & Malt Beverages Only license for Robert Timmerman of the Needham Knights of Columbus to host its annual Superbowl Party on Sunday, February 5, 2017 from 4:00 p.m. to 11:00 p.m. The event will be held at Needham Knights of Columbus, 1211 Highland Avenue, Needham.**
- 6. Approve a Special One Day Wine & Malt Beverages Only license for Robert Timmerman of the Needham Knights of Columbus to host its annual St. Patrick's Dinner Dance on Saturday, March 11, 2017 from 5:00 p.m. to 11:00 p.m. The event will be held at Needham Knights of Columbus, 1211 Highland Avenue, Needham.**
- 7. Water & Sewer Abatement #1230**
- 8. That the Board vote to designate Marianne Cooley to serve as the Board's representative to the School Committee's sub-committee on school naming.**
- 9. In accordance with M.G.L. c.115 Section 11, vote to designate Christopher Coleman to serve as the designee of the Chairman of the Board of Selectmen on the West Suburban Veterans District Board.**

**Second: Mr. Handel. Unanimously approved 5-0.**

7:00 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with one item to discuss:

**1. Budget Presentation**

Ms. Fitzpatrick presented the Board with the "Balanced Budget Proposal 2018" dated January 24, 2017. A Powerpoint presentation was viewed.

Ms. Fitzpatrick said the proposed budget complies with the best practices adopted by the Board at the end of 2016. She said a common theme throughout the presentation includes planning ahead, saving, and maintaining reserve funds, noting maintenance and replacement of capital facilities. Ms. Fitzpatrick said the budget is resilient and sustainable, as the Town is planning to address known expenses in the next few years.

Ms. Fitzpatrick said budget priorities determining recommendations include town-wide goals and objectives set by the Board of Selectmen every year, as well as goals and objectives of other boards and committees. She said in many instances the goal is to preserve capital assets, remain financially stable, and continue operating efficiently.

Ms. Fitzpatrick commented on the financial forecast/revenue including contributions from the federal government, state aid, consolidation of overlay, new growth, free cash, and reserves for capital planning. She said free cash is high due to continued building permit activity and a very positive 2016 snow year, allowing reserve funds of almost \$1 million to be rolled over. She also said the collection of a significantly past due tax bill increased the free cash amount. Ms. Fitzpatrick estimated that certified Free Cash will be a minimum of \$8.6 million. Ms. Fitzpatrick commented on the last five years of state aid (Chapter 70 and Unrestricted Government Aid) saying no increase in state aid is projected this year. She said the Governor's concerns about the state budget are well known in the Commonwealth. She noted however, Governor Baker proposed a 2% increase in Chapter 70 and 3.9% increase in the Unrestricted General Government Aid at the Mass Municipal Association annual meeting held last weekend. Ms. Fitzpatrick said while the projection is very early, should the increase happen, she proposes that the Board reevaluate the appropriation of funds in the fall.

Mr. Handel commented on recurring revenue asking if there has ever been a time when state aid decreased. Ms. Fitzpatrick said yes. Discussion ensued on the level of recurring revenue and past declines due to downturns in the economy.

Ms. Fitzpatrick discussed key budget drivers including school enrollment which continues to press on the Town's budget. She noted 575 new students since the 2007-8 school year (11.5% increase), commenting some comparable communities are seeing increases of over 20%. Ms. Fitzpatrick commented on the average change salary lines and increases in head count.

Ms. Fitzpatrick discussed specific budget recommendations including hiring a Benefits Coordinator in the Human Resources department, replacement of a copier and the implementation of a Wellness Program at the Fire department, creation of a Contract Administrator position in the Public Facilities department, summer help and Needham Center street sweeping in the Department of Public Works, data gathering, a Compliance Program for alcohol and tobacco, and an allocation for a young adult librarian. Ms. Fitzpatrick commented on the proposal for the hiring of firefighters and police officers in the coming years due to the growth in Needham Crossing and growing enrollment in the public schools. Discussion ensued on the initial Minuteman School assessment, school budget, hiring a project manager for the Hillside School project, and a grant received to help fund the age-friendly community program.

Ms. Fitzpatrick said the recommendation for the Needham Public Schools is a 4.8% increase over the FY2017 budget at \$68,350,083, including reallocation of \$181,684 to be reserved full day kindergarten in the Debt Services Stabilization Fund. It was noted the School Committee is voting tonight, January 24, 2017, on its recommended budget.

She addressed the Enterprise Fund Budgets (RTS, Sewer, and Water), and exploring with the Board over the coming year whether the RTS should remain an Enterprise Fund.

Ms. Fitzpatrick commented on recommendations for Warrant Articles including the Senior Corps. Program, Property Tax Relief Program, Facility Maintenance Program, Environmental Assessment, Fleet Refurbishment and Replacement, Matching Fund N2 District, survey of Town-owned land, and General Fund Cash Capital.

Mr. Bulian commented on the Matching Funds N2 District and asked the status of Newton's contribution and timing. Ms. Fitzpatrick said the contribution is one time over two years. Mr. Borrelli said he and Ms. Cooley met with Greg Reibman, President of the Newton Needham Chamber of Commerce, saying Newton has committed their share which is greater than Needham's share. Mr. Handel commented the match is similar to the initial N2 match, noting the benefit for Needham far outweighs the benefit to Newton on a dollar basis, in his opinion. Mr. Bulian said he has concerns about the issue.

Ms. Fitzpatrick commented on the \$28,051 allocation to the Capital Improvement Fund, \$1,295,000 allocation to the Athletic Facility Improvement Fund, and \$1,091,874 allocation to the Debt Services Stabilization Fund. Ms. Fitzpatrick recapped the discussion noting a total budget of \$163,598,081 (7.6% increase over FY2017).

Ms. Fitzpatrick concluded the presentation with a list of projects occurring around Needham in 2016. She commented this is the 12th budget she and Mr. Davison have presented to the Board of Selectmen, noting the Patriot's have also been in the playoffs every time but one (2010). She said there is much optimism and "as Patriot Nation goes, so goes Needham Nation." She concluded saying putting away money for projects down the road is a story that should be told. She asked for questions from the Board.

Mr. Borrelli agreed the mantra is "reserves, reserves, reserves." He asked about the goal in the Debt Stabilization Fund. Ms. Fitzpatrick commented free cash would be used to help future debt service payments, but recurring payments will help to fund program improvements. Mr. Borrelli commented separating free cash and recurring revenues is a good idea.

Mr. Borrelli asked for Board questions and comments.

No questions or comments were made.

7:40 p.m.

Board Discussion:

1. MBTA Train Idling Update

Mr. Borrelli said he and Ms. Fitzpatrick met with State Representative Denise Garlick, Senator Ross, Senator Rush, and representatives from the MBTA and Keolis to discuss the issue of excessive train idling behind Dana Place. Mr. Borrelli said the MBTA have agreed to remove the train, which he said was a very positive step. Mr. Borrelli said train noise and whistle blowing is automated on new locomotives and includes a federal mandate on the decibel level. He said engineers no longer have the discretion of how long to sound a train whistle. Mr. Borrelli said representatives from the MBTA and Keolis have agreed to meet with the public in Needham to answer questions from neighbors. He said a meeting will be set up in the near future. Ms. Fitzpatrick said the MBTA is open to another layover place for trains at night. Mr. Borrelli commented the head engineer gave his cell phone number for residents to call when there is an issue. He thanked Representative Garlick for setting up the meeting.

Ms. Cooley commented on the future of Keolis and how to convey information to a new commuter services operator. Ms. Fitzpatrick said a new commuter services operator is not anticipated until 2022. Mr. Borelli said Ms. Cooley makes a good point. Ms. Cooley suggested the train tracks near the Needham Golf Club could be an alternative nighttime location for idling trains. Mr. Handel suggested trains idle in Boston at night.

## 2. Eversource Reliability Project Update

Mr. Borrelli said a meeting was held last night, January 23, 2017 at the Broadmeadow School. He said the Board of Selectmen told Eversource it does not want overhead lines along the existing right of way. He said the public had strong opinions on the primary route, with questions requiring answers. He said data received may conflict with data from Eversource. Mr. Borrelli said the situation needs to be reassessed to figure out the best option for the Town.

Mr. Handel said it's clear the public has deep and heartfelt concerns. He said Eversource must make a more compelling presentation to address issues. He commented the final decision is not being made at the Town level, but rather at a regional level. Mr. Handel said there is a way to go before a decision is made.

Mr. Matthews concurred, adding all the proposed options have issues. He said there were many questions including the process of selecting the proposed route, safety of technology, and EMF concerns. He noted it appears Eversource will need one or more easements from the Town requiring Town Meeting approval. He commented it is not in anyone's best interest to move forward at this time when the goal is to have a safe and reliable regional system. He concluded a lot more homework is necessary.

Mr. Bulian agreed with the previous comments saying a lot more work is required.

Mr. Borrelli said the Board of Selectmen will reach out to Eversource to express concerns from the community. He said another public meeting will be held sometime in the future.

3. Committee Reports

No Committee Reports were made.

7:55 p.m.

Adjourn:

**Motion by Mr. Handel that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of January 24, 2017.**

**Second: Ms. Cooley. Unanimously approved 5-0.**

**Minutes**  
**Board of Selectmen Meeting**  
**February 3, 2017**

3:00 p.m. A joint meeting of the Planning Board and Board of Selectmen was convened by Chairman Matt Borrelli at the Center at the Heights. Present were Ms. Marianne Cooley, Mr. Daniel Matthews, Mr. John Bulian, Mr. Moe Handel, Town Manager Kate Fitzpatrick, Assistant Town Manager/Director of Operations Christopher Coleman, and Assistant Town Manager/Director of Finance David Davison. Planning Board members included Liz Grimes, Marty Jacobs, Ted Owens, Paul Alpert, and Jeanne McKnight, and Director of Planning & Community Development Lee Newman.

**Food Trucks & Carts** – Mr. Borrelli said that the Board is developing a policy for allowing food trucks at parks and schools. He said that the Board is not ready to consider the expansion of food trucks and carts in the business districts, but said there are a number of questions about such expansion for both public and private areas, including zoning provisions. He asked if the Planning Board has an interest in studying the question. Mr. Matthews noted that he would like to understand how mobile food vendors fit within the existing zoning, and if the Town should discuss revisiting rules for restaurants. He said that the food truck regulations or bylaws should not be used to create exceptions to zoning. He said a business that wouldn't be allowed on private land should not be allowed on a public street. Ms. Grimes said that she would ask the Planning Board to discuss the issue. Mr. Borrelli thanked Ms. Grimes and said the issue is intertwined with zoning.

**Large House Zoning** – Ms. Grimes said that Ms. Newman is working to breakdown the zoning into separate articles, and that Attorney Jay Talerman has been hired to assist in the drafting. The Planning Board will review the draft zoning on February 7<sup>th</sup>. Ms. Newman outlined the progression of the articles from rewriting section 4.2 to be a table, and the balance to be a series of amendments including eliminating the 1999 pre-existing condition amendment, methodology for measuring height, introduction of an FAR, side yard setbacks, rear and front yard setbacks, exclusions, and the extension of lot coverage standards for new construction.

Mr. Bulian raised questions about the 25 foot setback and discussion ensued about the averaging options and opinions about various proposals. Mr. Bulian said that he is opposed to the

proposal. Mr. Owens noted that not everyone is going to like every aspect of the proposal, and that is why the Planning Board decided to break the zoning into separate sections. He said that the boards need to be respectful of Town Meeting and allow the members to vote on the options. He noted that if the Planning Board and Board of Selectmen are not on the same page the zoning won't pass. Mr. Borrelli said that it will be important to narrow issues to that if there is a disagreement that section can be considered for elimination.

Mr. Alpert said that he did not believe today's meeting is the appropriate forum for that discussion. That discussion should wait until after the public hearing in March. He said in his opinion if the Town is split on a provision he will seek to remove it. Ms. McKnight said there was a proposal for a review of setbacks within 500 feet but that builders felt that was too complicated and expensive. She said perhaps there could be options on setback. Mr. Bulian said that he would be interested in attending a meeting with builders about the zoning provisions. Ms. Cooley said that she appreciated the order of the articles, although she was disappointed that lot coverage was not included. She said that at the end of the process only one article on front yard setbacks should be brought to Town Meeting – not a range of options.

**Fire and Police Station Zoning** – Mr. Borrelli said that the issue was important and that he understood from Ms. Grimes that she has timing concerns. Ms. Grimes said that she is nervous about putting too much zoning before Town Meeting at once. She said that the Planning Board wants to look at Chestnut Street as a whole. Mr. Borrelli said that he would prefer the zoning be brought to the May Town Meeting but understood the Planning Board's concerns. He asked for assurance that it would be considered after Town Meeting in time for the fall. He said that he understood and agreed with the desire to look at Chestnut Street holistically, but noted that the issue of the location of the Fire and Police Station is settled. He said that while he respected the Board's opinion, he did not want agreement to delay the zoning to be interpreted as agreement to re-evaluate the location of the station. Mr. Owens said that he understood that the Board of Selectmen has decided to build at the corner of School and Chestnut, although he said he believes it is not a good idea. Ms. Grimes agreed.

**Public Safety Antenna** – Ms. Fitzpatrick said that the Town is exploring all possible options in lieu of erecting an antenna tower at the Police & Fire Station.

**Order of Articles** – Mr. Borrelli noted that he and Ms. Cooley and Ms. Fitzpatrick met with the Moderator and one of the topics was the order of articles in the warrant. He noted that one option was to have a separate Special Town Meeting in early June just for zoning, or to establish a time certain for the zoning discussion within the Annual Town Meeting. Mr. Fee also discussed an educational effort to prevent major amendments on Town Meeting floor without time for consideration. Ms. Grimes said that she was concerned about moving the zoning to June. The members agreed that a motion to take up the zoning articles as the first order of business on the first Wednesday of Town Meeting was appropriate. It was also agreed that a motion to discuss the articles together and vote separately would not allow enough time to explain each article on its own merits.

**Marijuana Moratorium** – The Boards discussed the concept of including a recreational marijuana moratorium on the warrant now that the Attorney General's Office has approved similar by-laws. Ms. McKnight noted that numerous bills have been filed in the Legislature to expand local control of marijuana facilities and use. It was the consensus of the Boards that a moratorium is appropriate.

4:50 p.m.

**Motion: Mr. Handel moved that the meeting be adjourned. The motion was seconded by Mr. Bulian. Unanimous: 5-0.**

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.

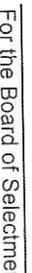
Water Sales:	-\$219.90
Water Irrigation:	-\$105.20
Water Admin Fees	\$0.00
Sewer Sales:	-\$390.90
Transfer Station Charges:	\$0.00
Total Abatement:	-\$716.00

Order #: 1231

Read and Approved:

  
Assistant Director of Public Works

  
Director of Public Works

  
For the Board of Selectmen

Date: 2/14/17

**Town of Needham  
Water Sewer Billing System  
Adjustment Form**

Corrected  
Last Read

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	Koicow	Richard	23039	7824	147	Parker Road	-\$105.20	\$0.00	\$0.00	-\$105.20	EC	N
DB	Zhu	Wen Jun	34689	10476	89	ST Mary Street	\$0.00	-\$13.50	-\$11.25	-\$24.75	ACC	N
DB	Fleueckiger	John & Elizabeth	13801	128	132	Valley Road	\$0.00	-\$45.80	-\$43.55	-\$89.35	ACC	N
DB	O'Connell	Jason	27105	3726	619	Great Plain Avenue	\$0.00	-\$57.70	-\$55.45	-\$113.15	ACC	N
JO	Council on Aging (1)						\$0.00	-\$102.90	-\$280.65	-\$383.55	COA	N
<b>Total:</b>										<b>-\$716.00</b>		

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  
 TWIN = 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

**EVENT INFORMATION SHEET**  
*(Please complete and attach event flyer or other information.)*

Event Manager Name (Name that will appear on license)	ERNEST A. STEVENS Jr. (JAY)		
Event Manager Address	20 LAUREL DR. NEEDHAM MA 02492		
Event Manager Phone Number	607-584-1232		
Organization Representing (if applicable)	VILLAGES CLUB		
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: 803-C-6
Name of Event	FAMILY PARTY / START PATRON		
Date of Event	1/29/17		
License is for Sale of:			
<input type="checkbox"/> Wines & Malt Beverages Only			
<input checked="" type="checkbox"/> All Alcoholic Beverages (for non-profit groups only)			
Requested Time for Liquor License	FROM: 16:30	TO: 20:30	4:30/8:30
Are tickets being sold in advance for this event?	<input type="checkbox"/> YES \$	/per ticket	<input checked="" type="checkbox"/> NO
Is there an admission fee for this event?	<input type="checkbox"/> YES \$	/per ticket	<input checked="" 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?	50		
Name & address of event location. Please attach proof of permission to use this facility.			
VILLAGES CLUB 83 MORTON ST. NEEDHAM MA. 02492			
Who will be serving the alcohol to your guests?			
BOB MEARLS			
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).			
BOB MEARLS			
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.			
PURCHASE FROM BAR			
<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:	E.A. Stevens Jr. (JAY)		Date: 01/29/17

**EVENT INFORMATION SHEET**  
 (Please complete and attach event flyer or other information.)

Event Manager Name (Name that will appear on license)	ERNEST A. STEEVES JR. (JAY)		
Event Manager Address	20 LAUREL DR. NEEDHAM MA 02492		
Event Manager Phone Number	617-584-1232		
Organization Representing (if applicable)	VILLAGE CLUB		
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: <u>803 CG</u>
Name of Event	SURPRISE 40 <sup>th</sup> B-DAY / JEN BROWN R DGE		
Date of Event	02/04/17		
License is for Sale of:	<input type="checkbox"/> Wines & Malt Beverages Only <input checked="" type="checkbox"/> All Alcoholic Beverages (for non-profit groups only)		
Requested Time for Liquor License	FROM: <u>19:00</u>	TO: <u>23:00 / 7-11</u>	
Are tickets being sold in advance for this event?	<input type="checkbox"/> YES \$ /per ticket	<input checked="" type="checkbox"/> NO	
Is there an admission fee for this event?	<input type="checkbox"/> YES \$ /per ticket	<input checked="" 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?	<u>100</u>		
Name & address of event location. Please attach proof of permission to use this facility.	VILLAGE CLUB / 93 MORROW ST. NEEDHAM MA 02492		
Who will be serving the alcohol to your guests?	Tyler Cox		
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).	Tyler Cox		
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.	PURCHASE FROM BAR		
<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:	<u>E A Steeves Jr (Jay)</u>	Date:	<u>01/27/17</u>

**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)	Ken Marcotrigiano Director Restaurant Associates
Event Manager Address	400 First Avenue Needham MA
Event Manager Phone Number	401 528-9296
Organization Representing (if applicable)	Trip Advisor
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	<input type="checkbox"/> Non-profit <input checked="" type="checkbox"/> For profit <input type="checkbox"/> Proof of non-profit status is attached Form of Proof: _____
Name of Event	UXPA
Date of Event	2/7/2017
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: 1800 TO: 2100
Are tickets being sold in advance for this event?	<input type="checkbox"/> YES \$ /per ticket <input checked="" type="checkbox"/> NO
Is there an admission fee for this event?	<input type="checkbox"/> YES \$ /per ticket <input checked="" 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?	60
Name & address of event location. Please attach proof of permission to use this facility.  TripAdvisor headquarters 400 First Ave, Needham MA	
Who will be serving the alcohol to your guests?  Restaurant Associates and KSM Staff    KSM - Chance Anderson Tips 62149 and RA Stefanie Elis Tips certified	
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).  Chance Chase Anderson    Stefanie Elis	
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.  Served by Staff from a temporary Bar set up Beer and wine only.	
<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:



pd. 1/24/17  
emaabd 1/25/17

**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)	Ken Marcotrigiano Director Restaurant Associates
Event Manager Address	400 First Avenue Needham MA
Event Manager Phone Number	401 528-9296 <i>KMarcotrigiano@compass-usa.com</i>
Organization Representing (if applicable)	Trip Advisor
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	<input type="checkbox"/> Non-profit <input checked="" type="checkbox"/> For profit <input type="checkbox"/> Proof of non-profit status is attached Form of Proof: _____
Name of Event	Boston Talent Acquisition Event
Date of Event	2/15/2017
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: 1800 TO: 2100
Are tickets being sold in advance for this event?	<input type="checkbox"/> YES \$ /per ticket <input checked="" type="checkbox"/> NO
Is there an admission fee for this event?	<input type="checkbox"/> YES \$ /per ticket <input checked="" 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?	60
Name & address of event location. Please attach proof of permission to use this facility.  TripAdvisor headquarters 400 First Ave, Needham MA	
Who will be serving the alcohol to your guests?  Restaurant Associates and KSM Staff KSM - Chance Anderson Tips 62149 and RA Stefanie Elis Tips certified	
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).  <i>chance</i> Chase Anderson Stefanie Elis	
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.  Served by Staff from a temporary Bar set up Beer and wine only.	
<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:

