

# BOARD OF SELECTMEN

## July 25, 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>6:15</b>	Executive Session Exception 3 & 6
	<b>6:45</b>	<del>Informal Meeting with Citizens</del> <i>One or more members of the Board of Selectmen will be available between 6:45 and 7:00 p.m. for informal discussion with citizens. While not required, citizens are encouraged to call the Selectmen's Office at (781) 455-7500 extension 204 in advance to arrange for an appointment. This enables the Board to better assure opportunities for participation and respond to citizen concerns.</i>
<b>1.</b>	<b>6:45</b>	Meeting with Planning Board
<b>2.</b>	<b>7:15</b>	Presentation of Unsung Heroine Awards <ul style="list-style-type: none"> <li>• Representative Denise Garlick</li> <li>• Senator Richard Ross</li> </ul>
<b>3.</b>	<b>7:30</b>	Public Hearing- Eversource: South Street
<b>4.</b>	<b>7:30</b>	Public Hearing- Eversource: Helen Road
<b>5.</b>	<b>7:45</b>	Verizon Small Cell Antenna Discussion
<b>6.</b>	<b>8:30</b>	Mobile Food Vendor Regulation Public Hearing
<b>7.</b>	<b>9:00</b>	Director of Public Works- Richard P. Merson <ul style="list-style-type: none"> <li>• Sign Traffic Regulation- Hampton Avenue</li> <li>• Downtown Improvement Project Update</li> </ul>
<b>8.</b>	<b>9:10</b>	Town Manager <ul style="list-style-type: none"> <li>• Regulations for the Sale of Alcoholic Beverages</li> <li>• Acceptance of Access Easement and Declaration of Restrictive Covenant</li> <li>• Call for Special Town Meeting and Open Special Town Meeting Warrant</li> </ul>
<b>9.</b>	<b>9:20</b>	Board Discussion <ul style="list-style-type: none"> <li>• Committee Reports</li> </ul>

### APPOINTMENTS

1.	Board of Appeals (Reappointment)	Kathleen Lind Berardi (Term Expires 6/30/2020)
2.	Design Review Board (Reappointment – Alternate)	Richard M. Riley (Term Expires 6/30/2020)
3.	Election Workers	To be provided under separate cover.

### CONSENT AGENDA      \*=Backup attached

1.	Accept the following gifts received by the Needham Public Library for the period of May 5, 2017 to June 30, 2017: Rose A. Doherty donated a copy of <i>South Boston on Parade: A History of South Boston's Evacuation Day and Saint Patrick's Day Parade</i> (\$18.95); Ruth Bobick donated a copy of her book, <i>Six Remarkable Hull-House Women</i> (\$20.00); Additional gifts in
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	<p>memory of Betty Ann Keane, totaling \$677.50 were received from: John &amp; Denise Perre, Nicholas Evans, Cheryl &amp; Michael O’Leary, Rachel Ann McAlpine, Sally Ann McGurkin, Mr. &amp; Mrs. Richard Matulis, Michael &amp; Kathy Basile, Michael &amp; Patricia Noonan, Geraldine F. Donohue, Catholic Charities Castle Rock Office, Jon &amp; Kem Sawyer, Judith R. Sidel, Chris &amp; Jim Woods, Saint Joseph High School, Karen Jerome Skillins; Claire Blum made a donation in memory of Milton Berman (\$50.00); Ann MacFate made a donation in memory of Irene MacFate (\$250.00); The Library Foundation of Needham gave the library \$3,000 in support of the One Community, One Book program; The Friends of the Needham Public Library gave the library a copy of Kevin Comtois’ book, <i>Troubadours &amp; Troublemakers</i> (\$14.95); The Friends also donated \$200.00 in memory of Roberta Haskel Crocker; Karen Jerome Skillins made a donation in memory of Roberta Haskel Crocker (\$37.50); Jerry Goldstein gave the library a copy of <i>Needham Celebrates 300, 1711-2011</i>; R.A. Stefanowicz gave the library a copy of the 1977 Needham High School yearbook (\$25.00); The St. Joseph Centennial Committee donated a copy of <i>Hidden in Plain Sight: Decoding the Art, Architecture and Symbolism of St. Joseph Church</i>; Penguin Random House Library Marketing gave the library a copy of <i>Radical Hope: Letters of Love and Dissent in Dangerous Times</i> (\$15.95); Shirley Pratt donated a copy of her book, <i>Revelation: Dorothy’s Story from Death to Rebirth</i> (\$15.00); Amit Kapoor donated 6 DVD/ blu-Rays (\$119.00): <i>The Girlfriend Experience, Power</i> (Complete Second Season), <i>The Royals</i> (Season Two), <i>Survivor’s Remorse</i> (complete second season), <i>Orange is the New Black</i> (Season Three), and <i>Casual</i> (Season One).</p>					
2.	Accept the following donation made to the Needham Community Revitalization Trust fund: \$500 from Holly and Bruce Johnstone.					
3.*	Ratify a One Day Special Wines & Malt Beverages License request for Gloria Greis of the Needham Historical Society who hosted a Paint Night event on July 11, 2017 from 6:30 p.m. to 10:30 p.m. The event was held at the Needham Historical Society, 1147 Central Avenue, Needham.					
4.*	Approve Special One Day Wines & Malt Beverages license for Anne-Marie Bajwa, of the Charles River Center to hold its Charles River Center 5K run/1mile walk event on September 24, 2017 from 12:00 p.m. to 3:00 p.m. This event will be held at the Charles River Center, 59 E. Militia Heights Drive, Needham.					
5.	Accept the following donations made to Needham Youth Services: \$150 from the Anime Club at Needham High School; and \$100 from Timothy M. McDonald. The monies will be used to sponsor Needham Youth Services Programs.					
6.*	Approve a Special One Day Wines & Malt Beverages license for Leslie J. Laputz of the Pan Mass Challenge to host an event at the end of the Pan Mass Challenge on Sunday August 6, 2017 from 12:00 p.m. to 5:00 p.m. The event will be held in Trim Lot (in Needham), which is at Babson College, 231 Forest Street, Babson Park.					
7.*	Approve minutes of June 30, 2017 meeting.					
8.	Approve 2017 Mobile Food Truck license for a new food truck vendor – KHF LLC d/b/a The Dining Car.					
9.*	Water & Sewer Abatement Order #1240					
10.	Grant permission for the following residents to hold block parties:					
	Name	Address	Party Location	Party Date	Party Rain Date	Party Time
	Naomi Goldman	93 Gayland Rd	Gayland Rd	9/16/17	9/23/17	4pm-7pm
	Jeanne Martin	139 Plymouth Rd	Plymouth Rd Ext.	9/9/17	9/10/17	1pm-7pm

Liz Lawlor	76 Howland St	Pleasant/Howland Streets	9/16/17	9/17/17	4pm-7pm
Kristen Vacanti	138 Brookside Rd	138/144 Brookside Road	9/9/17	9/30/17	12pm-8pm
Amanda Armstrong	100 Mayflower Rd	Mayflower Road	9/9/17	9/10/17	4pm-8pm



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

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**MEETING DATE: 07/25/2017**

<b>Agenda Item</b>	Unsung Heroine Awards
<b>Presenter(s)</b>	Senator Richard Ross Representative Denise Garlick

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	<p>Senator Richard Ross and Representative Denise Garlick will recognize two recipients of the 2017 Unsung Heroine Award: Alison Borrelli and Carol Read.</p> <p>Each year the Commission on the Status of Women gathers nominations from around the state for women who make outstanding contributions to their organizations and communities. The Unsung Heroines are women who don't always make the news, but truly make a difference.</p>
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
	NONE
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	NONE



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

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**MEETING DATE: 07/25/2017**

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

**1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Eversource Energy requests permission to install approximately 11 feet of conduit in South Street. This work is necessary to provide underground electric service at 124 South Street, Needham.

The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that **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.**

**2. VOTE REQUIRED BY BOARD OF SELECTMEN**

**Suggested Motion:**

Move that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 11 feet of conduit in South Street. This work is necessary to provide underground electric service at 124 South Street, Needham.

**3. BACK UP INFORMATION ATTACHED**

**(Describe backup below)**

- a. Petition Letter of Application
- b. Order
- c. Petition Plan
- d. Notice Sent to Abutters
- e. List of Abutters

**EVERSOURCE**  
ENERGY

200 Calvary Street  
Waltham, Ma 02453

June 15, 2017

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

RE: 124 South Street  
Needham, MA  
W/O #2213025

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 11± feet of conduit in South Street.

The reason for this work is to upgrade the existing underground electric service at 124 South 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,

Kelly-Ann Correia, Supervisor  
Rights and Permits

*Kelly-Ann Correia*

KAC/kj  
Attachments

OK n p m  
m  
7/6/17

OK R.P. Merson  
DPW Director  
7/6/17

**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 May 24, 2017** and filed herewith, under the following public way or ways of said Town:

**South Street – Southerly from pole 12/14 approximately 177 feet west of  
Lawton Road a distance of 11 ± feet of conduit.**

(W.O. #2213025)

**NSTAR ELECTRIC COMPANY  
dba EVERSOURCE ENERGY**

BY Kelly-Ann Correia  
Kelly-Ann Correia, Supervisor  
Rights & Permits

**Dated this 15<sup>th</sup> day of June**

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:

**South Street – Southerly from pole 12/14 approximately 177 feet west of  
Lawton Road a distance of 11 ± feet of conduit.**

**(W.O. #2213025)**

**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 May 24, 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 _____	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.

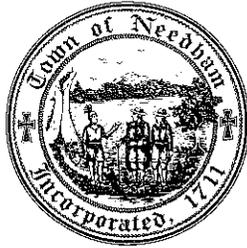
1 _____	
2 _____	Board of Selectmen
3 _____	the Town of
4 _____	<b>NEEDHAM</b>
5 _____	

**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 7:30 p.m. on July 25, 2017** upon petition of Eversource Energy dated **June 15, 2017** to install about 11 feet of conduit in South Street. The work is necessary to upgrade the existing underground electric service at 124 South 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.

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

BOARD OF SELECTMEN

Dated: July 11, 2017

124 SOUTH STREET

OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP	PARCEL ID	PROPERTY ADDRESS
SALTZBERG, ALFRED J. & JUNE	C/O SALTZBERG, ALFRED J. & JUNE E. TRS.	109 SOUTH ST	NEEDHAM	MA	02492	1990080005500000	109 SOUTH ST
BARBERA, DARIO &	BLOCK, INGRID H.	110 SOUTH STREET	NEEDHAM	MA	02492	1992000001700020	110 SOUTH ST
SOKOLOVE, LANA M.		130 SOUTH ST	NEEDHAM	MA	02492	1992000001900000	130 SOUTH ST
SAIF, SAKINA &	MULLA, IMTIYAZ	1 NEEDHAMDALE RD	NEEDHAM	MA	02492	1990080005400000	1 NEEDHAMDALE RD
BUCKING, JAMES &	BUCKING, CATHERINE	124 SOUTH STREET	NEEDHAM	MA	02492	1992000001800000	124 SOUTH ST
FEDEROW, GARRETT J. &	FEDEROW, SARA N.	146 SOUTH ST	NEEDHAM	MA	02492	1992000002100000	146 SOUTH ST
SOMERS, MARY M		93 SOUTH ST	NEEDHAM	MA	02492	1990080004700000	93 SOUTH ST
KOLBE, A. LAWRENCE +	KOLBE, RUTH C	94 SOUTH STREET	NEEDHAM	MA	02492	1992000001700010	94 SOUTH ST
PARKER, JUDSON GARRETT JR. &	PETERS, HELEN FRAME	133 SOUTH ST	NEEDHAM	MA	02492	1990080004800000	133 SOUTH 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: 07/25/2017**

<b>Agenda Item</b>	Public Hearing: Eversource Energy – Helen 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 Audrey Avenue. This work is necessary to provide underground electric service at 8 Helen 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 Audrey Avenue. This work is necessary to provide underground electric service at 8 Helen 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>

7-25-17 NOTE! Conduit had been laid by developer before hearing.  
Developer cannot meet with BOS until 8-15-17 meeting.  
Hearing had already been noticed to abutters.  
Hearing will need to be continued until 8-15-17 meeting.

June 15, 2017

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

RE: 8 Helen Road  
Needham, MA  
W/O #2214111

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 Audrey Avenue.

The reason for this work is to provide underground electric service to 8 Helen 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,

*Kelly-Ann Correia*

Kelly-Ann Correia, Supervisor  
Rights and Permits

KAC/kj  
Attachments

OK R.P. Merson  
DPW Director  
7/6/17

OK R.P. Merson  
DPW Director  
7/6/17

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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 June 12, 2017** and filed herewith, under the following public way or ways of said Town:

**Audrey Avenue - Westerly from pole 156/4 approximately 25 feet south  
of Helen Road a distance of 7 ± feet of conduit.**

(W.O. #2214111)

**NSTAR ELECTRIC COMPANY  
dba EVERSOURCE ENERGY**

BY Kelly-Ann Correia  
Kelly-Ann Correia, Supervisor  
Rights & Permits

**Dated this 15<sup>th</sup> day of June**

Town of **NEEDHAM** Massachusetts

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

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

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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:

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**(W.O. #2214111)**

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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 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

Board of Selectmen  
the Town of  
**NEEDHAM**

**CERTIFICATE**

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1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

Board of Selectmen  
the Town of  
**NEEDHAM**

**CERTIFICATE**

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

N:\SHARED-FILES\PROJECTS\BASELINES\NEE-AUDREYAA.dwg

#3

HELEN RD

AUDREY AVE

APPROX. PT. OF PICKUP

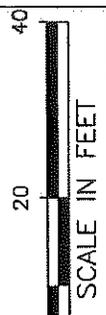
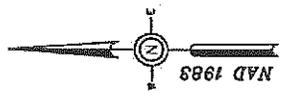
#8

156/4

7±

#28

CUSTOMER TO INSTALL  
2 - 2" PVC PIPES  
SCH 40 NO CONC



SECTION - 2  
STREET SURFACE

3'-0" MIN.

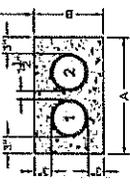


FIG. 1 2-DUCTS

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT THE INFORMATION IS NOT A WARRANTY OF ANY KIND. THE INFORMATION IS PROVIDED AS IS, WITHOUT WARRANTY OF ANY KIND, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE INFORMATION IS PROVIDED FOR YOUR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PROVIDED. THE INFORMATION IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PROVIDED. THE INFORMATION IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PROVIDED.

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

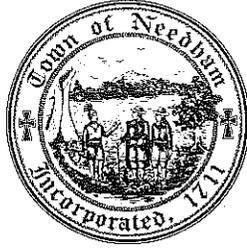
**NSSTAR EVERSOURCE**  
1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of HELEN RD, NEEDHAM

Showing PROPOSED CUSTOMER CONDUIT LOCATION

Scale 1"=20'  
Date 06/12/2017  
SHEET 1 of 1

C#	
Ward #	
Work Order #	2214111
Surveyed by:	
Research by:	
Plotted by:	GC
Proposed Structures:	MR
Approved:	A DEBENEDICTIS
P#	



## NOTICE

To the Record

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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.

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

BOARD OF SELECTMEN

Dated: July 13, 2017

8 HELEN ROAD

OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP	PARCEL ID	PROPERTY ADDRESS
ROTH, MATHEW & GERSON, JEFFREY	ROTH, JOCELYN	11 HELEN RD 16 HELEN RD	NEEDHAM NEEDHAM	MA MA	02492 02492	1990240002000000 1990240000600000	11 HELEN RD 16 HELEN RD
STENTO, JAMES THOMAS, JR. WEINSTEIN, AMY & BERKENBLIT, ANNA & VARON DAN + DAVIS, MARC L. & BIKOFESKY, ALLAN M. & IRENE L. BOUCHER, GRETCHEN & CRONIN, ROBERT N. & MARKOWITZ, MICHAEL CHARLES TR. &	STENTO, CAROL JEAN MUZIKANT, ADAM SHEEHAN, GERALDINE A. VARON JUDITH H DAVIS, JENNIFER K. C/O CAPLAN, BENJAMIN & ERIN BOUCHER, MARY ALISON SMALL, CARLA E. MARKOWITZ, ANNE M. TR.	28 AUDREY AVE 42 AUDREY AVE 19 HELEN RD 36 AUDREY AVE 35 AUDREY AVE 8 HELEN ROAD 20 AUDREY AVE 3 HELEN RD 10 INA RD	NEEDHAM NEEDHAM NEEDHAM NEEDHAM NEEDHAM NEEDHAM NEEDHAM NEEDHAM NEEDHAM	MA MA MA MA MA MA MA MA MA	02492 02492 02492 02492 02492 02492 02492 02492 02492	1990200000200000 1990200000400000 1990240001900000 1990200000300000 1990240000400000 1990240000500000 1990200000100000 1990240002100000 1990240000700000	28 AUDREY AVE 42 AUDREY AVE 19 HELEN RD 36 AUDREY AVE 35 AUDREY AVE 8 HELEN RD 20 AUDREY AVE 3 HELEN RD 10 INA 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: 7/25/2017  
Continued from 5/30/2017 & 6/27/2017**

<b>Agenda Item</b>	Public Hearing - Verizon Wireless
<b>Presenter(s)</b>	Board Discussion

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	<p>Cellco Partnership d/b/a Verizon Wireless requests permission to install twelve (12) separate wireless small cell antennas (“antennas”) and supporting equipment on existing electrical distribution poles (“utility poles”) in the Town of Needham.</p> <p>The Board will discuss the feedback received at the prior hearing dates and information presented by counsel for Verizon Wireless. Verizon Wireless has withdrawn, without prejudice, three of the petitions.</p>
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
	<p><b><u>Suggested Motions:</u></b></p> <ol style="list-style-type: none"><li><del>1) Move that the Board of Selectmen approve and sign a petition from Celco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham MA SC01, Utility Pole Number 168-1 located near 20 Great Plain Terrace, Needham.</del></li><li>2) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham MA SC06, Utility Pole #7 located near 609 Webster Street, Needham.</li><li><del>3) Move that the Board of Selectmen approve and sign a petition from Celco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham MA SC10, Utility Pole #33/30 located near 270 Hunnewell Street, Needham.</del></li><li>4) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC03 MA, Utility Pole #14 located near 97 Melrose Avenue, Needham.</li><li>5) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC04 MA, Utility Pole #27-0 located near 7 Stevens Road, Needham.</li></ol>



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

- 6) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC05 MA, Utility Pole #146/25 located near 189 Harris Avenue, Needham.
- 7) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC07 MA, Utility Pole #67 located near 443 Great Plain Avenue, Needham.
- 8) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC09 MA, Utility Pole #97/51 located near Dedham Avenue/South Street, Needham.
- ~~9) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC16 MA, Utility Pole #7-101 located near Central Avenue, Needham.~~
- 10) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC19 MA, Utility Pole #116-1 located near 1250 Great Plain Avenue, Needham.
- 11) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham SC21 MA, Utility Pole #72-3 located near 33 Chestnut Place, Needham.
- 12) Move that the Board of Selectmen approve and sign a petition from Cellco Partnership d/b/a Verizon Wireless to install a wireless small cell antenna and supporting equipment at Verizon Site Name: Needham W SC03 MA, Utility Pole #25 located near, 1437 Great Plain Avenue, Needham.

**3. BACK UP INFORMATION ATTACHED**

**(Describe backup below)**

Packets furnished under separate cover.

*\*Please note that a full application is on file in the Office of the Town Manager.*



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

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**MEETING DATE: 7/25/2017**

<b>Agenda Item</b>	Mobile Food Vendor Policy Update
<b>Presenter(s)</b>	Public Hearing

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	<p>At its meeting on June 27, 2017, the Board discussed a proposed revision to the Mobile Food Vendor Policy. The purpose of the public hearing is to receive feedback on the draft policy.</p>
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
	<p>Discussion Only</p>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	<p>a. Take-out Food Served by Mobile Food Vendors draft dated 7.14.2017 b. Notice of Public Hearing</p>

# Town of Needham Board of Selectmen

Policy Number:	BOS-LIC-013
Policy:	Take Out Food Served by Mobile Food Vendors (Formerly Regulation of Food Trucks)
Date Approved:	October 8, 2013
Date Revised:	Revised June 9, 2015, August 15, 2017
Approved:	_____ Chairman, Board of Selectman

## **Section 1: Definitions**

*Mobile Food Vendor* - any person who travels from place to place upon public ways and dispenses food from a food truck, food cart, beverage/coffee truck, ice cream truck, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon, or any other mobile food vehicle. This policy applies to mobile food vendors except as provided under Section 7.

*Hawker/Peddler* – Any person who goes from place to place within the Town selling goods, wares or merchandise, whether on foot or in a vehicle, for profit, is a hawker or peddler (these two terms are interchangeable), unless such person is excluded from the operation of M.G.L.A., Ch. 101 by the provisions of Section 15 of said Chapter.

### **Section 1. Policy**

The Town of Needham, acting through its Board of Selectmen (the “Board”) may authorize Mobile Food Vendors to operate in approved locations on the public right of way, at School buildings, parking lots and adjacent fields, and at public parks and adjacent parking lots, at times deemed to be in the best interest of the Town. Permitted Mobile Food Vendors must comply with all applicable hawker and peddler and sanitation and food safety rules and regulations.

### **Section 2. General Provisions Applicable to All Mobile Food Vendors**

- 2.1 Any person wishing to apply for a Mobile Food Vendor Permit shall fully complete the application form (Attachment #1), including authorization for the Town to obtain personal Criminal Offender Record Information (CORI) and Sex Offender Record Information (SORI) throughout the duration of the permit. CORI and SORI approval will be valid for one year. The Town reserves the right to obtain personal CORI and SORI for all employees who will be employed by the Mobile Food Vendor, at its discretion.
  
- 2.2 Mobile Food Vendors shall comply with all applicable provisions of the Town of Needham General By-laws, and all local and state tax regulations, including but not limited to retail sales taxes applicable to food and beverages.

- 2.3 Mobile Food Vendors must be positioned at least 200 feet from the customer entrance of a fixed location restaurant, unless waived by the Board of Selectmen.
- 2.4 Mobile Food Vendors shall not block drive entrances, exits, access to loading and/or service areas, or emergency access and fire lanes. Vendors must be positioned at least 20 feet away from fire hydrants, any fire department connection, driveway entrances, alleys, and handicapped parking spaces.
- 2.5 Mobile Food Vendors may not operate as a drive-in/drive-up/drive-through operation. All service must be walk-up by customers.
- 2.6 Trash and recycling receptacles shall be provided for customers and trash and recyclables shall be removed from the site daily. Permit holders shall make specific provisions for trash removal and ensure that the licensed area is kept clean, neat and sanitary at all times. Reliance on the use of municipal trash and recycling receptacles is not considered acceptable.
- 2.7 If a Mobile Food Vendor is authorized to operate after dark, the vendor must assure appropriate lighting.
- 2.8 No signage shall be allowed, other than signs permanently attached to the motor vehicle/cart and a portable menu sign no more than nine (9) square feet in display area on the ground in the customer waiting area, unless specifically authorized by the Board of Selectmen.
- 2.9 No Mobile Food Vendor shall set up tables, chairs, umbrellas or similar facilities (standing counters and tables without chairs or stools are permitted), unless specifically authorized by the Board of Selectmen.
- 2.10 Mobile Food Vendor permits shall be applicable during the period April 1<sup>st</sup> to November 30<sup>th</sup> unless extended by vote of the Board of Selectmen. Permit holders may only operate at specifically approved locations at specifically approved times.
- 2.11 Any person to whom a Mobile Food Vendor Permit is issued under these regulations shall ensure that order and decorum is maintained in the licensed area and immediate vicinity at all times, and shall cooperate in every respect with Town officials.
- 2.12 Mobile food vehicles shall not be positioned so as to expose customers to vehicular traffic, or otherwise in an unsafe manner. Any directive from a Police Officer in this regard shall be immediately followed.
- 2.13 A Mobile Food Vendor who offers entertainment shall obtain a license from the Board of Selectmen, pursuant to the Town's Entertainment Regulations.
- 2.14 No Mobile Food Vendor or employee shall permit a patron to bring into the permitted area any alcoholic beverage for sale or consumption on the premises.

- 2.15 Mobile Food Vendors shall not sell non-food novelty items, noise makers or toys.
- 2.16 The Board of Selectmen may waive conditions or requirements of this Policy if the Board determines such to be in the best interests of the Community.

**Section 3: Authorized Locations for Mobile Food Vendors**

- 3.1 Public Right of Way Mobile Food Vendors may operate in the public right of way under the following conditions:
  - 3.1.1 Mobile Food Vendors may be located in the public right of way, as provided in Appendix 1, in areas identified by the Board of Selectmen in Appendix 2, after consultation with the Planning Board, as not served by fixed location restaurant facilities. The Board of Selectmen may from time to time review and modify the locations and areas listed in Appendix 1 and Appendix 2.
  - 3.1.2 Mobile Food Vendors may not be located in or on any portion of a designated public right of way when and where such location would prevent the safe use of the public right of way by motor vehicles, pedestrians, and/or customers. The vending location shall not otherwise interfere with the movement of motor vehicles in the area.
- 3.2 School Buildings, Parking lots and Adjacent Fields Mobile Food Vendors may operate at approved Public School Buildings, parking lots, and adjacent fields under the following conditions:
  - 3.2.1 When invited to operate by invitation of a person or organization with a valid permit to use the school parking lot or adjacent play areas/fields, and with approval of the permit granting authority.
  - 3.2.2 The mobile food vendor shall comply with all requirements of the permit granting authority.
  - 3.2.3 The Mobile Food Vendor shall comply with all general regulations for mobile food vendors.
- 3.3 Public Parks and Adjacent Parking Lots by Invitation of Permitted Organizations Mobile food vendors may be permitted to operate at approved Public Parks and Parking Lots, as listed in Appendix 3, under the following conditions:
  - 3.3.1 When invited to operate by a person or organization with a valid permit for use of the park or any portion thereof, and with approval of the permit granting authority.
  - 3.3.2 The Mobile Food Vendor shall comply with all requirements of the permit granting authority.

- 3.3.3 The Mobile Food Vendor shall comply with all general regulations for mobile food vendors.
- 3.3.4 The Board of Selectmen will develop the list of parks and adjacent parking lots on Appendix 3 after consultation with the board, committee, or commission, if any, having primary jurisdiction over the parcel.
- 3.4 Public Parks and Adjacent Parking Lots by Direct Permit The Office of the Town Manager may grant permits to Mobile Food Vendors to operate at specified locations at approved Public Parks and Adjacent Parking Lots on identified times and dates, as listed in Appendix 4, under the following conditions:
  - 3.4.1 The Town Manager shall coordinate the permit application process, and may allocate available permit opportunities among qualified applicants, including by lottery or other reasonable means.
  - 3.4.2 The Mobile Food Vendor shall comply with all site specific requirements.
  - 3.4.3 The Mobile Food Vendor shall comply with all general regulations for mobile food vendors.
  - 3.4.4 The Board of Selectmen will develop the list of locations, times, and dates in Appendix 4 after consultation with the board, committee, or commission, if any, having primary jurisdiction over the parcel.
- 3.5 Mobile Food Vendors Operating on Public Property Not Otherwise Covered – Reserved
- 3.6 Mobile Food Vendors Operating on Private Property - Reserved

**Section 4. Application and Permitting Requirements**

- 4.1 The Town Manager shall coordinate the permit application process, and may allocate available permit opportunities among qualified applicants, including by lottery or other reasonable means.
- 4.2 All Mobile Food Vendors must obtain requisite licenses and/or permits for operation from the Public Health Division, Police Department, Fire Department, and Board of Selectmen (refer to checklist on Attachment 2).
- 4.3 Application must include a detailed list of the intended locations for operation, including a sketch for each location showing how the mobile food vehicle is to be positioned, and the proposed hours of operation.
- 4.4 Permit holders shall provide evidence of comprehensive liability insurance in the amount of at least \$1 million (single claim), and listing the Town of Needham as an additional

named insured. Mobile Food Vendors must obtain requisite insurance, bonding and workers compensation as required by the Town.

- 4.5 A Mobile Food Vendor's permit must be prominently displayed at all times while in operation on licensed area.
- 4.6 Violation of any of the provisions of this Policy may result in the revocation of the permits and licenses issued to the vendor to operate in Needham.

**Section 5. Fees**

- 5.1 The flat fee for a full season one (specified) day per week public right of way permit (Section 3.1) shall be \$100, with additional season-days \$100 each to a maximum fee per season of \$700.
- 5.2 The fee for an intermittent public right of way permit (Section 3.1) shall be \$20 for each individual day. Such permits will be issued only to the extent space is available, and seasonal permits will have precedence over requests for intermittent permits.
- 5.3 The fee for an intermittent permit for use of School Buildings, Parking lots and Adjacent fields (Section 3.2) shall be \$10 per day.
- 5.4 The fee for an intermittent permit for mobile food vendors invited by organizations to operate at approved public parks and adjacent parking lots (Section 3.3) shall be \$10 per day.
- 5.5 The fee for direct permit mobile food vendors (Section 3.4) shall be \$20 per day.

**Section 6. Violation, suspension, revocation or modification of a Mobile Food Vendor Permit**

Any violation of this policy will be subject to a fine of \$50 (1<sup>st</sup> offense), \$100 (2<sup>nd</sup> offense) or \$300 (3<sup>rd</sup> and subsequent offenses). In addition, any violation may result in the immediate suspension of the permit, and may result in the removal of the Mobile Food Vendor's cart, truck or other vehicle at the owner's expense, if the circumstances warrant it in the judgment of the Police Department or other enforcement officer, in which case such suspension shall be reviewed by the Board of Selectmen at a public meeting.

The Board of Selectmen may suspend, revoke or modify a Mobile Food Vendor permit if, after a public hearing, the Board finds that these regulations have been violated.

**Section 7. Exceptions (Mobile Food Vendor Permit not Required)**

With the exception of food safety, public safety, and hawker and peddler requirements, if applicable, this policy shall not apply to: canteen or coffee trucks that move from place to place and are stationary for no more than thirty minutes at a time, ice cream trucks which move from

place to place, excluding areas prohibited by Town by-law, and are stationary for no more than ten minutes, and private functions on private property.

**Section 8. Resources**

- Attachment 1: Mobile Food Vendor Permit Application
- Attachment 2: Mobile Food Vendor Permit Checklist
- Appendix 1: Locations Approved for Mobile Food Vendors in the Public Right of Way
- Appendix 2: Underserved Commercial Areas
- Appendix 3: Locations Approved for Mobile Food Vendors at Public Parks
- Appendix 4: Locations Approved for Direct Permit Mobile Food Vendor Permits

Hawkers and peddlers policy: <http://needhamma.gov/DocumentCenter/View/15093>

Hawkers and peddlers statute: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter101/Section1>

General By-laws: <http://needhamma.gov/DocumentCenter/Home/View/1859>

Rental of School Facilities: <http://needhamma.gov/index.aspx?NID=2324>

Rental of Fields or Parks: <http://needhamma.gov/index.aspx?NID=718>

## APPENDIX 1

### Locations Approved for Mobile Food Vendors Located in the Public Right of Way

The current locations identified for use by food trucks within the public right of ways areas are:

- First Avenue – along the side of the road located in the general area between A and B Streets\*.
- First Avenue – along the side of the road located in the general area between #114 and #200 First Avenue\*
- Fourth Avenue – along the side of the road located in the general vicinity of #117-#119 Fourth Avenue
- Cabot Street – circular area at the top of the hill

\*Note that these locations may become unavailable depending on construction timelines.

Exact locations must be reviewed and approved by the Needham Police Department.

Locations are subject to change with the approval of the Board of Selectmen and the Needham Police Department.

## APPENDIX 2

### Underserved Commercial Areas

1. New England Business Center
2. Mixed Use-128
3. Industrial 1

DRAFT 7.14.2017

APPENDIX 3

Locations Presently Approved for Mobile Food Vendors at Public Parks

DRAFT 7.14.2017

APPENDIX 3

Locations Presently Approved for Direct Permit Mobile Food Vendors

DRAFT 7.14.2017



# TOWN OF NEEDHAM

TOWN HALL

Needham, MA 02492-2669

Office of the  
TOWN MANAGER

TEL: (781) 455-7500

FAX: (781) 449-4569

TDD: (781) 455-7558

## **Public Hearing on Regulation of Food Trucks & Carts**

The Board of Selectmen will hold a public hearing on Tuesday, July 25, 2017, at 8:30 p.m. in Powers Hall at the Needham Town Hall, 1471 Highland Avenue, Needham to gather input from interested parties regarding the subject of Mobile Food Vendors.

The intent of the public hearing is to receive comments and suggestions on proposed revisions to the Mobile Food Vendor regulations. The draft regulations can be viewed on the Town's website: [www.needhamma.gov/foodtruckpolicy](http://www.needhamma.gov/foodtruckpolicy).

The Board of Selectmen invites all residents and interested parties to attend and provide input regarding this subject. Written comments may also be submitted to the Board of Selectmen, c/o Needham Town Hall, 1471 Highland Avenue, Needham, MA or by email to [selectmen@needhamma.gov](mailto:selectmen@needhamma.gov).



Board of Selectmen  
TOWN OF NEEDHAM  
AGENDA FACT SHEET

MEETING DATE: 7/25/2017

Agenda Item	Sign Notice of Traffic Regulation – Hampton Avenue
Presenter(s)	Richard P. Merson, DPW Director

1.	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b> The Traffic Management Advisory Committee (TMAC) received a request from the Needham Park and Recreation Department to establish a 2 hour parking zone to prevent all-day parking on the west side of Hampton Avenue from Ellis Street to Beech Street. The TMAC recommended that a 2 hour parking zone regulation be created for the west side of Hampton Avenue from Ellis Street to Beech Street.
2.	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b> <i>Suggested Motion:</i>  "That the Board vote to approve and sign the Notice of Traffic Regulation Permit #P17-07-25 for Hampton Avenue, Time Limited in Designated Places, West side Ellis Street to Beech Street"
3.	<b>BACK UP INFORMATION ATTACHED</b>  1. Copy of Traffic Regulation P17-07-25

2/27

TOWN OF NEEDHAM  
BOARD OF SELECTMEN

NOTICE OF TRAFFIC REGULATION

By virtue of the authority vested in the Board of Selectmen of the Town of Needham, it is hereby

VOTED: That the Town of Needham Traffic Rules and Regulations adopted by the Board of Selectmen February 14, 1989 and subsequent amendments thereto be and are hereby further amended as follows:

By adding to Schedule I – PARKING of Article V, Section 5-6, the following:

TIME LIMITED IN DESIGNATED PLACES

HAMPTON AVENUE – West side from Ellis Street to Beech Street, TIME-2 Hours, 9:00A-3:00P, Mon-Fri, Permit P17-07-25.

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

\_\_\_\_\_  
BOARD OF SELECTMEN

Permit No. P17-07-25

Date of Passage \_\_\_\_\_

Attest of Town Clerk \_\_\_\_\_

*dup*



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

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**MEETING DATE: 7/25/2017**

<b>Agenda Item</b>	Downtown Improvement Project Update
<b>Presenter(s)</b>	Rick Merson, Director of Public Works

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	<p>The Director of Public Works will update the Board on the status of the nearly completed Downtown Improvement Project.</p>
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
	<p><i>Discussion Only</i></p>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	<p>a) Downtown Improvement Project Frequently Asked Questions dated 7.21.2017</p>

**Town of Needham**  
**DOWNTOWN IMPROVEMENT PROJECT**  
**Frequently Asked Questions**  
**July 21, 2017**

**What changes have been made to the traffic signals Downtown and why?**

The basic change includes the replacement of all traffic signal equipment to meet current laws and regulations, including those for pedestrian signals and handicap accessibility. The changes include:

- adding traffic signals to accommodate the reconfiguration of the geometry of the intersections, including corner reconstruction and lane alignment;
- adding traffic signals to (eventually) accommodate a left turn movement for southbound traffic from Chapel Street to Great Plain Avenue;
- installing compliant traffic signals before the railroad crossing;
- adding pedestrian signals to accommodate new, all-way pedestrian crossings at the Chapel/Chestnut Street and Highland/Dedham Avenue intersections with Great Plain Avenue; and
- modifying traffic signals to require a right turn for right hand lane eastbound traffic on Great Plain Avenue at Dedham Avenue.

**Are the traffic signals downtown the final design, or will there be more changes?**

The traffic signal installation is not complete. The signals are currently operating partially on timers, and are not working in accordance with the final design. The cameras controlling the “traffic responsive system” are not fully operational, and the vehicle detection system is not yet installed to tell the computer controlling the intersections that vehicles are present at a particular intersection and/or how many vehicles are approaching an intersection. When construction is completed, the signals will have the ability to adjust green time based on vehicle demand. There are three more major changes that have to be made at the signals at the railroad tracks and on Great Plain Avenue at Chapel/Chestnut Streets. The first is to provide an advance green at the railroad tracks a few seconds before the signal at Chapel/Chestnut Streets turns green. The second is to delay the red light at the railroad tracks for 3 seconds after the red signal at Chapel/Chestnut is activated. Lastly, the railroad pre-emption needs to be adjusted in advance of the train’s reaching the crossing. The last two items cannot be performed until Eversource provides permanent power to the traffic controller box at Chapel Street.

**Why is there a traffic signal at the railroad tracks?**

An engineering study of traffic operations at the Great Plain Avenue/Chestnut Street/Chapel Street intersection concluded that vehicle queues on Great Plain Avenue eastbound frequently extend to, or beyond, the location of the railroad crossing. The traffic signals have been installed at the railroad crossing to prevent vehicle queues from forming across the tracks. Consideration must be given to the space requirements of large vehicles, such as busses and tractor trailer trucks, not just passenger vehicles. Traffic signals located next to the railroad tracks were in existence before the Downtown project began, however

the signals did not comply with current regulations. Most of the issues with the railroad traffic signals will be resolved when the traffic signal system is fully-functioning.

**Why did the previous signals at the railroad tracks allow vehicles to cross before when there was no train?**

The previous signals at the railroad tracks did not function according to current regulations. The previous traffic signals were intended to prevent traffic from stopping on the railroad tracks at all times – which they did not achieve.

**Why are the signals working when there are no trains coming?**

The signals are required to function at all times to provide consistent information to drivers who may or may not be familiar with the area.

**Wouldn't common sense dictate not crossing the railroad tracks if there is no space available?**

Common sense would dictate that. However, motorists are not always aware of their surroundings and could get trapped between the railroad traffic signal and the intersection traffic signal potentially stranding them on the railroad tracks. Vehicle/train collisions have occurred in the towns of Holbrook, Wakefield, and Belmont in just the past two years.

**Why are the signals working on Sundays when there are no trains running?**

Although the commuter rail does not currently run on Sundays, unscheduled trains and/or maintenance trains or equipment do use the railway. The railroad traffic signals must account for all instances where a train or equipment may be using the railway.

**Why do the traffic signals at the railroad tracks stop traffic when there is room for more cars at the Chestnut St/Chapel St light?**

Consideration must be given to the space requirements of large vehicles, such as buses and tractor trailer trucks, not just passenger vehicles. The signals are timed to reduce the chance of a queued vehicle (large or small) from being stopped on the tracks. Once permanent power is provided to the traffic controller box at Chapel Street, some of the proposed adjustments will help allow more traffic to advance to the Chestnut Street/Chapel Street light.

**Can the traffic light at the railroad tracks be put on flashing yellow until a train comes?**

Flashing signals cannot be used during periods when a train is not approaching the crossing. The tracks must be cleared prior to the train's arrival at the crossing. A flashing signal would not provide a reliable guarantee that the tracks are clear of vehicles.

**Can anything be done to remove or modify the signal?**

The signals have been mandated by the Commonwealth to comply with Federal transportation safety requirements, and because a study of traffic operations has shown that the vehicle queue along Great Plain Avenue frequently extends beyond the railroad crossing. Nonetheless, once the project is substantially complete, the Board of Selectmen intends to undertake an evaluation of the range of options to reduce motorist frustration.

**Will the pedestrian crosswalk be reinstalled near the railroad tracks?**

No. The railroad traffic signals cannot support a pedestrian crossing and there is insufficient space to install a fully signalized pedestrian crossing at the railroad track location. With the installation of the new (mandated) signal, which does not stop westbound traffic, the crosswalk was deemed to be unsafe. Moreover, the crosswalk was not compliant with the American's with Disabilities Act, which prohibits the reconstruction of a crosswalk to terminate at a driveway opening. The distance between the prior crosswalk and the signalized intersection is 230 feet, and the distance to the closest non-signalized crosswalk is 300 feet. Assuming 3 feet per second (this is the standard for pedestrian crosswalks) it would take a person 77 seconds to reach the closest safe crossing.

**Can a crosswalk across Great Plain Avenue be added at Garden Street?**

A four-way crosswalk is proposed at the Maple Street/Glendon Road/Great Plain Avenue intersection in Phase II of the Downtown Project. Currently, there is a crosswalk crossing three of the sides of the intersection. The crosswalk at the Maple Street crossing would have to be removed in order to construct a crosswalk at the Garden Street intersection because it would be too close to the Garden Street crosswalk and would interfere with traffic flow. A crosswalk at the Garden Street location would also result in the loss of three on-street parking spaces.

**How many trees and what types will be planted in the street and on the Common?**

Please see attached plan for proposed tree locations and tree types.

**How many parking spaces have been removed as a result of the downtown improvement Project?**

No parking spaces will be lost overall in the Downtown Project. Some spaces will be relocated from one location to another depending on roadway design requirements. Please see attached plan for parking space locations.

**What is the purpose of the granite structures installed at several intersections?**

The granite structures are raised planters and will incorporate a bench seat for pedestrians along one side of the planter. Access to additional seating has been identified as an important criteria for age-friendly communities.

**What is the timing for the pedestrian crossing; it seems too long?**

The timing for the pedestrian crossing is based on a 3 feet per second walking speed. The typical range is 2.5 feet per second to 4 feet per second. Older pedestrians, very young pedestrians, and people with disabilities generally tend to walk at slower speeds, while moderately aged pedestrians without health issues walk at faster speeds.

**What remains in Phase 1?**

The remaining work in Phase 1 includes the completion of the crosswalk boxes, repair of a raised planter at Dedham Avenue, removal of the concrete street light poles, construction of the remaining sidewalk panels, restoration of permanent power to the traffic control system, completion of the traffic control system, adjustments to the traffic signal timing

(including the railroad track signals), final street paving, pavement markings, installation of traffic loop detectors, street tree installation, removal of the small electrical shed on the Town Common, and final landscaping.

**What is the schedule for the pavers?**

The work to install pavers in the crosswalk boxes began on July 16<sup>th</sup> and is expected to be completed during the week of August 13<sup>th</sup>.

**What are the other phases?**

There are currently five phases in the Downtown Improvement Plan. The first Phase is on Great Plain Avenue from Dedham Ave to just prior to the railroad tracks. Phase IA involves the reconstruction of the railroad crossing on Great Plain Ave. The second Phase includes Great Plain Avenue from the railroad tracks to Linden Street. The third Phase includes Great Plain Avenue from Dedham Avenue to Warren Street. The fourth Phase includes Highland Avenue and Chapel Street between the intersection of May Street/Chapel Street/Highland Avenue and Great Plain Avenue. The fifth Phase involves Chestnut Street between Great Plain Avenue and School Street (this phase may be extended to Oak Street).

**What is the general schedule for the future phases?**

Phase I is expected to be substantially complete in September 2017

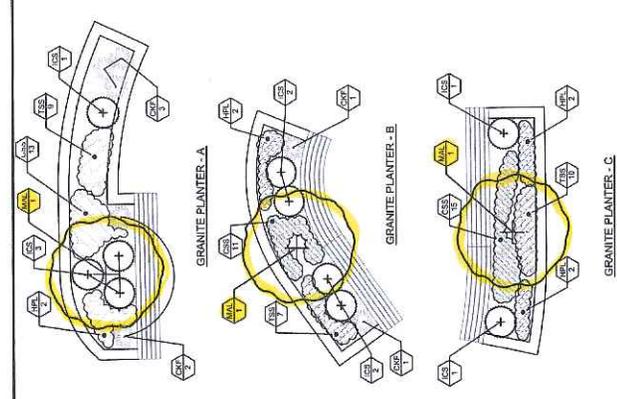
Phase IA is planned for July 2018 to July 2019 (assuming that grant funding is approved)

Phase II is planned for July 2020 to July 2021

Phase III is planned for July 2023 to July 2024

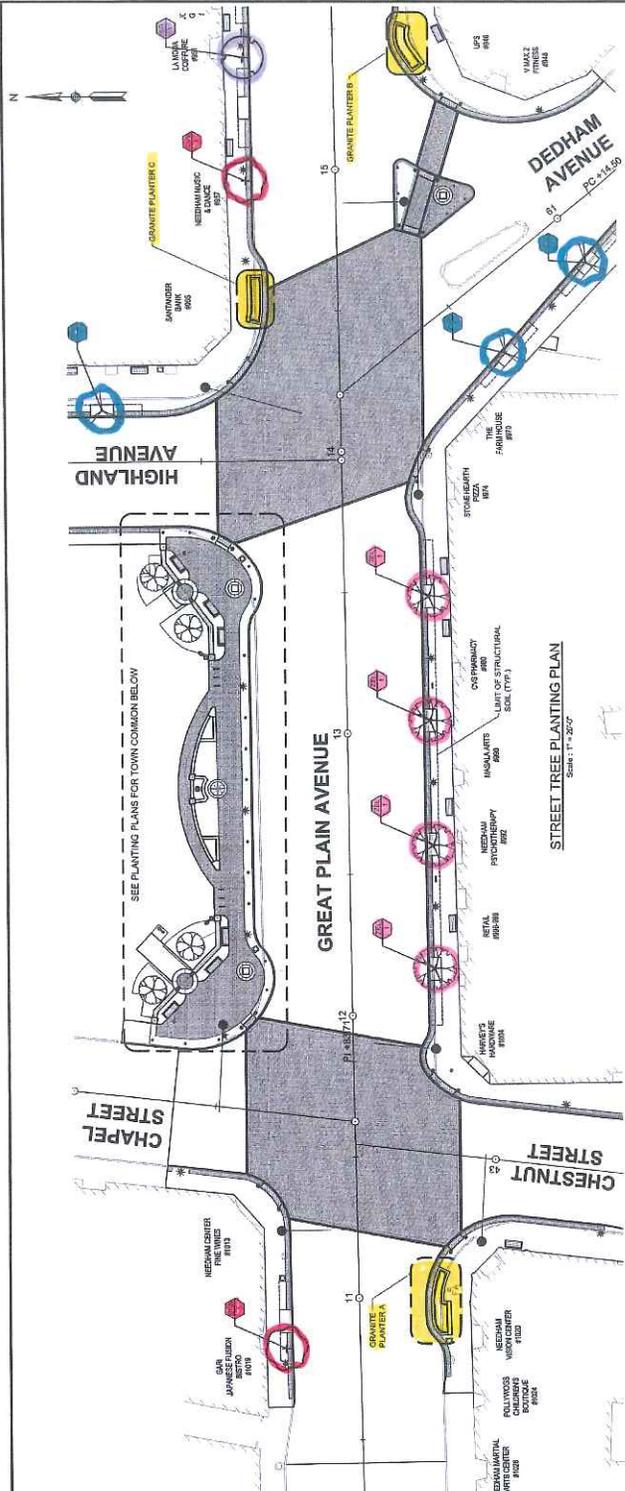
Phase IV is planned for July 2026 to July 2027

Phase V is planned for July 2029 to July 2030



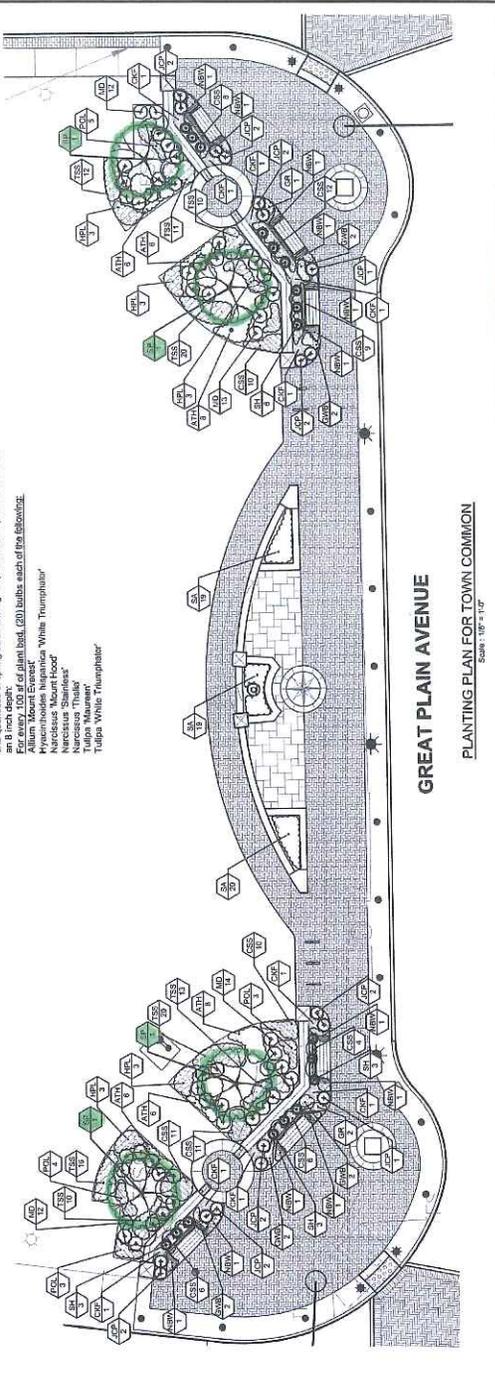
PLANTING PLAN FOR GRANITE PLANTERS  
Scale: 1/4" = 1'-0"

PLANT SCHEDULE	QTY	BOTANICAL NAME / COMMON NAME	CONT.
TREES	3	Mean saplings / <i>Colubaria</i> / <i>Colubaria</i> / <i>Colubaria</i>	1'-4" Ball
SHRUBS AND SPASSES	17	<i>Stewartia sinensis</i> / <i>Stewartia sinensis</i> / <i>Stewartia sinensis</i>	2'-8" Ball
PERENNIALS	1	<i>Syringa reticulata</i> / <i>Syringa reticulata</i> / <i>Syringa reticulata</i>	2'-5.5" Cal.
PERENNIALS	4	<i>Zinnia terrestris</i> / <i>Zinnia terrestris</i> / <i>Zinnia terrestris</i>	2'-5.5" Cal.
SHRUBS AND SPASSES	17	<i>Stewartia sinensis</i> / <i>Stewartia sinensis</i> / <i>Stewartia sinensis</i>	2'-8" Ball
PERENNIALS	1	<i>Syringa reticulata</i> / <i>Syringa reticulata</i> / <i>Syringa reticulata</i>	2'-5.5" Cal.
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PERENNIALS	1	<i>Syringa reticulata</i> / <i>Syringa reticulata</i> / <i>Syringa reticulata</i>	2'-5.5" Cal.
PERENNIALS	4	<i>Zinnia terrestris</i> / <i>Zinnia terrestris</i> / <i>Zinnia terrestris</i>	2'-5.5" Cal.



STREET TREE PLANTING PLAN  
Scale: 1/4" = 1'-0"

**BULB PLANTINGS**  
Bulbs shall be set Nov. 1, contractor to be plant the following varieties and quantities of spring bulbs among the plantings in pockets of five at an 8 inch depth:  
For every 1000 of all plant bulb (20) bulbs each of the following:  
Hyacinthoides non-scripta 'White Triumphator'  
Narcissus 'Mount Hood'  
Narcissus 'Tudor City'  
Narcissus 'Thalita'  
Tulipa 'Moulineux'  
Tulipa 'White Triumphator'



GREAT PLAIN AVENUE  
PLANTING PLAN FOR TOWN COMMON  
Scale: 1/8" = 1'-0"

BETA JOB No.	1234
PLOT DATE	06/20/16 3:18 PM
ISSUE DATE	08/20/16
SHEET No.	44 OF 53
FILE No.	PAK-328 PLANTING PLANS.DWG

REVISIONS	NUMBER	DATE	MADE BY	CHECKED BY	DESCRIPTION

PREPARED BY:	AS
DESIGNED BY:	AS
CHECKED BY:	IC

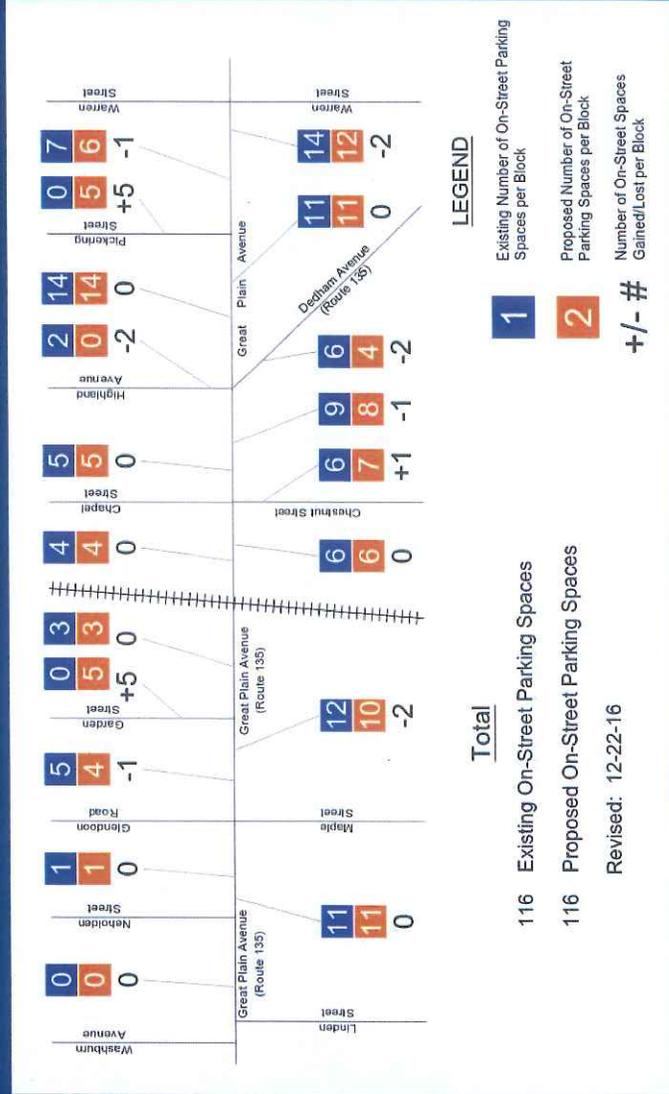
SCALE	AS SHOWN
PROJECT	DOWNTOWN IMPROVEMENTS PHASE I PLANTING PLAN NEEDHAM, MASSACHUSETTS

REPRESED BY: **BETA** www.beta-inc.com

SEAL: [Professional Engineer Seal]

# Needham Downtown Improvements



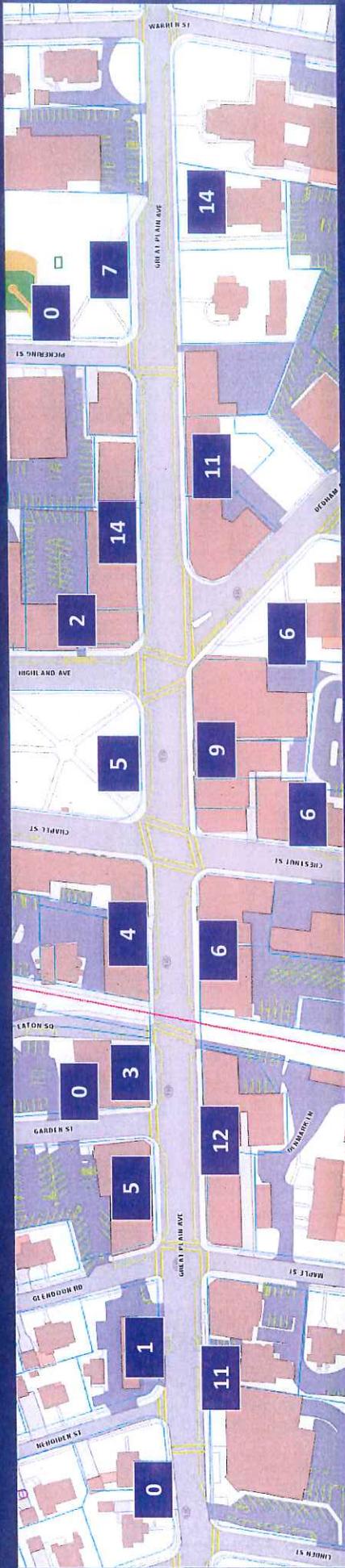
## Existing and Proposed On-Street Parking

Dear Business Owner,

We wanted to let you know about the construction and on-street parking status as Needham continues to improve the downtown area. On the opposing side of this flyer are two graphics, one depicting the preconstruction parking availability and another depicting the future estimated parking upon completion of construction. Needham continues to strive to keep our businesses informed and remain in close communication at all times so we hope this information is helpful to you.

Thank you for your cooperation.





Preconstruction On-Street Parking



Phase 1, 2 & 3 Existing On-Street & Future Proposed Parking

- # Proposed Parking Phase 1
- # Proposed Parking Phase 2 & 3



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

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**MEETING DATE: 7/25/2017**

<b>Agenda Item</b>	Regulations for the Sale of Alcoholic Beverages
<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 approve revisions to the Town's regulations for the sale of alcoholic beverages.
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
	<i>Suggested Motion:</i> That the Board vote to approve the revised Regulations for the Sale of Alcoholic Beverages effective July 25, 2017.
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	a. Town of Needham Regulations for the Sale of Alcoholic Beverages dated 7.25.2017



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# **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: July 25, 2017*

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 Bar Service The sale or service of alcoholic beverages for consumption at any unapproved Bar Service Area is prohibited. For the purposes of these regulations, Bar Service Area is defined as service across a counter at which alcoholic drinks are prepared to patrons who may or may not be waiting to dine. Bar Service Areas are permitted only in locations expressly approved and authorized by the Board of Selectmen. Such authorization may be granted 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 Bar Service areas;
  - b) No more than a total of fifteen (15) seats or twenty percent (20%) of the total seats in the premises, whichever is less, shall be allowed in the Bar Service area(s), except that the Board may after hearing, with notice pursuant to M.G.L. Chapter 138 section 15A, authorize a greater number where such seats are intended for food service customers as part of the licensee's business plan;
  - c) The seats in the Bar Service areas are included when calculating the number of seats in the premises;
  - d) All food and beverages on the menu served in the public dining room shall be available for service to the patrons in the Bar Service areas; and

- e) Each licensee with bar seating shall annually as part of its license renewal application 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 beverages. If the percentage exceeds thirty-five percent (35%), 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 after hearing modify the license to require the licensee to reduce its amount of Bar Service Area seating.

#### 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 11 p.m. on secular days and from 10:00 a.m. to 11 p.m. 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.

- 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 shall require the applicant to notify all owners of property within a 300 foot radius of the premises to be licensed

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 Bar Service 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 Food service shall be available 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 licensed restaurant or package store may permit the use of any amusement service such as electronic games on the premises.
- 4.6.10 Service of alcoholic beverages shall be by a server/wait person (applicable to on premise licensees only).

4.6.11 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 in-person 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 employee 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 managers, assistant managers, and bartenders shall be required to attend an in-person alcoholic beverage server training program satisfactory to the Board of Selectmen once every two years. Newly hired employees shall complete a Town-approved training program upon 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.

No licensee shall allow any employee to sell, or participate in the stocking, handling, or preparation for sale of beverage alcohol until such employee has viewed a town-approved training video and signed a statement, a copy of which is to be maintained by the licensee, confirming that the employee has viewed that training video and that the employee acknowledges his/her obligation to abide by the rules and regulations of the Needham Board of Selectmen, the Alcoholic Beverages Control Commission, and Massachusetts laws regarding the sale of alcohol.

4.6.12 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 must be available 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.
- 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  
Amended and revised: 7/25/2017

**BOARD OF SELECTMEN**

**ACTING AS**

**NEEDHAM LICENSING BOARD**



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

**MEETING DATE: 7/25/2017**

<b>Agenda Item</b>	Acceptance of Access Easement and Declaration of Restrictive Covenants
<b>Presenter(s)</b>	Kate Fitzpatrick, Town Manager

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	<p>The Planning Board has requested that the Board of Selectmen accept and execute an Access Easement and Declaration of Restrictive Covenant from Mary Stare Wilkinson and Bradford Wilkinson to the Town of Needham. The documents were required by the Planning Board as a condition of the Board's approval of the Cartwright Road Definitive Subdivision Plan,</p> <p>The Access Easement allows the non-exclusive right and perpetual easement and right of way over the private way for the purpose of passing by foot or by vehicle, consistent with the manner in which streets and ways are customarily used in the Town of Needham. The Declaration of Restrictive Covenants establishes the conditions placed on the lots under the subdivision approval.</p> <p>Town Counsel has determined that Town Meeting approval of the access easement is also required, and this easement will be placed on a future Town Meeting warrant.</p>
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
	<p><i>Suggested Motion:</i> that the Board accept and authorize the Chairman to sign the Access Easement and Declaration of Restrictive Covenants by Mary Stare Wilkinson and Bradford Wilkinson to the Town of Needham.</p>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	<ul style="list-style-type: none"><li>a) Letter from Lee Newman, Director of Planning &amp; Community Development dated July 12, 2017</li><li>b) Grant of Access Easement by Mary Stare Wilkinson and Bradford Wilkinson to the Town of Needham</li><li>c) Declaration of Restrictive Covenants by Mary Stare Wilkinson and Bradford Wilkinson to the Town of Needham</li></ul>



# TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT

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

## PLANNING

July 12, 2017

Ms. Kate Fitzpatrick  
Town Manager  
1471 Highland Avenue  
Needham, MA 02492

Re: DEFINITIVE SUBDIVISION  
Cartwright Road, Needham, MA

Dear Ms. Fitzpatrick:

Enclosed please find the following original documents:

1. Grant of Access Easement by Mary Stare Wilkinson and Bradford Wilkinson, to the Town of Needham, Massachusetts; and
2. Declaration of Restrictive Covenants by Mary Stare Wilkinson and Bradford Wilkinson to the Town of Needham, Massachusetts.

The above-named documents were required by the Needham Planning Board as a condition of the Board's approval of the Cartwright Road Definitive Subdivision Plan. Please have the Board of Selectmen accept and execute items 1 and 2 above at their next meeting of Tuesday, July 25, 2017. David Tobin has reviewed and approved the documents. The documents are currently undergoing review by the Town Engineer.

Please return the executed documents to the Planning Office. Should you have any questions regarding this matter, please feel free to contact me directly. Thank you for your assistance.

Very truly yours,

NEEDHAM PLANNING BOARD

Lee Newman  
Director of Planning and Community Development

cc: David Tobin  
Rick Merson  
Tony Del Gaizo  
Roy Cramer

## GRANT OF ACCESS EASEMENT

WHEREAS, Mary Stare Wilkinson and Bradford Wilkinson of 64 Hadden Quarter Road, Durham, CT 06422, (the "Owner"), are the owners of certain land situated in Needham, Norfolk County, Massachusetts, shown as Lots 1 and 2, inclusive, and a Private Way, on a Plan entitled "Definitive Subdivision Plan, 260 and 267 Cartwright Road, a 2 Lot Single-Family Residential Subdivision, Needham, Massachusetts" prepared by GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA 01746, consisting of 6 sheets: Sheet 1 of 6 entitled Cover Sheet, dated January 23, 2017, revised May 17, 2017; Sheet 2 of 6 entitled "Perimeter Plan" dated January 23, 2017, revised May 17, 2017; Sheet 3 of 6 entitled "Existing Conditions Plan" dated January 23, 2017, revised May 17, 2017; Sheet 4 of 6 entitled "Layout Plan" dated January 23, 2017, revised May 17, 2017; Sheet 5 of 6 entitled "Grading Plan" dated January 23, 2017, revised May 17, 2017; and Sheet 6 of 6 entitled "Details" dated January 23, 2017, revised May 17, 2017; which Sheet No. 4 shall be recorded herewith and all of which Sheets are hereinafter referred to as the "Plan".

WHEREAS pursuant to Paragraph 33 of that certain "Definitive Subdivision Decision 260 and 267 Cartwright Road", dated May 10, 2017, recorded with Norfolk County Registry of Deeds herewith (the "Decision"), the Planning Board for the Town of Needham, Massachusetts, required, in pertinent part, that the Owner deliver to the Board, a certain easement, granting to the Town the right to pass on foot or by vehicle over the Private Way shown on the Plan;

WHEREAS the within grant of easement by the Owner is intended to comply with the aforesaid requirement of the Planning Board, as stated in Paragraph 33 of the Decision.

NOW THEREFORE, the Owner hereby grants to the Town of Needham (hereinafter the "Grantee"), (i) the non-exclusive right and perpetual easement and right of way over the Private Way, as shown on the Plan, for the purpose of passing on foot or by vehicle, consistent with the manner in which streets and ways are customarily used in the Town of Needham; subject to applicable laws, statutes, rules, regulations, by-laws, and ordinances. The said Private Way is referred to hereinafter as the "Easement Area".

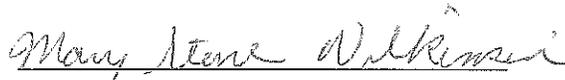
As a condition of the exercise of the rights granted hereunder, the Grantee shall not act inconsistent with the intent and purpose of this easement nor create any nuisance or commit any act or waste which will be materially harmful or which will substantially interfere with the adjoining land or premises of Owner, its successors and assigns.

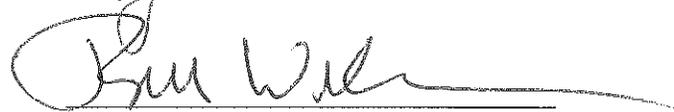
As a further condition for the exercise of the rights granted hereunder, the Town of Needham and the Owner, its successors and assigns, agree to hold each other harmless and indemnified from all claims, losses or damage for property damage or personal injury or liability, or either, resulting in any way by reason of their own activities within the said Easement Area, or the activities of their respective agents, servants and employees, it being understood that the Town's liability shall not exceed the limit of One Hundred Thousand (\$100,000.00) Dollars per claim, or such other different amount for which the Town may be liable by the provisions of M.G.L. ch. 258, Section 2, at the time of such damage or injury.

The within grant of easement shall be binding upon the Owner for as long as the Owner remains the owner of both lots and thereafter shall be binding upon the Owner (so long as the Owner owns one lot), and their respective successors and assigns, and shall inure to the benefit of the Town of Needham, subject to all the terms and conditions hereof. The burdens and benefits hereof shall run with the aforesaid Lots 1 through 2, inclusive.

For Owner's title see Deed of Irene M. Stare recorded with the Norfolk County Registry of Deeds in Book 25024, Page 478.

IN WITNESS WHEREOF, the said Mary Stare Wilkinson and Bradford Wilkinson have caused these presents to be signed this 6<sup>th</sup> day of JULY, 2017.

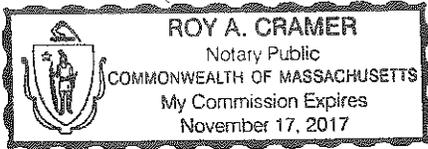
  
Mary Stare Wilkinson

  
Bradford Wilkinson

COMMONWEALTH OF MASSACHUSETTS

NORFOLK County, ss

On this 6<sup>th</sup> day of JULY, 2017, before me, the undersigned notary public, personally appeared Mary Stare Wilkinson, proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

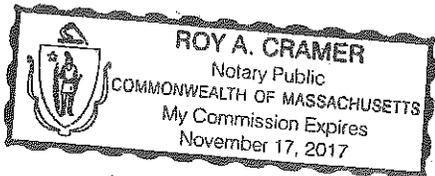


Roy A. Cramer  
Notary Public: ROY A. CRAMER  
My Commission Expires: 11-17-2017

COMMONWEALTH OF MASSACHUSETTS

NORFOLK County, ss

On this 6<sup>th</sup> day of JULY, 2017, before me, the undersigned notary public, personally appeared Bradford Wilkinson, proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Roy A. Cramer  
Notary Public: ROY A. CRAMER  
My Commission Expires: 11-17-2017

Approved as to Form  
By Town Counsel

\_\_\_\_\_  
David Tobin

ACCEPTANCE BY THE TOWN OF NEEDHAM

The foregoing Grant of Access Easement hereby is accepted by the Town of Needham, subject to the terms and conditions set forth therein.

TOWN OF NEEDHAM

By its Board of Selectmen

By: \_\_\_\_\_

Name:

Title:

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ County, ss

On this \_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared \_\_\_\_\_, Chairman of the Board of Selectmen, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:

My Commission Expires:

## DECLARATION OF RESTRICTIVE COVENANTS

This Declaration is made this 6<sup>th</sup> day of JULY, 2017, by Mary Stare Wilkinson and Bradford Wilkinson of 64 Haddam Quarter Road, Durham, CT 06422, being the owners of record (the "Owners") of certain real estate situated in Needham, Norfolk County, Massachusetts.

For Owners' title see deed recorded at Norfolk Registry of Deeds at Book 25024, Page 478.

The Owners hereby impose upon said premises the restrictions listed below in accordance with the Decision of the Planning Board of the Town of Needham dated May 10, 2017 entitled Definitive Subdivision Decision, 260 and 267 Cartwright Road (the "Decision"), in which the Planning Board approved the subdivision as shown on the plan to be recorded herewith subject to the conditions and waivers therein set forth for construction of the private way known as the "Proposed Road" and/or "Private Way". Said Decision is recorded in the Norfolk County Registry of Deeds herewith.

The subdivision approval is based on the plan entitled "Definitive Subdivision Plan 260 and 267 Cartwright Road, a 2 Lot Single-Family Residential Subdivision, Needham, Massachusetts", prepared by GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA 01746 and consisting of six (6) Sheets; Sheet 1 of 6 entitled Cover Sheet, dated January 23, 2017, revised May 17, 2017; Sheet 2 of 6 entitled "Perimeter Plan" dated January 23, 2017, revised May 17, 2017; Sheet 3 of 6 entitled "Existing Conditions Plan" dated January 23, 2017, revised May 17, 2017; Sheet 4 of 6 entitled "Layout Plan" dated January 23, 2017, revised May 17, 2017; Sheet 5 of 6 entitled "Grading Plan" dated January 23, 2017, revised May 17, 2017; and Sheet 6 of 6 entitled "Details" dated January 23, 2017, revised May 17, 2017; which sheet 4 shall be recorded herewith, and all of which Sheets are hereinafter referred to as the "Plan".

Said premises are shown on said Plan as Lot 1, Lot 2 and Proposed Road. The Owners hereby impose the following restrictions on said Lots 1 through 2 and the proposed road ("Proposed Road" or "Private Way"), for the benefit of the Town of Needham and for the benefit of each other record owner or owners of Lots 1 through 2 and the Proposed Road shown on said Plan, their heirs, successors and assigns, said restrictions and covenants to be covenants running with said Lots 1 and 2, and the Proposed Road, and to be binding on the record owners, their heirs, successors and assigns, in perpetuity.

1. Neither the Owners nor any successor owner or owners of Lot 1, Lot 2, and the Private Way as shown on the Plan (hereinafter in paragraphs 2 through 11 inclusive referred to individually as a Lot or collectively as the Lots) shall use the Lots for any purpose other than single-family residential use or Lot owner home occupations as allowed under the Zoning By-Law, as shown on the Plan, as approved by the Board and recorded herewith, and there shall be no further division of the Lots as shown thereon without the prior written approval of the Planning Board.

2. Each and every owner or owners of any Lot as shown on the Plan, served by the Private Way shall be jointly and severally responsible and liable for the costs of maintenance, repair, and reconstruction of the Private Way shown on the Plan and designated thereon, and all services, (whether the services are located within the Private Way or in areas shown partially on the Private Way and partially on the Lot), the installation of which are required in connection with this approval, or which may be installed at any time, including, without limitation, maintenance, repair and reconstruction of

roadways, water, lights and drainage facilities and other utilities and related equipment, curbs, monuments, walkways, landscaping and street signs, as and whenever necessary, and including all actions of any kind or nature necessary or appropriate in order to maintain the Private Way in a good, safe and passable condition, including snowplowing, providing access from each lot to Cartwright Road, as shown on the Plan, and to provide adequate services to each Lot, all in accordance with these conditions. For purposes hereof, owner shall mean the record owner of the Lot or Lots as of the date that the maintenance, repair or reconstruction work, as the case may be, is begun.

3. Each owner of a Lot shall perform all maintenance, repairs and reconstruction required for or on the Private Way in compliance with and in conformity with requirements of the Town of Needham and other requirements imposed by law or governmental authority.

4. The respective owner or owners of any Lot shall not use or permit use of the Private Way for any purpose other than ingress and egress from the Lots by the residents of the Lots and their guests and invitees, such use to be limited to pedestrian and private passenger vehicular traffic, and such other vehicular traffic as is necessary from time to time in cases of emergency, delivery of customary and usual household services and equipment or in connection with the maintenance, repair or reconstruction of the Private Way, the Lots, and any structures and services installed thereon, or thereunder. No owner or owners of any Lot shall park or cause to be parked any motor vehicle on the Private Way in such a way as to impede or obstruct the passage of pedestrian or vehicular traffic on the Private Way.

5. No Lot owner shall perform, nor shall they permit changes to be made to any Lot, which would impact the functionality or design of the drainage improvements as shown on the Plan.

6. Any and all maintenance, repair or reconstruction work performed on or to the Private Way or in connection with services installed thereon or thereunder by or at the direction of any owner or owners of any Lot as provided herein shall be carried out so as to ensure that no fill material nor any products or excavation or erosion resulting from or arising in connection with such work shall be discharged into any storm drainage system, and soil and other material or debris shall be removed from the site only if such removal will not impact the functionality or design of the drainage improvements shown on the Plan, and only to the extent necessary in connection with such work.

7. Neither the Owners nor any successor owner or owners of any Lot shall at any time request that the Private Way be laid out or accepted as a public way in the Town of Needham unless such owner or owners at its or their sole expense, perform and complete such work as is necessary to cause the Private Way to comply with all standards and regulations of the Town of Needham, and obtain all permits and approvals required by law in connection therewith. If the Private Way is accepted by the Town of Needham as a public way at any time, then the provisions hereof applicable to ownership and maintenance of the Private Way shall thereupon terminate.

8. Neither the Owners nor any successor owner or owners of any Lot shall at any time request or petition that any drainage system, water or sewer pipes or related equipment or any other improvement within the subdivision, for which design or improvement requirements have been waived by the Board as provided in the Board's subdivision approval, be accepted or maintained by the Town of Needham.

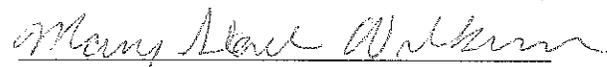
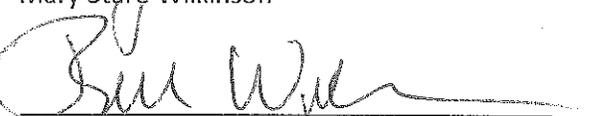
9. The Town of Needham and its designees shall have the right to enter upon the Private Way for all purposes for which public ways are used in the Town of Needham.

10. It shall be the responsibility of each owner to maintain and keep operational their respective roof drainage systems, in accordance with the Plan and the provisions of Section 20 of the Decision.

11. In any sale or transfer by the Owners or any successor owner or owners of any of the Lots, the deed or other instrument shall refer to and incorporate the above conditions 1 through 10, and a) any conveyance shall include transfer of a fee interest or the perpetual right and easement to use the Private Way in common with others lawfully entitled thereto for all purposes for which public ways in the Town of Needham may now or hereafter be used consistent with the provisions hereof, and b) the subsurface areas, equipment, and facilities, used and maintained in connection with the provision of water, sewer, drainage and other utility services provided to the conveyed premises. Any deed or other instrument purporting to transfer or convey any interest in any Lot or Lots which does not expressly refer to and incorporate these conditions shall, nevertheless, be deemed to contain the same and all events shall be subject thereto

12. This Restrictive Covenant incorporating conditions 3 through 12 and conditions 18 and 20 of the Decision will be recorded in the Registry of Deeds and shall run with the land and shall be enforceable by the Town of Needham. This Restrictive Covenant shall be referenced on the Plan and shall be recorded therewith. This Restrictive Covenant shall be enforceable in perpetuity or for the longest period enforceable by law and in any event for 100 years.

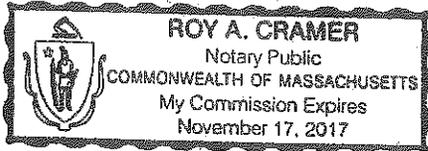
IN WITNESS WHEREOF, the said Mary Stare Wilkinson and Bradford Wilkinson have caused these presents to be signed this 6<sup>th</sup> day of JULY, 2017.

  
Mary Stare Wilkinson  
  
Bradford Wilkinson

COMMONWEALTH OF MASSACHUSETTS

NORFOLK County, ss

On this 6<sup>th</sup> day of JULY, 2017, before me, the undersigned notary public, personally appeared Mary Stare Wilkinson proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

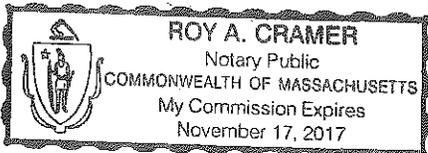


R. Cramer  
Notary Public: ROY A. CRAMER  
My Commission Expires: 11-17-2017

COMMONWEALTH OF MASSACHUSETTS

NORFOLK County, ss

On this 6<sup>th</sup> day of JULY, 2017, before me, the undersigned notary public, personally appeared Bradford Wilkinson proved to me through satisfactory evidence of identification, which were personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



R. Cramer  
Notary Public: ROY A. CRAMER  
My Commission Expires: 11-17-2017

Approved as to Form  
By Town Counsel

\_\_\_\_\_  
David Tobin

ACCEPTANCE BY THE TOWN OF NEEDHAM

The foregoing Declaration of Restrictive Covenants hereby is accepted by the Town of Needham, subject to the terms and conditions set forth therein.

TOWN OF NEEDHAM  
By Its Board of Selectmen

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

\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_ County, ss

On this \_\_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared \_\_\_\_\_, Selectman of the Town of Needham, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

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



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

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**MEETING DATE: 7/25/2017**

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

<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
<p>The Town Manager recommends that the Board call for a Special Town Meeting on Monday, October 2, 2017 and open the warrant for the meeting. The Warrant is scheduled to be closed on August 15<sup>th</sup>.</p>	
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
<p><i>Suggested Motion:</i> That the Board vote to call for a Special Town Meeting on Monday, October 2, 2017 and open the warrant for the meeting.</p>	
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
<p>a. Draft Special Town Meeting Warrant dated July 21, 2017</p>	

# TOWN OF NEEDHAM



## SPECIAL TOWN MEETING WARRANT

MONDAY, OCTOBER 2, 2017

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

Draft 7.21.2017

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the qualified Town Meeting Members of the Town of Needham to meet in the Needham Town Hall on:

**MONDAY, THE SECOND DAY OF OCTOBER, 2017**

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

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**HUMAN RESOURCE ARTICLES**

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**ARTICLE X: FUND COLLECTIVE BARGAINING AGREEMENT – DPW/NIPEA**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Independent Public Employees Association, Local 1116, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2018; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:  
PERSONNEL BOARD RECOMMENDS THAT:

*Article Information:*

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**FINANCE ARTICLES**

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**ARTICLE X: AMEND THE FY2018 OPERATING BUDGET**

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2018 Operating Budget adopted under Article 15 of the 2017 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
3	Group Insurance, Employee Benefits, Assessments & Administrative Costs	\$13,949,197	


INSERTED BY: Finance Committee  
 FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information:*

**ARTICLE X: AMEND THE FY2018 RTS ENTERPRISE FUND BUDGET**

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2018 RTS Enterprise Fund adopted under Article 16 of the 2017 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
101A	Salary & Wages	\$782,833	

or take any other action relative thereto.

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

*Article Information:*

**ARTICLE X: AMEND THE FY2018 SEWER ENTERPRISE FUND BUDGET**

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2018 Sewer Enterprise Fund adopted under Article 17 of the 2017 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
201A	Salary & Wages	\$938,603	
201D	MWRA Assessment	\$5,918,642	\$5,889,796

or take any other action relative thereto.

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

Article Information:

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**ARTICLE X: AMEND THE FY2018 WATER ENTERPRISE FUND BUDGET**

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2018 Water Enterprise Fund adopted under Article 18 of the 2017 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
301A	Salary & Wages	\$1,226,141	
301D	MWRA Assessment	\$1,114,185	\$1,109794

and to meet this appropriation that a sum be appropriated from Water Enterprise Fund Receipts; or take any other action relative thereto.

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

Article Information:

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**ARTICLE X: RESCIND DEBT AUTHORIZATION**

To see if the Town will vote to rescind a portion of certain authorizations to borrow, which were approved at prior town meetings, where the purposes of the borrowing have been completed, and/or it was unnecessary to borrow the full authorization:

<b>Project</b>	<b>Town Meeting</b>	<b>Article</b>	<b>Authorized</b>	<b>Rescind</b>
<b>Total</b>				

or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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## GENERAL ARTICLES

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### **ARTICLE X:    EXTINGUISH SEWER AND DRAIN EASEMENT**

To see if the town will vote to authorize the Board of Selectmen to extinguish a sewer and drain easement from Clarke Circle to Brookside Road more fully described in an order of taking number 1958-1, dated April 8, 1958 and recorded at the Norfolk County Registry of Deeds in Registration Book 233, Page 17; or take any other action relative thereto.

INSERTED BY:    Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information:*

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### **ARTICLE X:    ACCEPT GRANT OF ACCESS EASEMENT/CARTWRIGHT ROAD**

To see if the Town will vote to authorize the Selectmen to accept a grant of access easement by Mary Stare Wilkinson and Bradford Wilkinson to the Town of Needham as shown on a plan entitled "Definitive Subdivision Plan, 260 and 267 Cartwright Road, a 2 Lot Single Family Residential Subdivision, Needham, Massachusetts" on file with the Planning Board; or take any other action relative thereto.

INSERTED BY:    Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information:*

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### **ARTICLE X:    EXTINGUISH A PORTION OF DRAINAGE EASEMENT/NICHOLS ROAD**

To see if the Town will vote to authorize the Board of Selectmen to extinguish a portion of a 1937 Drainage Easement at 56 Nichols Road from Nichols Road to the rear property line of 56 Nichols Road more fully described in a Grant of Easement recorded at the Norfolk County Registry of Deeds in Book 2144 Page 459; or take any other action relative thereto.

INSERTED BY:    Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information:*

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## PUBLIC SAFETY ARTICLES

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**ARTICLE X: AMEND ZONING BY-LAW – MAP CHANGE TO CENTER BUSINESS DISTRICT**

INSERTED BY: Planning Board  
FINANCE COMMITTEE RECOMMENDS THAT:

*Article Information:*

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**ARTICLE X: AMEND ZONING BY-LAW – FLOOR AREA RATIO AND LOT COVERAGE REQUIREMENT FOR A MUNICIPAL BUILDING OR STRUCTURE IN THE GENERAL RESIDENCE DISTRICT**

INSERTED BY: Planning Board  
FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

*Article Information:*

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**ARTICLE X: APPROPRIATE FOR PUBLIC SAFETY BUILDING & FIRE STATION #2 DESIGN**

To see if the Town will vote to raise, and/or transfer and appropriate a sum for engineering and design for the reconstruction of the Public Safety Building and Fire Station #2, including costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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## CAPITAL ARTICLES

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### **ARTICLE X: APPROPRIATE FOR VEHICLE REPLACEMENT**

To see if the Town will vote to raise, and/or transfer and appropriate a sum for vehicle replacement, to be spent under the direction of the Town Manager and raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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### **ARTICLE X: APPROPRIATE FOR HIGH SCHOOL EXPANSION CONSTRUCTION**

To see if the Town will vote to raise, and/or transfer and appropriate a sum for reconstruction an expansion of Needham High School, including costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

INSERTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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## CITIZENS' PETITIONS

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### **ARTICLE X: RESOLUTION IN SUPPORT OF CONGRESSIONAL INVESTIGATION REGARDING IMPEACHMENT OF PRESIDENT DONALD J. TRUMP**

WHEREAS, the Foreign Emoluments Clause of the United States Constitution provides that “no Person holding any Office of Profit or Trust under [the United States], shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State,”

WHEREAS, the Domestic Emoluments Clause of the United States Constitution provides that, besides the fixed salary for his four-year term, the President “shall not receive within that Period any other Emolument from the United States, or any of them,”

WHEREAS, Donald J. Trump, the President of the United States, owns various business interests and receives various streams of income from all over the world, by means of which he receives emoluments from foreign governments, states of the United States, or the United States itself,

WHEREAS, the term “emoluments” includes a broad range of financial benefits, including but not limited to monetary payments, purchase of goods and services even for fair market value, subsidies, tax breaks, extensions of credit, and favorable regulatory treatment,

WHEREAS, leading constitutional scholars and government ethics experts warned Donald J. Trump shortly after the November 2016 election that, unless he fully divested his businesses and invested the money in conflict-free assets or a blind trust, he would violate the Constitution from the moment he took office,

WHEREAS, on January 11, 2017, nine days before his inauguration, Donald J. Trump announced a plan that would, if carried out, remove him from day-to-day operations of his businesses, but not eliminate any of the ongoing flow of emoluments from foreign governments, state governments, or the United States government,

WHEREAS, on January 20, 2017, Donald J. Trump took the oath of office and became President of the United States,

WHEREAS, from the moment he took office, President Trump has been in violation of the Foreign Emoluments Clause and the Domestic Emoluments Clause of the United States Constitution, thereby corruptly advancing his personal wealth, undermining the integrity of the Presidency, and violating the public trust,

WHEREAS, on May 9, 2017, Trump fired the Director of the Federal Bureau of Investigation, James Comey,

WHEREAS, on the date of his firing, Director Comey was leading one or more investigations that might have incriminated President Trump and/or his close associates,

WHEREAS, regardless of the ultimate outcome of those criminal investigations, President Trump interfered with them by firing Director Comey,

NOW, THEREFORE, THE [CITY/TOWN] RESOLVES to call upon the United States House of Representatives to support a resolution authorizing and directing the Committee on the Judiciary of said House to investigate whether sufficient grounds exist for the impeachment of Donald J. Trump, President of the United States, including but not limited to the violations listed herein; and,

BE IT FURTHER RESOLVED to call upon the [STATE] Legislature to adopt its own resolution calling upon the United States House of Representatives to support a resolution authorizing an investigation into whether sufficient grounds exist for the impeachment of Donald J. Trump, President of the United States; and,

BE IT FURTHER RESOLVED that copies of this resolution be transmitted officially to the Member[s] of the United States House of Representatives that represent[s] the [city/town], namely, the Honorable \_\_\_\_\_; and,

BE IT FURTHER RESOLVED that copies of this resolution be transmitted officially to the state legislator[s] that represent[s] the [city/town] in the [STATE] Legislature, namely, the Honorable Joseph Kennedy; and,

BE IT FURTHER RESOLVED that copies of this resolution be transmitted officially to certain cities and communities in this state, namely, \_\_\_\_\_.

Approved and enacted this day: \_\_\_\_\_

INSERTED BY: Burt Rutstein et al.  
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

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

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

Given into our hands at Needham aforesaid this 15<sup>th</sup> day of August, 2017.

**MARIANNE B. COOLEY, Chairman**  
**DANIEL P. MATTHEWS, Vice Chairman**  
**JOHN A. BULIAN, Clerk**  
**MAURICE P. HANDEL**  
**MATTHEW D. BORRELLI**

A TRUE COPY

Attest:

Constable:

Draft 7.21.2017



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

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**MEETING DATE: 07/25/2017**

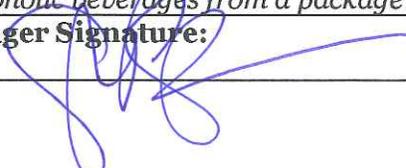
<b>Agenda Item</b>	Committee Reports
<b>Presenter(s)</b>	Board Discussion

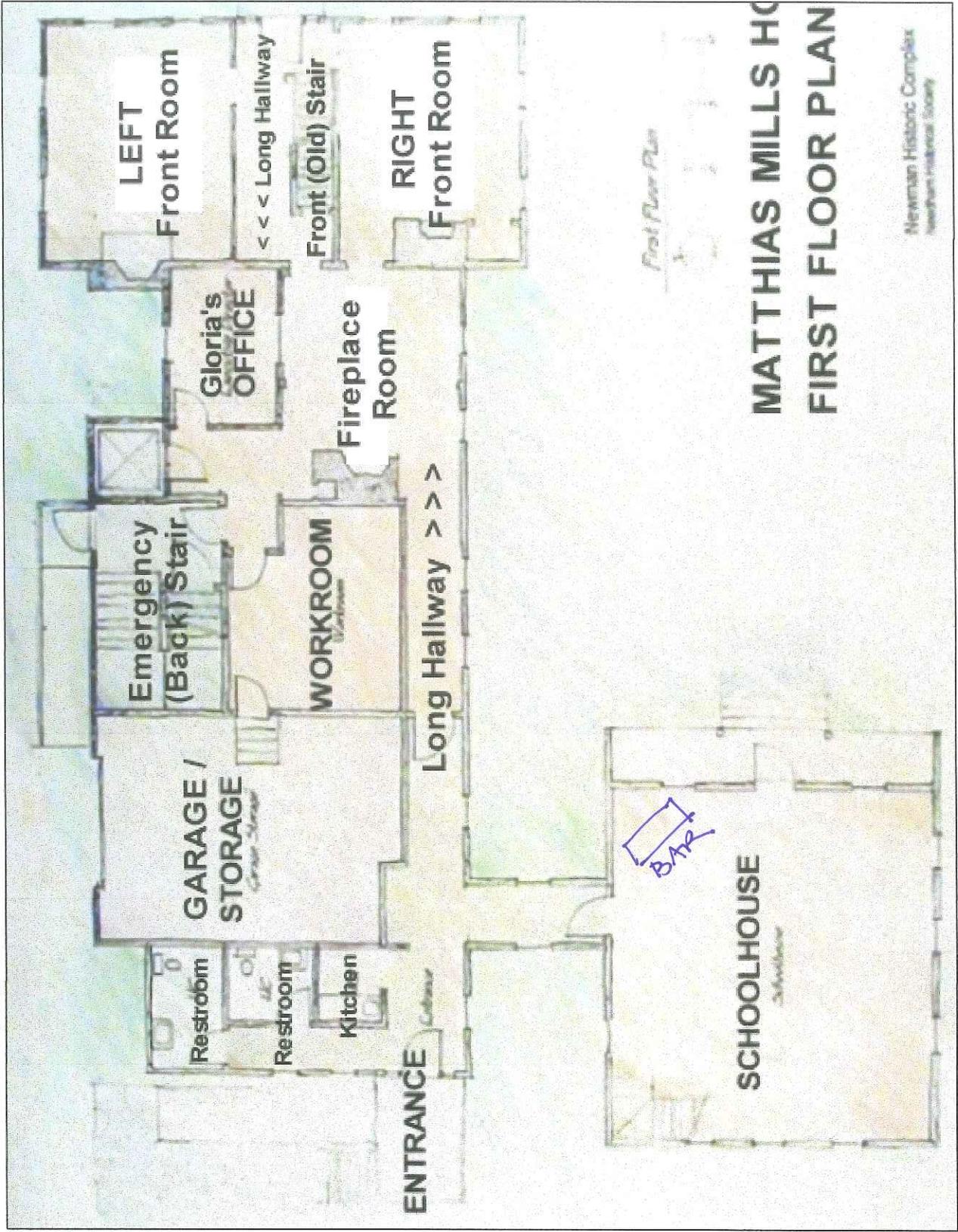
<b>1.</b>	<b>BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED</b>
	<i>Board members will report on the progress and / or activities of their Committee assignments.</i>
<b>2.</b>	<b>VOTE REQUIRED BY BOARD OF SELECTMEN</b>
<b>3.</b>	<b>BACK UP INFORMATION ATTACHED</b>
	<b>(Describe backup below)</b>  None

emailed 7/3/17

pd. w/ check in box.

**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)	GLORIA GREIS		
Event Manager Address	1147 CENTRAL AVENUE		
Event Manager Phone Number	781-455-8860		
Organization Representing (if applicable)	NEEDHAM HISTORICAL SOCIETY		
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 checked="" type="checkbox"/> Proof of non-profit status is attached Form of Proof: <u>ST 2 letter</u>		
Name of Event	PAINT NIGHT w/ SYLVIA'S ART BAR		
Date of Event	11 JULY 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: 630	TO: 1030	
Are tickets being sold in advance for this event?	<input checked="" type="checkbox"/> YES	\$ 40 /per ticket	<input type="checkbox"/> NO
Is there an admission fee for this event?	<input checked="" type="checkbox"/> YES	\$ 40 /per ticket	<input type="checkbox"/> NO
Are you using dues collected to purchase alcohol for this event?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	
How many people are you expecting at this event?	30		
Name & address of event location. Please attach proof of permission to use this facility.	NEEDHAM HISTORICAL SOCIETY, 1147 Central Ave, Needham		
Who will be serving the alcohol to your guests?	SUZANNE BAKER		
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).	TIPS CERTIFICATE ATTACHED		
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.	poured by server only; floorplan attached		
<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: 22 June 2017



**MATTHIAS MILLS HOUSE  
FIRST FLOOR PLAN**

Newman Historic Complex  
Newman Historical Society

emailed 7/3/17

6-28  
Rec'd  
\$25 cash  
SC

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)	Anne-Marie Bajwa
Event Manager Address	59 E. Militia Heights Drive
Event Manager Phone Number	(781) 972-1021
Organization Representing (if applicable)	Charles River Center
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	<input checked="" type="checkbox"/> Non-profit <input type="checkbox"/> For profit <input type="checkbox"/> Proof of non-profit status is attached Form of Proof: _____
Name of Event	Charles River Center 5K Run / 1 Mile Walk
Date of Event	September, 24 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: 12:00pm TO: 3:00pm
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?	600
Name & address of event location. Please attach proof of permission to use this facility.	59 E. Militia Heights Drive Needham, MA
Who will be serving the alcohol to your guests?	certified bartenders from VFW Post 2498 Needham
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).	attached
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.	see attached information
<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: 6/19/17

2017 JUN 28 A 10:01

Anne-Marie Bajwa



**5k  
run  
1mi  
walk**

CHARLES RIVER CENTER  
ILLUMINATING THE POSSIBLE

SUNDAY  
**SEPTEMBER 24, 2017**  
11 AM

.....  
**THE CHARLES RIVER CENTER**  
59 EAST MILITIA HEIGHTS DRIVE  
NEEDHAM, MA

*Fun after party with*  
**MUSIC, FOOD**  
**AND FESTIVITIES**

*To benefit the 950  
children and adults with  
developmental disabilities  
supported by the  
Charles River Center*

- **T-shirts** guaranteed to the first 300 entries

- All abilities welcome!

There's a **1-mile walk**  
for those who cannot run the  
course.

- 5K course is  
**USATF certified** with  
individual, chipped race times

*Register online at*

**[www.CharlesRiverCenterRoadRace.com](http://www.CharlesRiverCenterRoadRace.com)**



**2017 CRC Road Race Layout**

D  
Dennis  
1 table  
2 chairs  
Tent

**Volunteer Registration**  
1 table  
2 chairs

Cutlup  
Table  
chair

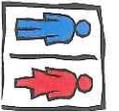
Dwight Road

Tent

**Registration**  
Race Day U-Z P-T K-O F-J A-E  
6 tables, 12 chairs



**Sponsor Signs**



**Water Fruit**  
1 table



1 table  
2 chairs  
Tent

**Ice Cream**  
1 table  
2 chairs  
Tent

2 chairs  
1 Table

**My Team Triumph**  
1 table  
2 chairs



**Face Painting**  
1 table  
2 chairs  
Tent



**Handicap Accessible Parking**



1 table  
Tent  
3 chairs

**Sam Adams Beer**  
1 table  
Tent



1 table  
Tent  
5 chairs



**CRC & Stokes**  
Tent  
1 table  
Chairs  
power



**Pizza**  
Tent  
1 table  
Chairs

**Main Entrance to Paul Merritt Building**

**Side Entrance Paul Merritt Building**

**Paul Merritt Building**



**Finish line:** 3 tables, 8 chairs

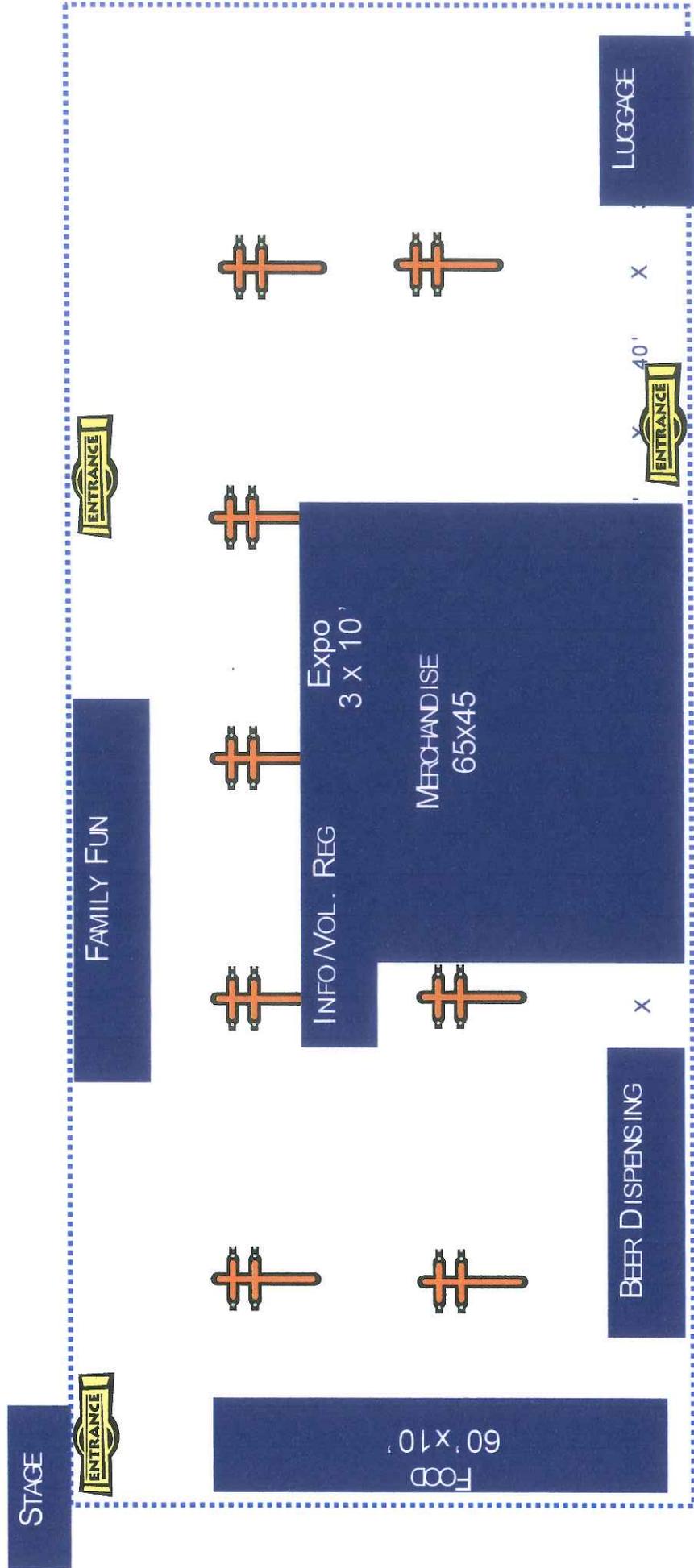
**Water station:** 1 tables, 4 chairs

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)	Leslie J. Laputz
Event Manager Address	77 Fourth Ave., Needham, MA 02494
Event Manager Phone Number	781-910-8165
Organization Representing (if applicable)	Pan Mass Challenge
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 checked="" type="checkbox"/> Proof of non-profit status is attached Form of Proof: <u>501(c)3 determination letter</u>
Name of Event	Pan Mass Challenge Babson Finish
Date of Event	August 6, 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: 12:00 pm TO: 5:00 pm
Are tickets being sold in advance for this event?	<input checked="" type="checkbox"/> YES \$ /per ticket <input type="checkbox"/> NO <i>See attached</i>
Is there an admission fee for this event?	<input checked="" type="checkbox"/> YES \$ /per ticket <input type="checkbox"/> NO
Are you using dues collected to purchase alcohol for this event?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
How many people are you expecting at this event?	588
Name & address of event location. Please attach proof of permission to use this facility.	Babson College, 231 Forest St, Babson Park Trim Lot (Needham)
Who will be serving the alcohol to your guests?	Tip Certified Volunteers
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).	Jennifer Adams Jude Farrer
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.	The servers will dispense beer from a station at the edge of the tent, to those with approved wristbands.
<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:	<i>Leslie J. Laputz</i> Date: 7/11/17

Each rider pays a registration fee that provides them with food, beverage and lodging at the Hub Sites. The fee is \$250 for the Two-day Ride and \$150 for the One-day. Guest may purchase one-day meal tickets for \$15. Anyone 21 or older, with a registration or meal ticket can be served beer.

FMC WELLESLEY/BABSON 2017  
SUNDAY: TENT





To: Town of Needham

From: Jim Castrataro, Director of Summer Programs

Re: Serving of Alcohol at PMC Sunday Return Ride

Date: July 11, 2017

Babson College and the office of Summer Programs gives permission to the Pan Mass Challenge event staff to serve alcohol during the final day of their program. Sunday, August 6, 2017. The PMC will be required by contract to have the alcohol served by a TIPS certified server, the area sectioned off from the general public and a detail officer present.

Sincerely,

James Castrataro  
Director Summer Programs  
Babson College

**Minutes**  
**Board of Selectmen Meeting**  
**June 30, 2017**

10:00 a.m. A meeting of the Board of Selectmen was convened by Chairman Marianne Cooley at the Needham Town Hall. Present were Mr. Daniel Matthews, Mr. John Bulian, Mr. Moe Handel, Mr. Matthew Borrelli, Support Services Manager Sandy Cincotta, and Town Manager Kate Fitzpatrick.

Guests included Brenda Budge, Needham Golf Club; Paul Turano, Cook Needham; Brian Anderson Hearth Pizzeria; Raymond So, New Garden; Steve Waller, Center Café; and Michael O'Connell, Needham Wine and Spirits.

Ms. Cooley outlined the Board's goals with respect to the service of alcohol and the Town's desire to allow a more "pub-type" atmosphere. Ms. Fitzpatrick outlined the proposed changes to the Regulations for the Sale of Alcoholic Beverages. Discussion included the appropriate use for pitchers of beer or drinks, the difficulty in operating within the 10% bar seating constraint, the definition of bar area, and possible amendments to the regulations. Ms. Cooley said that the Board will consider the bar service area definition in recognition that many customers now prefer to seat at "bar-type" seating.

10:40 a.m. **Motion: Mr. Handel moved that meeting be adjourned. The motion was seconded by Mr. Matthews. 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.

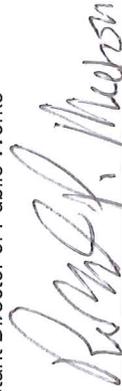
Water Sales:	-\$148.70
Water Irrigation:	\$0.00
Water Admin Fees	\$0.00
Sewer Sales:	-\$330.11
Transfer Station Charges:	\$0.00
Total Abatement:	-\$478.81

Order #: 1240

Read and Approved:

 7/19/2017

Assistant Director of Public Works



Director of Public Works

For the Board of Selectmen

Date: 7/25/17

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

Prepared By:	Last Name	First Name	Customer ID#	Location ID#	Street Number	Street Name	Irrigation Water	Domestic Water	Sewer	Total	Reason	Corrected Last Read
DB	London	Laura	41419	9206	372	Webster Street	\$0.00	-\$45.80	-\$43.55	-\$89.35	ACC	N
JO	Council on Aging (1)											
							\$0.00	-\$102.90	-\$286.56	-\$389.46	COA	N

**Total:**           -\$478.81

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

**Legend:**

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