SELECT BOARD AGENDA
Regular Meeting
6:00 p.m. April 30, 2024

Needham Town Hall
Powers Hall & Zoom

Pursuant to Chapter 2 of the Acts of 2023, meetings of public bodies may be conducted virtually provided that adequate access is provided to the public.

To listen and view this virtual meeting on a phone, computer, laptop, or tablet, download the "Zoom Cloud Meeting" app in any app store or at www.zoom.us. At the above date and time, click on "Join a Meeting" and enter the meeting or click the link below to join the webinar:

Link:
https://us02web.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFJoQT09
Webinar ID: 826 0101 3229
Passcode: 652800
One tap mobile: +16469313860,,82601013229#,,,,*652800#

This is a public meeting of the Needham Select Board. The meeting is open to the public both in person and via Zoom. Residents are invited to provide comment during the public comment period (as set forth below) and for any item explicitly listed as a public hearing. Public comment is not available during other agenda items.

	6:00	Public Comment Period Residents are encouraged to inform the Office of the Town Manager in advance via email (OTM@needhamma.gov), telephone (781) 455-7500 extension 204, or in person by the end of the business day prior to the meeting of their intent to participate in the public comment period. The Chair will first recognize those who have communicated in advance their desire to speak for up to three minutes. If time allows, others wishing to speak will be recognized in an order determined by the Chair for up to three minutes. The Board's policy on public participation in meetings can be found here.
1.	**6:00**	Joint Meeting with the Planning Board, Finance Committee, and Housing Needham Advisory Group regarding MBTA Communities Act Recommendations • Housing Needham Advisory Group: Heidi Frail (co-chair), Natasha Espada (co-chair), Kevin Keane, Jeanne McKnight, Karen Calton, Ronald Ruth, Liz Kaponya, Bill Lovett, and Michael Diener • Katie King, Deputy Town Manager

		• Lee Newman, Director of Planning & Community Development • Eric Halvorsen, RKG Associates • Emily Innes, Innes Associates • Carys Lustig, Director of Public Works • Chris Heep, Town Counsel
2.	**7:00**	Introduce Rob MacLean, Director of the Needham Free Public Library • Katie King, Deputy Town Manager
3.	**7:00**	Public Hearing: Outdoor Dining License – Sai Restaurant Inc d/b/a Masala Art • Vinod Kapoor, Owner
4.	**7:00**	Public Hearing: Alteration of Premises for an All-Alcohol License in a Restaurant – Sai Restaurant Inc d/b/a Masala Art • Vinod Kapoor, Owner
5.	**7:10**	Public Hearing: Eversource Grant of Location – 34 Whitman Road • Joanne Callender, Eversource Representative
6.	**7:10**	Public Hearing: Eversource Grant of Location – 99 Whitman Road • Joanne Callender, Eversource Representative
7.	**7:20**	Public Hearing: Outdoor Dining License – Eat Farmhouse LLC d/b/a The Farmhouse (Continued) • Dora Tavel-Sanchez Luz, Owner
8.	**7:25**	Public Hearing: Alteration of Premises for an All-Alcohol License in a Restaurant – Eat Farmhouse LLC d/b/a The Farmhouse (Continued) • Dora Tavel-Sanchez Luz, Owner
9.	**8:00**	Town Manager • American Rescue Plan Act Funding • Consolidation of Information Technology Functions • Positions on Warrant Articles • Town Manager Report
10.	**8:30**	Board Discussion • Committee Reports

CONSENT AGENDA *Supporting Documents Attached

1.	Accept the following donations to the Needham Free Public Library: • From Sally and Bob Davis, in memory of Gail Honbury, $250; • From Cathleen Andrew, in memory of Jean McGoldrick, $30; • From Heather Simmons, in acknowledgement of an art sale, $6; and • From Devin DiChiara, in acknowledgement of art sales, $70.50.
2.	Approve the calendar year 2024 Spring Licenses as follows. This approval is predicated on the receipt of all required paperwork. • Closet Exchange/Designer & Boutique – Sale of Second Hand Articles • Closet Exchange/Consignment Drop Off – Sale of Second Hand Articles • Needham Coin & Jewelry Buyers – Sale of Second Hand Articles • Crosby Jewelers, Inc. – Sale of Second Hand Articles • 2nd Hand Rose of Needham – Sale of Second Hand Articles

	• Needham Bowl Away – Bowling Alley • Lt. Manson H. Carter Post 2498 VFW – Pool Table • Go Green Airport Express LLC – Taxi/Livery • Xplorean LLC – Taxi/Livery
3.	Approve a request from Ryan Marshall, Highrock Church, to hold the road event "The Jog for Joy 5K." The event is scheduled for Sunday, June 9, 2024, at 9:00 am – 12:00 pm. The event and route have been approved by the following departments: Fire, Police, and Public Works.
4.*	Approve the placement of a granite celebration bench by the Needham Revitalization Trust Fund on Amity Path to be dedicated in honor of Joyce Buni.
5.	Update the Board meeting calendar by changing the July 23rd meeting to July 9th.

April 30, 2024	August 13, 2024	November 26, 2024	February 25, 202
May 14, 2024	September 10, 2024	December 3, 2024	March 11, 2025
May 28, 2024	September 24, 2024	December 17, 2024	March 25, 2025
June 11, 2024	October 8, 2024	January 14, 2025	April 9, 2025*
June 25, 2024	October 22, 2024	January 28, 2025	
July 9, 2024	November 12, 2024	February 11, 2025	

6.	In accordance with Section 20B (v) of the Town Charter authorize the Director of Human Resources and the Town Manager to approve reclassification changes within the existing established Classification Plan.
7.*	Approve Minutes of March 26, 2024 (Open and Executive Session) and April 2, 2024 (Open and Executive Session).
8.*	Approve a revision of the Charge and Composition of the Stormwater Bylaw Working Group.
9.	Accept the following donation to the Needham Fire Department: • $50 from Paul Neri
10.	Accept the following donation made to the Needham Community Revitalization Trust Fund for the Bert Wikstrom Bench: $100 from Mark Gluesing and Adrienne Smith.
11.*	Approve and sign Water Sewer Abatement #1327 and #1328.

NOTICE OF APPROVED BLOCK PARTIES

Name	Address	Party Location	Date	Time	Rain Date
Evan Judd	30 Washburn Avenue	Washburn Avenue	5/11/24	12pm-6pm	N/A

NOTICE OF APPROVED ONE-DAY SPECIAL ALCOHOL LICENSES

Hosting Organization	**Event Title**	**Location**	**Event Date**
Temple Beth Shalom	L'Chaim - Annual Gala	Temple Beth Shalom, 670 Highland Avenue	5/4/2024

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 4/30/2024

Agenda Item	Joint Meeting with the Planning Board, Finance Committee, and Housing Needham Advisory Group regarding MBTA Communities Act Recommendations
Presenter(s)	Housing Needham Advisory Group: Heidi Frail (co-chair), Natasha Espada (co-chair), Kevin Keane, Jeanne McKnight, Karen Calton, Ronald Ruth, Liz Kaponya, Bill Lovett, Michael Diener Katie King, Deputy Town Manager Lee Newman, Director of Planning & Community Development Eric Halvorsen, RKG Associates Emily Innes, Innes Associates Carys Lustig, Director of Public Works Chris Heep, Town Counsel

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED

The Housing Needham (HONE) Advisory Group will present their final recommendations for multi-family zoning that complies with the MBTA Communities Act. Members, staff, and consultants will provide an overview of HONE's community engagement process; recommended zoning maps, dimensional requirements, and zoning language; analyses on the likely build-out, fiscal impact on Town and Schools operating costs, gross tax revenue impact, and capital impacts; and the timeline ahead. These proposals are recommended for the October 2024 Special Town Meeting, following a preliminary review by the Executive Office of Housing and Livable Communities and the Planning Board's hearing process for zoning amendments.

2. VOTE REQUIRED BY SELECT BOARD

Suggested Motion: To accept the recommendations of the Housing Needham Advisory Group and send the Base Compliance Plan and the Neighborhood Housing Plan to the State for a preliminary review.

3. BACK UP INFORMATION ATTACHED

a. HONE charge/composition, *updated 4/16/24*
b. Presentation slides
c. Town of Needham, MBTA Communities Summary Report, April 2024
d. FAQs
e. Zoning memorandum

Town of Needham
Housing Needham (HONE) Advisory Group
for MBTA Communities Act Multi-Family Zoning

Type:	Ad Hoc
Legal Reference:	To achieve Town compliance with MGL c.40A Section 3A
Appointing Authority:	Select Board & Planning Board
Number of Voting Members:	Nine (9)
Term of Appointment	2023-2024
Special Municipal Employee	Yes
Staff Support	Assistant Town Manager/Director of Operations, Director of Planning & Community Development, Assistant Town Planner, Community Housing Specialist

Member	Designation	Term Expiration
Heidi Frail	Select Board Member (co-chair)	12/31/2024
Natasha Espada	Planning Board Member (co-chair)	12/31/2024
Kevin Keane	Select Board Member	12/31/2024
Jeanne McKnight	Planning Board Member *Planning Board Designee as of 4/16/24*	12/31/2024
Joshua Levy **Karen Calton** *as of 4/16/24*	Finance Committee Member	12/31/2024
Ronald Ruth	Architect, Land Use Planner, Land Use Attorney, Real Estate Developer	12/31/2024
William Lovett	Architect, Land Use Planner, Land Use Attorney, Real Estate Developer	12/31/2024
Liz Kaponya	Renter	12/31/2024
Michael Diener	Community Member At-Large	12/31/2024

Composition: Nine (9) voting members:

- Two (2) current Select Board Members* (one to serve as co-chair)
- Two (2) current Planning Board Members (one to serve as co-chair)
- One (1) current Finance Committee Member
- Two (2) of either Architect, Land Use Planner, Land Use Attorney, or Real Estate Developer, to be appointed by the Planning Board
- One (1) renter, to be appointed by the Select Board
- One (1) community member at-large, to be appointed by the Select Board

Purpose: The Housing Needham (HONE) Advisory Group will lead the community engagement process to create multi-family zoning that complies with the MBTA Communities Act (MGL c.40A Section 3A). The group will advise the Select Board and Planning Board on proposed zoning to bring to Town Meeting in 2024, informed by their individual expertise, group deliberations, and feedback received from the public.

Charge: The Housing Needham (HONE) Advisory Group will:

- Lead a broad public engagement effort for the Needham community to envision and shape zoning to allow multi-family housing that complies with the MBTA Communities Act.
- Utilize the recommendations in the Town of Needham's 2022 Housing plan as a starting point.
- Evaluate build-outs, projections, and analyses of fiscal, school enrollment, and infrastructure impacts provided by staff and consultants.
- Consider related zoning elements that are allowed, but not required under the MBTA Communities Act, including but not limited to inclusionary zoning (affordable housing requirements) and parking minimums.
- Update the Select Board, Planning Board and Finance Committee throughout the process on group deliberations and community feedback.
- Recommend draft zoning to the Select Board and Planning Board to submit to DHCD and Town Meeting.

Charge Adopted: 06/13/2023
SME Status Voted: 06/13/2023

** Per M.G.L. Ch. 268A Sec. 1(n), the Select Board Members serving on the HONE Advisory Group cannot claim SME status, even though the HONE Advisory Group, as an entity, is designated as such.*

Housing Needham (HONE) Final Recommendations

April 30, 2024

HOUSING NEEDHAM (HONE)

TOWN VISIONING FOR MULTI-FAMILY HOUSING

MBTA Communities Act Overview

HONE’s Charge & Community Engagement

Recommended Zoning Proposals

Build-Out and Fiscal Impact Analyses

Next Steps

Q&A

MBTA Communities Act Overview

The law (MGL C.40A Section 3A) established a requirement that each of the 177 designated MBTA Communities must have zoning that:

- Provides for at least 1 district of reasonable size in which multifamily housing is permitted as of right.
- Cannot have age-restrictions and shall be suitable for families with children.
- Must have a minimum gross density of 15 dwelling units per acre.
- A portion of the district must be located within 0.5 miles from a commuter rail station.
- Commuter rail communities, including Needham, have a deadline to comply of **December 31, 2024.**

Needham's MBTA Communities Requirements:

Compliance Metric	Requirement
Gross Acres	50 acres
Unit Capacity	1,784 units
Dwelling Units per Acre	15 DU/AC
Percentage to be Located in Station Area	90%

Housing Needham (HONE) Advisory Group

Purpose: The Housing Needham Advisory Group will lead the community engagement process to create multi-family zoning that complies with the MBTA Communities Act. The group will advise the Select Board and Planning Board on proposed zoning to bring to Town Meeting in 2024, informed by their individual expertise, group deliberations, and feedback received from the public.

Members Appointed by the Select Board	Members Appointed by the Planning Board
Heidi Frail, Select Board (HONE Co-Chair)	Natasha Espada, Planning Board (HONE Co-Chair)
Kevin Keane, Select Board	Jeanne McKnight, Planning Board (designee)
Josh Levy (09/23-04/24); Karen Calton (as of 4/16/24), Finance Committee	Ronald Ruth; Architect, Land Use Planner, Land Use Attorney, or Real Estate Developer
Liz Kaponya, Renter	William Lovett; Architect, Land Use Planner, Land Use Attorney, or Real Estate Developer
Michael Diener, Community Member At-Large	

Housing Needham (HONE) Advisory Group Charge

- Lead a broad public engagement effort for the Needham community to envision and shape zoning to allow multi-family housing that complies with the MBTA Communities Act.
- Utilize the recommendations in the Town of Needham's 2022 Housing plan as a starting point.
- Evaluate build-outs, projections, and analyses of fiscal, school enrollment, and infrastructure impacts provided by staff and consultants.
- Consider related zoning elements that are allowed, but not required under the MBTA Communities Act, including but not limited to inclusionary zoning (affordable housing requirements) and parking minimums.
- Update the Select Board, Planning Board and Finance Committee throughout the process on group deliberations and community feedback.
- Recommend draft zoning to the Select Board and Planning Board to submit to DHCD and Town Meeting.

Timeline To Date

Housing Plan Working Group Community Engagement and Adopted Housing Plan

October 2021 – January 2023

Planning & Select Boards weigh in on State guidelines; create and appoint HONE; Town secures state grant, procures consultants.

March 2022 – August 2023

Housing Needham (HONE) Launches

Sept. 7, 2023

Community Meeting #1

Nov. 9, 2023

Community Meeting #2

Jan. 18, 2024

Updates to Boards

February 2024

Timeline Ahead

Community Meeting #3	HONE finalizes proposals, concludes work	Joint Board Meeting	Send proposed zoning to the State	State review of zoning (90 days)	Planning Board Finalizes Zoning Article	Town Meeting Votes	Final State Review
March 28, 2024	April 2024	April 30, 2024	May 1, 2024	May 1 – August 1	August – Sept 2024	October 2024	December 2024

We are here

HONE Recommended Zoning Proposals

HONE's Final Recommendations

1. **Base Compliance Plan:** A scenario that adheres very closely to the zoning boundaries and dimensional standards in Needham's current Zoning Bylaw. This scenario is intended to meet the minimum compliance requirements of the MBTA Communities Act.

2. **Neighborhood Housing Plan:** A scenario that increases dimensional standards and the number of units that can be built on a parcel of land as a way to encourage housing production and respond to the goals in Needham's Housing Plan. This scenario is intended to meet and exceed the minimum compliance requirements of the MBTA Communities Act.

	Needham Requirement	Base Compliance Plan	Neighborhood Housing Plan
Acreage (net)	50	100.26	92.57
Unit Capacity	1,784	1,868	3,294
Density (units/acre)	15	18.6	35.6
Percent in Transit Area	90%	92.5%	91.8%

Article Overview

HONE is recommending that the Town advance four zoning amendments, which build on each other:

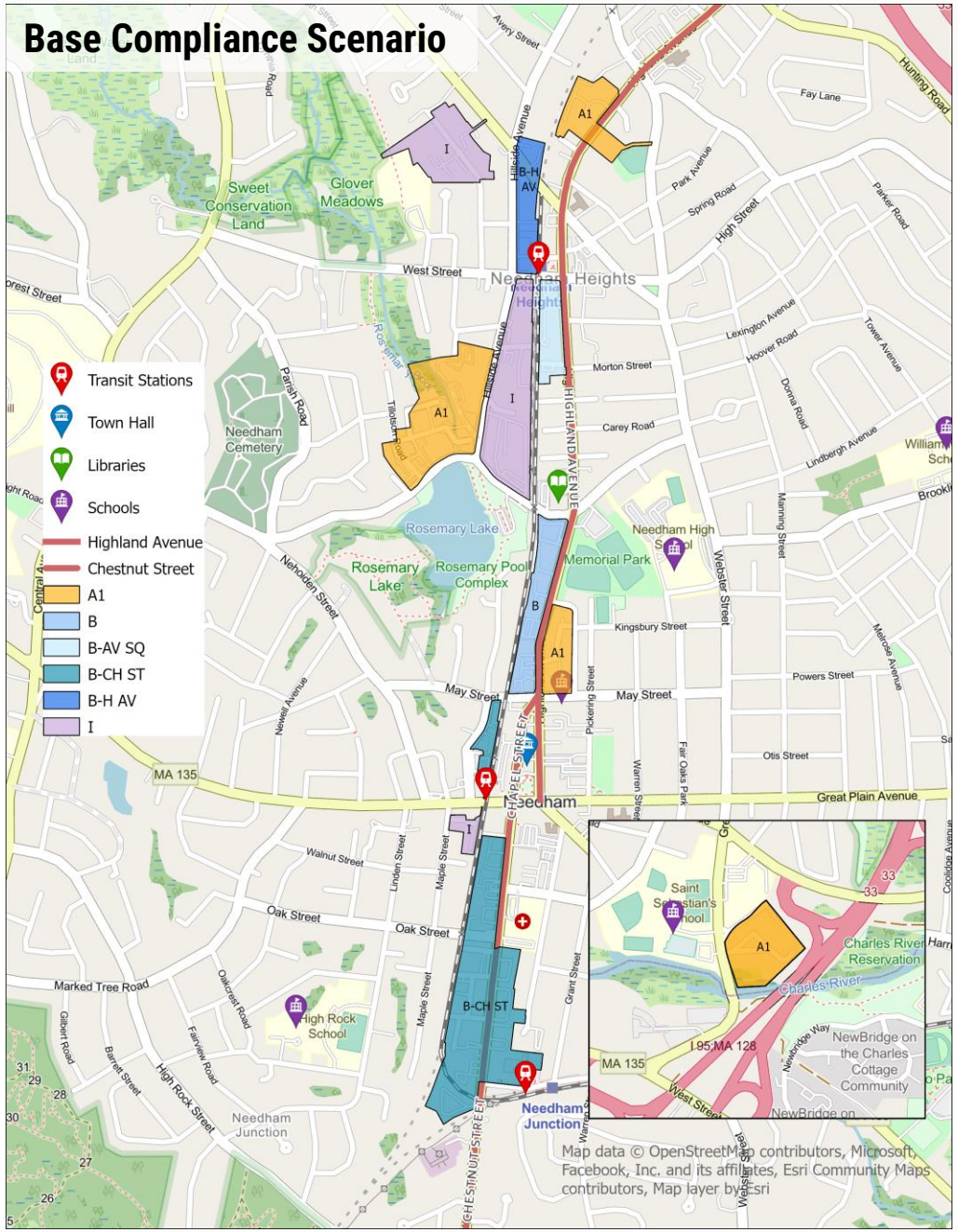
Article 1: Creates a multi-family overlay district following the recommended district boundaries and dimensional standards in the Base Compliance Plan.

Article 2: The map change for the Base Compliance Plan to accompany Article 1.

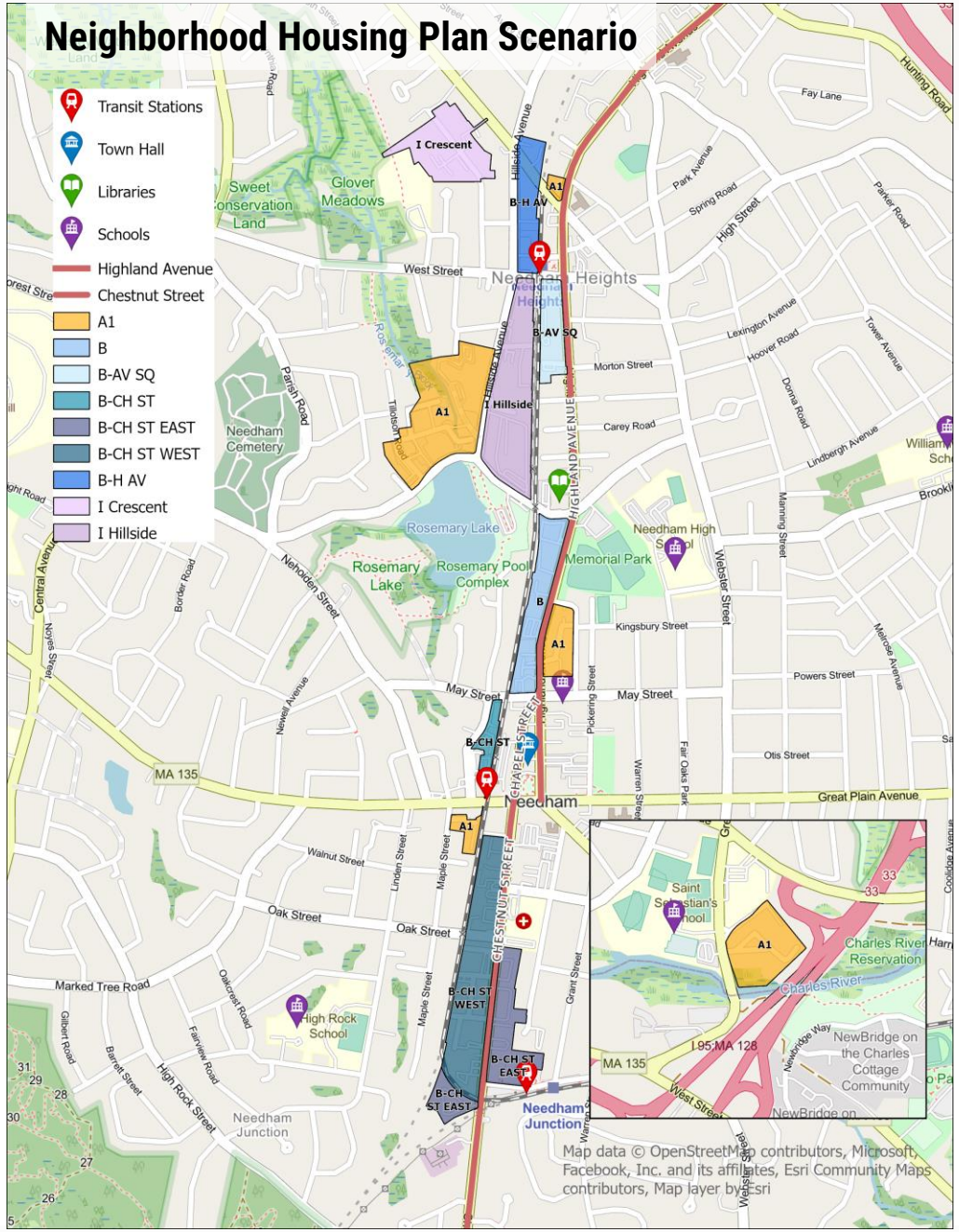
Article 3: Amends Article 1 and inserts the dimensional standards of the Neighborhood Housing Plan.

Article 4: The map change for the Neighborhood Housing Plan to accompany Article 3.

Base Compliance Scenario



Neighborhood Housing Plan Scenario



Comparison of Scenarios

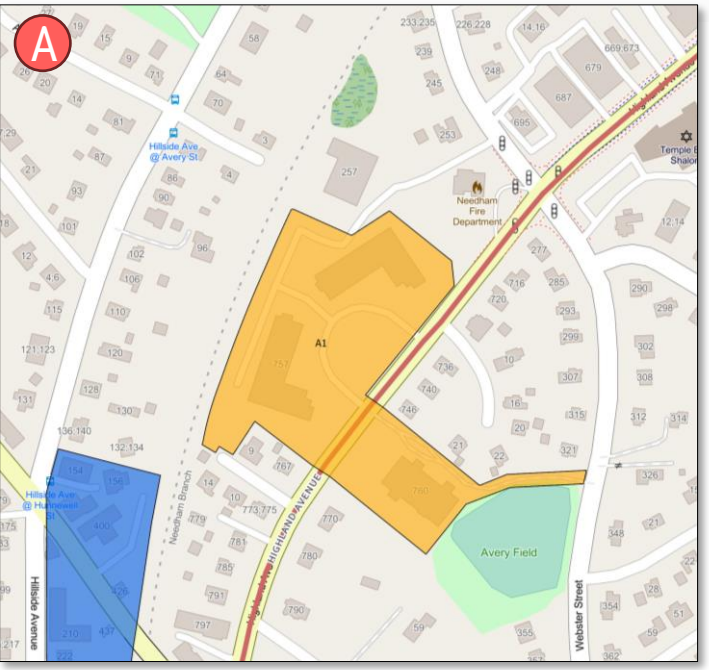
It is important to recognize these districts already have housing in them and zoning that regulates what can be built there today. This is how the proposals compare with Needham's existing housing and zoning:

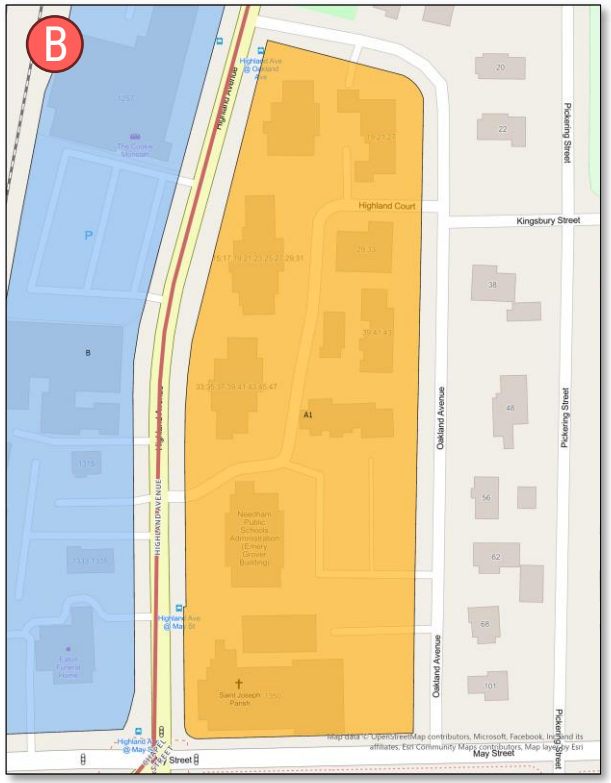
Zoning District	Scenario Name: Unit Capacity				
	Existing Units	Existing Zoning Unit Capacity	Existing Zoning with Overlay Special Permit Unit Capacity	Base Compliance Plan Unit Capacity	Neighborhood Housing Plan Unit Capacity
Apartment A1	588	526	526	526	877
Business	4	N/A	N/A	210	305
Avery Square Business	72	77	77	187	187
Chestnut St. East	46	370	987	370	547
Chestnut St. West					732
Chestnut St./Garden St.					75
Hillside Ave Business	44	46	46	80	62
Industrial – Crescent	21	N/A	N/A	495	184
Industrial – Hillside					325
TOTAL UNITS	**775**	**1,019**	**1,636**	**1,868**	**3,294**

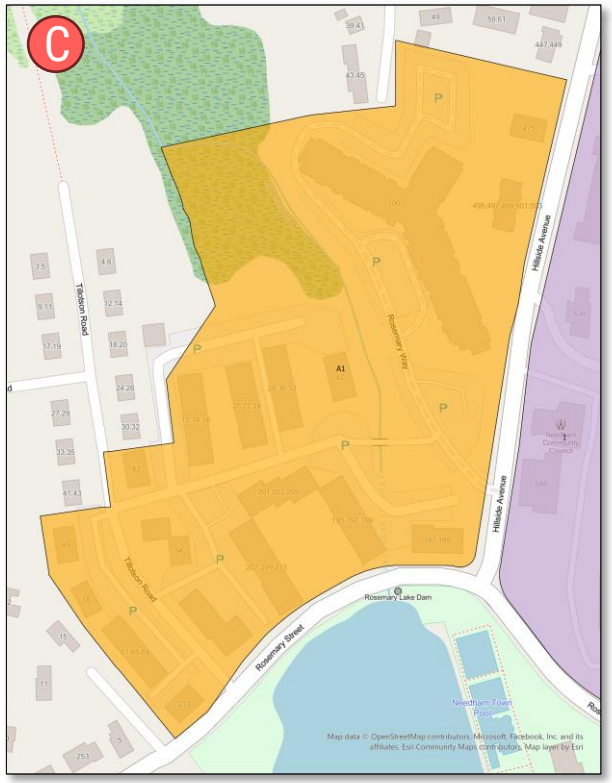
BASE COMPLIANCE PLAN ZONING PARAMETERS						
	Apartment A1	**Business**	**Avery Square Business**	**Chestnut St. Business**	**Hillside Ave. Business**	**Industrial**
Minimum Lot Size (Sq. feet)	20,000	10,000	10,000	10,000	10,000	10,000
Height (Stories)	3.0	3.0	3.0	3.0	3.0	3.0
Floor Area Ratio (FAR)	0.50		1.00	0.70	0.70	0.50
Max Lot Coverage		25%				
Max Dwelling Units Per Acre	18			18		
Parking per Unit	1.0	1.0	1.0	1.0	1.0	1.0
			4 stories and an FAR of 1.4 allowed by Special Permit.			

NEIGHBORHOOD HOUSING PLAN ZONING PARAMETERS								
	Apt A1	**Business**	**Avery Sq Business**	**Chestnut St. Business**		**Hillside Ave. Business**	**Industrial**	
				West	**East & Garden St.**		**Crescent**	**Hillside**
Minimum Lot Size (sq. feet)	20,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Height (Stories)	4.0	4.0	3.0	4.0	3.0	3.0	3.0	3.0
Floor Area Ratio (FAR)	1.00	2.00	1.00	2.00	2.00	1.00	0.75	1.00
Max Dwelling Units Per Acre	36					24		24
Parking per Unit	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Note		4.5 stories allowed if commercial space on first floor or 7.5% workforce housing.	4 stories and an FAR of 1.4 allowed by Special Permit.	4.5 stories allowed if commercial space on first floor or 7.5% workforce housing.	3.5 stories allowed if commercial space on first floor or 7.5% workforce housing.			

Scenario Comparison – Apartment A1 Subdistricts – Base Compliance







A Avery School/Hamilton Highlands

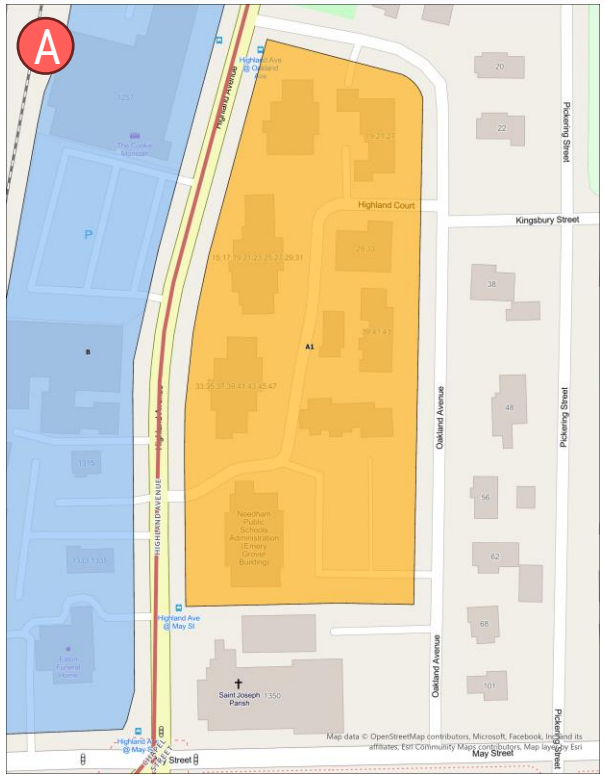
B The Highlands, NPS, St. Joseph (Highland Ave/May St.)

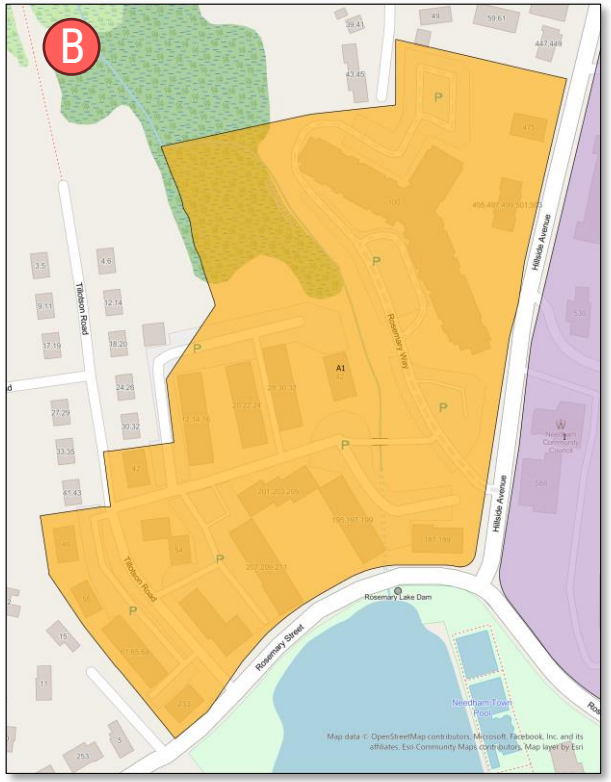
C Rosemary Ridge, Rosemary Lake Apts. (Rosemary St./Hillside Ave)

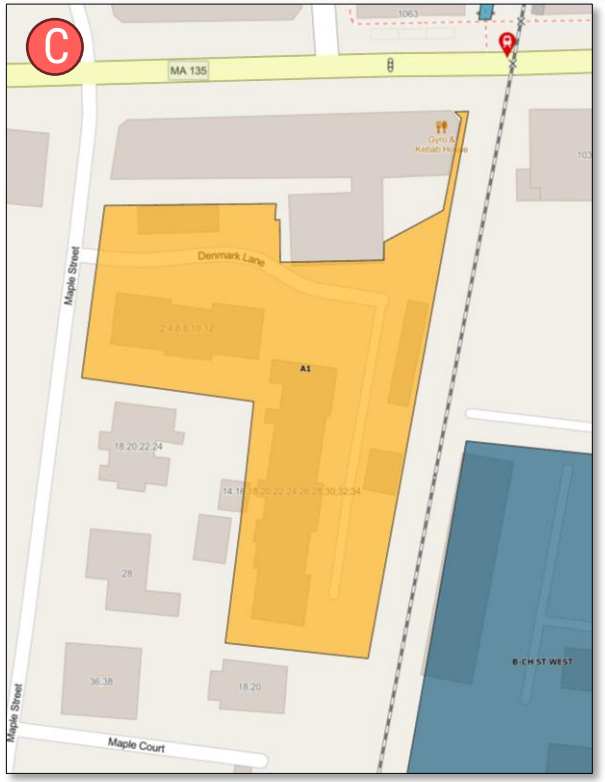
D Charles Court Condos

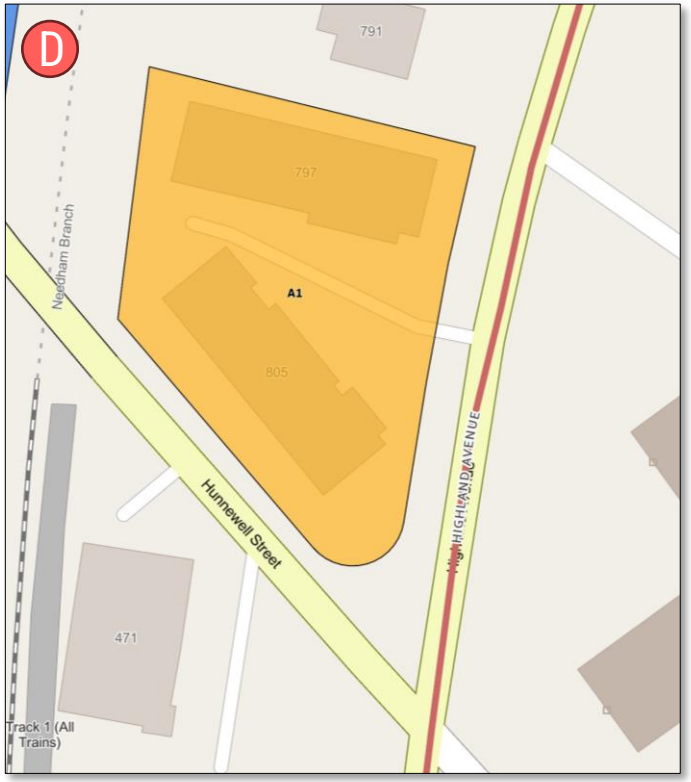
Zoning Standards	Existing Zoning	Base Compliance
Minimum Lot Size	20,000 SF	20,000 SF
Height (Stories)	3	3
Floor Area Ratio (FAR)	0.50	0.50
Max Lot Coverage	N/A	N/A
Max Dwelling Units per Acre	18	18
Parking per Unit	1.5	1.0

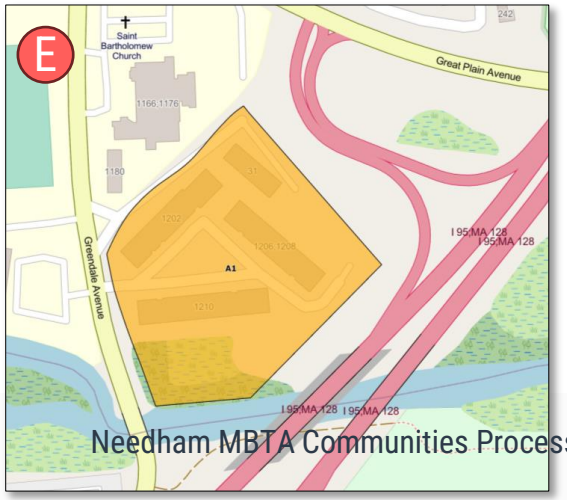
Scenario Comparison – Apartment A1 Subdistricts – Neighborhood Housing Plan









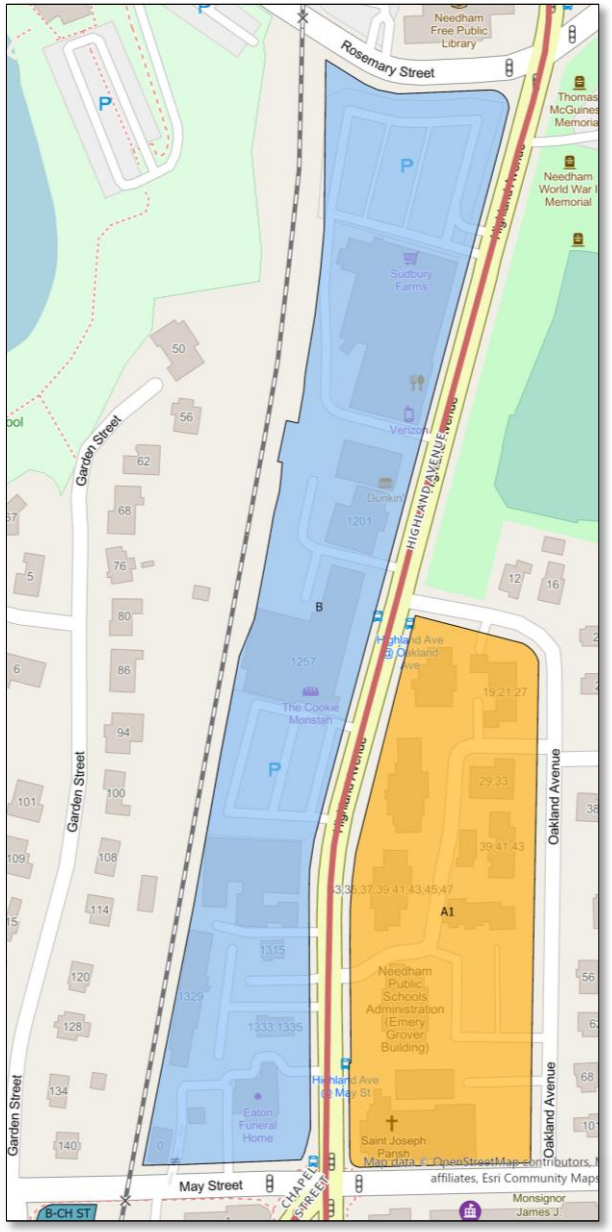


Zoning Standards	Existing Zoning	Base Compliance	Housing Plan
Minimum Lot Size	20,000 SF	20,000 SF	20,000 SF
Height (Stories)	3	3	4
Floor Area Ratio (FAR)	0.50	0.50	1.0
Max Lot Coverage	N/A	N/A	N/A
Max Dwelling Units per Acre	18	18	36
Parking per Unit	1.5	1.0	1.0

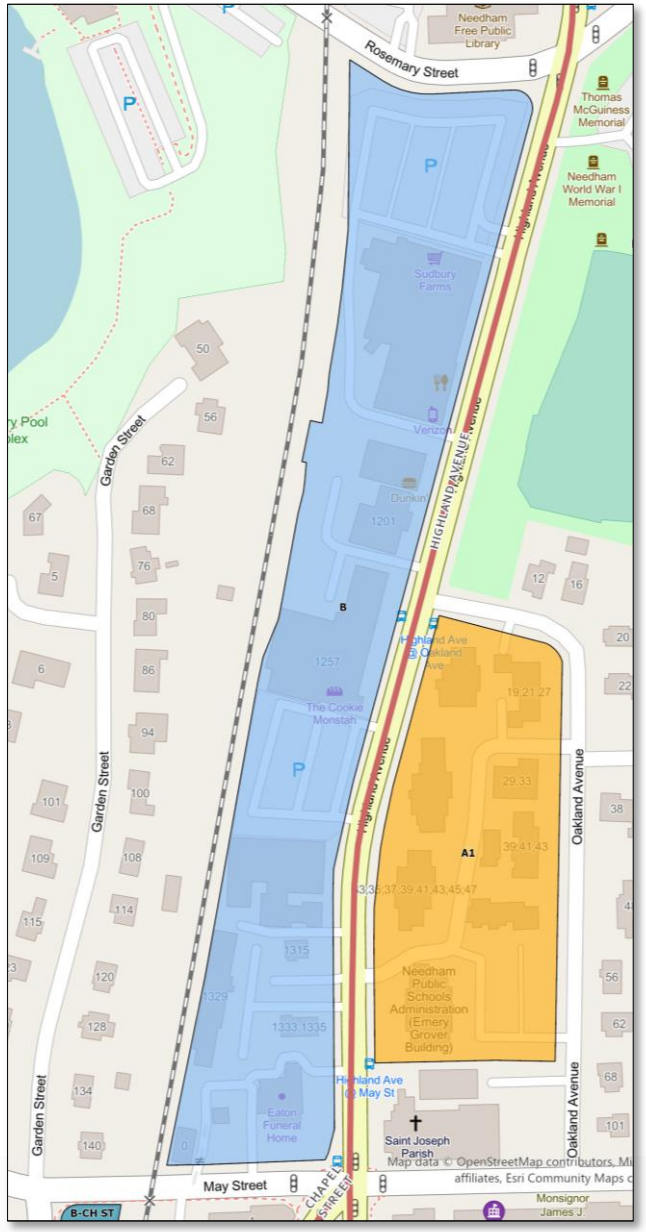
- A The Highlands, NPS (Highland Ave/May St.)
- B Rosemary Ridge, Rosemary Lake Apts.(Rosemary St./Hillside Ave)
- C Denmark Lane (Great Plain Ave/Maple St.)
- D Hunnewell St & Highland Ave
- E Charles Court Condos

Scenario Comparison – Business Subdistricts

Base Compliance



Neighborhood Housing Plan



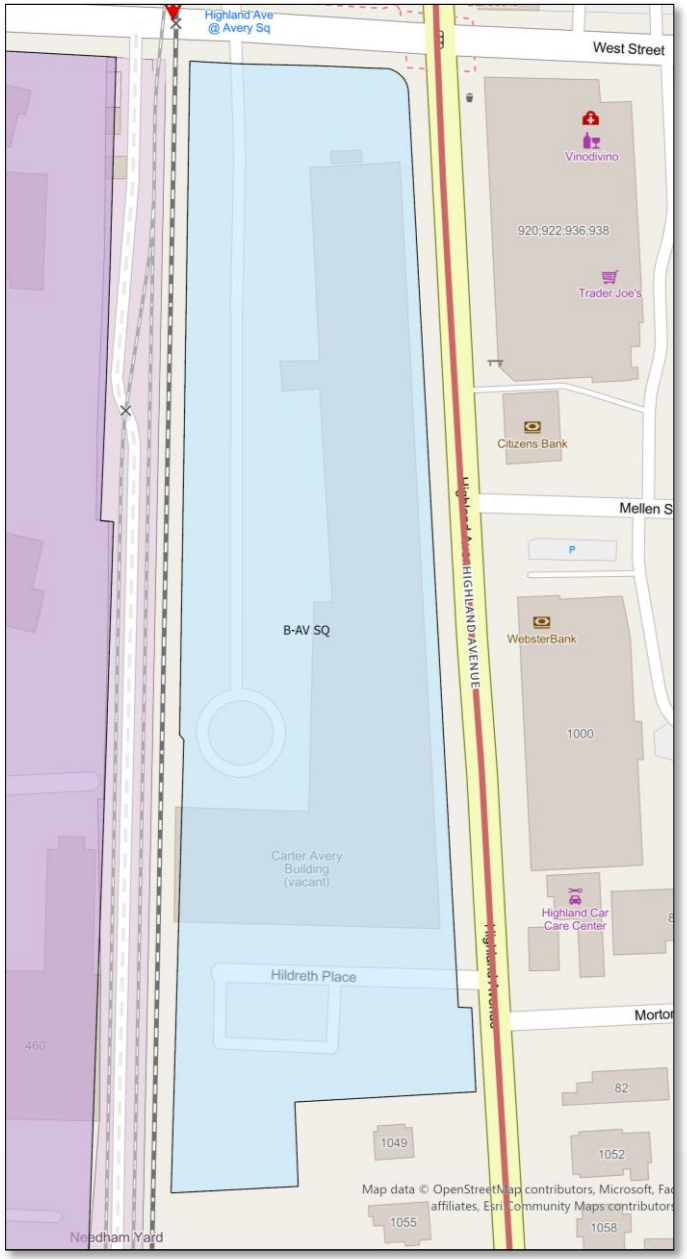
Zoning Standards	Existing Zoning	Base Compliance	Housing Plan
Minimum Lot Size	10,000 SF	10,000 SF	10,000 SF
Height (Stories)	3	3	4
Floor Area Ratio (FAR)	N/A	N/A	2.0
Max Lot Coverage	25%	25%	N/A
Max Dwelling Units per Acre	N/A	N/A	N/A
Parking per Unit	1.5	1.0	1.0

Under existing zoning, multi-family housing is not allowed in this district.

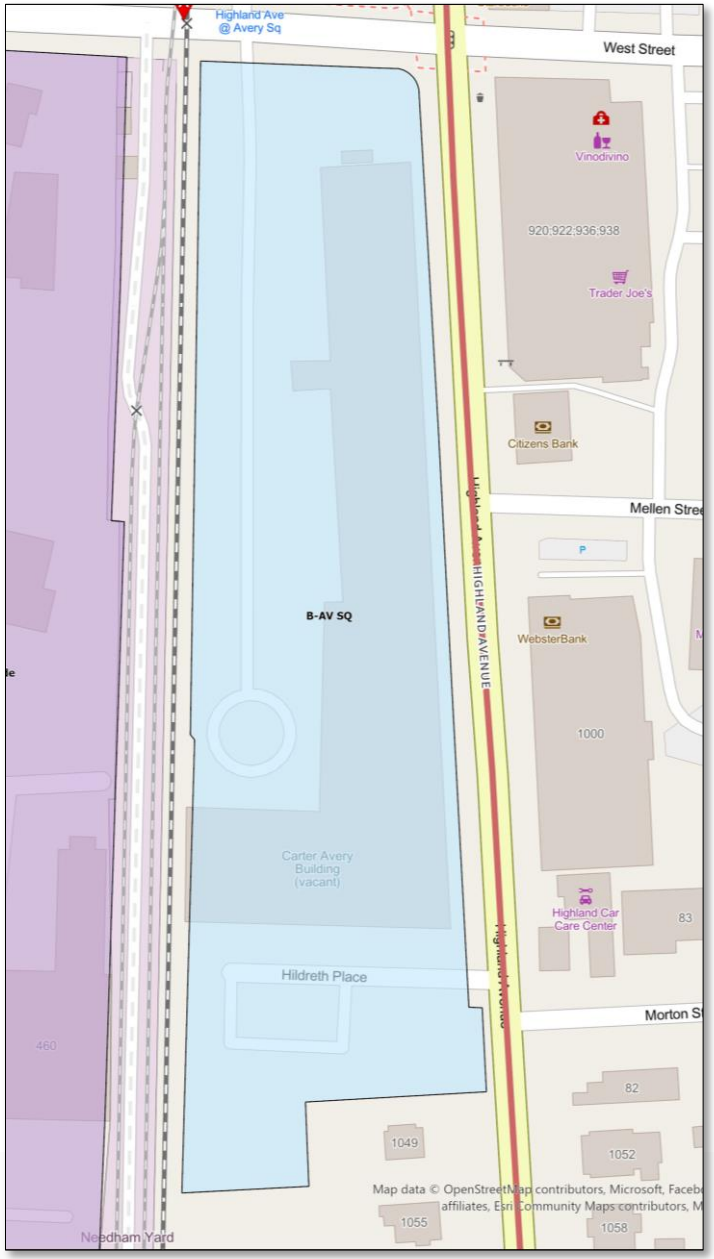
Under the Neighborhood Housing Plan:
HONE is also proposing to allow 4.5 stories as-of-right if the building includes first floor commercial or 7.5% workforce housing for households between 80 – 120% AMI.

Scenario Comparison – Avery Square Subdistricts

Base Compliance



Neighborhood Housing Plan

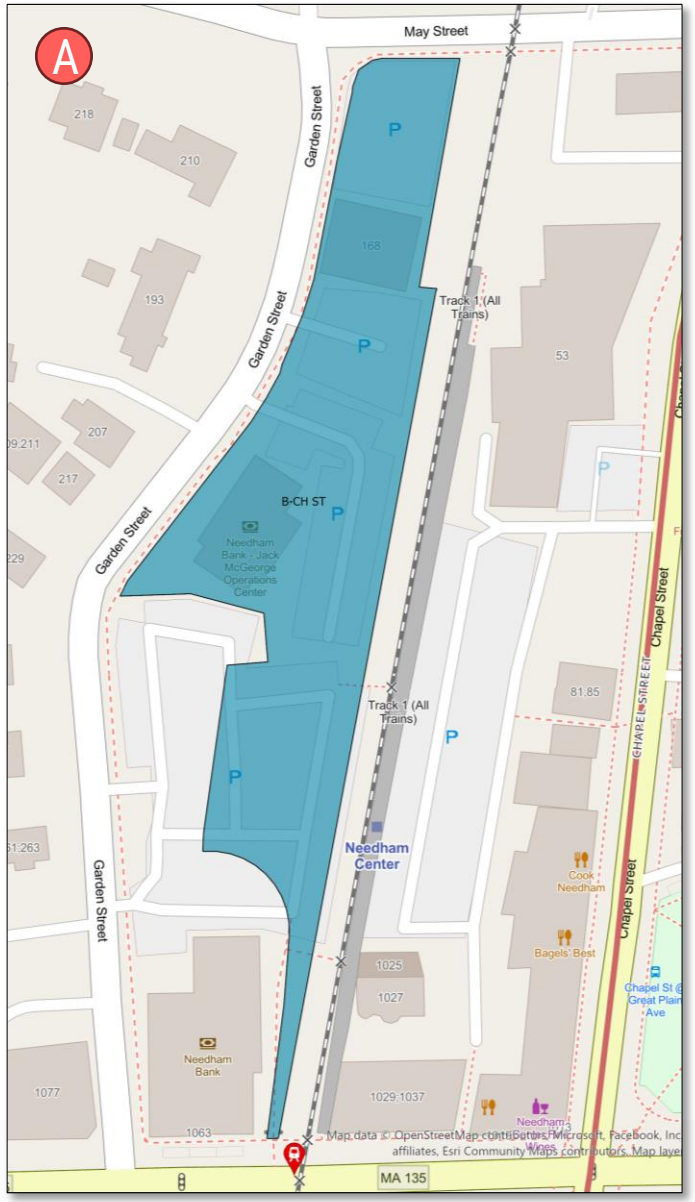


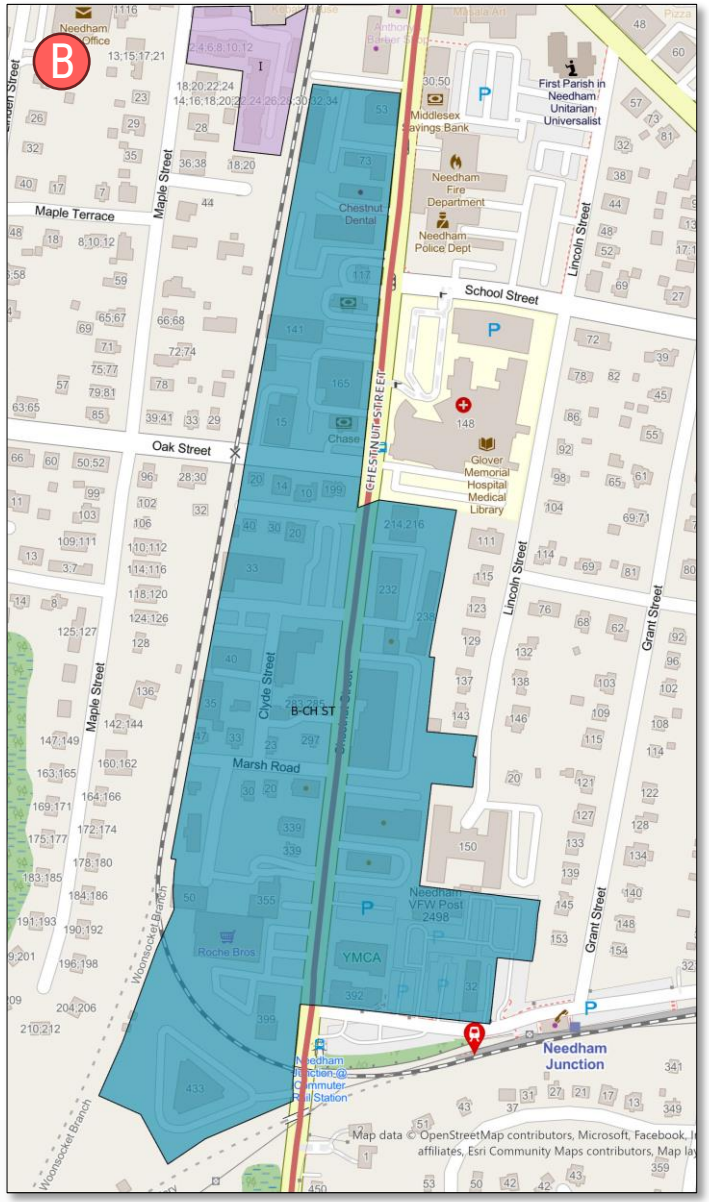
Zoning Standards	Existing Zoning	Base Compliance	Housing Plan
Minimum Lot Size	10,000 SF	10,000 SF	10,000 SF
Height (Stories)	4[1]	3	3
Floor Area Ratio (FAR)	0.70	1.0	1.0
Max Lot Coverage	N/A	N/A	N/A
Max Dwelling Units per Acre	18	N/A	N/A
Parking per Unit	1.5	1.0	1.0

Under the Base and Neighborhood Housing Plan, HONE is also proposing to allow 4 stories and an FAR of 1.4 by Special Permit. It would only apply to the 100 West parcel.

[1] Under existing zoning 4th story limited to 35% of total roof area.

Scenario Comparison – Chestnut Street Subdistricts – Base Compliance





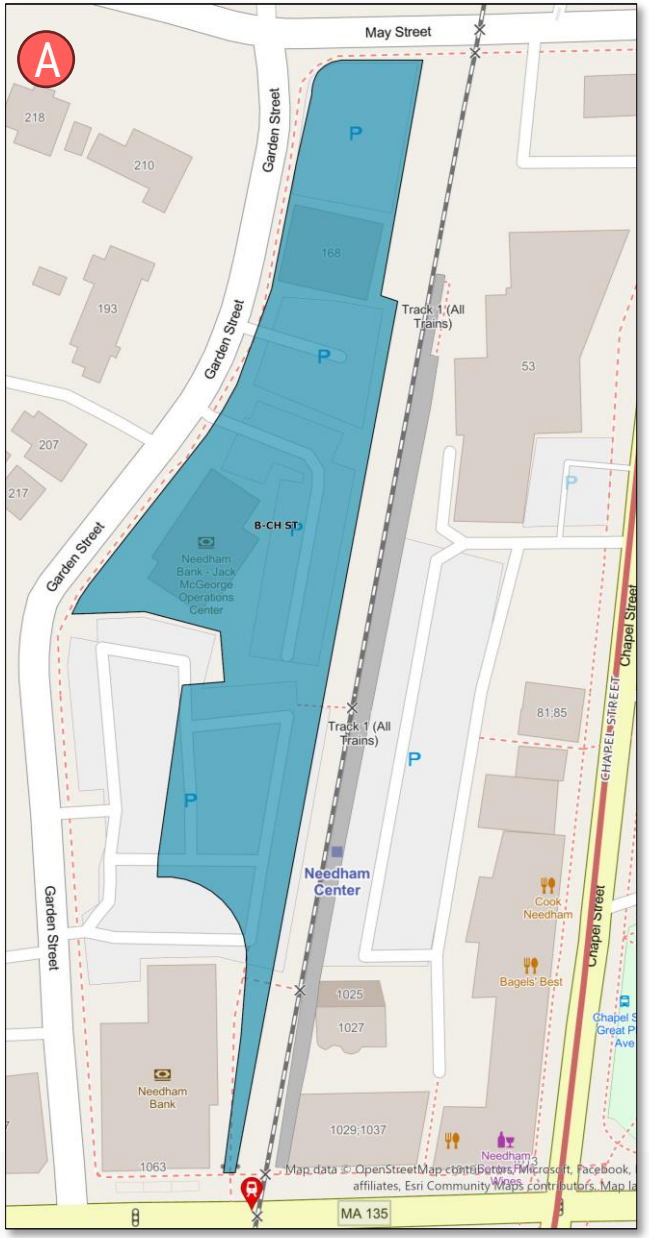
A Garden Street District between May St. and Great Plain Ave

B Chestnut St. from just south of Great Plain Ave to Junction St.

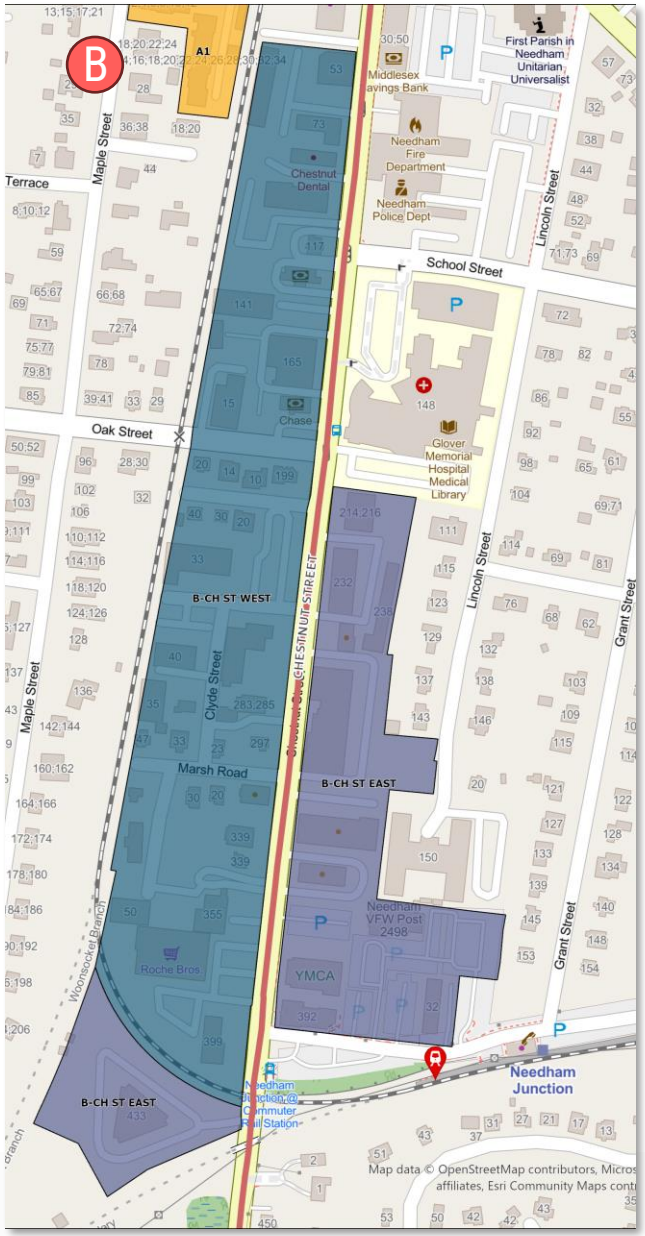
Zoning Standards	Existing Zoning	Base Compliance
Minimum Lot Size	10,000 SF	10,000 SF
Height (Stories)	2.5	3
Floor Area Ratio (FAR)	0.70	0.70
Max Lot Coverage	N/A	N/A
Max Dwelling Units per Acre	18	18
Parking per Unit	1.5	1.0

Scenario Comparison – Chestnut Street Subdistricts – Neighborhood Housing Plan

Garden Street District



Chestnut St. East and West



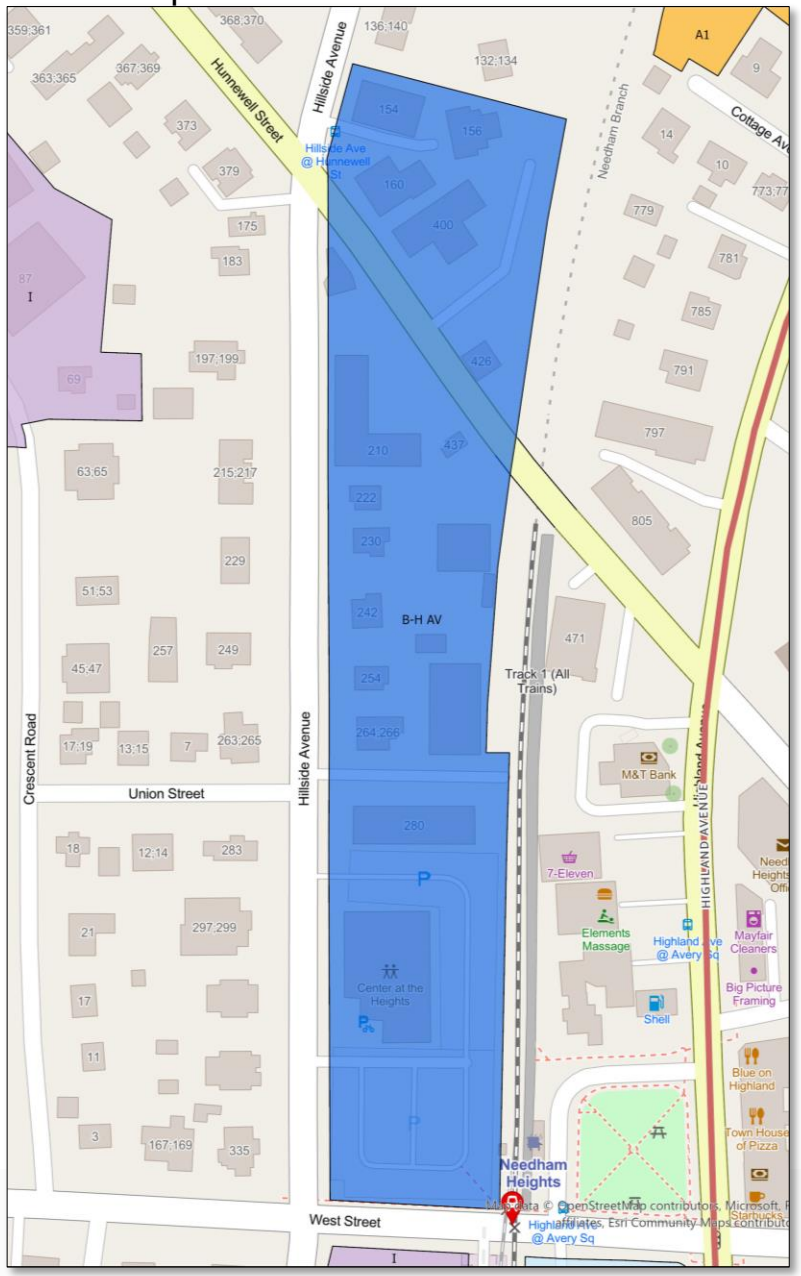
Zoning Standards	Existing Zoning	Existing Zoning - Overlay	Base Compliance	Housing Plan
Minimum Lot Size	10,000 SF	10,000 SF	10,000 SF	10,000 SF
Height (Stories)	2.5	4	3	3 (East/Garden) 4 (West)
Floor Area Ratio (FAR)	0.70	2.0	0.70	2.0
Max Lot Coverage	N/A	N/A	N/A	N/A
Max Dwelling Units per Acre	18	N/A	18	N/A
Parking per Unit	1.5	1.5	1.0	1.0

Under the Neighborhood Housing Plan:

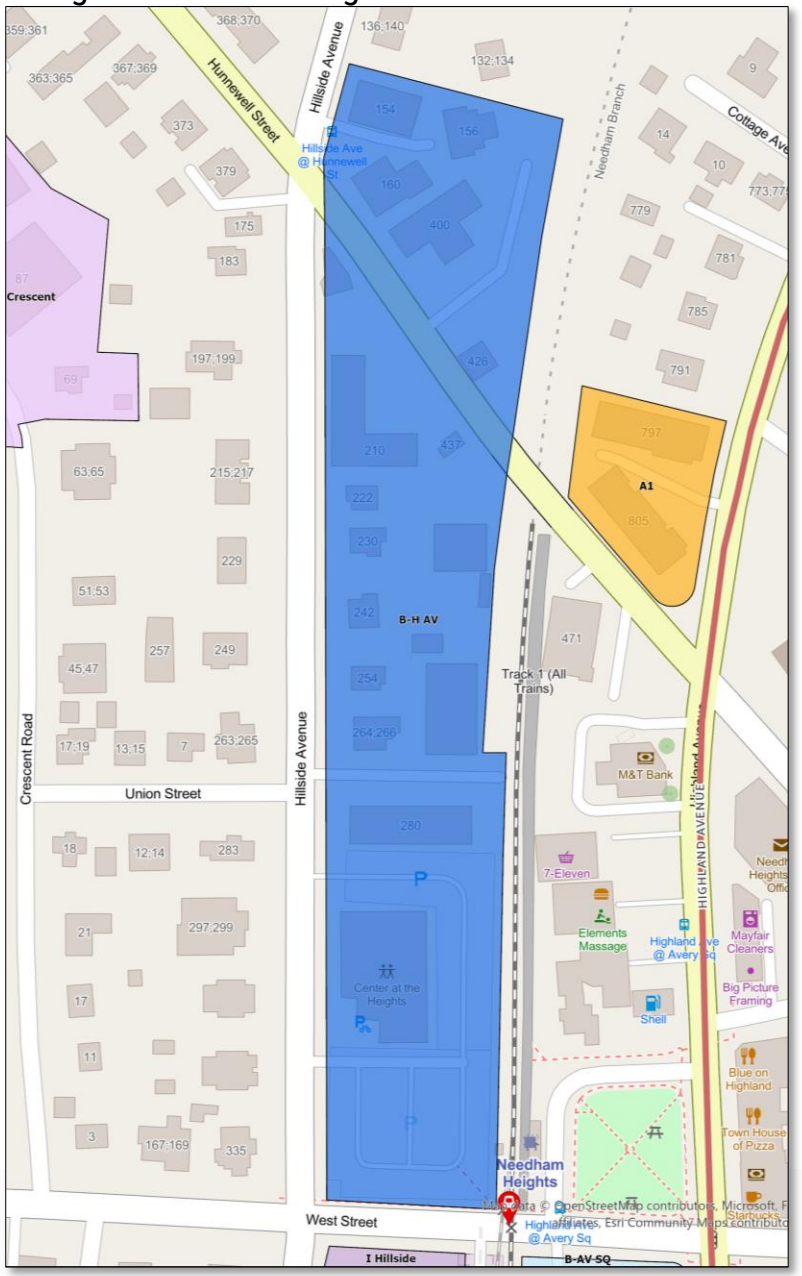
- Chestnut East and Chestnut/Garden Street – 3.5 stories as-of-right if the building includes first floor commercial or 7.5% workforce housing for households between 80 – 120% AMI.
- Chestnut West – 4.5 stories as-of-right if the building includes first floor commercial or 7.5% workforce housing for households between 80 – 120% AMI.

Scenario Comparison – Hillside Ave Business Subdistricts

Base Compliance

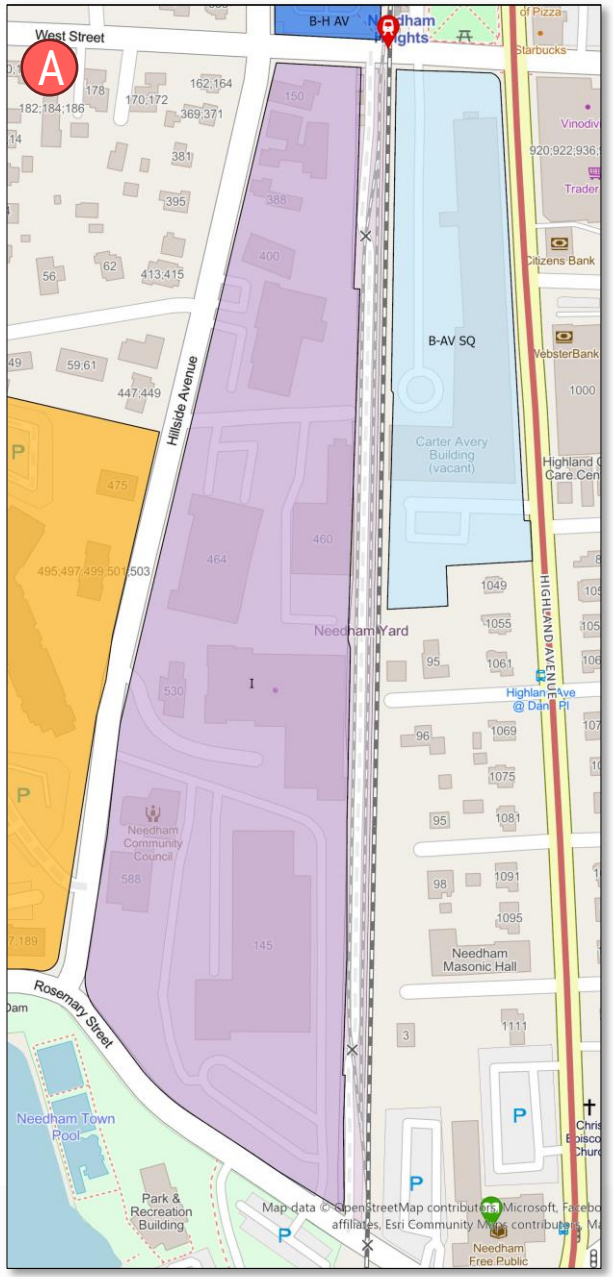


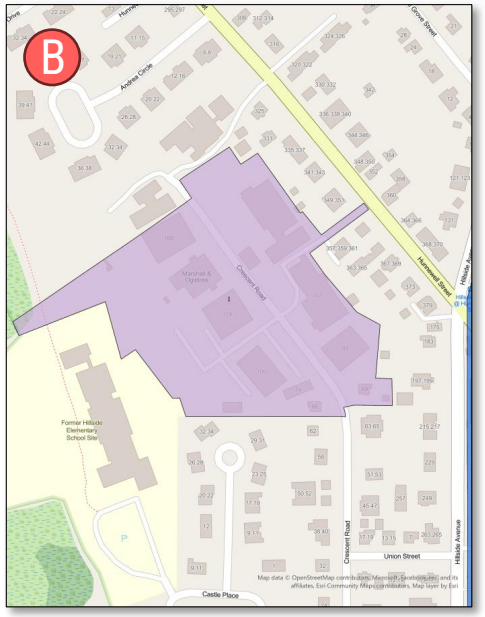
Neighborhood Housing Plan

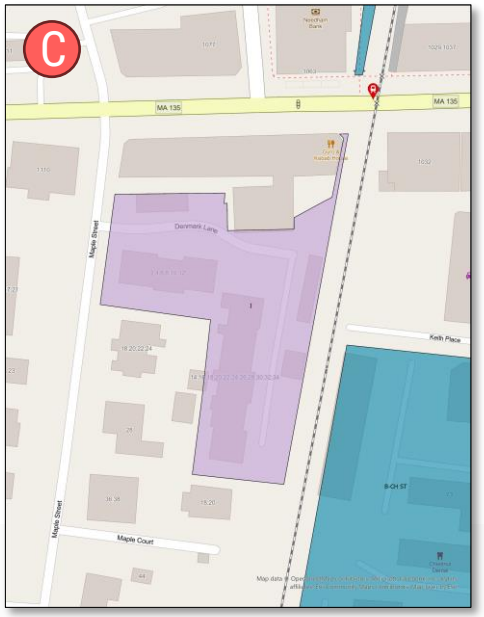


Zoning Standards	Existing Zoning	Base Compliance	Housing Plan
Minimum Lot Size	10,000 SF	10,000 SF	10,000 SF
Height (Stories)	2.5	3	3
Floor Area Ratio (FAR)	0.70	0.70	1.0
Max Lot Coverage	N/A	N/A	N/A
Max Dwelling Units per Acre	18	N/A	24
Parking per Unit	1.5	1.0	1.0

Scenario Comparison – Industrial Subdistricts – Base Compliance







A Hillside Ave from West St. to Rosemary St.

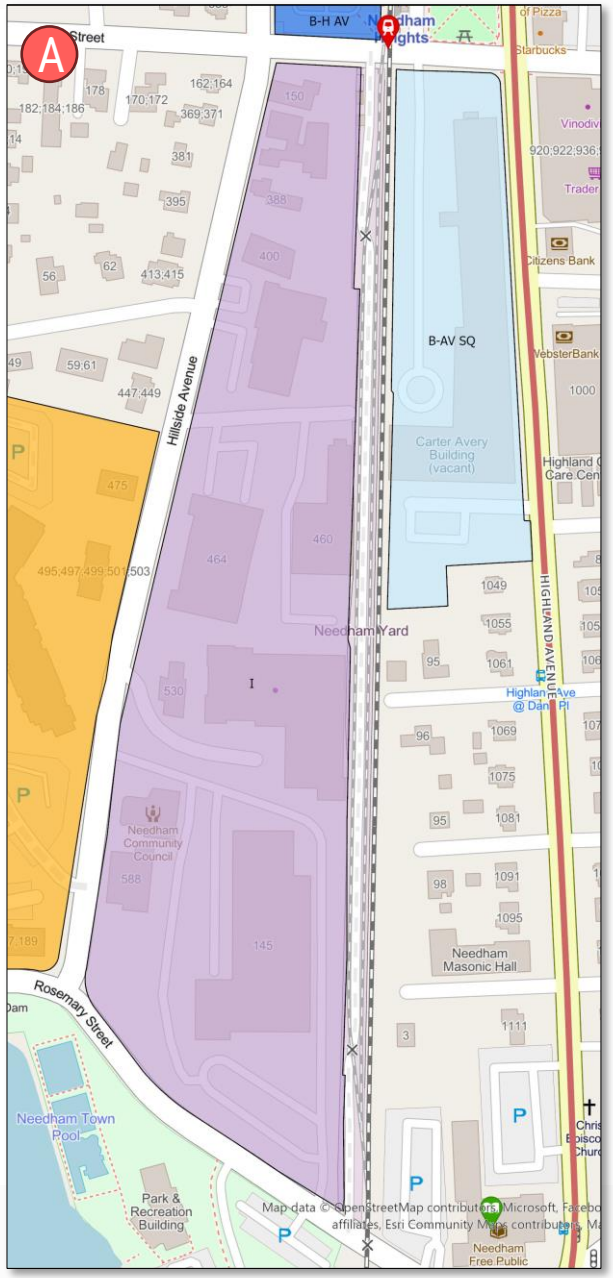
B Crescent Road Industrial District

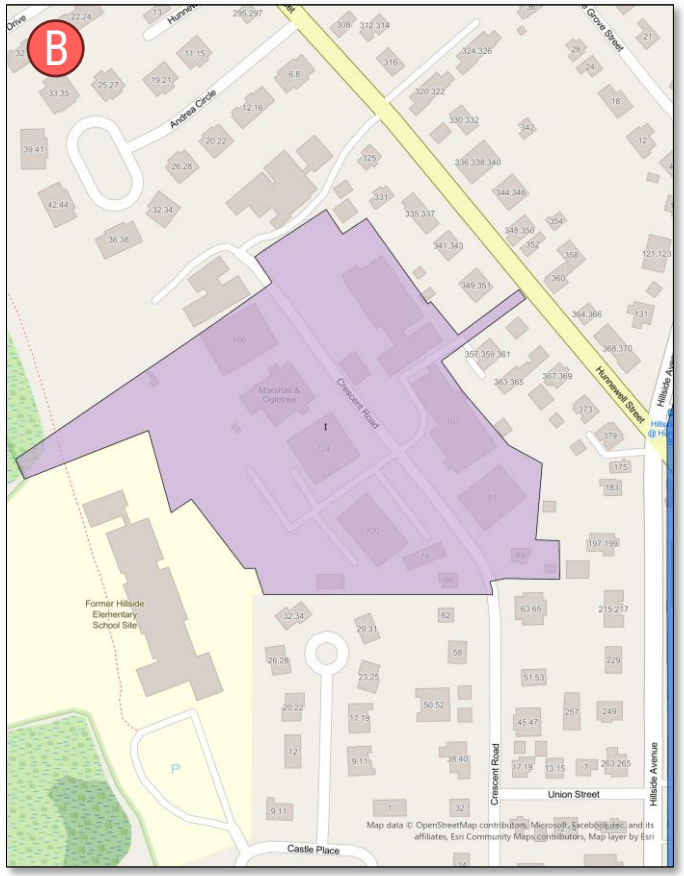
C Denmark Lane off Maple St. at Great Plain Ave

Zoning Standards	Existing Zoning	Base Compliance
Minimum Lot Size	10,000 SF	10,000 SF
Height (Stories)	3	3
Floor Area Ratio (FAR)	N/A	0.50
Max Lot Coverage	60%	N/A
Max Dwelling Units per Acre	N/A	N/A
Parking per Unit	1.5	1.0

Under existing zoning, housing is not allowed in this district.

Scenario Comparison – Industrial Subdistricts – Neighborhood Housing Plan





A Hillside Ave from West St. to Rosemary St.

B Crescent Road Industrial District

Note: Denmark Lane Industrial Subdistrict becomes Apartment A1 under the Neighborhood Housing Plan.

Zoning Standards	Existing Zoning	Base Compliance	Housing Plan
Minimum Lot Size	Housing not Allowed	10,000 SF	10,000 SF
Height (Stories)		3	3
Floor Area Ratio (FAR)		0.50	0.75 in Crescent 1.0 in Hillside
Max Lot Coverage		N/A	N/A
Max Dwelling Units per Acre		N/A	24
Parking per Unit		1.0	1.0

Comparison of Scenarios

How do the HONE Scenarios compare?

Zoning District	Scenario Name: Unit Capacity				
	Existing Units	Existing Zoning Unit Capacity	Existing Zoning with Overlay Special Permit Unit Capacity	Base Compliance Plan Unit Capacity	Neighborhood Housing Plan Unit Capacity
Apartment A1	588	526	526	526	877
Business	4	N/A	N/A	210	305
Avery Square Business	72	77	77	187	187
Chestnut St. East	46	370	987	370	547
Chestnut St. West					732
Chestnut St./Garden St.					75
Hillside Ave Business	44	46	46	80	62
Industrial – Crescent	21	N/A	N/A	495	184
Industrial – Hillside					325
TOTAL UNITS	**775**	**1,019**	**1,636**	**1,868**	**3,294**

Recommendations to the Planning Board within MBTA Communities Act

1. In the **Avery Square Business** subdistrict (which applies to the parcel at 100 West Street only), within the Neighborhood Housing Plan, **consider allowing 4 stories and an FAR of 1.4 as of right if the applicant chooses to provide 7.5% of units as workforce housing** for households with incomes between 80% – 120% AMI.
2. Under both the Base Compliance Plan and the Neighborhood Housing Plan, in the **Avery Square Business** subdistrict, **consider exempting structured parking from the calculation of floor area ratio to be consistent with the underlying zoning on that parcel**. This deliberation should be informed by any comments received by EOHLC on Needham's existing zoning as it relates to structured parking.

Recommendations to the Planning Board Outside MBTA Comts Act

1. Review zoning in the **Hersey Station** area, encompassing at least the area, which is now commercially zoned and the Hersey MBTA lots, for multi-family housing, with or without mixed use.
2. Review the **General Residence** district to consider allowing 3 or 4 units per 10,000 square foot lot in the General Residence district, whether the 10,000 square foot threshold should be reduced, and any implications of our current inclusionary zoning, which does not apply to buildings with fewer than 6 housing units. Current zoning has a 2-unit per parcel restriction.
3. Consider ways of making **mixed-use development in the Center Business District more likely**, where stand-alone multi-family should be considered, and what incentives could be used.
4. Consider rezoning the **south side of Great Plain Avenue between Pickering Street and Warren Street** for multi-family housing.
5. Review and update existing **parking requirements** for commercial uses.
6. Review whether to **reduce lot size** from 10,000 square feet to something less in the Chestnut Street District, the Industrial District, and the Hillside Avenue Business District.
7. Review zoning and financial strategies to **incentivize workforce housing** and consider developing a Town program for workforce housing.
8. Review the Planning Board's existing **site plan review** process under Section 7.4 of the Zoning By-law.

Site Plan Review

- Applications will be reviewed by the Planning Board, with a public hearing process.
- The Planning Board cannot deny an application that complies with the zoning (including the permitted number of units, building dimensions, and the development standards) because the use of multi-family housing is allowed as of right.
- The Board can apply limited, reasonable conditions, which may include modifying lighting, adding fencing, reviewing stormwater design for compliance with applicable standards, and adjusting parking layout and other structural elements on the site plan.
- Conditions can be used to shape a project, but conditions cannot go so far as to unreasonably interfere with or effectively prohibit the project.

Site Plan Review

- All projects will need to comply with Building Code, Fire Code, Department of Public Works regulations, state and local wetlands and other environmental regulations.
- Given the limited nature of site plan review for a by-right use, the applicant cannot be required to fund major off-site public infrastructure improvements as a condition of approval, beyond the requirements of code and non-zoning regulations noted above.
- Conversely, the Town is under no obligation to make investments in public infrastructure to make an individual project viable.

Propensity for Change & Fiscal Impact Results

Propensity for Change Modeling

The Propensity for Change Analysis uses a financial feasibility model for multifamily development that derives land value utilizing market return metrics, asking rents, and construction costs.

The analytical approach can be simplified into the following steps:

- Identify development scenarios requirements.
- Run a financial feasibility model.
- Derive land values required to meet developer's return requirements.
- Identify parcels that currently have land values below the established threshold.

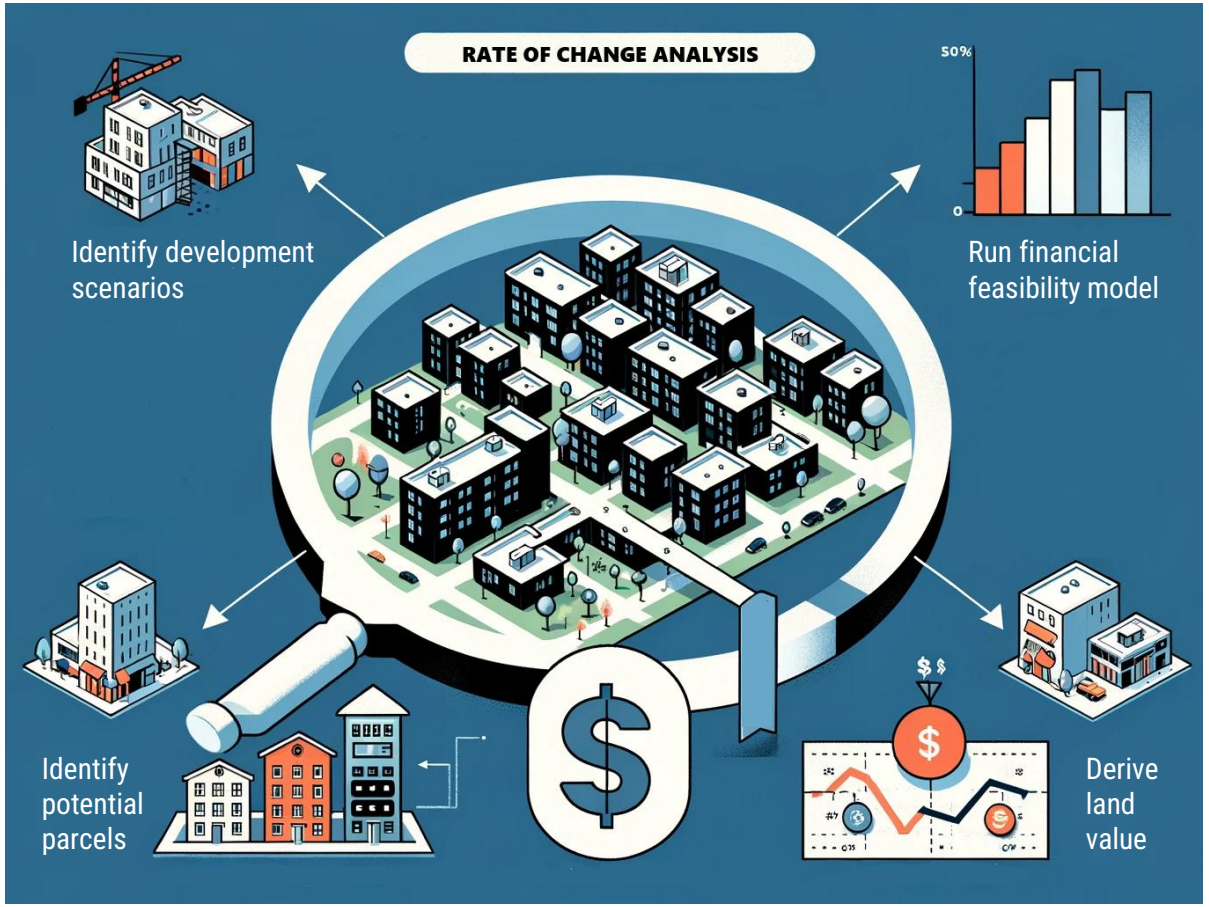


Image Source: RKG Associates, Inc.

Propensity for Change Modeling

Parcel in an MBTA District

Half Acre with One-Story Commercial Building.

Current Assessed Value:

$300,000

MBTA District Zoning Change

Value Creation: $150,000

% Change in Value: 50%

Higher Likelihood of Change

Parcel in an MBTA District

Half Acre with Three-Story Multifamily Building.

Potential Value:

$450,000

Propensity for Change Results

District Name	Base Compliance Propensity Units from Likely Build Out	Base Compliance Full Build Out	Neighborhood Housing Plan Propensity Units from Likely Build Out	Neighborhood Housing Plan Full Build Out
Apartment 1	0	526	82	877
Business	43	210	111	305
Avery Square Business	0	187	0	187
Chestnut Street East	50	370	137	547
Chestnut Street West	-	-	560	732
Chestnut Street Business	-	-	33	75
Hillside Ave Business	8	80	6	62
Industrial	121	495	-	-
Industrial - Crescent	-	-	79	184
Industrial - Hillside	-	-	91	325
TOTALS	**222**	**1,868**	**1,099**	**3,294**

Fiscal Impact Analysis

To test the fiscal impact of HONE's two scenarios, RKG Associates constructed a fiscal impact model to understand the potential tax revenues from new development compared to the municipal and school operational costs to support that development.

MODEL ASSUMPTIONS

- Town tax rates
- Multi-family Valuation
  - Based on costs researched by RKG
- Development program
- Incremental governmental expenditures
  - General government
  - Public safety (police and fire)
  - Public works
  - Schools
- Student generation rates per unit

Fiscal Impact Analysis

To calculate an estimated fiscal impact for each district under each scenario….

Number of Units X Per Unit Revenue = Property Tax Revenue

Number of Units X Per Unit Municipal Costs = Municipal Costs

Property Tax Revenue - Municipal Costs = Fiscal Impact

On a per unit basis, newly built multifamily units will generate more tax revenue than operating costs for the Town.

$3,443 - $1,136 = $2,307 per unit

Costs are then further refined by estimating new potential school children and their associated costs.

Number of Units X School Age Child (SAC) Ratio X Per Child School Costs = Education Costs

Fiscal Impact Analysis – Base Compliance Plan

Base – Propensity Model Likely Build Out

District Name	Base Propensity Units	Base Propensity Net Fiscal Impact
Apartment 1	0	$0
Business	43	$50,683
Avery Square Business	0	$0
Chestnut Street Business	50	$66,830
Hillside Avenue	8	$4,840
Industrial	121	$157,849
TOTALS	**222**	**$280,202**

District Name	Pupils
Apartment 1	0
Business	4
Avery Square Business	0
Chestnut Street Business	4
Hillside Avenue	1
Industrial	10
TOTALS	**19**

Base – Full Build Model

District Name	Base Full Build Units	Base Full Build Net Fiscal Impact
Apartment 1	526	$704,026
Business	210	$278,262
Avery Square Business	187	$249,461
Chestnut Street Business	370	$489,694
Hillside Avenue	80	$99,652
Industrial	495	$656,770
TOTALS	**1,868**	**$2,477,865**

District Name	Potential Pupils
Apartment 1	42
Business	17
Avery Square Business	15
Chestnut Street Business	30
Hillside Avenue	7
Industrial	40
TOTALS	**151**

Fiscal Impact Analysis – Neighborhood Housing Plan

Housing Plan – Propensity Model Likely Build Out

District Name	Housing Plan Propensity Units	Housing Plan Propensity Net Fiscal Impact
Apartment 1	82	$104,266
Business	111	$146,908
Avery Square Business	0	$0
Chestnut Street East	137	$182,630
Chestnut Street West	560	$746,075
Chestnut Street Business	33	$36,795
Hillside Ave Business	6	$1,987
Industrial - Crescent	79	$97,345
Industrial - Hillside	91	$112,899
TOTALS	**1,099**	**$1,428,905**

District Name	Pupils
Apartment 1	7
Business	9
Avery Square Business	0
Chestnut Street East	11
Chestnut Street West	45
Chestnut Street Business	3
Hillside Ave Business	1
Industrial - Crescent	7
Industrial - Hillside	8
TOTALS	**91**

Housing Plan – Full Build Model

District Name	Housing Plan Full Build Units	Housing Plan Full Build Net Fiscal Impact
Apartment 1	877	$1,174,145
Business	305	$400,389
Avery Square Business	187	$249,461
Chestnut Street East	547	$728,214
Chestnut Street West	732	$973,061
Chestnut Street Business	75	$100,246
Hillside Ave Business	62	$82,385
Industrial - Crescent	184	$242,540
Industrial - Hillside	325	$434,398
TOTALS	**3,294**	**$4,384,839**

District Name	Pupils
Apartment 1	70
Business	25
Avery Square Business	15
Chestnut Street East	44
Chestnut Street West	58
Chestnut Street Business	6
Hillside Ave Business	5
Industrial - Crescent	15
Industrial - Hillside	26
TOTALS	**264**

Net Absorption of Multifamily Units

Multifamily Housing in Needham

Period	Absorption	Net Deliveries
2023	(8)	-
2022	(4)	2
2021	73	-
2020	89	-
2019	246	-
2018	109	526
2017	(12)	-
2016	2	2
2015	10	10
2014	(7)	-

Source: CoStar, 2024

When larger projects are delivered in Needham, annual absorption has average about 100 units per year. **At that pace, it could take 19 years to absorb the Base Scenario Full Build and 34 years to absorb the Neighborhood Housing Plan Full Build.**

Propensity Model likely build out could be in the 2–10-year timeframe for the base and 10+ years for the Neighborhood Housing Plan.

It is worth noting that **over the past 10 years, Needham has delivered only 53 units per year** on average with most years showing no new deliveries of multifamily housing.

Tax Implication Analysis Methodology

- Analysis of gross property taxes to understand revenue implications of shifting parcels from commercial to residential, in light of Needham's split tax rate.
- Received FY24 property assessments and total tax bills from Town Assessor for every parcel that falls within the proposed zoning areas.
- Analyzed the property tax implications for 4 build-out scenarios: Base Compliance Map likely build and full build; Neighborhood Housing Plan likely build and full build.
- Selected the parcels likely to be developed/redeveloped (from Propensity for Change analysis) and compared current tax bill information with the gross property tax revenue projections from the fiscal impact model.

Tax Implication Analysis – Base Compliance Plan

Base Compliance – Propensity Model

Scenario	Commercial/ Industrial Properties	Residential Properties	Total Assessed Value	Total Property Taxes
Existing Conditions	43	14	$40,634,700	$884,215
Base Compliance	0	57	$58,707,000	$735,012
Difference	-43	43	$18,072,300	-$149,203

Base Compliance – Full Build Model

Scenario	Commercial/ Industrial Properties	Residential Properties	Total Assessed Value	Total Property Taxes
Existing Conditions	85	25	$223,908,700	$4,768,964
Base Compliance	0	110	$493,152,000	$6,174,263
Difference	-85	85	$269,243,300	$1,405,299

Tax Implication Analysis – Neighborhood Housing Plan

Neighborhood Housing Plan – Propensity Model

Scenario	Commercial/ Industrial Properties	Residential Properties	Total Assessed Value	Total Property Taxes
Existing Conditions	60	20	$79,142,600	$1,689,551
NHP	0	80	$290,136,000	$3,632,503
Difference	-60	60	$210,993,400	$1,942,951

Neighborhood Housing Plan– Full Build Model

Scenario	Commercial/ Industrial Properties	Residential Properties	Total Assessed Value	Total Property Taxes
Existing Conditions	85	24	$205,828,400	$4,538,096
NHP	0	109	$881,496,000	$11,036,330
Difference	-85	85	$675,667,600	$6,498,233

Housing Affordability

HONE's Proposal for Affordability:

- Continue to require that 12.5% of all new units in buildings with 6 or more units are set aside as deed restricted affordable housing.
- RKG's Economic Feasibility Analysis (EFA) supports HONE's recommendation to keep the current affordability requirements in place for MBTA Districts.
- Keeping the affordability set aside at 12.5% helps Needham continue to stay above the state's requirement of 10% affordability townwide.

Capital Impact Assessment

Methodology: The Department of Public Works (including Engineering, Highway Division, and Water, Sewer, and Drains Division), Needham Public Schools, Finance Department, Building Department, Police Department, and Fire Department reviewed HONE's zoning proposals. Staff compared the growth projections (units, student enrollment, and population growth) with Town capital infrastructure systems, known needs and proposed improvement projects informed by their expertise and source documents. A detailed memo is included in HONE's final report.

Police, Fire/EMS: No anticipated capital impacts due to recent investments in the Public Safety Building and Fire Station 2. The Fire Department's current apparatus can serve the height and density of the buildings that would be allowed.

Schools: The School Department has developed a master plan for updating aging school facilities and creating enrollment capacity, district-wide. The additional students projected under the "Likely" and "Full" build out of both zoning plans can be accommodated within the School Committee's preferred school master plan scenarios (i.e., renovate the Pollard for grades 6-8, repurpose the High Rock as a 6th elementary school, and renovate the Mitchell School).

Capital Impact Assessment

- DPW provides a thorough review of all projects that go through the Planning Board to ensure that projects comply with local requirements related to water, sewer, and stormwater.
- EOHLC guidelines: “compliance with Section 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future multi-family housing production within the multi-family zoning district.”

Water & Sewer

- The Town believes it has enough water capacity to support housing that may result from the proposed zoning.
- DPW does not anticipate that the proposed zoning will result in a need for new capital projects to expand existing water or sewer capacity.
- DPW may adjust the scope of projects needed due to current conditions to factor in population growth.
- DPW has requested funding for water and sewer master plans in FY2026.

Capital Impact Assessment

Stormwater

- Addressing stormwater quality and capacity will be a Town priority for the foreseeable future.
- There has been flooding throughout Needham, including in some areas proposed for rezoning.
- DPW has requested funding at the May 2024 Annual Town Meeting (to supplement ARPA funds) for a Stormwater Master Plan to identify and prioritize stormwater capital projects townwide.
- Proposed developments will be subject to the Town's Stormwater Bylaw, stormwater utility fee, flood plain requirements, and wetlands regulations.
- The Select Board has established a Stormwater Bylaw Working Group to make recommendations for revisions to the Town's bylaw to strengthen requirements related to stormwater capacity.

Roadways

- Major improvements are already planned for Great Plain Avenue from Linden Street to Warren Street and Highland Avenue between Webster Street and Great Plain Avenue. Both can factor anticipated growth into the designs.
- Improvements to Chestnut Street are not in the Town's FY25-29 capital improvement plan and may become a priority.
- Completion of the Rail Trail, or an alternative networks for bicycles, is also not in the Town's current 5-year plan.
- Town staff will be meeting with the Finance Committee on a reserve fund transfer request to support a traffic study.

Capital Impact Assessment

Parking

- HONE's proposal includes a parking requirement of a minimum of 1 space per unit.
- This is expected to be sufficient based on two 2023 local reports: MAPC's Perfect Fit Parking Study and the Needham Center & Needham Heights Parking Study conducted for the Town by Stantec.
- A multi-family housing developer may choose to build additional parking, if they believe that a higher ratio is necessary to successfully rent or sell each unit based on market demand.

Environmental

- Compliance with the MBTA Communities Act is a stated action in Needham's Climate Action Plan to work towards the goal that "Needham has low-carbon mobility options accessible to all."
- All housing built under this zoning must comply with the Opt-In Specialized Energy Code. Any new multi-family housing over 12,000 square feet will need to meet Passive House standards and any new multi-family housing under 12,000 square feet will need to be all-electric of if using fossil fuel combustion systems, will need to provide pre-wiring for future appliances and HVAC electrification and install solar to offset energy usage.

Next Steps

Additional Deliverables

- Traffic Study
- Design Guidelines

Next Steps

Community Meeting #3	HONE finalizes proposals, concludes work	Joint Board Meeting	Send proposed zoning to State	State review of zoning (90 days)	Planning Board Finalizes Zoning Article	Town Meeting Votes	Final State Review
March 28, 2024	April 2024	April 30, 2024	May 1, 2024	May 1 – August 1	August – Sept 2024	October 2024	December 2024

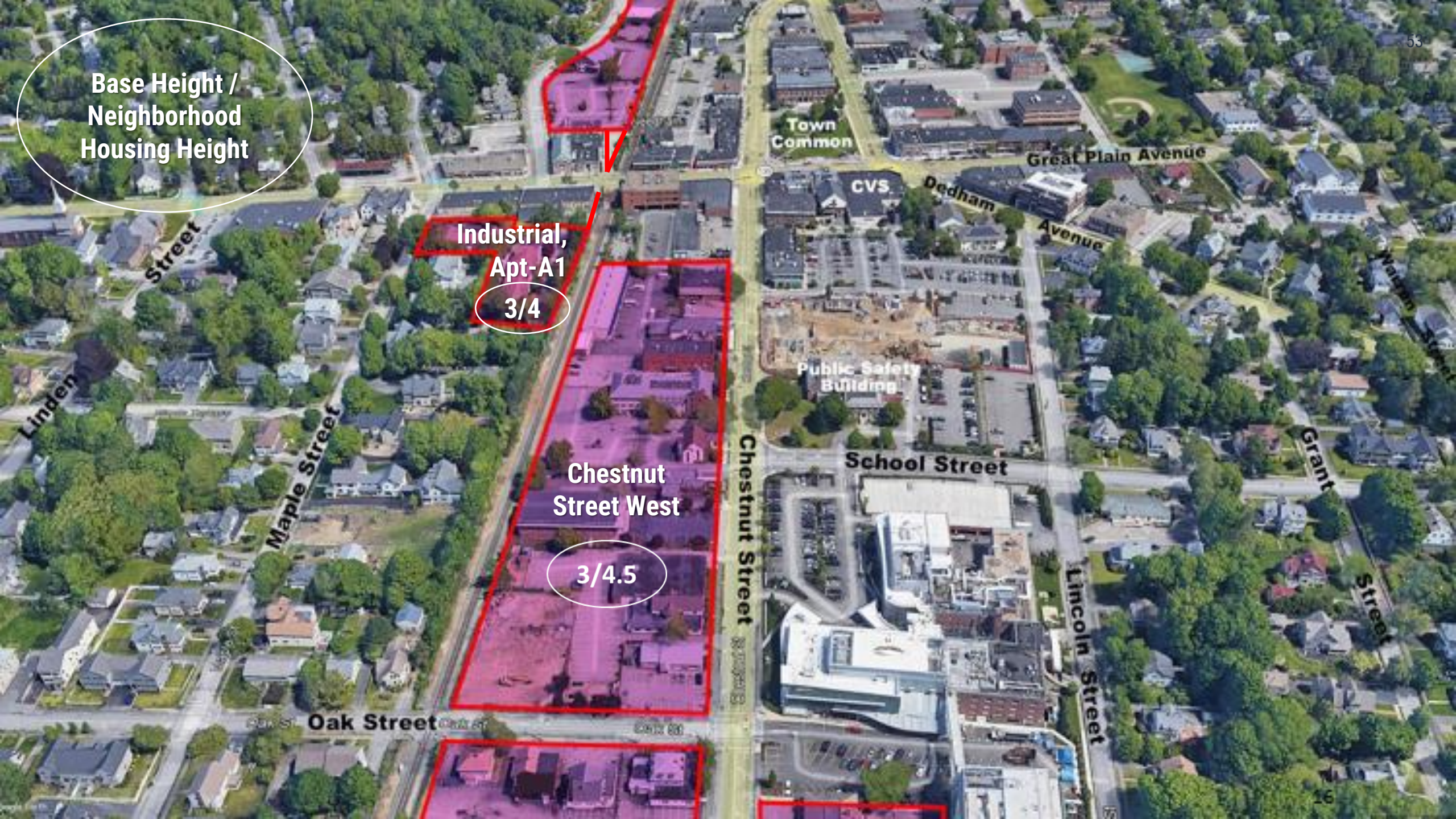
We're here

Questions & Feedback

Appendix: Visualizations

Base Height / Neighborhood Housing Height
Linden Street
Chestnut Street West
3/4.5
Roche Bros.
Chestnut Street
Chestnut Street East
3/3.5
Hartney Greymont
Lincoln Street
Chestnut Street East
VFW
3/3.5
Junction Street
Warren

Base Height / Neighborhood Housing Height
3/4.5
Chestnut Street West
Chestnut Street West
3/4.5
Roche Bros.
Chestnut Street
Dunkin Donuts
Chestnut Street East
3/3.5
VFW
Junction Street
Lincoln Street
Maple
Warren Street
Grant Street


Base Height / Neighborhood Housing Height
Industrial, Apt-A1
3/4
Chestnut Street West
3/4.5
Town Common
CVS
Great Plain Avenue
Dedham Avenue
Public Safety Building
School Street
Chestnut Street
Lincoln Street
Grant Street
Linden Street
Maple Street
Oak Street

Base Height / Neighborhood Housing Height
St. Joe's
May Street
Highland Avenue
Chestnut St. Garden
3/3.5
Garden Street
Chapel Street
Town Hall
Town Common
135
Great Plain Avenue
Michelson's
Harvey's
Linden Street
Maple Street
Industrial, Apt-A1
3/4
Chestnut Street
Dedham Avenue
Lincoln St

Base Height / Neighborhood Housing Height
Needham Library
Needham High School
Bertucci's
Business District
3/4.5
3 / 4
Apartment A1
St. Joe's
3/-
Highland Avenue
May Street
May Street

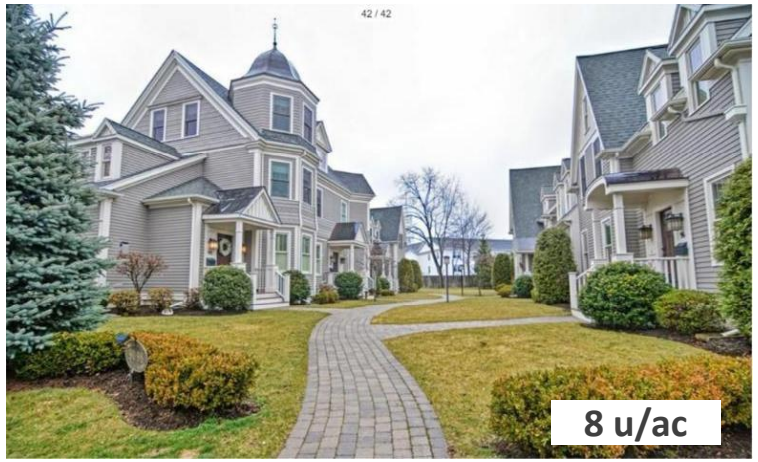
Base Height / Neighborhood Housing Height
West Street
Avery Square Business
100 West Street
Hillside Avenue
Rosemary Ridge
Apartment A1
3 / 4
Rosemary Lake Apartments
Industrial - Hillside
3 / 3
Rosemary Lake
Rosemary Street
Highland Avenue

Base Height / Neighborhood Housing Height
Industrial - Crescent
3 / 3
Hillside Ave. Business
3 / 3
CATH
A1 (-/4)
Apartment A1
3 /-
Runnewell Street
West Street
West Street
Hillside Avenue
Industrial - Hillside
3 / 3
Avery Square Business
100 West Street
3 By Right; 4 Special Permit
Highland Avenue
Trader Joe's

Base Height /
Neighborhood
Housing Height
Apartment
A1
3 / 4

Existing Needham Multifamily Housing

1110 Great Plain Avenue



90-98 Dedham Avenue

401-405 Hunnewell Street

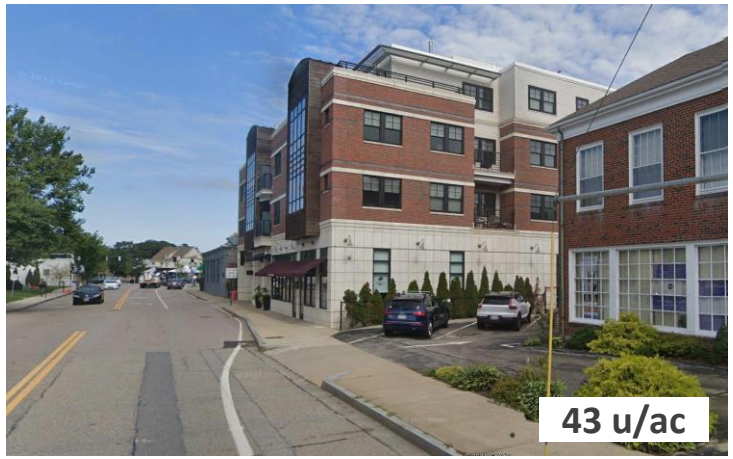
The Highlands

Denmark Lane

25 High Street

Existing Needham Multifamily Housing

Stephen Palmer



50 Dedham Avenue

100 West Street

Rosemary Ridge

Charles River Landing

Rosemary Lake

Examples of multifamily housing

Townhomes

3-4 story multifamily

Denser single-family homes

3-story multifamily

3-story multifamily

Live-work townhomes

Examples of mixed-use multi-family housing

2-3 story MXU multifamily

2-3 story MXU multifamily

3-story MXU multifamily

3-story MXU multifamily

3½-story MXU multifamily

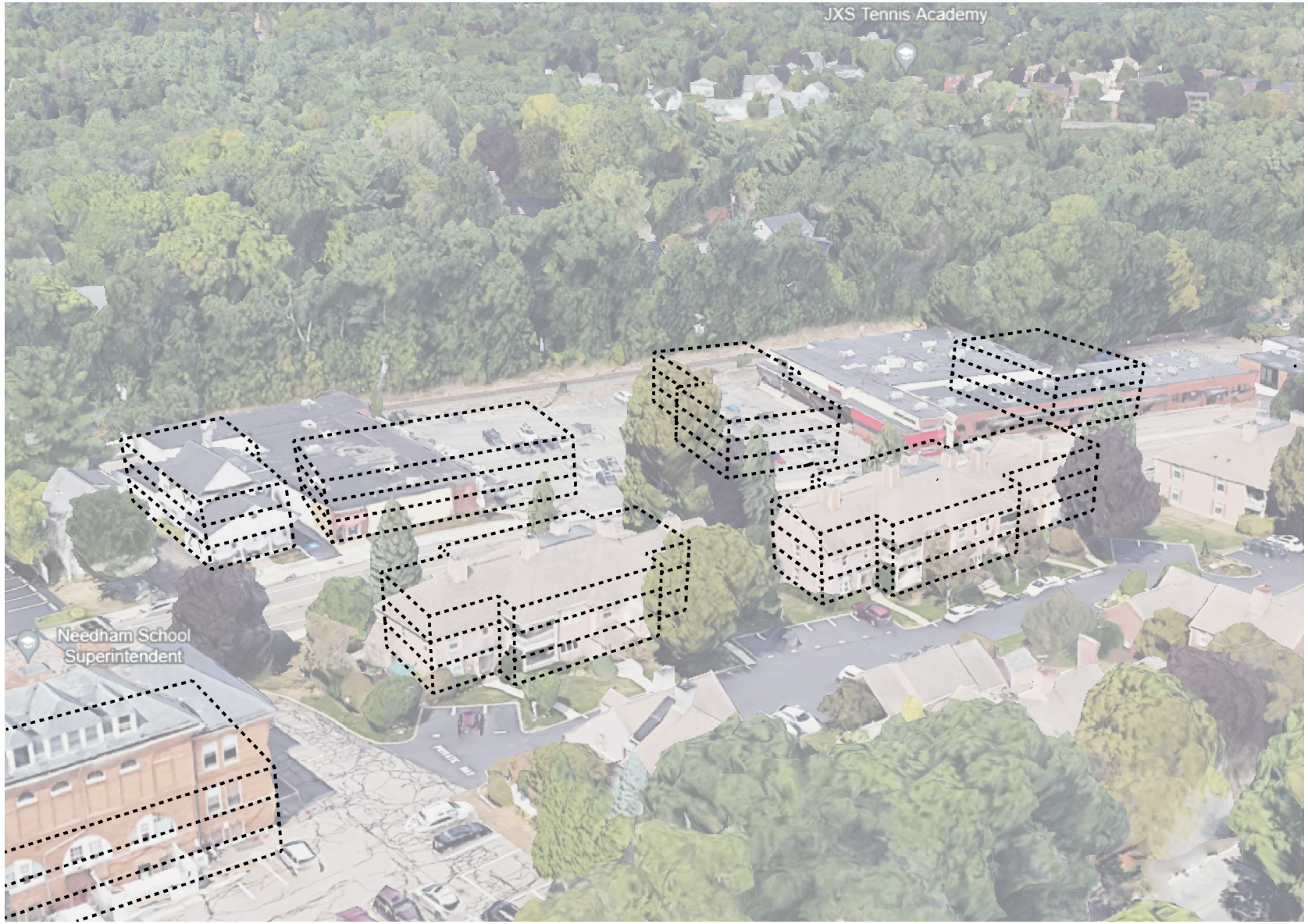
3-story MXU multifamily

3 Stories

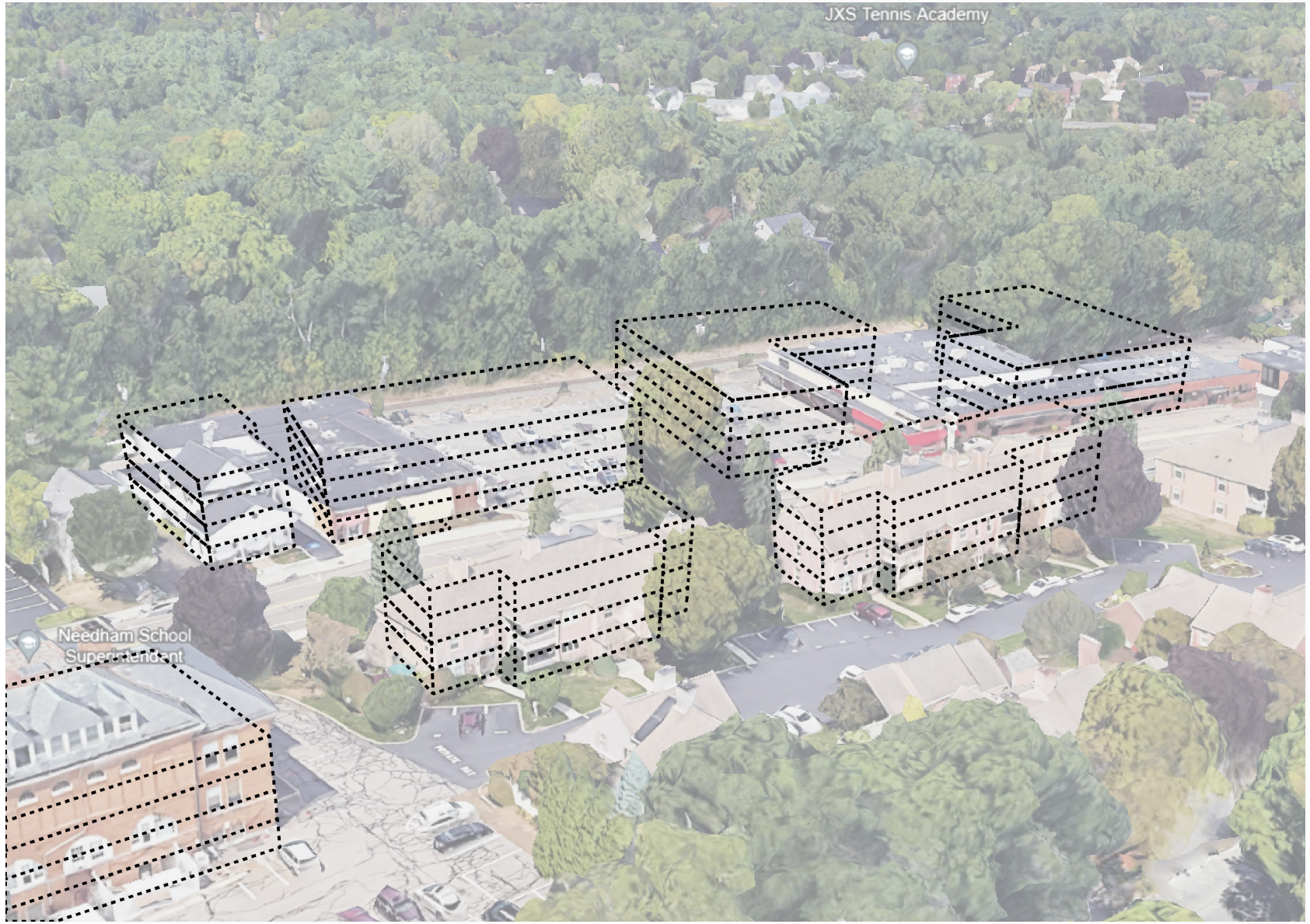
3.5 Stories

Visualizing Change – Business District – Existing Conditions

Visualizing Change – Business District – Base Compliance

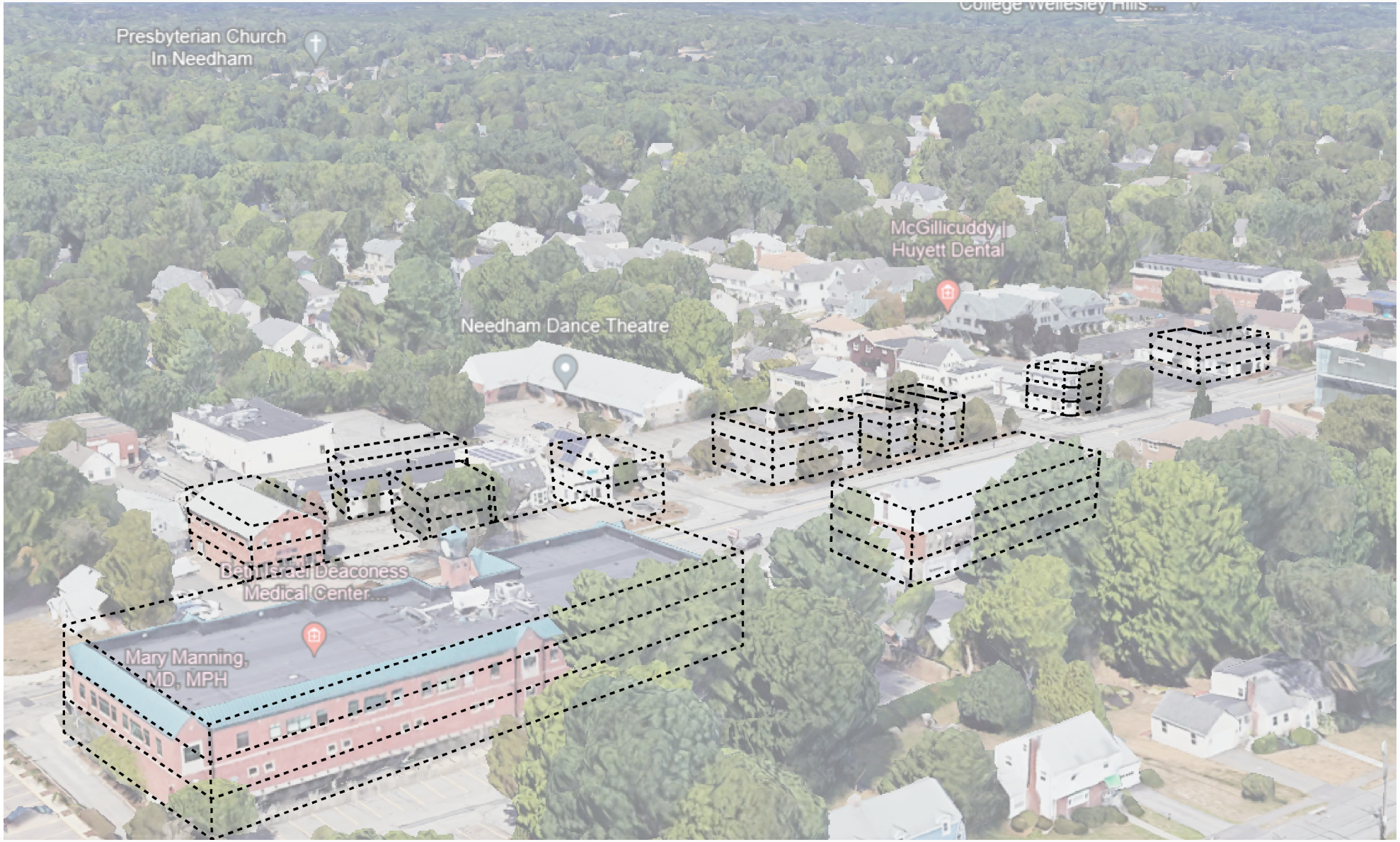


Visualizing Change – Business District – Neighborhood Housing Plan



Visualizing Change – Chestnut West District – Existing Conditions

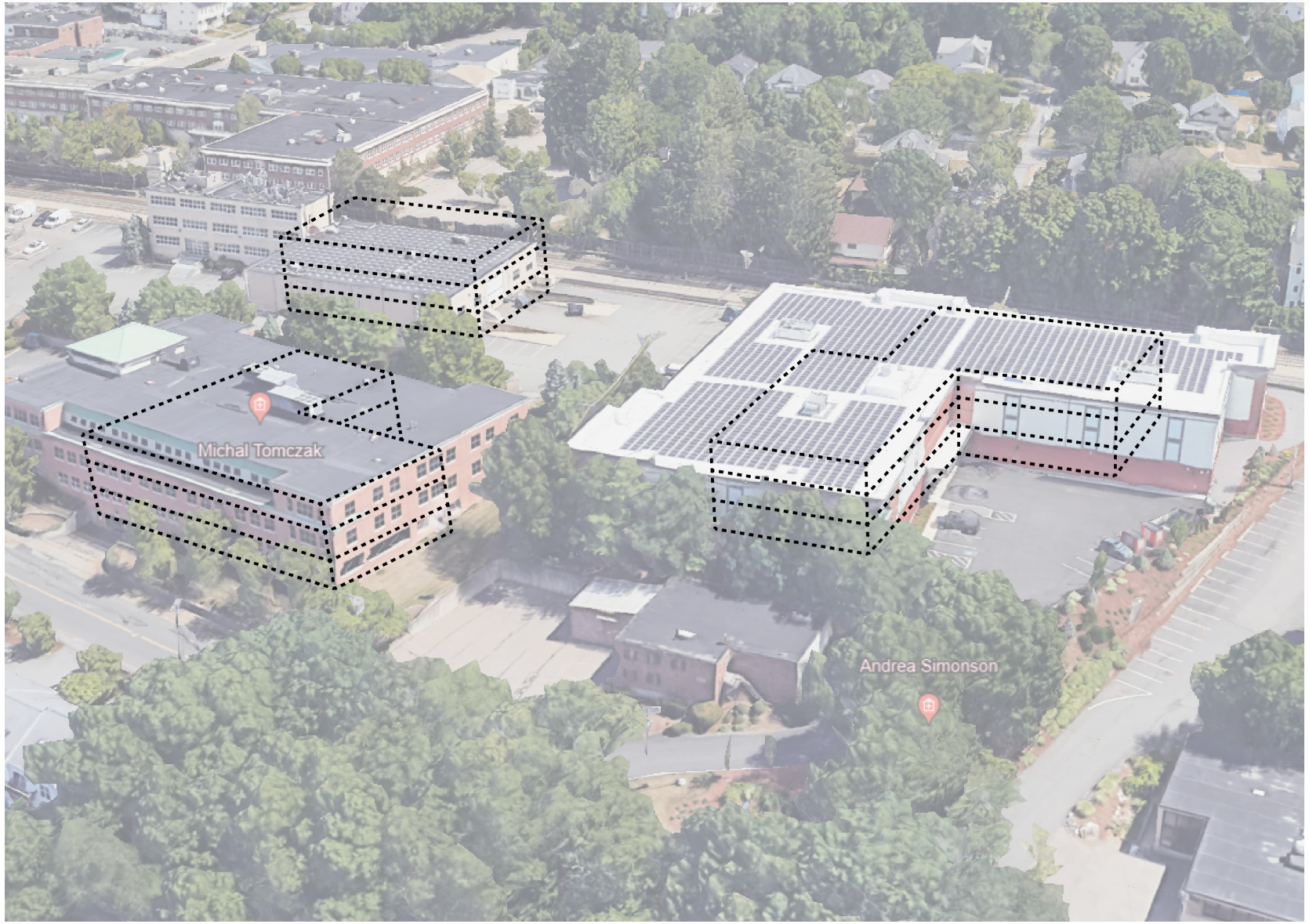
Visualizing Change – Chestnut West District – Base Compliance



Visualizing Change – Chestnut West District – Neighborhood Housing Plan

Visualizing Change – Hillside Industrial – Existing Conditions

Visualizing Change – Hillside Industrial – Base Compliance



Visualizing Change – Hillside Industrial – Neighborhood Housing Plan

TOWN OF NEEDHAM, MA
MBTA COMMUNITIES SUMMARY REPORT

April 2024

HOUSING NEEDHAM (HONE)
TOWN VISIONING FOR MULTI-FAMILY HOUSING

Prepared by
RKG Associates
76 Canal Street, Suite 401
Boston, MA 02114

Innes Associates
40R Merrimac Street, Suite 201 West
Newburyport, MA 01950

RKG Associates, Inc. is a multi-disciplinary consulting firm, founded in 1981. We serve private, public, and institutional clients and provide a comprehensive range of advisory, planning, marketing, and management services throughout the US and around the world.

We are proud that the projects we are involved in are projects that get built – projects that happen – projects that work.

RKG is headquartered in Alexandria, VA, and has offices in Boston, Atlanta, Dallas, and Newton, NH.

The Needham MBTA Communities assistance project was undertaken in partnership with our subconsultants at Innes Associates. IA works with communities of all sizes, assisting with planning at all scales: from lots to neighborhoods to entire towns or cities. Their focus is on providing municipalities with the tools they need to support their communities through changes in their economy, society, and environment.

Innes Associates is headquartered in Newburyport, MA.

CONTENTS

Purpose the Study and Analysis **3**
Housing Needham (HONE) Advisory Group 3
Overview of the MBTA Communities Law 4
Building on Needham's 2022 Housing Plan 5
Tasks and Timeline 5
Public Engagement Process **7**
HONE Meetings 7
Public Workshops 7
Other Engagement 8
Roadmap for Scenario Building and Results **9**
Needham Housing Plan 9
Initial Draft Scenarios for Public Review 10
Refined Draft Scenarios for Public Review 15
HONE Recommended Scenarios 18
Visualizing the Future **23**
Propensity for Change Model **29**
Model Results 30
Absorption Estimates of Multifamily Units 36
Fiscal Impact Analysis **37**
Fiscal Impact Analysis Methodology and Assumptions 37
Fiscal Impact Analysis Results 42
Capital Costs 45
Tax Implication Analysis 45
Economic Feasibility Analysis **48**
EFA Model and Assumptions 48
EFA Findings 51
Overview of Proposed Zoning **52**
Additional Zoning Recommendations 56
Appendix 1 ..... **57**

PURPOSE THE STUDY AND ANALYSIS

In December 2021, the Executive Office of Housing and Livable Communities (EOHLC, formerly DHCD) issued guidelines on how the 177 cities and towns that are part of the MBTA Communities Act were to create zoning compliant with the multifamily zoning requirement for MBTA Communities. Recognizing the complexity of the guidelines and the technical aspects of creating compliant zoning, the Town of Needham issued a request for proposals (RFP) to procure a consultant team to assist in the process. The consultant team would be charged with working directly with the Housing Needham (HONE) Advisory Group and town staff as well as engaging the public throughout the study process with the goal of developing compliant zoning that could be voted on at Town Meeting in 2024. Through the competitive bid process, the town selected the consultant team of RKG Associates and Innes Associates.

HOUSING NEEDHAM (HONE) ADVISORY GROUP

The Housing Needham (HONE) Advisory Group was established jointly by the Select Board and Planning Board in 2023. The group was tasked with leading the community engagement process to create multi-family zoning that complies with the MBTA Communities Act (MGL c.40A Section 3A). The group serves as advisors to the Select Board and Planning Board on proposed zoning to bring to Town Meeting in 2024, informed by their individual expertise, group deliberations, and feedback received from the public. [1]

The Housing Needham (HONE) Advisory Group's charge was to:

1. Lead a broad public engagement effort for the Needham community to envision and shape zoning to allow multi-family housing that complies with the MBTA Communities Act.
2. Utilize the recommendations in the Town of Needham's 2022 Housing plan as a starting point.
3. Evaluate buildouts, projections, and analyses of fiscal, school enrollment, and infrastructure impacts provided by staff and consultants.
4. Consider related zoning elements that are allowed, but not required under the MBTA Communities Act, including but not limited to inclusionary zoning (affordable housing requirements) and parking minimums.
5. Update the Select Board, Planning Board and Finance Committee throughout the process on group deliberations and community feedback.
6. Recommend draft zoning to the Select Board and Planning Board to submit to EOHLC and Town Meeting.

HONE was comprised of a nine-member group appointed by the Select Board and the Planning Board to each serve through the end of 2024. A list of HONE members is shown in Table 1.

[1] Needham's HONE Advisory Group Webpage, https://www.needhamma.gov/5478/HONE-Advisory-Group

Table 1: HONE Membership

Member Name	Seat/Appointing Body	Year Appointed	Term Expiration
Heidi Frail	Co-Chair, Select Board Member/Select Board	2023	2024
Natasha Espada	Co-Chair, Planning Board Member/Planning Board	2023	2024
Kevin Keane	Select Board Member/Select Board	2023	2024
Jeanne McKnight	Planning Board Designees as of 4/16/2024 Member/Planning Board	2023	2024
Joshua Levy	Finance Committee Member/Select Board	2023	2024
Karen Calton	Finance Committee as of 4/16/24 Member/Select Board	2024	2024
Ron Ruth	Architect, Land Use Planner, Land Use Attorney, or Real Estate Developer/Planning Board	2023	2024
Bill Lovett	Architect, Land Use Planner, Land Use Attorney, or Real Estate Developer/Planning Board	2023	2024
Elizabeth Kaponya	Renter/Select Board	2023	2024
Michael Diener	At-Large/Select Board	2023	2024

Throughout the course of the engagement with the Consultant Team and developing the recommended MBTA Communities Zoning/Scenarios, HONE met 17 times, generally one to two times a month including hosting three community-wide public workshops.

OVERVIEW OF THE MBTA COMMUNITIES LAW

Serving as the backdrop to the work HONE was tasked with completing is the MBTA Communities Act, Section 3A of MGL c. 40A passed by the Massachusetts Legislature in January 2021. The law has three primary tenets which created the basis for the guidelines issued by EOHLC:

1. MBTA zoning districts must have a minimum gross density of 15 units per acre.
2. MBTA zoning districts cannot be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
3. MBTA zoning cannot include age restrictions and cannot prevent housing that is suitable for families with children.

The premise behind the law and the guidelines is to address the Commonwealth's housing shortage and the impact that shortage has on our ability to compete for business and talent, ensure our residents can live affordably regardless of their income, and better linking housing, jobs, and transportation to address climate change and help reduce greenhouse gas emissions.

The guidelines set forth a detailed explanation for how communities are to comply with the law and the process by which they need to follow to show EOHLC and the Attorney General's Office that their zoning districts comply. The guidelines also established compliance deadlines for the 177 communities categorized by the type of transit serving the community or the size of the community and its adjacency to transit served communities. Needham is categorized as a Commuter Rail community and is given a deadline of December 31, 2024 to submit a compliance application to EOHLC for review and approval.

BUILDING ON NEEDHAM'S 2022 HOUSING PLAN

Fortunately for Needham, at the time of the legislature's approval of the MBTA Communities Act the town was working toward the completion of the Needham Housing Plan[2] which provided an opportunity to think through the implications of MBTA Communities and preliminarily identify options for how Needham could comply with the law. The original MBTA Guidelines as developed by EOHLC were available at the time of Needham's Housing Plan, but subsequent changes to the Guidelines in August 2023 came after the Housing Plan was approved. Regardless, the zoning changes proposed in Housing Plan formed a strong base from which HONE was able to work from. A summary of the proposed zoning changes and illustrative maps can be found here.

TASKS AND TIMELINE

The consultant team was tasked with helping HONE identify at least one MBTA Communities compliant zoning scenario to bring forward at Town Meeting in 2024. To meet the deadline of Fall 2024 Town Meeting and have enough time for a preliminary review of the zoning by EOHLC, HONE established a completion deadline for this project of April 2024. Figure 2 illustrates the original timeline for the study established at HONE's first meeting in September 2023.

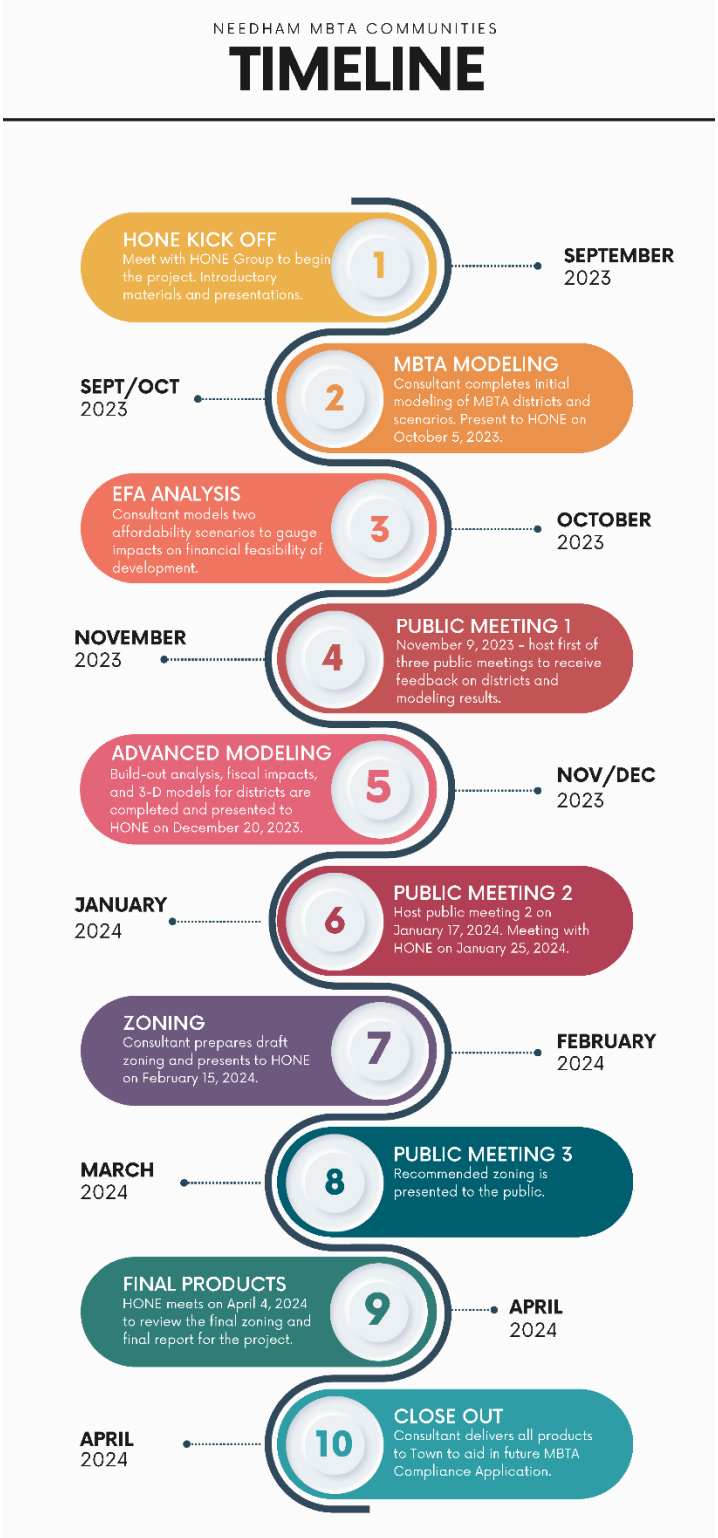
Figure 1 illustrates the tasks the consultant team was to complete during the course of the study. Generally, this included the following:

- Establish MBTA Districts and Scenarios
- Run the MBTA Compliance Model on Districts/Scenarios
- Conduct a Potential Build Out Analysis (Propensity Model)
- Conduct an Economic Feasibility Analysis (EFA)
- Conduct a Fiscal Impact Analysis (FIA)
- Illustrate Future Development on 3-4 Example Parcels
- Develop Compliant Zoning Language for Town Meeting
- Engage the Public

[2] Needham Housing Plan 2021 website: https://www.needhamma.gov/5050/Needham-Housing-Plan-2021

Figure 1: Original Scope Elements

Figure 2: Original Timeline



PUBLIC ENGAGEMENT PROCESS

One key component to the work of HONE and the consultant team was ensuring a clear and transparent process for how the proposed MBTA Communities districts and zoning were determined. At the onset of the project, HONE was committed to meeting as many times as needed to establish their recommendations to Town Meeting in a way that responded to public comment throughout the process. In addition, HONE conducted three public workshops throughout the process to engage residents in the decision-making process and listen to their feedback on proposed MBTA district and zoning scenarios. Throughout the study process, HONE engaged with hundreds of Needham residents in both virtual and in-person formats as well as receiving and responding to written comments throughout.

HONE MEETINGS

As noted earlier, the HONE Advisory Committee met as an official group 17 times between September 2023 and April 2024. These regular business meetings were conducted in-person with the opportunity for participants outside of HONE to join either in-person or virtually. HONE meetings were typically held on Thursday evenings beginning at 7PM one to two times a month depending on the schedule and deliverables.

PUBLIC WORKSHOPS

At three specific points in the process, HONE hosted public workshops to engage residents and other interested participants to help formulate the MBTA Communities district scenarios and zoning parameters. They also delivered detailed presentations outlining how HONE deliberated and reached milestones throughout the process. Each public workshop was conducted in a hybrid manner where participants were able to attend an in-person meeting or as part of a virtual meeting. Regardless of how a participant chose to engage, the meeting and activities were mirrored to ensure all participants had equal opportunity to have their voice heard. The following descriptions provide a brief summary of each of the three public workshops highlighting the purpose of each meeting and how the feedback received was used as part of HONE's process.

PUBLIC WORKSHOP #1

On November 9, 2023, the HONE Committee of the Town of Needham hosted a Public Workshop at Powers Hall to discuss the town's compliance requirements for the MBTA Communities Act and to receive input from the public on potential MBTA districts, zoning districts, and zoning parameters. The meeting was held in-person and online with a synchronous presentation for all attendees and mirrored asynchronous activities so all could participate regardless of where they attended from. Overall, the meeting attracted approximately 300 participants both online and in-person.

At the start of the meeting, the consultant team gave a presentation that covered the MBTA Communities Act, the EOHLC Guidelines, and Needham's specific MBTA requirements under the law. After the presentation, participants were guided through a series of seven stations which asked questions related to

the zoning parameters that should be applied to different parts of Needham's overall MBTA district. These included questions around height, density, lot coverage, and minimum lot size. There was a station with specific questions related to Needham's Center Business district and whether mixed-use should be mandatory or not in that zoning district.

All feedback from the in-person and online attendees was summarized and presented to HONE. The group then deliberated and made decisions on how to set zoning for the proposed MBTA districts based on the public's input.

PUBLIC WORKSHOP #2

On January 18, 2024, the HONE Committee of the Town of Needham hosted the second Public Workshop at Powers Hall to share three draft MBTA scenarios with participants and ask for their feedback. At this workshop, the consultant team presented three MBTA scenarios each with increasing land area and unit capacity amounts *(these are discussed further in the Roadmap for Scenario Building section of this report)*. The meeting was held in-person and online with a synchronous presentation for all attendees, an online survey, and an open mic opportunity for questions and comments. This meeting also attracted over 300 participants both online and in-person.

All survey responses and public comments were summarized and presented at HONE's next meeting. Once again, the feedback received from the public fed directly into the continued evolution of HONE's MBTA district scenarios.

PUBLIC WORKSHOP #3

On March 28, 2024, the HONE Committee of the Town of Needham hosted the third Public Workshop at Powers Hall to share two refined draft MBTA scenarios with participants and ask for their feedback. At this workshop, the consultant team presented the two MBTA scenarios *(these are discussed further in the Roadmap for Scenario Building section of this report)*, the results of the fiscal impact analysis, results of the economic feasibility analysis, and some sample renderings showing how parcels could potentially build out over time under each scenario. The meeting was held in-person and online with a synchronous presentation for all attendees and an open mic opportunity for questions and comments. This meeting attracted close to 400 participants both online and in-person.

All public comments were summarized and presented at HONE's next meeting. Once again, the feedback received from the public fed directly into the continued evolution of HONE's MBTA district scenarios.

OTHER ENGAGEMENT

In addition to the regular HONE meetings and the three public workshops, members of HONE and town staff met with other elected and appointed boards in Needham to keep them informed of the progress of the committee. This included meetings with the Select Board, Planning Board, and Finance Committee. There were also smaller forums to solicit input from specific groups such as a focus group with the

Town's Council of Economic Advisors and development industry to better understand how proposed zoning changes may influence their decisions to invest in Needham.

ROADMAP FOR SCENARIO BUILDING AND RESULTS

HONE's charge was ultimately to recommend draft zoning language to the Select Board and Planning Board that would comply with the MBTA Communities Act and guidelines. Over the course of an eight-month period, HONE worked with town staff, the public, and the consultant team to evaluate over a dozen different iterations of zoning districts and zoning parameters to create a recommendation that would both meet compliance with the law and be tailored to Needham's vision and goals for housing.

To meet its compliance requirements, Needham's MBTA Communities districts and zoning must meet the following criteria:

- A minimum land area of 50 acres.
- 45 acres must be located within a half-mile of any of Needham's commuter rail stations.
- One district must be at least 25 acres in size.
- No single district can be less than 5 acres in size.
- The zoning capacity of the districts must meet or exceed 1,784 units.
- 1,606 of those units must be within a half-mile of any of Needham's commuter rail stations.
- The districts must have zoning that allows for an average of 15 dwelling units per acre.

In the end, HONE's recommendation included two compliant scenario options for the Select Board, Planning Board, and Town Meeting to consider. These scenarios are referred to as Base Compliance and Neighborhood Housing Plan (NHP). These two scenarios were the result of input from HONE and the public throughout the process and both reflect feedback from public workshops and written public comments submitted throughout the process.

This section of the report is intended to provide an overview of the key steps and scenarios presented over the eight-month process. All presentations to HONE and the public which have more details on each scenario iteration can be found on HONE's webpage.

NEEDHAM HOUSING PLAN

As noted earlier in this report, HONE had the advantage of not having to start from scratch with the creation of MBTA Communities districts and zoning. In 2021, a group of volunteers in Needham began working on the Needham Housing Plan that identified the housing challenges in town as well as potential solutions. Fortunately for the town, during the development of the Housing Plan the initial guidelines for MBTA Communities were released creating a window of opportunity to have the Housing Plan group consider how Needham could shape zoning and districts to comply with the law. The Housing Plan group developed a set of illustrative zoning maps and a list of recommended zoning changes that could help the town down the path of compliance with MBTA Communities.

The zoning maps included in the Housing Plan's recommendations showed that the majority of the zoning changes could be concentrated in the Needham neighborhoods geographically located near three of Needham's four MBTA commuter rail stations. These stations generally comprise an area that could be thought of as the Chestnut Street / Highland Avenue north / south corridor. This corridor included the more densely built parts of town with a mix of commercial, institutional, municipal, and residential uses with a range of density and building types. Accompanying each zoning district map was a detailed set of recommendations that, at the time, were considered to be zoning changes critical to creating compliance with MBTA Communities. A summary of the proposed zoning changes and illustrative maps from the Housing Plan can be found here.

REFINING HOUSING PLAN RECOMMENDATIONS

In October 2023, at the request of HONE, the consultant team ran the Housing Plan recommendations (districts and zoning) through the MBTA Compliance Model to understand how close the Housing Plan scenario could come to helping Needham achieve compliance. The consultant team reported to HONE that the Housing Plan as envisioned resulted in the following compliance measures:

- 341 gross acres.
- Zoning capacity for 5,183 housing units.
- A gross density of 16.9 dwelling units per acre.

Under the specific conditions described in the Housing Plan, it was possible that Needham could have met the compliance requirements. However, there were several concerns on the part of HONE and the public that the Housing Plan may have gone too far in its overall size, unit capacity, and the inclusion of areas currently zoned General Residence (GR) which today is predominately single-family and two-family neighborhoods. This meant HONE would need to begin exploring ways to tailor the Housing Plan's recommendations to better match the desired outcomes of the community and still meet or exceed the MBTA compliance requirements.

INITIAL DRAFT SCENARIOS FOR PUBLIC REVIEW

Following HONE's initial public workshop in November 2023, the group began revising the original Housing Plan scenario to create options for MBTA Communities compliance. Utilizing the feedback from the November 2023 public workshop, HONE developed three distinct MBTA compliance scenarios to bring back to the public at a second workshop in January 2024. At that workshop HONE presented a minimum compliance scenario with 1,784 units, a slightly revised Housing Plan scenario with 2,630 units, and a more robust Increased Density scenario with 4,782 units. Table 2 shows the key metrics for each of the three scenarios.

Table 2: Initial Scenarios – Key MBTA Compliance Metrics

Model Output	Scenario A – Base Compliance	Scenario B – Housing Plan	Scenario C – Increased Density
Gross Acres	111.4	186.7	353.1
Max Unit Capacity	1,784	2,630	4,782
DU/AC	15.0	15.8	15.0

The workshop offered a synchronous paper and online survey participants, available for completion during the workshop. Additionally, an asynchronous survey was available for a week following the workshop, allowing for participants to review the scenarios and provide further input. The survey asked specific questions about each scenario and how participants felt about the overall scenario, the size and location of specific zoning districts, and the zoning parameters used to determine unit capacity and density.

Following the public workshop, HONE convened to discuss the public feedback and continue to refine the MBTA district scenarios. Some key points of public feedback that helped shape the next iterations of HONE's scenarios included, but was not limited to:

- Scenarios A and C, the lowest and highest unit capacity figures, were the first choice of most workshop participants highlighting a split within the community for meeting base compliance with the law or using the law to push housing production in Needham.
- Most participants were comfortable leaving the size of districts in Scenario A, B, and C as they were drawn with the exception of the Center Business District. Throughout the process participants were split on whether to include the Center Business District or not because of its importance as a mixed-use business district that currently requires first floor commercial in a residential building.
- Participants were split on whether to include Needham's General Residence (GR) zoning district in an MBTA compliance scenario.

Figures 3, 4, and 5 show the MBTA district scenario maps that were presented at the second public workshop for feedback.

Figure 3: Base Compliance Scenario Map – November 2023

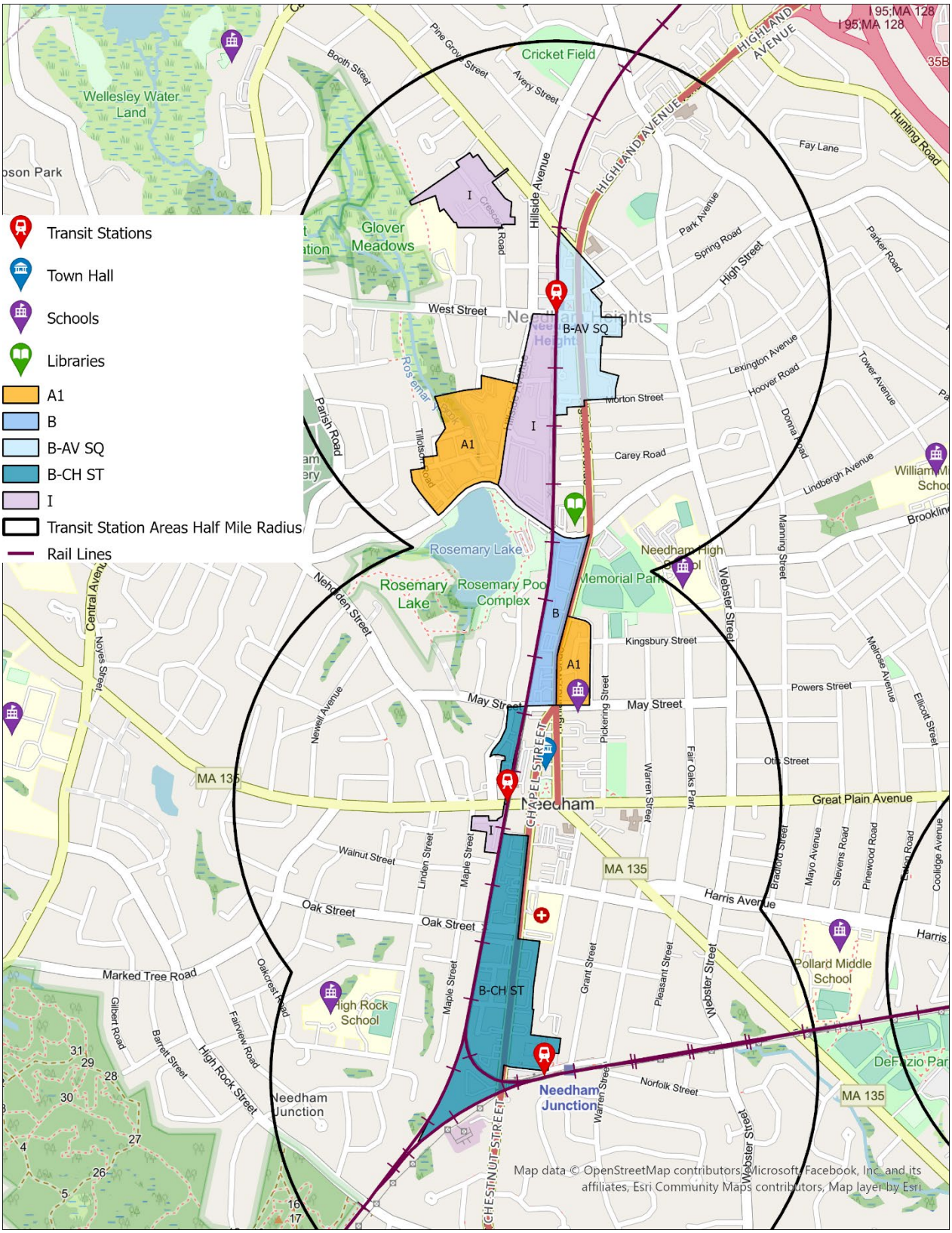


Figure 4: Housing Plan Scenario Map – November 2023

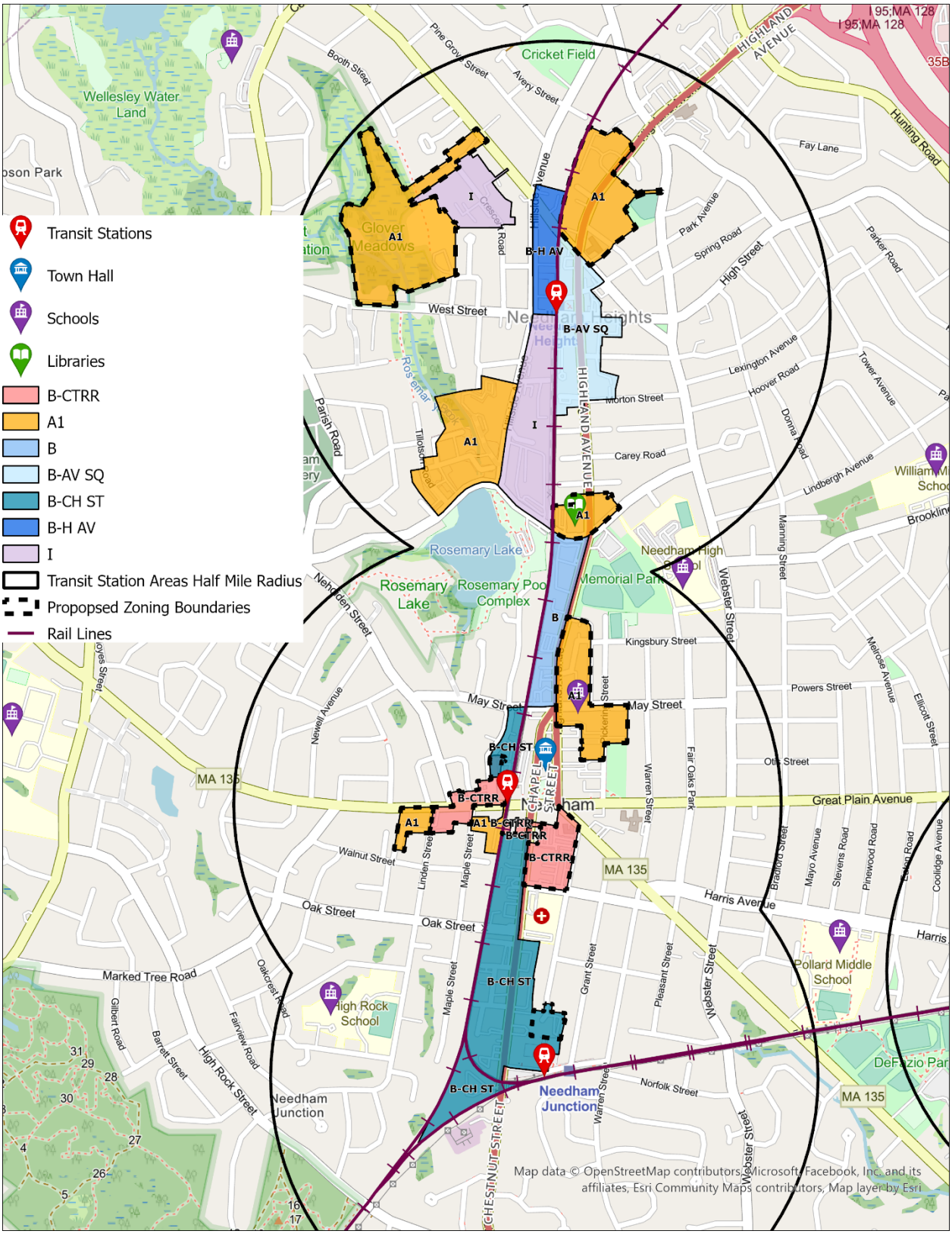
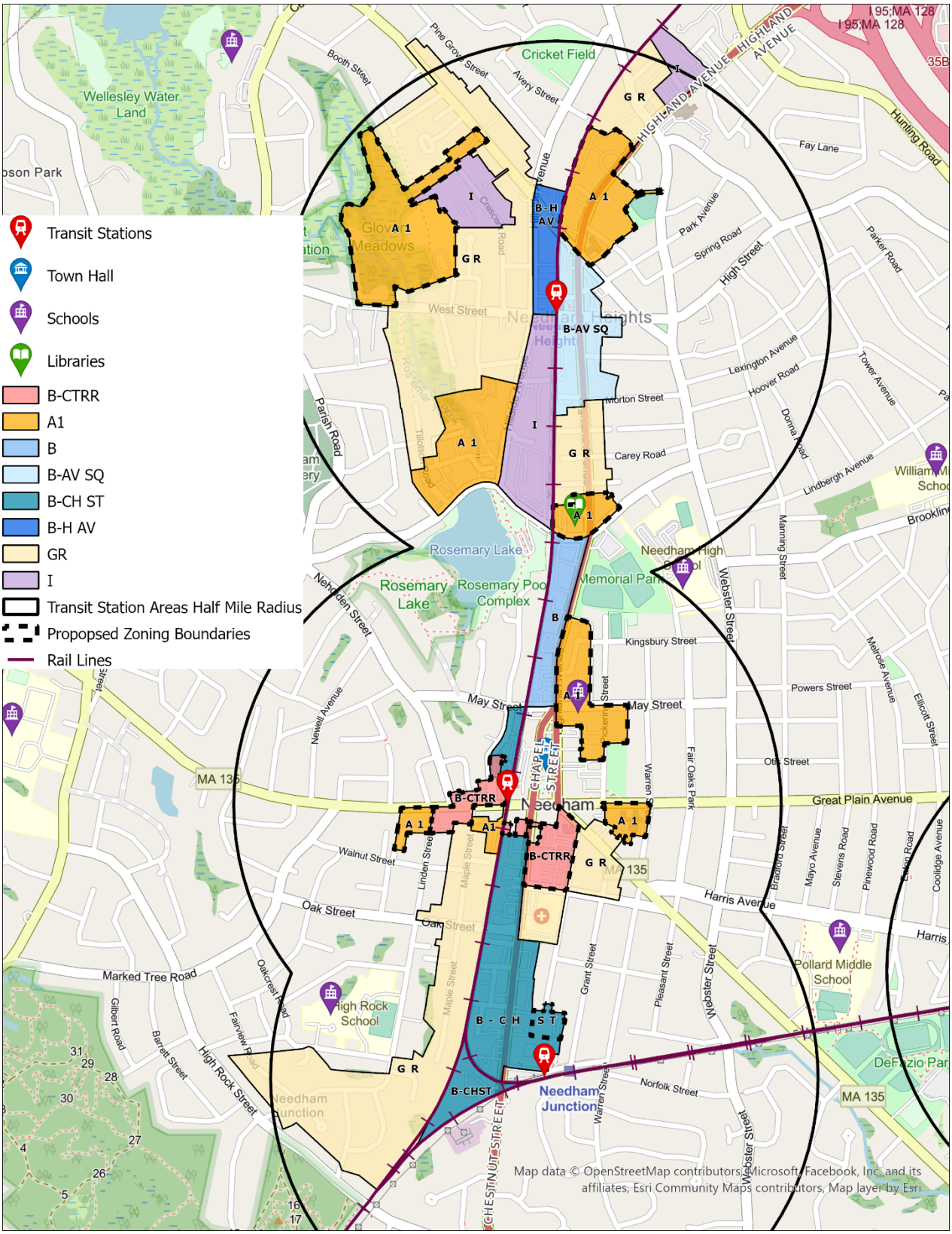


Figure 5: Increased Density + GR Scenario Map – November 2023



REFINED DRAFT SCENARIOS FOR PUBLIC REVIEW

Prior to the third and final community workshop, HONE met with the consultant team and town staff to refine the MBTA scenarios to two final drafts which included a Base Compliance scenario and a Neighborhood Housing Plan scenario. At HONE's meeting on February 15, 2024 the group workshopped changes to the size and location of all individual zoning districts and the zoning parameters that would be applied to each. HONE utilized the feedback from the survey that accompanied the second public workshop to remove and adjust zoning districts and adjust zoning parameters to better reflect public sentiment. It was the feedback at the second public workshop that drove HONE's decision to create a Base Compliance scenario that would meet the MBTA Communities requirements and only exceed by a small amount to provide a buffer. HONE also decided to create a second scenario (Neighborhood Housing Plan) that was targeted toward specific zoning districts where there was both desires to, and capacity for, increasing housing production.

Coming out of the February 15th meeting, HONE made the following major changes to the Base Compliance scenario:

- Removed the Center Business District mixed use offset from the model.
- Added an Apartment A-1 district on north Highland Avenue.
- Added an Apartment A-1 district covering the Charles Court condominiums off Greendale Avenue.
- Reduced the size of the Avery Square district to only cover the 100 West Street parcel.

The following major changes were also made to the Neighborhood Housing Plan scenario:

- Created two different overlay districts for Industrial – Crescent and Industrial – Hillside areas.
- Created three different overlay districts for Chestnut Street/Garden Street, Chestnut Street East and Chestnut Street West.
- Reduced the size of the Apartment A-1 overlay district covering St. Joseph's church.
- Removed the Apartment A-1 overlay district over the Hillside School area off West Street.
- Reduced the size of the Apartment A-1 overlay district on north Highland Avenue.
- Removed all General Residence areas from the scenario.
- Removed the Center Business Residential district that was proposed at the second public workshop.

Table 3 highlights the key compliance metrics for the refined Base Compliance and NHP scenarios.

Table 3: Refined Scenarios – Key MBTA Compliance Metrics

Model Output	**Scenario A – Base Compliance**	**Scenario B – NHP**
Gross Acres	103.9	96.23
Max Unit Capacity	1,868	3,339
DU/AC	18.6	36.1

Figure 6: Base Compliance Scenario Map - February 2024

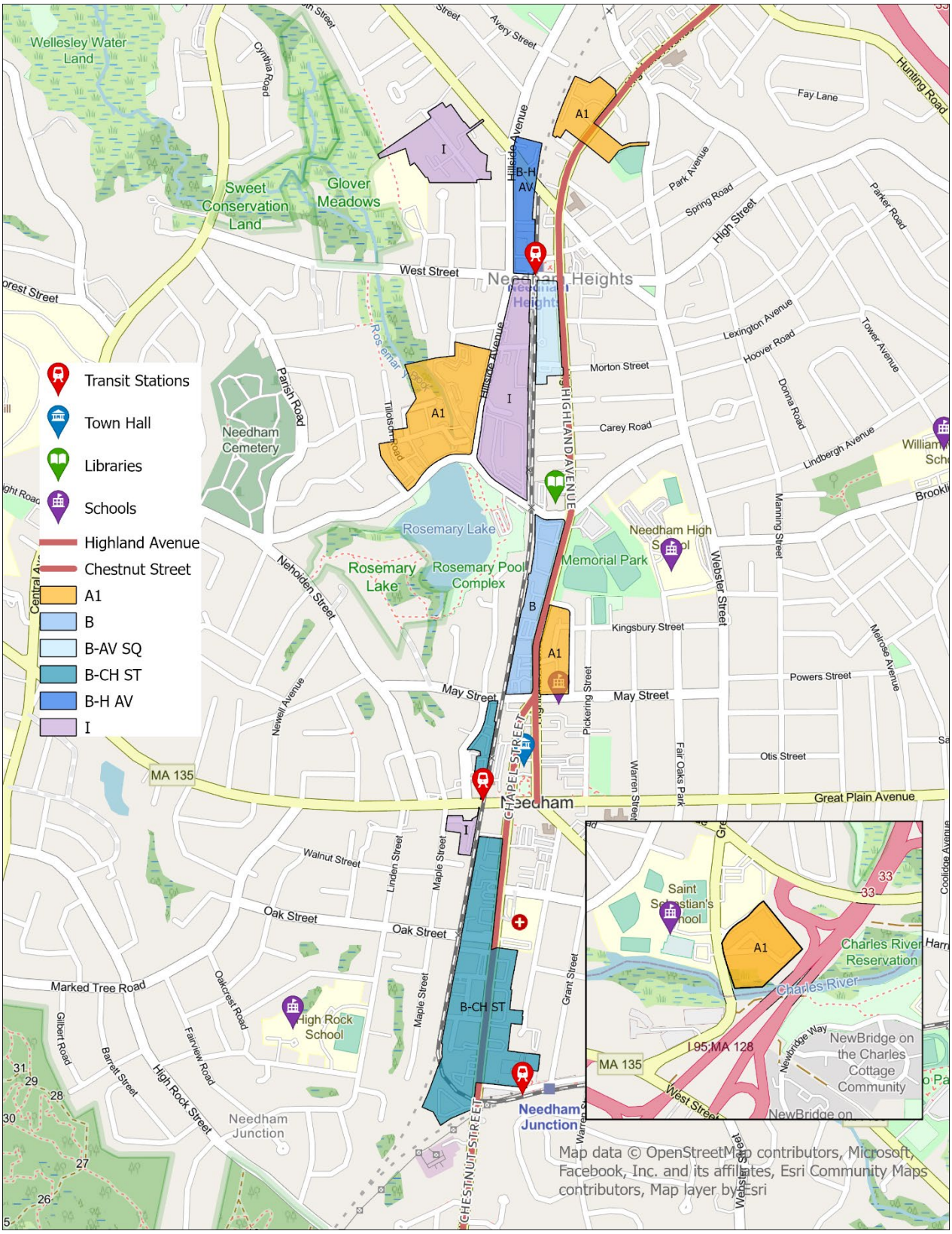
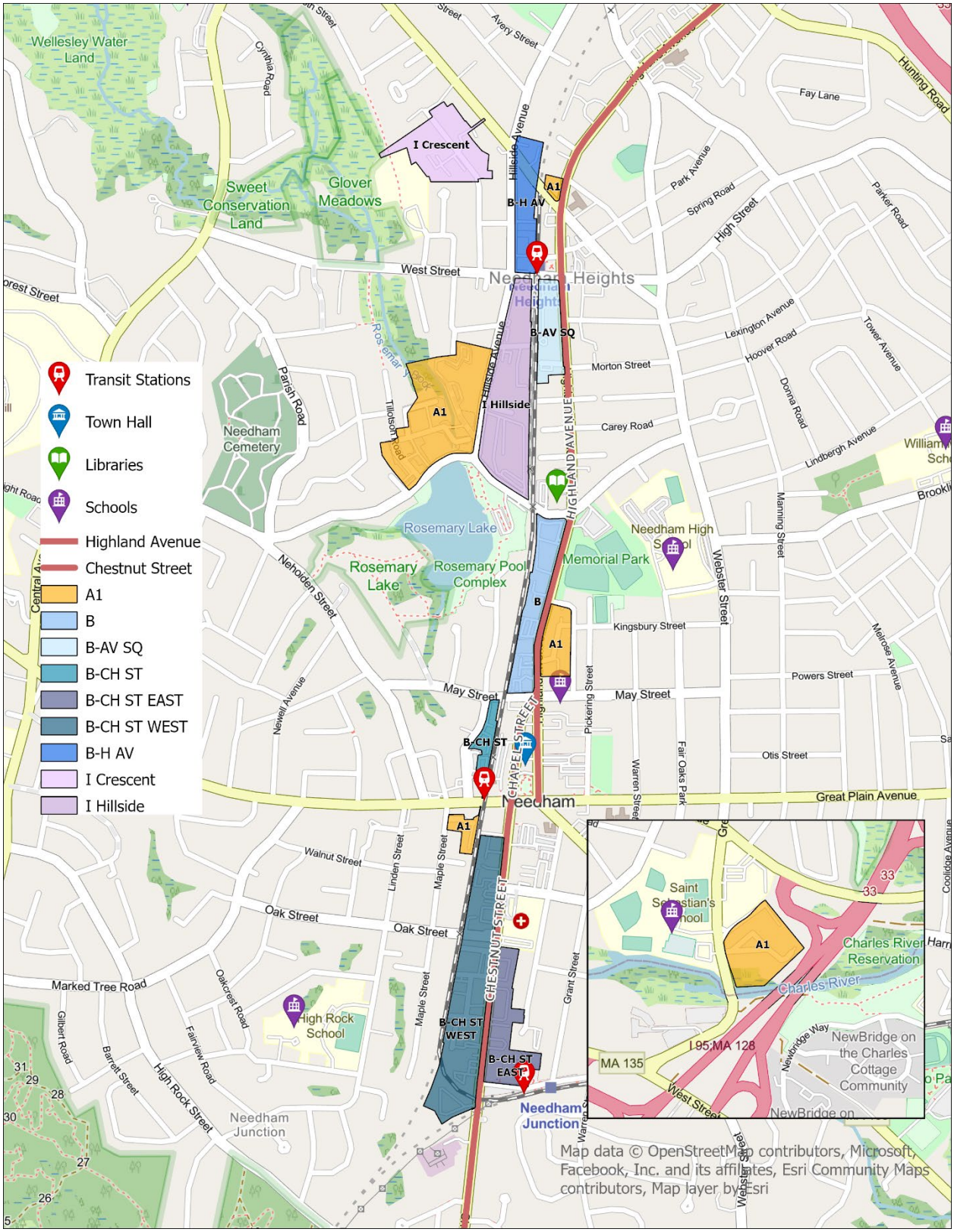


Figure 7: Neighborhood Housing Plan Scenario Map - February 2024



HONE RECOMMENDED SCENARIOS

HONE worked with the consultant team and town staff through the months of February and March 2024 to continue refining the Base Compliance and Neighborhood Housing Plan scenarios with a final presentation to the public at a workshop on March 28, 2024. At this workshop, HONE presented their final two draft scenarios for questions and public comment along with an analysis of likely build out scenarios, a fiscal impact analysis, the economic feasibility analysis, and 3-D representations of what new development could theoretically look like. During the public comment period at the workshop most speakers appeared to be supportive of HONE's efforts to develop the two scenarios, offering Town Meeting the opportunity to decide the best direction for Needham. There were comments made in support of both the Base Compliance scenario as well as Neighborhood Housing Plan scenario.

Following the public workshop, HONE met to discuss public feedback and refine the scenarios one last time. The only substantive change HONE made at their advisory group meeting was to move the southernmost parcel in the Neighborhood Housing Plan scenario from the Chestnut West district to the Chestnut East district. The lower height in the Chestnut East district (3 stories vs. 4 stories) lowered the total unit capacity to 3,294 and the density to 35.6 DU/AC. Otherwise, both scenarios remained the same as those presented on March 28th.

Table 4: Refined Scenarios – Key MBTA Compliance Metrics

Model Output	Scenario A – Base Compliance	Scenario B – NHP
Gross Acres	103.9	96.23
Max Unit Capacity	1,868	3,294
DU/AC	18.6	35.6

FINAL METRICS FOR MBTA SCENARIOS

This section provides the MBTA Compliance Model outputs for each of HONE's MBTA district scenarios as well as a comparison to what the town's current zoning bylaw would allow if applied to the districts today. This comparison is important as it shows how many multifamily units could be produced today under the existing zoning bylaw compared to what is shown for the two MBTA district scenarios.

To understand the different facets of existing conditions in Needham, the consultant team first worked with town staff to estimate the number of housing units that actually exist on the ground today in each of the MBTA districts. This was done by reviewing Needham's property assessment database and using land use codes, building permits, and plan reviews to quantify existing units. These are shown in the Existing Units column in Table 5. The Existing Zoning Unit Capacity column in Table 5 quantifies the unit capacity of Needham's existing zoning that overlaps with the MBTA districts in the Base Compliance scenario. This analysis was undertaken to understand how many multifamily units could be produced under the town's existing zoning today. Lastly, the consultant team quantified the number of units

possible under Needham's existing zoning bylaw but including the Chestnut Street Overlay district that allows multifamily housing at a higher FAR and overall height with a Special Permit.

Our analysis shows there are approximately 775 existing housing units within the proposed MBTA districts today with zoning capacity for a total of 1,019 multifamily units under existing zoning. If one were to apply the Chestnut Street Overlay district to existing zoning, that could yield a total zoning capacity of 1,636 units. Under this scenario we are only 232 units under the zoning capacity for the Base Compliance model meaning Needham's existing zoning actually provides a reasonable amount of zoning capacity for multifamily housing. The challenge is that some districts require a Special Permit to unlock the ability to build multifamily housing which is not allowed under the MBTA Communities law.

Table 5: Existing Zoning Bylaw – Key MBTA Compliance Metrics

Zoning District	Existing Units	Existing Zoning Unit Capacity	Existing Zoning with Overlay Special Permit Unit Capacity
Apartment A1	588	526	526
Business	4	N/A	N/A
Avery Square Business	72	77	77
Chestnut Street	46	370	987
Hillside Ave Business	44	46	46
Industrial	21	N/A	N/A
TOTAL UNITS	**775**	**1,019**	**1,636**

Table 6 shows the final unit capacity metrics for the Base Compliance and NHP scenarios broken out by zoning district. Under the Base Compliance scenario there is only one Chestnut Street district and one Industrial District which is why the cells are merged in the table compared to the multiple Chestnut Street and Industrial districts under the NHP scenario.

It is worth noting and repeating that both the Base Compliance and NHP scenarios meet all compliance requirements including:

- Overall district acreage
- Minimum district sizes
- One district of at least 25 acres
- Acreage within the half-mile transit area
- Minimum unit capacity
- Units within the half-mile transit area
- Minimum density

Table 6: Unit Capacity of MBTA Communities Scenarios

Zoning District	Base Compliance	Neighborhood Housing Plan
Apartment A1	526	877
Business	210	305
Avery Square Business	187	187
Chestnut Street East	370	547
Chestnut Street West		732
Chestnut Street/Garden Street		75
Hillside Ave Business	80	62
Industrial – Crescent	495	184
Industrial – Hillside		325
TOTAL UNITS	**1,868**	**3,294**

Figure 8: Final Base Compliance Scenario Map

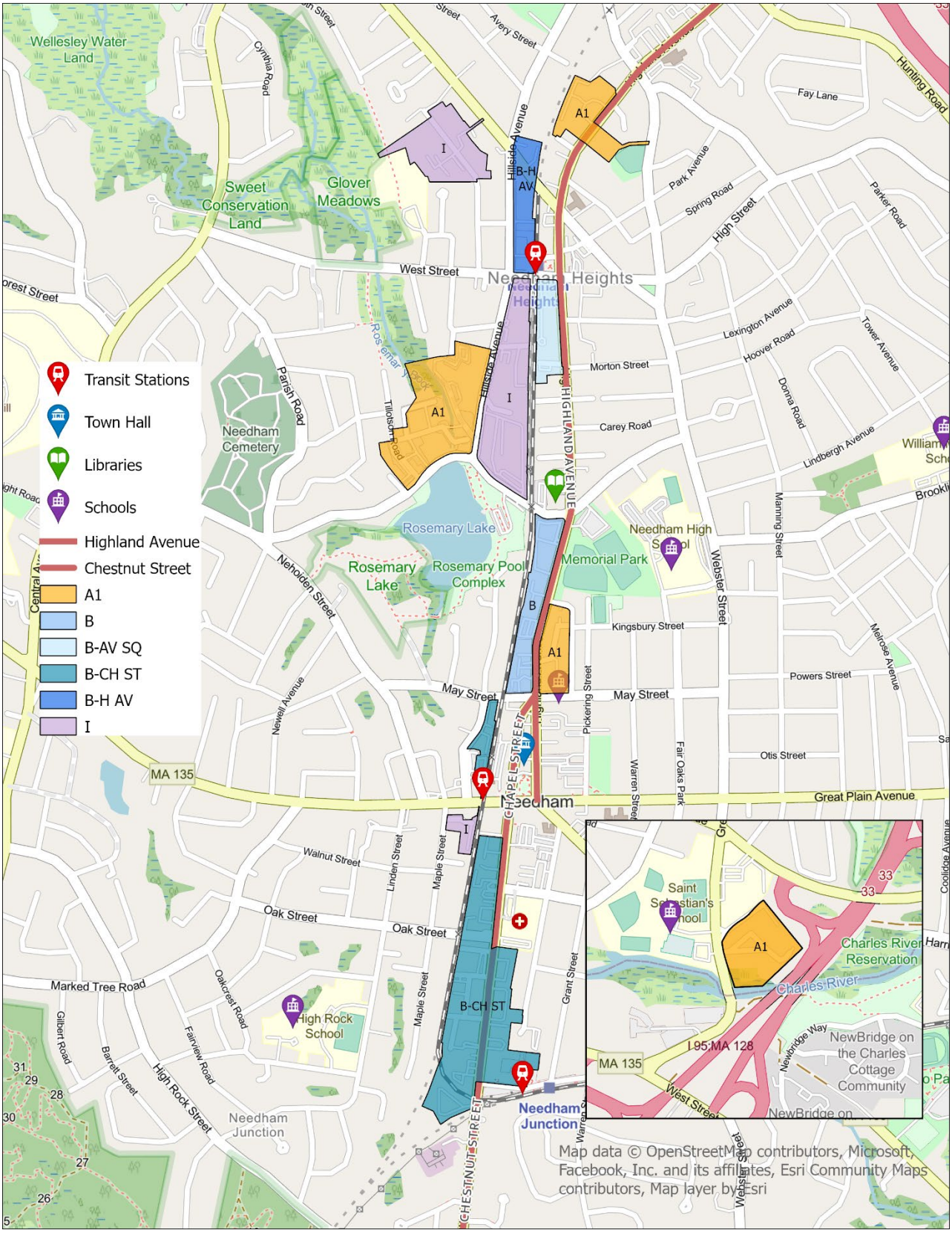
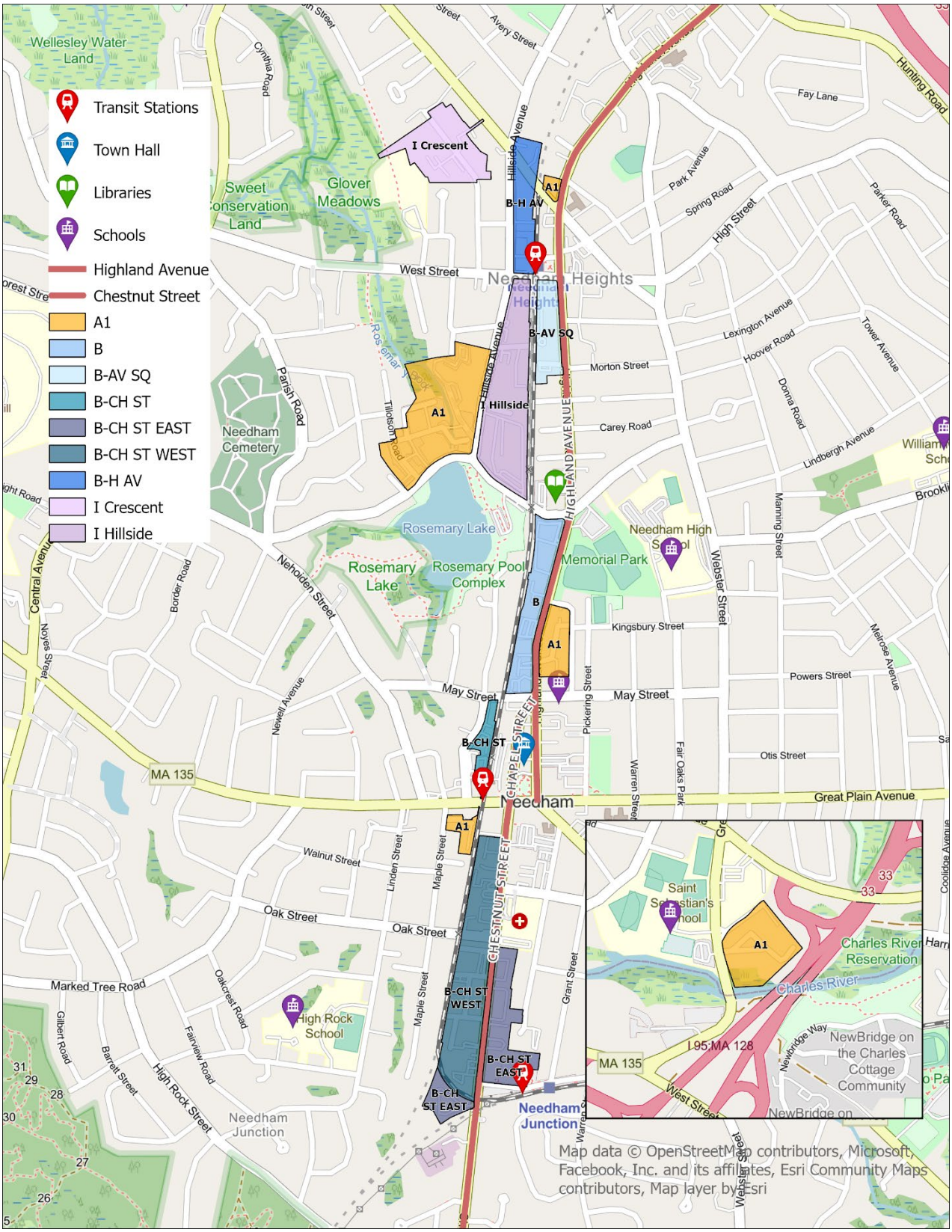


Figure 9: Final Neighborhood Housing Plan Scenario



VISUALIZING THE FUTURE

It can be challenging to envision how zoning changes may impact a street, block, or parcel in the future should development/redevelopment occur. Zoning is a set of text-based rules and regulations guiding the built environment in a community and rarely includes samples or examples of how that zoning could materialize in reality. Oscar Mertz developed sample sketch renderings depicting what a three- and four-story multifamily redevelopment could look like. The consultant team developed some parcel specific building massing showing what three- and four-story buildings could look like in specific locations in Needham where MBTA districts are proposed. The following sketches are illustrative examples of what zoning changes could potentially deliver over time.

Figure 10: Three Story Multifamily Corridor

Figure 11: Four Story Multifamily Corridor

Figure 12: Three Story Multifamily Corridor

Figure 13: Four Story Multifamily Corridor

Figure 14: Highland Avenue Business (B) District – Existing Conditions

Figure 15: Highland Avenue Business (B) District – Base Compliance

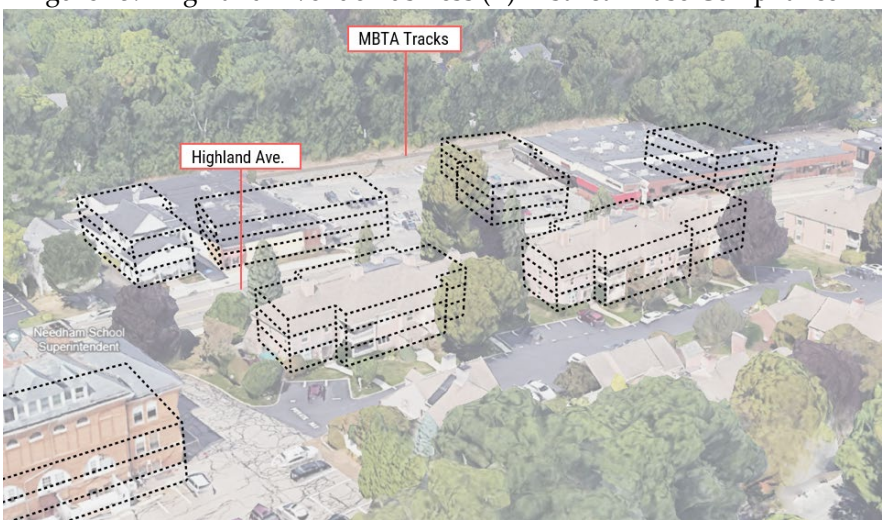


Figure 16: Highland Avenue Business (B) District – Neighborhood Plan

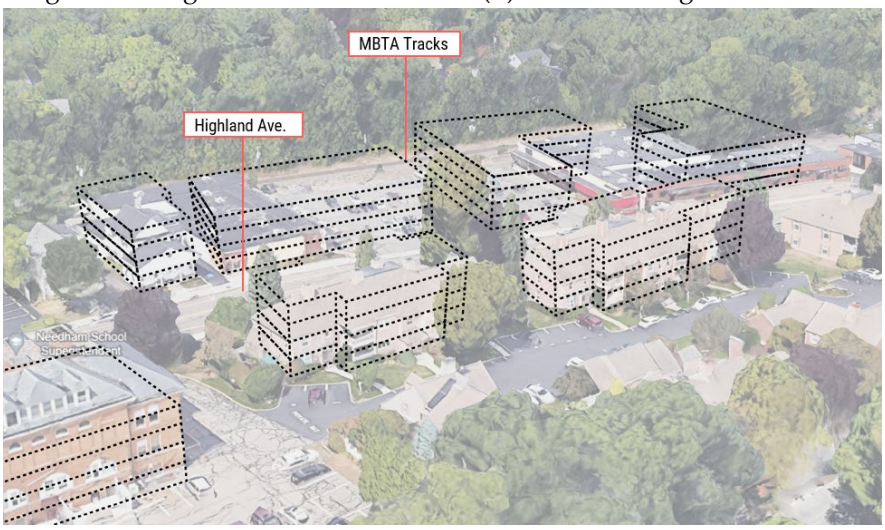


Figure 17: Chestnut West District – Existing Conditions

Figure 18: Chestnut West District – Base Compliance

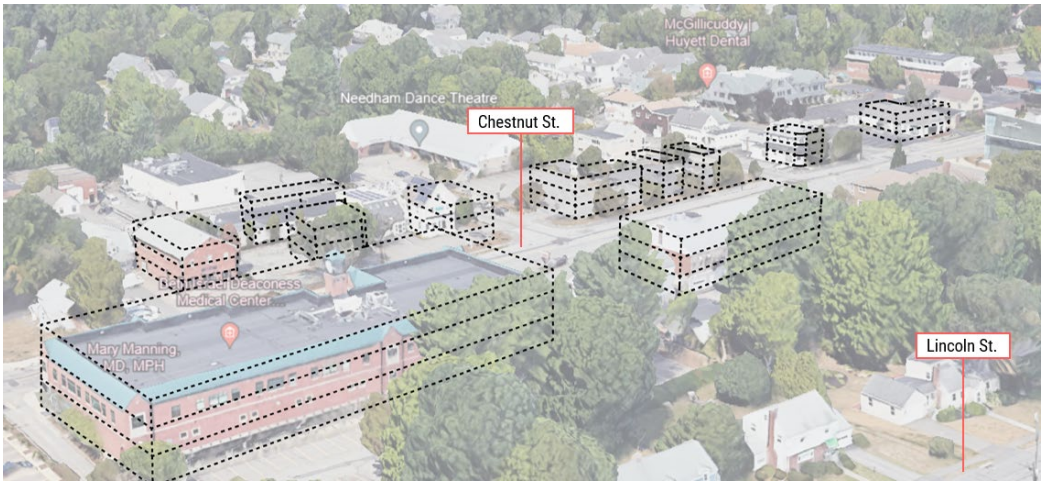


Figure 19: Chestnut West District – Neighborhood Plan

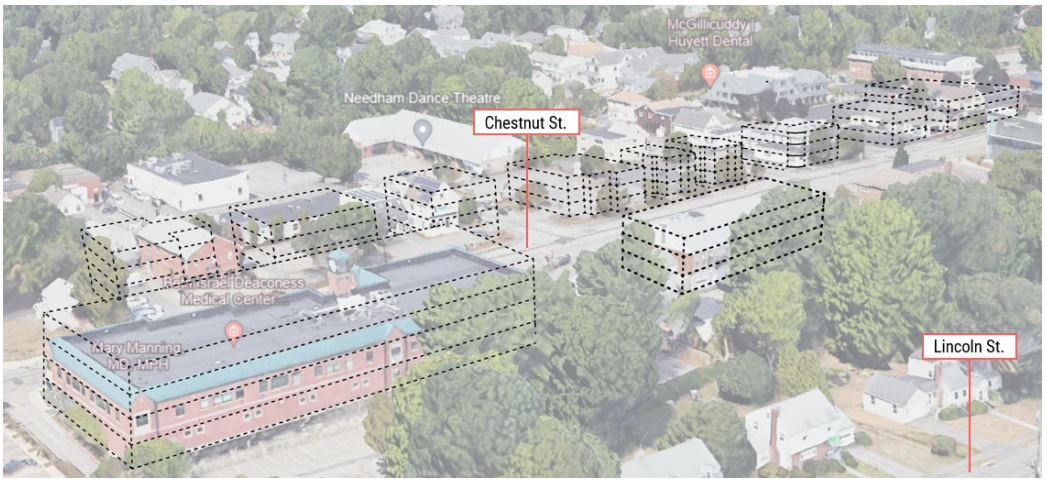


Figure 20: Hillside Industrial District – Existing Conditions

Figure 21: Hillside Industrial District – Base Compliance

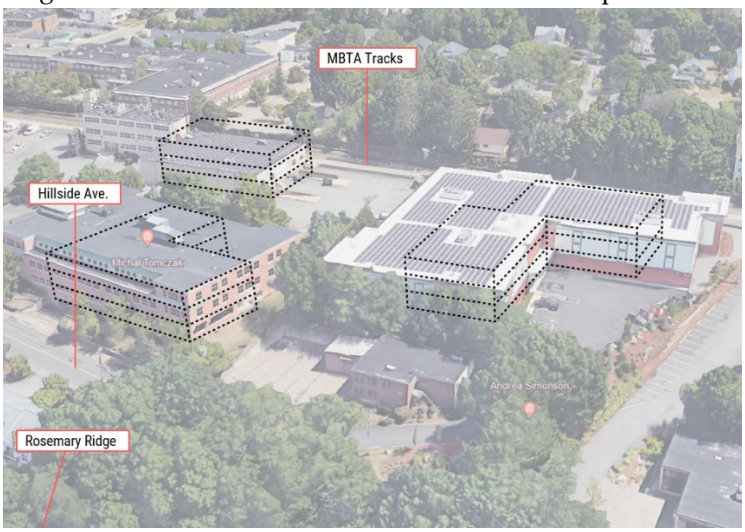
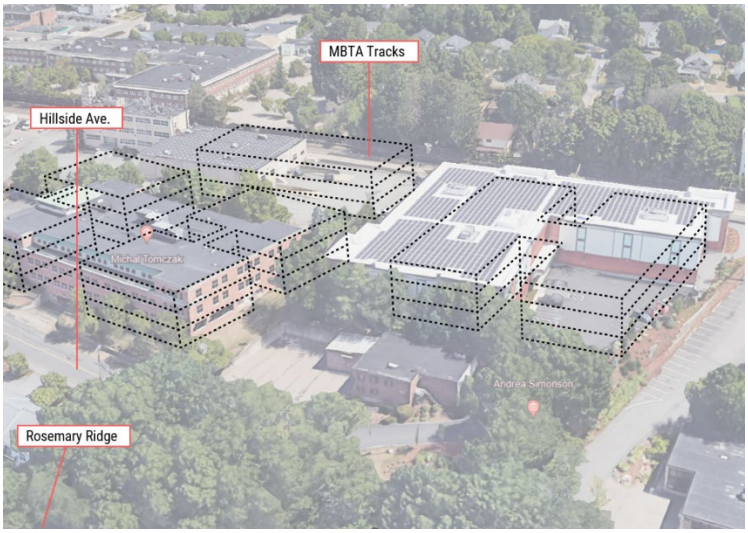


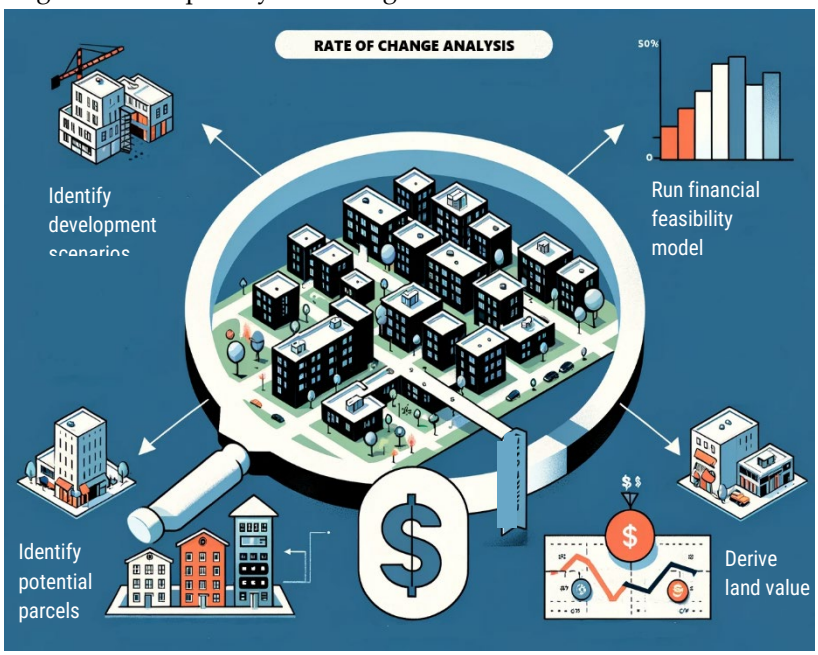
Figure 22: Hillside Industrial District – Neighborhood Plan



PROPENSITY FOR CHANGE MODEL

It is important to recognize that although HONE is putting forth scenarios that zone for thousands of units in the MBTA districts, it is unlikely that every parcel within the districts will develop/redevelop over time. There are many factors that go into a development deal of which zoning is only one. In reality, Needham is likely to realize a portion of the unit capacity described in the Base Compliance or Neighborhood Housing Plan scenarios. Nevertheless, the question was raised during this study about how many units might be likely to build out under each of the HONE scenarios and what might the impact of those units be on the town.

Figure 23: Propensity for Change Model



Source: RKG Associates, Inc.

To provide HONE and the public with a better understanding of the more likely build out under each of the two MBTA scenarios, the consultant team developed an in-house model that estimates which parcels may be more likely to change if the proposed MBTA zoning were to pass. This "Propensity for Change" model provides a parcel-by-parcel estimate of the likelihood of change.

The Propensity for Change Model uses a financial feasibility model for multifamily development that derives land value for each parcel in the MBTA district utilizing market return metrics, asking rents, and construction costs. The analytical approach can be simplified into the following steps:

1. Identify development scenarios based on height, unit, parking, and affordability requirements.
2. Run a financial proforma model for each development scenario based on market factors (e.g., rents, rates, construction costs, return expectations).
3. Using target return metrics from the following step, derive land values required to meet an Internal Rate of Return (IRR) of 15%.
4. Identify parcels that currently have land values below the established threshold. These are parcels with the highest probability for turnover and redevelopment if the zoning is changed.

Effectively, the propensity for change analysis uses current market assumptions and return expectations coupled with feasible development scenarios to back into land values that would make projects work

within each district. Using that land value as a benchmark for each scenario, values above said value would suggest that land would be too expensive for redevelopment while land values below the estimated benchmark value would have a higher likelihood to be redeveloped. The further the current land value is from the benchmark value, the greater the potential to capture value through a redevelopment opportunity under the proposed zoning.

The Propensity for Change model utilizes the same financial feasibility model and assumptions as the Economic Feasibility Analysis model for consistency purposes (described later in this report). The benchmark land values used in the propensity model were derived from Needham's property assessment database utilizing the assessed value of the land as the best estimate of current "market" value for each parcel in the MBTA district. The propensity model then measures the delta between the current assessed land value of a parcel and the future value of that land under a development scenario that would be allowable through the proposed zoning change. For each parcel within an MBTA district, the propensity model uses the outputs from the MBTA Compliance Model to derive total unit count under the proposed zoning change.

MODEL RESULTS

This section of the report describes the results of the Propensity for Change model runs for the Base Compliance and Neighborhood Housing Plan MBTA scenarios. The consultant team applied the propensity model to each of Needham's MBTA Districts to understand the potential for future build-out and redevelopment. To set a conservative threshold for what would be considered "likely to change," the consultant team filtered for those parcels where projected land values were more than 50% higher than current values. The development proforma model used to generate land value utilized all zoning assumptions from the MBTA scenario, a 1.0 parking ratio for all new multifamily units, and construction costs and revenues based on actual metrics from Needham and the surrounding region (as further detailed in the EFA section of this report).

Table 7 shows the results of the propensity modeling for the Base Compliance and Neighborhood Housing Plan scenarios. For the Base Compliance scenario, the propensity model projects a potential build out of 222 multifamily units or about 12% of the full build unit capacity of 1,868 units. This low percentage is mostly due to the limits of the zoning under the Base Compliance model largely following the zoning that is already in place in Needham's existing zoning bylaw. This scenario does not provide as much of an incentive to redevelop as the Neighborhood Housing Plan scenario.

Under the Neighborhood Housing Plan scenario, the propensity model projects a build out of 1,099 multifamily units or about 33% of the full build unit capacity of 3,294 units. Here we see the impact of increased flexibility primary in the Business, Chestnut Street East and West, and Apartment A-1 zoning districts where heights and floor area ratios were increased above what current zoning would allow. These changes provide more of an incentive to redevelop parcels in the MBTA district compared to the Base Compliance scenario.

Table 7: Propensity for Change Results – Housing Units

District Name	Base Compliance *Propensity* Units	Base Compliance *Full Build* Units	Neighborhood Plan *Propensity* Units	Neighborhood Plan *Full Build* Units
Apartment A1	0	526	82	877
Business	43	210	111	305
Avery Square Business	0	187	0	187
Chestnut Street East	50	370	137	547
Chestnut Street West	-	-	560	732
Chestnut Street Business	-	-	33	75
Hillside Ave Business	8	80	6	62
Industrial	121	495	-	-
Industrial - Crescent	-	-	79	184
Industrial - Hillside	-	-	91	325
Totals	**222**	**1,868**	**1,099**	**3,294**

In addition to running the propensity model for the two scenarios, the consultant team also created maps showing the likelihood of change on the parcels in each district. Figure 24 provides a sample illustration for how each visual representation of the propensity model will be shown on the proceeding pages. Each illustration will include a brief summary of the key district zoning parameters (height, density, FAR, and lot size), the building and parking assumptions, a map of each district under the two scenarios, and bar graphs showing how many parcels fall within the land value differential that triggers the propensity for change model. The bar graphs show the number of properties that are more (in red) or less (in green) likely to change as a result of the proposed zoning changes. The maps utilize the same color scheme to illustrate the parcels within each district that are more (red) or less (green) likely to change.

Figure 24: Propensity Change Model Sample Illustration

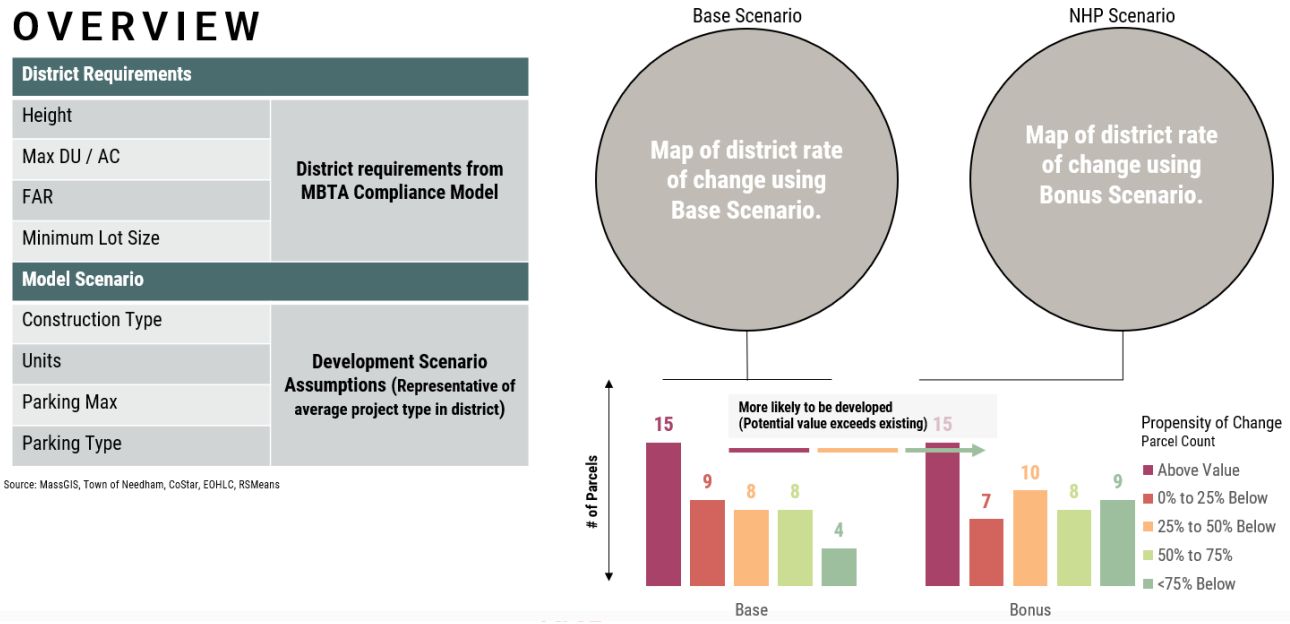


Figure 25: Propensity Change Model – Apartment A-1 District

A1 DISTRICT

	BASE	BONUS
District Requirements		
Height	3	4
Max DU / AC	18	36
FAR	0.5	1
Minimum Lot Size	20,000	20,000
Model Scenario		
Construction Type	Wood Frame	Wood Frame
Units	25	50
Parking Ratio	1	1
Parking Type	Surface	Surface

Source: MassGIS, Town of Needham, CoStar, EOHLC, RSMeans

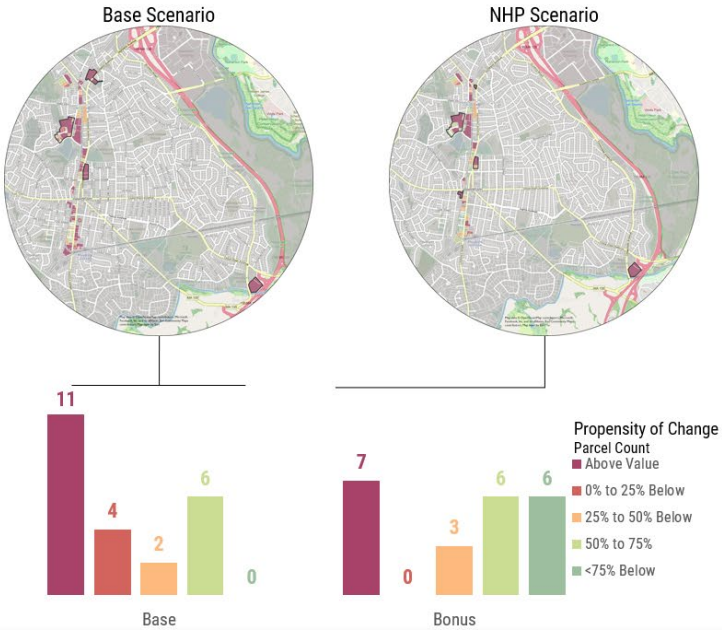


Figure 26: Propensity Change Model – B Business District

B DISTRICT

	BASE	BONUS
District Requirements		
Height	3	4
Max DU / AC		48
FAR		2
Minimum Lot Size	10,000	10,000
Model Scenario		
Construction Type	Wood Frame	Wood Frame
Units	25	40
Parking Ratio	1	1
Parking Type	Surface	Surface

Source: MassGIS, Town of Needham, CoStar, EOHLC, RSMeans

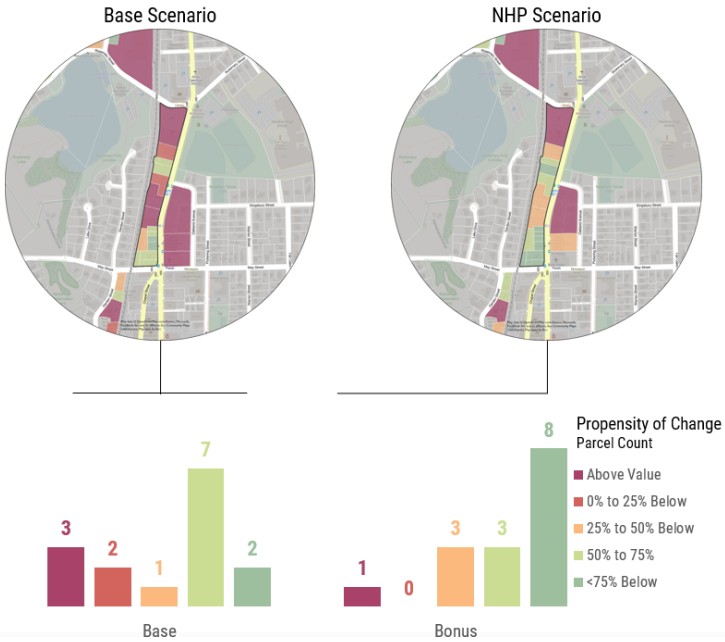


Figure 27: Propensity Change Model – B-AV Avery Square District

B-AV SQ DISTRICT

	BASE	BONUS
District Requirements		
Height	3	3
Max DU / AC		
FAR	1	1
Minimum Lot Size	10,000	10,000
Model Scenario		
Construction Type	Wood Frame	Wood Frame
Units	150	150
Parking Ratio	1	1
Parking Type	Surface	Surface

Source: MassGIS, Town of Needham, CoStar, EOHLC, RSMeans

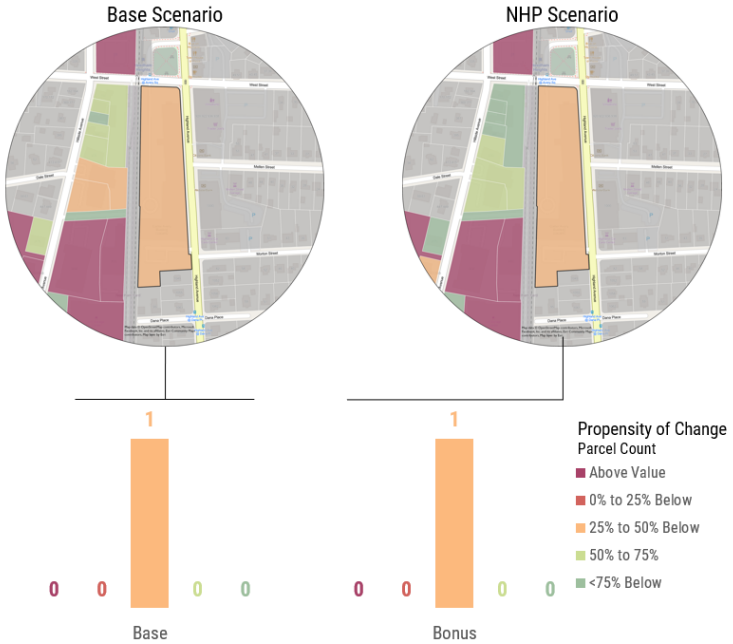


Figure 28: Propensity Change Model – B-CH Chestnut Street District

B-CH ST DISTRICT

	BASE	BONUS
District Requirements		
Height	3	3
Max DU / AC	18	
FAR	0.7	2
Minimum Lot Size	10,000	10,000
Model Scenario		
Construction Type	Wood Frame	Wood Frame
Units	15	25
Parking Ratio	1	1
Parking Type	Surface	Surface

Source: MassGIS, Town of Needham, CoStar, EOHLC, RSMeans

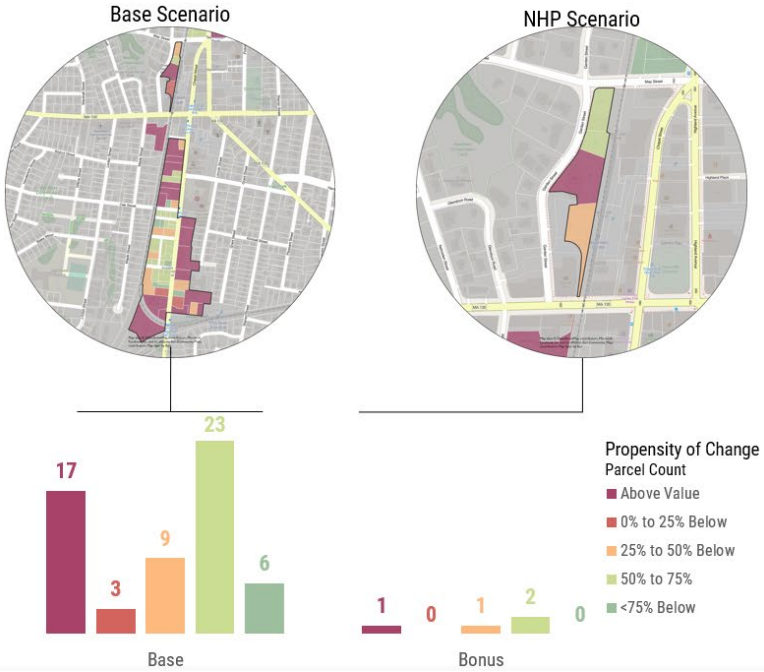


Figure 29: Propensity Change Model – B-CH Chestnut Street East & West Districts

B-CH ST EAST & WEST

	BONUS	BONUS
District Requirements		
Height	3	4
Max DU / AC		
FAR	2	2
Minimum Lot Size	10,000	10,000
Model Scenario		
Construction Type	Wood Frame	Wood Frame
Units	40	50
Parking Ratio	1	1
Parking Type	Surface	Surface

Source: MassGIS, Town of Needham, CoStar, EOHLC, RSMeans

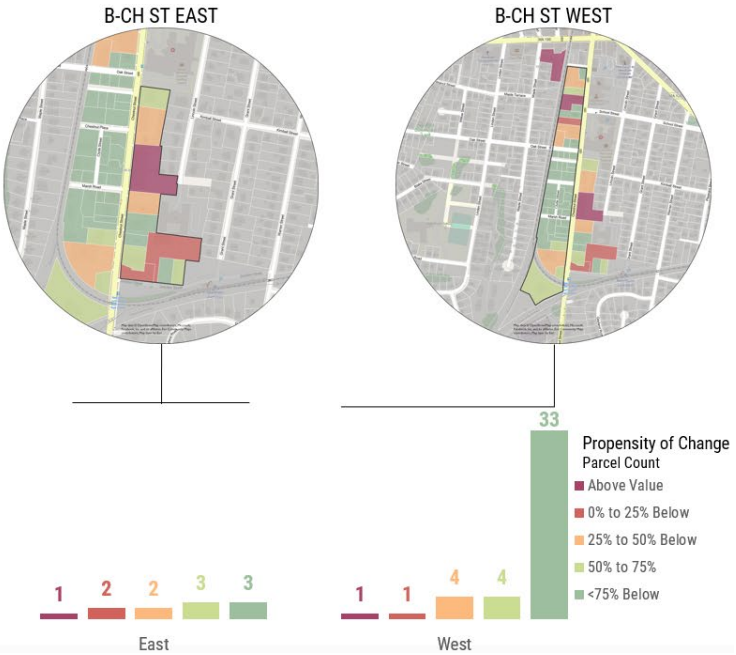


Figure 30: Propensity Change Model – B-H AV Hillside Avenue District

B-H AV DISTRICT

	BASE	BONUS
District Requirements		
Height	3	3
Max DU / AC		24
FAR	0.7	1
Minimum Lot Size	10,000	10,000
Model Scenario		
Construction Type	Wood Frame	Wood Frame
Units	15	15
Parking Ratio	1	1
Parking Type	Surface	Surface

Source: MassGIS, Town of Needham, CoStar, EOHLC, RSMeans

Figure 31: Propensity Change Model – I Industrial District

INDUSTRIAL DISTRICT

	BASE	-
District Requirements		
Height	3	-
Max DU / AC		-
FAR	0.5	-
Minimum Lot Size	10,000	-
Model Scenario		
Construction Type	Wood Frame	-
Units	25	-
Parking Ratio	1	-
Parking Type	Surface	-

Source: MassGIS, Town of Needham, CoStar, EOHLC, RSMeans

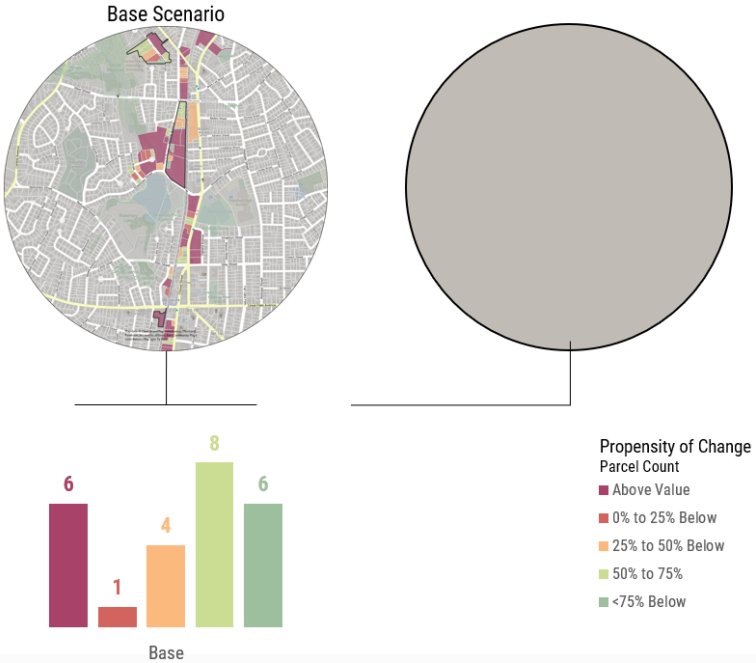
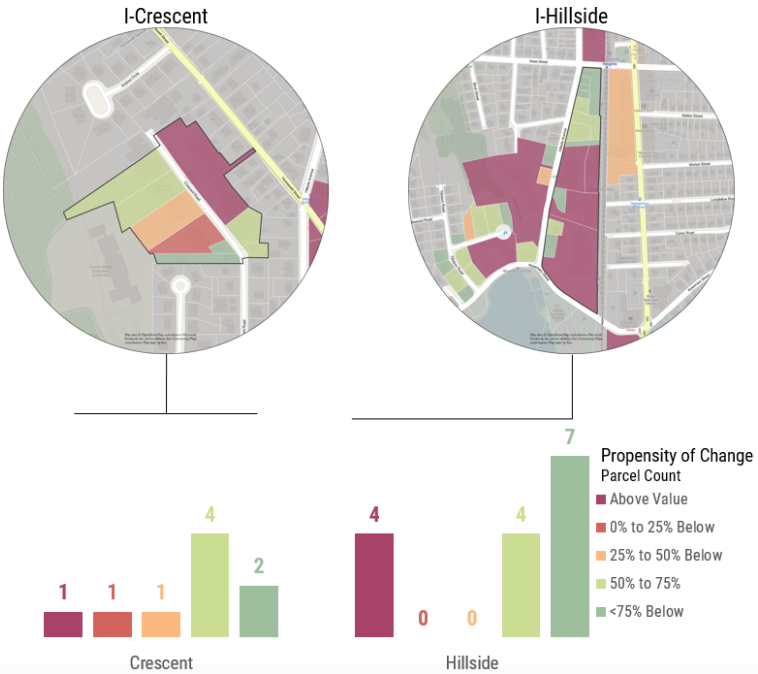


Figure 32: Propensity Change Model – I Crescent and I Hillside Industrial Districts

I-CRESCENT & I-HILLSIDE

	BONUS	BONUS
District Requirements		
Height	3	3
Max DU / AC	24	24
FAR	0.75	1
Minimum Lot Size	10,000	10,000
Model Scenario		
Construction Type	Wood Frame	Wood Frame
Units	25	40
Parking Max	1	1
Parking Type	Surface	Surface

Source: MassGIS, Town of Needham, CoStar, EOHLC, RSMeans

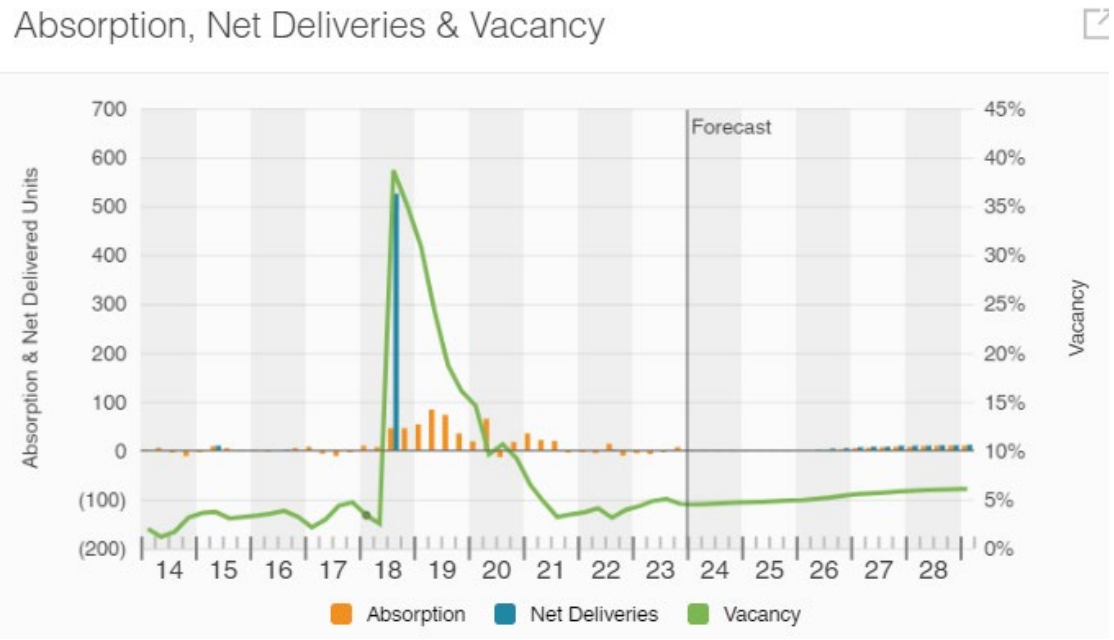


ABSORPTION ESTIMATES OF MULTIFAMILY UNITS

In addition to the number of multifamily units that could build out as a result of the zoning changes related to the MBTA scenarios, there were also questions throughout the process around timing of the build out. To provide some context around the delivery and absorption of new multifamily units, the consultant team pulled real estate metrics from CoStar on multifamily development in Needham between 2014 and 2024 and projections through 2028.

As illustrated in Figure 33, Needham saw a substantial delivery of 526 multifamily units in 2018, but those units took four years to absorb (lease up) in the market. Between 2014 and 2023, those 526 units were the only substantial delivery of units Needham saw over that ten-year span, meaning on average Needham is delivering about 53 multifamily units per year under current conditions. At that pace, it could take upwards of 19 years to absorb the total build out of units under the Base Compliance scenario (1,868 total units) and 34 years to absorb the total build out of the Neighborhood Housing Plan scenario (3,294 units).

Figure 33: Absorption, Deliveries, and Vacancy of Multifamily Developments in Needham



Source: CoStar, 2024

FISCAL IMPACT ANALYSIS

After modeling both the full build of both MBTA district scenarios and the propensity models for both scenarios, HONE wanted to understand the potential fiscal impact of new multifamily housing to the operations of municipal services and the school department. This request included measuring the potential fiscal impact to the town to determine if there would be a financial benefit or loss when comparing gross property tax revenue of new multifamily development and the municipal service costs new residents may require.

Over the course of several months, the consultant team worked closely with the municipal departments and the school district to quantify the potential fiscal impact of the MBTA districts and new zoning. This included the creation of a fiscal impact model measuring the net fiscal benefit or loss of the build-out of each MBTA scenario. RKG utilized an industry standard incremental fiscal impact methodology which measures the incremental impact on the town's general fund budget with each new unit of housing constructed. The increment is derived by determining "fixed" costs and "incremental" costs across each department using the most recently available town budget. Fixed costs are defined as those that are not expected to increase with the addition of a new housing unit, while incremental costs are expected to increase the town's overall costs to support new housing units. For example, it is unlikely the town would hire a new Police Chief with each new incremental housing unit, but there may be a need to hire additional police officers and equip those new staff as new housing is constructed and occupied. Once all town costs are categorized as fixed or incremental, the consultant team then compares incremental costs to potential gross property tax revenue to determine if new development is a net positive or negative to Needham.

A similar analysis was completed for the school district using the town's budget breakdown as reported to the Department of Elementary and Secondary Education (DESE). The consultant team reviewed the line items in the DESE budget document and identified which costs are considered to be fixed and incremental with the addition of a new pupil to the public school system.

FISCAL IMPACT ANALYSIS METHODOLOGY AND ASSUMPTIONS

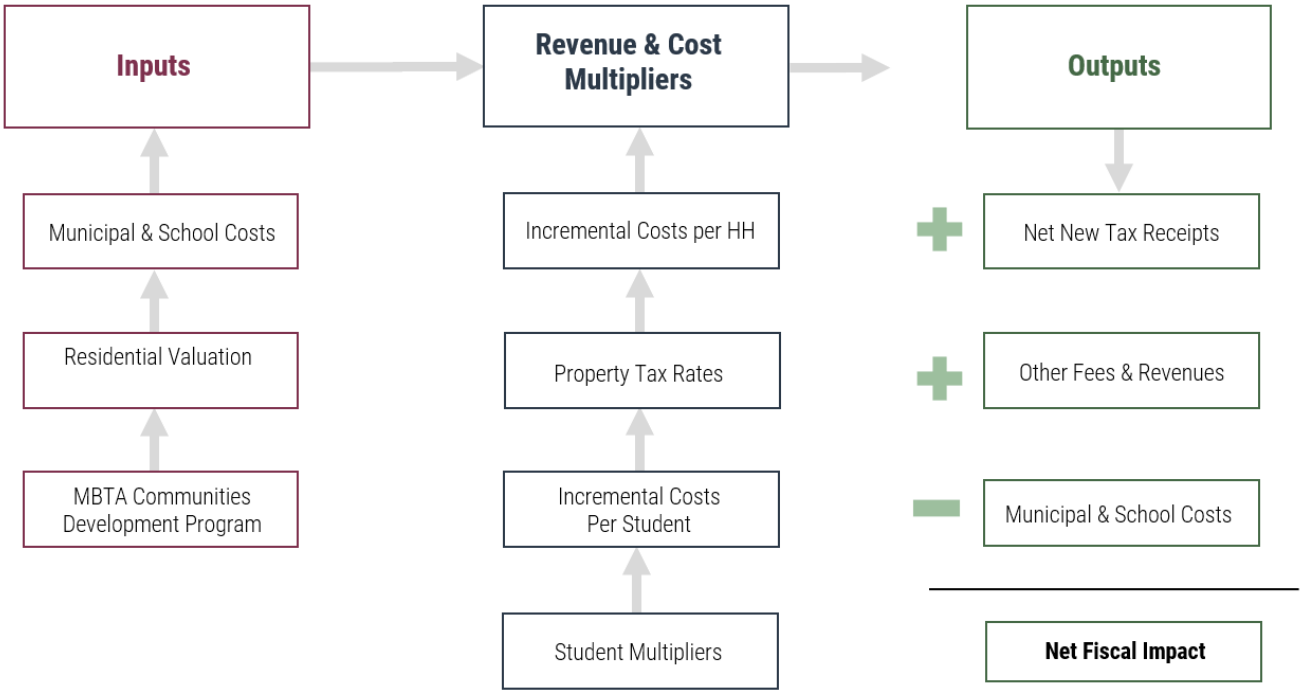
A fiscal impact analysis estimates the municipal revenues and costs associated with development and growth. Revenues include local taxes (property, excise, etc.) and various fees and other payments, while costs include the provision of municipal services (public safety, education, public works, general government, etc.). While several approaches exist to determine fiscal impacts, all are based on the common assumption that current local operating costs and revenues are the best basis for determining future costs and revenues. These approaches therefore utilize recent data on municipal service costs in the host community, as well as current tax rates and other revenue sources to calculate the net fiscal impact.

The primary focus is on the town's General Fund since that is typically where tax revenues and most municipal service costs are accounted. The consultant team applied an incremental cost approach to both

the General Fund and the town's school budget as reported by DESE to determine the cost borne by the town resulting from new multifamily residential development. The approach involves looking at the town's annual budget by department to determine if an expenditure is either fixed or incremental. Again, a fixed cost is one which would occur irrespective of development, an example being the salary of the Police Chief which is unlikely to be impacted by new development. Conversely, the costs associated with police officer wages and equipment are classified as incremental as they are likely to change based on the addition of more residents in town that may result in additional calls for public safety services.

Fiscal impact approaches are 'static' that is, they assume that the project (or district in this case) is fully built-out and housing is occupied. This assumption allows a comparison of the financial effect of the entire district on municipal costs and revenues. While most residential developments are constructed over a multi-year period, municipal costs and revenues occur in equal proportions. Therefore, this steady-state approach does not detract from the appropriateness or accuracy of this method. It should also be noted that the fiscal impact analysis is only concerned with local public costs and expenditures, and not with state or other jurisdictional funding. For this fiscal impact analysis, the consultant team constructed a model to measure the fiscal impacts for the potential build-out of the two MBTA district

Figure 34: Fiscal Impact Flow Model



FISCAL IMPACT ANALYSIS ASSUMPTIONS

To test the fiscal impact of Needham's proposed MBTA scenarios, the consultant team constructed a fiscal impact model to understand the potential tax revenues from new development compared to the municipal and school costs to support that development. The fiscal impact model relies on numerous data points and assumptions regarding potential revenues from the development and anticipated municipal and school costs.

To estimate municipal revenues, RKG utilized the town's most recent property tax rate and existing property values and tax collections. To estimate the future valuation of new multifamily housing, we used construction costs on a per square foot basis as a proxy for generating future assessed values based on recent multifamily construction market comps.

For municipal and school costs, the consultant team was provided with Needham's FY24 annual budget document to which we assigned a fixed or incremental cost categorization to derive per household costs in the fiscal impact model. For school costs, we utilized the most current school budget worksheets from the MA Department of Elementary and Secondary Education (DESE) and assigned values for fixed and incremental costs. These school costs were then applied to the projections of future school children that may reside in the new multifamily housing if built.

REVENUE ESTIMATE ASSUMPTIONS

To derive potential property taxes, the consultant team had to develop estimates for future assessed values. Using sources such as CoStar and property assessment data from recently built multifamily housing in Needham and surrounding communities, we generated a per square foot assessment value for new multifamily construction. These per square foot values were then used to generate per unit value estimates based on the average size of a studio, one-, two-, and three-bedroom apartment unit.

Table 8 shows the assessed value estimates on a per unit basis. To derive the total property taxes for each district, the total unit count from the MBTA Compliance models is allocated out by bedroom count using a formula of 10% studios, 45% one-beds, 35% two-beds, and 10% three-beds. Each unit is multiplied by its projected value, then summed for the district, and lastly the tax rate is applied to derive total gross property tax value. It is likely that once new buildings are constructed, the town's assessor would apply an income-based approach to valuation, potentially increasing the amount of property taxes paid to the town.

Table 8: Assessed Value per Unit Estimates

Residential Type	Gross SQFT per Unit	Per SQFT Value	Total Value per Unit
Studio Apartment	500	$300	$150,000
One-Bedroom Apartment	750	$300	$225,000
Two-Bedroom Apartment	1,050	$300	$315,000
Three-Bedroom Apartment	1,250	$300	$375,000

MUNICIPAL COST ASSUMPTIONS

The flip side to the property tax/revenue component of the fiscal impact model are the municipal service costs. To estimate municipal service costs, RKG reviewed the Town's FY24 annual budget for each department as provided by the town's Finance Department. For each department's budget, the consultant team identified costs that are likely to increase with the addition of a new household in town (incremental costs). We anticipate costs such as police staff salaries, library expenditures, or maintenance of recreation fields to increase with new households while a department head's salary or hours for Town Counsel to experience little to no impact (fixed costs).

The consultant team identified all costs that are likely to vary (incremental costs) with the addition of new households as a subset of the Town's total operational budget. Departments were then consolidated into four categories for ease of presentation which included:

- General Government – all town departments except police, fire, DPW, and schools.
- Public Safety – Fire – the Needham fire department.
- Public Safety – Police – the Needham police department.
- Public Works – the Needham Public Works Department.
- Other – all other costs assumed to be fixed and not directly associated with a direct departmental cost such as capital and infrastructure, debt service, retirement benefits, health care, etc. *In our experience, these line items are not likely to increase substantially with the addition of a new housing unit. It is also very difficult to predict future changes in these line items as fewer employees could retire over time, employees in the pension system could pass away, and future debt service levels could change.*

Once the incremental budget is established, it must be apportioned to residential and non-residential uses to properly account for the impact of residential multifamily housing. For that we use a breakout of assessed value from the MA Department of Revenue (DOR) which shows 88% of Needham's assessed value driven by residential with 9% driven by commercial/industrial property. The remaining 3% is comprised of personal property typically associated with non-residential development. Since Needham was unable to provide the consultant team with a detailed line item budget for every department and every cost, we had to make some assumptions about the percentages of incremental budget that were likely to be impacted by new multifamily development. These "efficiency adjustment" percentages were applied to the residential portion of the incremental budget for each department to further adjust municipal expenditures.

Table 9: Incremental Expenses by Town Department

Use Category	FY 2024 Budget	Incremental Share of Budget	Residential Proportional Share @ 88%	Efficiency Adjustment	Adjusted Expenses
General Gov't	$14,358,516	$6,338,432	$5,577,820	10%	$557,782
Public Safety - Fire	$10,695,558	$10,655,531	$9,376,867	75%	$7,032,650
Public Safety - Police	$8,749,162	$8,614,268	$7,580,556	60%	$4,548,334
Public Works	$20,340,339	$8,793,620	$7,738,386	15%	$1,160,758
Other	$66,335,088	$0	$0	0%	$0
TOTALS	**$120,478,663**	**$34,401,851**	**$30,273,629**		**$13,299,524**

After calculating the incremental costs by department and the share of the incremental budget allocated to residential uses, we must calculate municipal costs on a per household (HH) basis. This forms the basis of our estimates for calculating future costs of housing in the MBTA Districts. The incremental budget for each service category is multiplied by the residential share of total assessed value on the prior page and then divided by the total number of households in Needham (11,710) per the 2021 American Community Survey's Five-Year estimates. This formula provides the incremental per household costs that new housing units in the MBTA Districts may generate.

The municipal costs per household and per MBTA District can then be compared to the gross property tax revenues described on the prior pages to begin the process of calculating the net fiscal impact to the town from MBTA district development.

Table 10: Cost Allocation for New Residential Units

Cost Category	Incremental Budget	Cost per HH
General Gov't	$557,782	$47.63
Public Safety - Fire	$7,032,650	$600.57
Public Safety - Police	$4,548,334	$388.41
Public Works	$1,160,758	$99.13
Other	$0	$0
TOTALS	**$13,299,524**	**$1,136**

SCHOOL COST ASSUMPTIONS

Recognizing education costs are often the single largest line item in a town's budget, the consultant team developed estimates for the number of school aged children that could result from the addition of each residential unit in the MBTA districts and an incremental cost per pupil. School costs, like municipal costs, are then deducted from the gross property tax estimates for each District to project the net fiscal impact of the build-out of each district.

The industry standard for developing estimates for new school children is to use school aged children (SAC) ratios that are applied to new development on a per unit basis. To develop the SAC ratios for Needham's MBTA districts, we utilized multiple sources of information including the 2017 Residential Demographic Multipliers report for Massachusetts, actual SAC ratios from existing multi-family properties in Needham, and a proprietary list of residential development projects and SAC ratios that RKG has compiled from communities around the Greater Boston region.

Table 10: SAC Ratios by Unit Type

Unit Size	SAC Ratio per Unit
Studio – MKT	0.00
One Bedroom – MKT	0.00
Two Bedroom – MKT	0.06
Three Bedroom – MKT	0.50
Studio - AFF	0.00
One Bedroom – AFF	0.00
Two Bedroom – AFF	0.06
Three Bedroom – AFF	1.20

The consultant team then calculated an incremental education cost specific to Needham's school budget based on 2022 budget information provided by the Department of Elementary and Secondary Education (DESE). Using local costs only (net of state aid and grants), the estimated incremental cost to educate a child in the Needham District was **$12,128.** This accounts for **58%** of the full cost to educate a child in Needham of **$19,829**.

Table 11: School Cost Assumptions

Budget Category	FY 2022 General Fund Budget	% of Costs Included	Per Pupil Cost
Classroom Teachers	$41,671,615	62%	$7,492
Instructional Leadership	$8,319,399	12%	$1,496
Other Teaching Services	$9,466,212	14%	$1,702
Instructional Materials	$3,579,993	5%	$644
Transportation	$1,070,662	2%	$192
Pupil Services	$3,346,074	5%	$602
TOTALS	**$67,453,955**	**58%**	**$12,128**

By multiplying the local cost to educate a child by the number of school children in each MBTA district, we can estimate total education costs. These costs, along with municipal costs, are then netted against the gross property tax revenue for each scenario later in this analysis.

FISCAL IMPACT ANALYSIS RESULTS

Now that the per unit revenues and municipal costs are established as well as the multipliers and costs for new school aged children, we can calculate the estimated fiscal impact of each MBTA district scenario. For this exercise, the consultant team was asked to evaluate the fiscal impact of four different build-out scenarios for Needham which included:

1. Base Compliance Propensity for Change Scenario.
2. Base Compliance Full Build Scenario.
3. Neighborhood Housing Plan Propensity for Change Scenario.
4. Neighborhood Housing Plan Full Build Scenario.

For each district scenario, the following generalized calculations were completed to estimate the net fiscal impact to the Town of Needham:

Table 35: Fiscal Impact Analysis Calculation Model

Number of Units	X	Per Unit Revenue	=	Gross Property Tax Revenue		
Number of Units	X	Per Unit Municipal Costs	=	Municipal Costs		
Number of Units	X	SAC Ratio	X	Per Child School Costs	=	Education Costs

Gross Property Tax Revenue - Municipal Costs - Education Costs = Net Fiscal Impact

The following tables illustrate the estimated fiscal impacts of each of the four scenarios:

Table 12: Base Compliance Propensity Model Scenario

District Name	Units	Net Fiscal Impact	CPA Taxes*	Vehicle Excise Taxes**
Apartment A1	0	$0	$0	$0
Business	43	$50,683	$2,961	$25,772
Avery Square Business	0	$0	$0	$0
Chestnut Street Business	50	$66,830	$3,443	$29,967
Hillside Avenue	8	$4,840	$521	$4,795
Industrial	121	$157,849	$8,331	$72,521
TOTALS	**222**	**$280,202**	**$15,256**	**$133,055**

Table 13: Base Compliance Full Build Model Scenario

District Name	Units	Net Fiscal Impact	CPA Taxes*	Vehicle Excise Taxes**
Apartment A1	526	$704,026	$36,216	$315,255
Business	210	$278,262	$14,459	$125,862
Avery Square Business	187	$249,461	$12,875	$112,077
Chestnut Street Business	370	$489,694	$25,475	$221,757
Hillside Avenue	80	$99,652	$5,508	$47,948
Industrial	495	$656,770	$34,081	$296,675
TOTALS	**1,868**	**$2,477,865**	**$128,614**	**$1,119,574**

*CPA Tax – Community Preservation Act is a locally enacted property tax add on adopted by the Town of Needham with the specific use of funding affordable housing, open space, historic preservation, and recreation projects in town.

**Motor Vehicle Excise Tax – a local excise tax charged on the value of any vehicle registered within the Town of Needham.

Table 14: Neighborhood Housing Plan Propensity Model Scenario

District Name	Units	Net Fiscal Impact	CPA Taxes*	Vehicle Excise Taxes**
Apartment A1	82	$104,266	$5,646	$49,146
Business	111	$146,908	$7,642	$66,527
Avery Square Business	0	$0	$0	$0
Chestnut Street East	137	$182,630	$9,433	$82,110
Chestnut Street West	560	$746,075	$38,557	$335,633
Chestnut Street Business	33	$36,795	$2,188	$19,104
Hillside Ave Business	6	$1,987	$419	$3,596
Industrial - Crescent	79	$97,345	$5,439	$47,348
Industrial - Hillside	91	$112,899	$6,265	$54,540
TOTALS	**1,099**	**$1,428,905**	**$75,589**	**$658,004**

Table 15: Neighborhood Housing Plan Full Build Model Scenario

District Name	Units	Net Fiscal Impact	CPA Taxes*	Vehicle Excise Taxes**
Apartment A1	877	$1,174,145	$60,383	$525,625
Business	305	$400,389	$21,000	$182,800
Avery Square Business	187	$249,461	$12,875	$112,077
Chestnut Street East	547	$728,214	$28,367	$246,930
Chestnut Street West	732	$973,061	$62,792	$546,602
Chestnut Street Business	75	$100,246	$5,164	$44,951
Hillside Ave Business	62	$82,385	$4,269	$37,159
Industrial - Crescent	184	$242,540	$12,669	$110,279
Industrial - Hillside	325	$434,398	$22,377	$194,787
TOTALS	**3,294**	**$4,384,839**	**$229,896**	**$2,001,210**

Table 16: Estimated School Enrollment Projections from Each Scenario

District Name	Base Compliance – Propensity	Base Compliance – Full Build	NHP – Propensity	NHP – Full Build
Apartment A1	0	42	7	70
Business	4	17	9	25
Avery Square Business	0	15	0	15
Chestnut Street East	4	30	11	44
Chestnut Street West			45	58
Chestnut Street Business			3	6
Hillside Ave Business	1	7	1	5
Industrial - Crescent	10	40	7	15
Industrial - Hillside			8	26
TOTALS	**19**	**151**	**91**	**264**

CAPITAL COSTS

Since the consultant team's fiscal impact analysis only dealt with the operational costs of new multifamily development in Needham, town staff met with all pertinent department heads to discuss the potential capital and infrastructure needs should the MBTA Communities zoning result in projections from the propensity for change model or the full build MBTA compliance model scenarios. Appendix 1 of this report includes a memo from town staff summarizing the results of those department head discussions.

TAX IMPLICATION ANALYSIS

In addition to the fiscal impact analysis, the Town of Needham engaged the consultant team to conduct an analysis of the impacts of the MBTA Communities rezoning scenarios on gross property taxes. The focus of this analysis was to understand the tax implications of shifting a parcel of land within the MBTA District from commercial/industrial use to a residential use. Since Needham has a split tax rate where residential property is taxed at a lower rate than commercial/industrial property, shifting the use of a parcel could reduce its annual tax payment.

Recognizing that the ability to permit multifamily housing as of right in the MBTA District could result in some parcels redeveloping, the town wanted to try to quantify the potential impact of redevelopment on the property tax base.

To do that, we worked closely with the Town's Assessor to collect FY24 property assessments and total tax bills for every parcel that falls within the proposed MBTA Districts under the Base Compliance and the Neighborhood Housing Plan scenarios. We analyzed the property tax implications for four build-out scenarios in total, which included:

1. Base Compliance Propensity for Change Scenario.
2. Base Compliance Full Build Scenario.
3. Neighborhood Housing Plan Propensity for Change Scenario.
4. Neighborhood Housing Plan Full Build Scenario.

For each of the four build-out scenarios, the consultant team selected all impacted parcels within the proposed MBTA Districts and joined their parcel information with the assessed value and total tax bill information from the Town's Assessor. This created a link from each MBTA District parcel to the taxes currently paid in FY24. We then summed the total tax bills for these parcels and compared those totals to the gross property tax revenue projections from the fiscal impact model. The following page shows the comparisons of existing property taxes today to the projected property taxes under each MBTA District scenario.

GROSS PROPERTY TAX EVALUATION RESULTS

The two tables below illustrate the differences in the use of the parcels, total assessed value, and total property taxes between the FY24 existing conditions and the MBTA Base Compliance scenario. Under the propensity for change model, RKG is only projecting 57 parcels to redevelop, yielding a potential for 222 multifamily units. Under this scenario, the projected property taxes are not enough to cover the transition of 43 parcels from commercial to residential classification. There is a projected loss of nearly $150,000 in gross property taxes. This is mostly due to the low number of units (222) projected under the propensity model scenario, but again, this is a projection and not a prediction of what will happen in the future.

Under the Base Compliance full build scenario, the gross property taxes are enough to offset the loss of commercial properties because of the much higher total unit count of 1,868 units which drive far more value than the propensity for change model.

Table 17: Base Compliance Propensity Model Results

Scenario	Commercial/ Industrial Properties	Residential Properties	Total Assessed Value	Total Property Taxes
Existing Conditions	43	14	$40,634,700	$884,215
Base Compliance	0	57	$58,707,000	$735,012
Difference	-43	43	-$18,072,300	-$149,203

Table 18: Base Compliance Full Build Model Results

Scenario	Commercial/ Industrial Properties	Residential Properties	Total Assessed Value	Total Property Taxes
Existing Conditions	85	25	$223,908,700	$4,768,964
Base Compliance	0	110	$493,152,000	$6,174,263
Difference	-85	85	$269,243,300	$1,405,299

The next two tables below illustrate the differences in the use of the parcels, total assessed value, and total property taxes between the FY24 existing conditions and the MBTA Neighborhood Housing Plan scenario. Under the propensity for change model, RKG is projecting 80 parcels to redevelop, yielding a potential for 1,099 multifamily units. Under this scenario, the projected property taxes are enough to cover the transition of 60 parcels from commercial to residential classification. There is a projected increase of nearly $2M in gross property taxes over existing tax amounts. This is due to the higher total unit count (1,099) projected under the propensity model scenario.

Under the Neighborhood Housing Plan full build scenario, the gross property taxes continue to be more than enough to offset the loss of commercial properties because of the much higher total unit count of 3,339 units which drive far more value than the propensity for change model.

Table 19: NHP Propensity Model Results

Scenario	Commercial/ Industrial Properties	Residential Properties	Total Assessed Value	Total Property Taxes
Existing Conditions	60	20	$79,142,600	$1,689,551
Base Compliance	0	80	$290,136,000	$3,632,503
Difference	-60	60	$210,993,400	$1,942,951

Table 20: NHP Full Build Model Results

Scenario	Commercial/ Industrial Properties	Residential Properties	Total Assessed Value	Total Property Taxes
Existing Conditions	85	20	$205,828,400	$4,538,096
Base Compliance	0	80	$881,496,000	$11,036,330
Difference	-85	60	$675,667,600	$6,498,233

ECONOMIC FEASIBILITY ANALYSIS

Section 4.B "Affordability Requirements" of EOHLC's Compliance Guidelines for Multi-Family Zoning Districts has set limitations related to affordability requirements to ensure consistency with the state's law for as-of-right multifamily zoning. Specifically, communities that fall within the MBTA Communities designation cannot require more than 10% of units in a project to be set aside as deed restricted affordable units, and the cap on income of families or individuals who are eligible to occupy those units cannot be lower than 80% of Area Median Income (AMI).

If a community wishes to exceed the 10% set aside or the 80% AMI restriction, then an Economic Feasibility Analysis (EFA) is required which could allow a lower AMI or up to a 20% unit set aside. Since Needham's Inclusionary Zoning Bylaw already requires a 12.5% set aside for affordable housing, an EFA was included in the town's scope of work to be performed by the consultant team.

EFA MODEL AND ASSUMPTIONS

The economic feasibility model is a proforma-based excel model that is designed to test the financial impact of potential policy changes against the financial risk/reward of a potential investment. The consultant team's economic feasibility model uses locally sourced data to determine how changes to inclusionary zoning could impact the financial performance of a potential project. At its most basic level, the model is designed to capture construction and operational costs and compare those to potential revenues to determine if the project will meet or exceed local return expectations.

The model has the capability to test variations across nearly all data points to test the sensitivity of dozens of variables on financial feasibility. This includes variability in construction costs, land costs, operational costs, development type and size, location within the community, and more. The model is also set up to test changes in affordability metrics such as the percentage of affordable units, target AMIs, unit thresholds, and more. While the model is a powerful tool to understand the impacts of changes to inclusionary zoning and the sensitivity of modifying assumptions, it is not intended to be the only analytic tool or encapsulate the exact specifics of a deal.

The economic feasibility modeling is based upon three principal components: **construction costs**, **operational revenues**, and **operational costs**. Each component relies upon several market-based and financial inputs for the model to be effective. The primary inputs for which local data was derived include, but is not limited to:

Construction costs

- Soft costs – design and preparation.
- Hard costs – materials and construction.
- Land costs – physical location.

Operation costs

- Financing costs – debt and equity to pay for the project.
- Marketing, management, repairs, property taxes.

Operational revenues

- Rental rates and sale prices.
- Parking revenue.

To conduct an economic feasibility analysis for the proposed zoning, the consultant team must make several qualifications and assumptions to create a series of archetypal development projects that would trigger the affordability requirement based on the zoning. It should be noted that these development scenarios do not include any site-specific information, agreed-upon purchase prices, site plans or building designs. More specifically:

- There are no architectural plans or building specific plans/estimates.
- The model assumes the parcel is easily developable meaning hard cost estimates for new construction do not assume added costs such as major site improvements, blasting, demolition, or infrastructure costs.
- Land costs are derived from residual land values, assessment data and market comparable as this model is not an actual site-specific land acquisition pro forma.
- Construction hard costs and assumptions are based on an average within the market and are derived from interviews with developers and contractors as well as data RS Means.
- Interest rates and financial assumptions are based on the point of time of the analysis. Evolving macroeconomic conditions can alter the financing of projects such as a slowdown in rent growth, higher costs of capital, and changing cap rates.

The following tables detail the assumptions that went into Needham's EFA model.

Table 21: EFA Assumptions List

Construction Costs	Input	Source
Land Acquisition (per unit)	$50,000	Assessment Data; Residual Land Est.
Total Land Costs	Variable	Assessment Data
Soft Costs (percentage of hard costs)	20%	Local Developers
Hard Costs (per SQFT)		
Residential	$150	RS Means
Commercial Stick Built	$265	RS Means/Developers
Commercial Podium	$335	RS Means
Commercial Steel	$4500	RS Means
Parking Assumptions		
Parking Ratio (unit dependent)	1	Town of Needham
Parking Cost by Type		
Surface (per space)	$8,000	Local Construction
Structured (per space)	$35,000	Local Developers
Underground (per space)	$75,000	Local Developers

Operations & Expenses	Input	Source
VACL (percentage)	5%	Moody's Analytics
Operating Expense (% of EGI)	23%	Local Developers

Revenue Sources	Input	Source
Rents by Bed Count (per SQFT)		
Studio/Efficiency	$4.94	CoStar/Market Comps
One Bedroom	$3.99	CoStar/Market Comps
Two Bedroom	$3.55	CoStar/Market Comps
Three Bedroom	$3.65	CoStar/Market Comps
Other Income		
Parking Revenue (surface/structured, per month per space)	$50/$150	Local Developers
On-Site Laundry (per month)	N/A	N/A
Other (please list)	N/A	N/A

Financial Sources	Input	Source
Rents by Bed Count (per SQFT)		
Lending Rate (Percentage)	6%	Local Developers/CoStar
Lending Term (Years)	30	
Debt Equity Ratio	70/30	
Cap Rate	5%	
Return Expectations		
Internal Rate of Return (IRR)	15%	Local Developers/CoStar
Return on Cost (ROC)	5.2%	
Cash on Cash (CoC)	5.5%	

It is worth noting that the consultant team completed Needham's EFA in December 2023, therefore the assumptions and inputs made at that time represent a point in time analysis of financial feasibility and may have changed since the date of analysis.

EFA FINDINGS

The core function of the economic feasibility model is to understand how changes in policy and project type impact financial returns compared to market expectations and whether a given development project in an MBTA District can support the town's inclusionary zoning regulations. To gauge whether the market could absorb the construction and cost associated with affordable housing units, the EFA model utilizes three financial metrics to gauge feasibility:

- Cash on Cash (5.5% return threshold)
- Return on Cost (5.2% return threshold)
- Internal Rate of Return (15% return threshold)

The consultant team utilized the EFA model to test affordable housing set aside from 10% to the maximum of 20% to provide HONE with the range of feasibility when incorporating a set aside. To do this, the consultant team chose five development scenarios, each with an increasing number of units, to gauge feasibility at different scales of development. The scenarios are outlined in the table below.

Table 22: EFA Scenarios

EFA Scenarios	S1 – Minimum	S2	S3	S4	S5 - Maximum
Unit Count	6	25	50	100	200
Construction Type	Stick	Stick	Stick	Stick	Stick
Parking Assumption	Surface	Surface	Structured	Structured	Structured
Parking Ratio	1	1	1	1	1

Using all the assumptions in the model against the EFA scenarios described above, it appears that all scenarios would meet or exceed the return expectations for all three return metrics. The consultant team presented these findings to HONE at their December 2023 meeting where HONE decided to keep the affordable housing set aside at the current 12.5% at 80% AMI. The EFA modeling supports this decision and will be sent to EOHLC along with the town's full compliance application.

OVERVIEW OF PROPOSED ZONING

Needham's strategy for compliance with MGL Chapter 41A, Section 3A (the MBTA Communities Act) has two steps. The first step (**the Base Plan**) is to create an overlay district – the Multi-Family Overlay District – which is compliant with the state's requirements. The second step (**the Neighborhood Plan**) modifies the new overlay to add additional residential capacity, including a height bonus for mixed-use or deeper affordability in four subdistricts.

An overlay district sits on top of a base district and provides property owners with alternative options for developing or enhancing their properties. The owner must choose to apply using the rules of either the base district or the overlay. An overlay can have subdistricts that allow for different uses and dimensional standards. The Town of Needham has chosen to use **subdistricts to allow for different heights, setbacks, and allowable density** to keep the overlay reasonably consistent with the relevant underlying districts. The names of the subdistricts are the acronyms of the relevant base zoning districts to make it easier to understand the relationship between the base zoning districts and the proposed overlay district.

The proposed zoning changes also require **affordable housing** consistent with the Town's requirements in its existing overlay districts with an **option for additional affordable units** in the Neighborhood Plan.

Development standards either point to or are drawn from the relevant existing sections of the Town of Needham Zoning By-Laws and the Planning Board is authorized to adopt **design guidelines**.

Finally, the overlay contains a **modified site plan review and approval process** to meet the requirements of the state's guidelines while remaining consistent with the Town's current process.

The **dimensional standards for the Base Plan** are as follows:

Table 23: Base Compliance Dimensional Standards

	A-1	B	ASB-MF	CSB	HAB	IND
Minimum Lot Area (square feet)	20,000	10,000	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	120	80	80	80	80	80
Minimum Front Setback (feet) from the front property line	25	10	Minimum 10 Maximum 15	20 feet for buildings with frontage on Chestnut Street 10 feet for all other buildings	20	25
Minimum Side and Rear Setback (feet)	20	10 [a, b]	10 [a, d]	20 (side) [a, b, e]	20 [a, b]	20 [a, b]
Maximum Building Height (stories)	3.0	3.0	3.0 [i]	3.0	3.0	3.0
Maximum Building Height (feet)	40	40	40 [i]	40	40	40
Floor Area Ratio (FAR)	0.50	N/A	1.00[k]	0.70	0.70	0.50
Maximum Building Coverage (%)	N/A	25%	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre [j]	18	N/A	N/A	18	N/A	N/A

The Neighborhood Plan divides the CSB subdistrict into three smaller subdistricts and the IND subdistrict into two subdistricts. Both the B and the CSB subdistricts allow additional height in exchange for either a commercial ground floor (creating a mixed-use building) or increased affordable housing. The footnotes for the tables for the Neighborhood Plan are the same as the ones in the table for the Base Plan.

The **dimensional standards for the Neighborhood Plan** are as follows:

Table 24: Neighborhood Housing Plan Dimensional Standards

	A-1	B	ASB-MF	CSB-E	CSB-W	CSB-GS	HAB	IND - C	IND
Minimum Lot Area (square feet)	20,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	120	80	80	80	80	80	80	80	80
Minimum Front Setback (feet) from the front property line	25	10	Minimum 10 Maximum 15	Minimum of 5 feet or average of setbacks within 100 feet, whichever is smaller	Minimum of 5 feet or average of setbacks within 100 feet, whichever is smaller	Minimum of 10 feet or average of setbacks within 100 feet, whichever is smaller	20	25	25
Minimum Side and Rear Setback (feet)	20	20[a, b]	10[a,d]	20 (side) 30 (rear) [a, b]	20 [a, b]	20 [a, b]	20 [a,b]	20 [a, b]	20 [a,b]
Maximum Building Height (stories)[f]	4.0	4.0 4.5 with commercial ground floor or see 3.17.8.1	3.0[i]	3.0 3.5 with commercial ground floor or see 3.17.8.1	4.0 4.5 with commercial ground floor or see 3.17.8.1	3.0 3.5 with commercial ground floor or see 3.17.8.1	3.0	3.0	3.0
Maximum Building Height (feet) [f]	50	50 55 with commercial ground floor or see 3.17.8.1	40 [i]	40 45 with commercial ground floor or see 3.17.8.1	50 55 with commercial ground floor or see 3.17.8.1	40 45 with commercial ground floor or see 3.17.8.1	40	40	40
Floor Area Ratio (FAR)	1.00	2.00	1.00[k]	2.00	2.00	0.75	1.00		1.0
Maximum Building Coverage (%)	N/A	N/A	N/A	N/A	N/A	N/A	N/A		N/A
Maximum Dwelling Units per Acre[j]	36	N/A	N/A	N/A	N/A	24	24		24

Footnotes to both tables:

a) The requirement of an additional 50-foot side or rear setback from a residential district as described in Subsection 4.4.8 Side and Rear Setbacks Adjoining Residential Districts or Subsection 4.6.5 Side and Rear Setbacks Adjoining Residential Districts shall not apply.
b) Any surface parking, within such setback, shall be set back 10 feet from an abutting residential district and such buffer shall be suitably landscaped.
c) An underground parking structure shall be located entirely below the grade of the existing lot and set back at least ten (10) feet from the lot line and the surface of the garage structure shall be suitably landscaped in accordance with Subsection 4.4.8.5 Landscaping Specifications.
d) The rear and side setbacks are 20 feet along the MBTA right-of-way. With respect to any lot partially within an underlying residential district, (i) no building or structure for a multi-family residential use shall be placed or constructed within 110 feet of the lot line of an abutting lot containing an existing single family residential structure and (ii) except for access driveways and sidewalks, which are permitted, any portion of the lot within said residential district shall be kept open with landscaped areas, hardscaped areas, outdoor recreation areas (e.g., swimming pool) and/or similar open areas.
e) Base Plan only: On the west side of Chestnut Street, the rear setback shall be 20 feet. On the east side of Chestnut Street, the rear setback shall be 30 feet.
f) Neighborhood Plan only: The requirements of Subsection 4.4.7 Business Use in Other Districts are not applicable to commercial ground floor uses in the MFOD.
g) Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not occupy more than 25% of the gross floor area of the building.
h) Exceptions: Renewable Energy Installations. The Site Plan Review Authority may waive the height and setbacks in Subsection 3.17.5.2 Building Height Requirements and Subsection 3.17.5.1 Lot Area, Frontage and Setback Requirements to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall be appropriately screened, consistent with the requirements of the underlying district; shall not create a significant detriment to abutters in terms of noise or shadow; and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
i) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit for a height of four stories and 50 feet, provided that the fourth story is contained under a pitched roof, having a maximum roof pitch of 45 degrees, or is recessed from the face of the building (street-facing)by a minimum of 12 feet as shown in the Design Guidelines adopted for the Needham Center Overlay District under Subsection 3.8.8 Design Guidelines.
j) The total land area used in calculating density shall be the total acreage of the lot on which the development is located.
k) In the ASB subdistrict, the Applicant may apply for a Special Permit for an FAR of 1.4.

ADDITIONAL ZONING RECOMMENDATIONS

There were two items that the Housing Needham Advisory Group voted to recommend to the Planning Board, during the Board's deliberations on the MBTA Communities Act zoning, once the Town hears back from the Executive Office of Housing and Livable Communities (EOHLC) on their preliminary review:

1. In the Avery Square Business subdistrict (which applies to the parcel at 100 West Street only), within the Neighborhood Housing Plan, consider allowing 4 stories and an FAR of 1.4 as of right if the applicant chooses to provide 7.5% of units as workforce housing for households with incomes between 80% – 120% AMI.

2. Under both the Base Compliance Plan and the Neighborhood Housing Plan, in the Avery Square Business subdistrict, consider exempting structured parking from the calculation of floor area ratio to be consistent with the underlying zoning on that parcel. All other areas proposed for multi-family zoning count structured parking towards the FAR calculation, consistent with the underlying zoning in those subdistricts. This deliberation should be informed by any comments received by EOHLC on Needham's existing zoning as it relates to structured parking.

Over the course of HONE's deliberations, there were some matters that the members chose to exclude from their recommendations for compliance with the MBTA Communities Act, but voted to recommend further action by the Planning Board.

The Housing Needham Advisory Group recommends that the Planning Board:

1. Review zoning in the Hersey Station area, encompassing at least the area, that is now commercially zoned and the Hersey MBTA lots, for multi-family housing, with or without mixed use.

2. Review the General Residence district to consider: (1) allowing 3 or 4 units per 10,000 square foot lot in the General Residence district, (2) whether the 10,000 square foot threshold should be reduced, and (3) any implications of our current inclusionary zoning, which does not apply to buildings with fewer than 6 housing units. Current zoning has a 2-unit per parcel restriction.

3. Consider ways of making mixed-use development in the Center Business District more likely, where stand-alone multi-family should be considered, and what incentives could be used.

4. Consider rezoning the south side of Great Plain Avenue between Pickering Street and Warren Street for multi-family housing.

5. Review and update existing parking requirements for commercial uses.

6. Review whether to reduce lot size from 10,000 square feet to something less in the Chestnut Street District, the Industrial District, and the Hillside Avenue Business District.

7. Review zoning and financial strategies to incentivize workforce housing and consider developing a Town program for workforce housing.

8. Review the Planning Board's existing site plan review process under Section 7.4 of the Zoning Bylaw.

APPENDIX 1

MEMORANDUM

TO:	Housing Needham (HONE) Advisory Group
FROM:	Katie King, Deputy Town Manager
SUBJECT:	Capital Impacts Assessment on Proposed MBTA Communities Act Zoning
DATE:	April 26, 2024

One component of the Housing Needham (HONE) Advisory Group's charge, as it creates multi-family zoning that complies with the MBTA Communities Act, is to "evaluate build-outs, projections, and analyses of fiscal, school enrollment, and infrastructure impacts provided by staff and consultants." The Town's consultant, RKG Associates, has run six analyses to answer various questions of interest to HONE and to the community:

- **Propensity for Change**: What is the likely number of housing units that will be developed under each zoning proposal?
- **Net Absorption of Multi-family Units**: What is an estimated time frame for this build out?
- **School Enrollment**: What is the estimated number of school aged-children that could result from each of the zoning scenarios?
- **Fiscal Impact Analysis:** On a per unit basis, how will the potential tax revenues from new development compare to the municipal and school operating costs needed to support that development?
- **Tax Implication Analysis**: How does the existing property tax revenue generated from these parcels today compare to the anticipated tax revenue generated under each zoning proposal?
- **Economic Feasibility Analysis**: Can a reasonable variety of multi-family housing types be feasibly developed at a proposed affordability level of 12.5%? This analysis is required by the State for any community that includes an affordability requirement of greater than 10%.

Initial results from each of these analyses have been presented to HONE and are included in RKG's final report. For context, the chart below compares the number of existing housing units in the proposed area for rezoning with the unit capacity under Needham's existing zoning and HONE's two proposals. Unit capacity is a calculation of the maximum number of units that could be built if every parcel started as a blank slate today (no existing buildings) and was built to the maximum allowed under the zoning.

Existing Units	Existing Zoning Unit Capacity	Existing Zoning with Overlay Special Permit Unit Capacity	Base Compliance Plan Unit Capacity	Neighborhood Housing Plan Unit Capacity
775	1,019	1,636	1,868	3,294

This chart summarizes the likely and maximum build out under each plan:

	Base Compliance Plan	**Neighborhood Housing Plan**
Likely Build Out	222 units, 19 students, 334 – 666 residents[1]	1,099 units, 91 students, 1,703 – 3,297 residents
Full Build Out	1,868 units, 151 students, 2,897 - 5,607 residents	3,294 units, 264 students, 5,106 – 9,882 residents

Methodology for Capital Impacts Assessment: Relevant Town departments, including the Finance Department, Needham Public Schools, Department of Public Works (including Engineering, Highway Division, and Water, Sewer, and Drains Division), Building Department, Police Department, and Fire Department, were consulted on the sections of the RKG Associates analyses related to each department. Staff reviewed the anticipated development growth, including projects number of housing units, student enrollment, and population growth, under these zoning proposals. Staff compared the proposals and related analyses to known Town capital infrastructure needs and proposed improvement projects[2] informed by their expertise and the source documents cited in the footnotes and summarized on the last page of this memo. Below are the anticipated impacts on capital projects that are already being planned for and new projects that may result from development under the zoning scenarios.

SCHOOLS

Background: The School District's current FY25-39 enrollment projection[3] predicts that the District will return to pre-pandemic, 'capacity' enrollment levels within the next 15 years, particularly at the elementary and middle school levels. The largest projected elementary enrollment of 2,628 (FY39) is at the District's 2,634 calculated capacity for its five existing elementary schools. The largest projected middle school class of 1,347 (also in FY39) is close to the middle level capacity of 1,419 students.

To address the 'capacity' conditions of existing schools, the School Department engaged a consultant to develop a master plan[4] for updating aging school facilities and creating enrollment capacity, district-wide. The School Committee's preferred master plan scenario, entitled "High Rock as Elementary School (C1a)", addresses these needs by: a) positioning grades 6 - 8 under one roof at the Pollard School, b) repurposing the High Rock as a sixth elementary school and c) renovating the aging Mitchell School as a smaller, 3-section elementary school. An alternative version of this plan (C3) would leave open the possibility of re-constructing the Mitchell as a 4-section school, its current configuration. The School Committee's preferred master plan scenarios increase the district's elementary and middle school enrollment capacities, largely as a result of re-purposing High Rock as a sixth elementary school. The current anticipated cost of the C1a Master Plan is $465.8 million, and would begin with a proposed

[1] Resident estimates are based on a low and high assumption of people living in each unit type: Studio with 1–2 people, one-bed with 1-2 people, two-bed with 2-4 people, and 3-bed with 3–5 people. These were then applied to RKG Associates' build out assumptions of 10% studios, 45% one-beds, 35% two-beds, and 10% three-bed units.
[2] FY2025-2029 Capital Improvement Plan: https://needhamma.gov/5495/FY2025-2029-Capital-Improvement-Plan
[3] FY25 Enrollment Report to the School Committee (December 2023) and McKibben Population & Enrollment Forecast FY25-39 (November 2023)
https://www.needham.k12.ma.us/departments/business__operations/business_office/enrollment___growth_forecasts
[4] Master Plan Extension Update Final Report and Master Plan Update (2023),
https://www.needham.k12.ma.us/cms/one.aspx?portalId=64513&pageId=37970530

renovation/addition project at Pollard, done in partnership with the Massachusetts School Building Authority. A request of $2.75 million for Pollard feasibility study funds is included in the 2024 Town Meeting warrant.

The new students predicted to result from the "Likely" and "Full" build out of each zoning scenario (in the chart above) represent an addition to the McKibben projections. These students would be distributed across the Sunita Williams, Newman, Eliot, and Broadmeadow districts, with the majority of students projected at Williams and Newman.

The zoning analysis does not predict the grade levels of the anticipated students. Below is an analysis comparing anticipated total school enrollment (McKibben FY39 estimates plus RKG estimates) with capacity under the school master plan preferred scenario. This analysis takes a conservative approach, first assuming that every new student generated from the rezoning enters an elementary school, and then a second calculation assuming that every new student generated enters into middle school.

In the unlikely event that the additional development would result in all elementary-aged students, the maximum elementary enrollment resulting from the "Likely" scenario of the Neighborhood Housing Plan would be 2,719, which is within the 2,854-student capacity of the C1a master plan (with Mitchell as a 3-section school). Additionally, the maximum elementary enrollment under the "Full" model of the Neighborhood Housing Plan (2,892) would fall within the capacity of the alternative C3 model (of 2,983, with Mitchell as a 4-section school). At the middle level, the potential maximum enrollments of 1,438 ("Likely") and 1,611 ("Full") under the Neighborhood Housing Plan, would also be within the master plan's projected middle school capacity of 1,624 students.

In the most recent projection series, McKibben projects a peak high school population of 1,725 in FY35. Needham High School has a capacity of 1,800. In the unlikely event that every student generated from the proposed rezoning entered high school in this peak year, the potential student population under the Neighborhood Housing Plan would be over capacity at the "Likely" build (1,816 students) and "Full" build (1,989 students). Assuming that half of the students generated from the proposed rezoning entered high school in the peak year, the potential student population for the Neighborhood Housing Plan "Likely" build would be 1,770 (30 under NHS' capacity) and for the Neighborhood Housing Plan "Full" build would be 1,857 (57 over capacity).

Conclusion: Based on best available information, the additional students projected under the "Likely" and "Full" build out scenarios for the Base Compliance Plan and the Neighborhood Housing Plan can be accommodated within the School Committee's preferred master plan scenarios.

Over the next several years, the Needham Public Schools and Town will assess the impact of the MBTA Communities Act on school enrollment as developments materialize. In the short term, if enrollment increases at individual schools need to be accommodated, the district could consider temporary classrooms, redistricting and/or higher class sizes, as needed. In the long term, the School Department can adjust its plans for a renovated Mitchell school to accommodate more or fewer students.

POLICE & FIRE

Background: The Town of Needham has recently made significant investments in the capital needs of the Police and Fire Departments. The Town opened a new Fire Station 2 in Needham Heights, at the intersection of Highland Avenue and Webster Street, in the Fall 2021. The Public Safety Building on

Chestnut Street, which houses the Needham Police Department and Fire Station 1, opened in 2022. These stations are located in close proximity to the areas proposed for multi-family housing zoning. The Fire Department's vehicles and apparatus can serve the height and density of the buildings that would be allowed under the proposed zoning, as buildings of this size (and larger) exist in town.

Conclusion: Needham Police and Needham Fire do not anticipate any significant impact on their current operations. There may be a need for a small increase to staff over time as the Town's population grows, which is something that both departments regularly monitor. There are no anticipated public safety capital needs (e.g., new stations or equipment) as a result of these proposals. Proposed developments would be required to comply with all fire code and building codes. Under Massachusetts Building Code, new multi-family buildings with three or more units will be required to have fire sprinklers. To properly design the system, the project applicant must ascertain, through flow tests, that there is sufficient water available for the system to work. If the flow tests show there is not, the applicant must identify alternatives, such as an on-site water tank, to ensure the fire suppression system meets code.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works (DPW) is both proactive in its planning around potential development and reactive to each development as they are built. DPW has several plans to investigate and manage the Town's infrastructure through master plans in the next 1-3 years for transportation, sewer, water, and drainage. These plans will provide the department with a comprehensive study of the age and condition of our infrastructure, identify locations for needed replacements and upgrades, and inform the prioritization of these projects. DPW will also be undertaking drainage, sewer, and transportation projects in the plan areas in upcoming years. The funding needed for these plans and anticipated projects are detailed below. These projects are necessary given the current conditions and any changes in zoning will be factored in to adjust the project scopes, as needed.

As discussed in more detail below, the DPW does not anticipate that the proposed MBTA zoning will result in a need for new capital projects to expand existing water or sewer capacity. The Executive Office of Housing and Livable Communities' guidelines state that "compliance with Section 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future multi-family housing production within the multi-family zoning district."[5] In order to be constructed, all projects will need to comply with Building Code and generally applicable DPW regulations. DPW provides a thorough review of all projects that go through the Planning Board to ensure that projects comply with local requirements related to water, sewer, and drainage, and this review will allow for consideration of any issues on a project-specific basis. The Town will not be required to shoulder any capital investment needed to make a specific project viable.

Each section below speaks to DPW's systemwide view of the Town's infrastructure, their oversight of specific development proposals, and how planned master plans will inform both in the coming years.

WATER

Background: The Town's water distribution system is a single service pressure zone system supplied by two sources. The Town's primary source of water is the Charles River Well Field. The well field consists

[5] Executive Office of Housing and Livable Communities, *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act*, August 17, 2023. https://www.mass.gov/info-details/section-3a-guidelines

of three groundwater-pumping stations. Needham's second water source is a connection to the Massachusetts Water Resources Authority (MWRA) surface water supply originating at the Quabbin Reservoir and delivered through the Metrowest Tunnel and the Hultman Aqueduct. This water is pumped into the Needham system at the St. Mary's Pumping Station located at the corner of St. Mary Street and Central Avenue. This supply is used when the Town's demand for water is greater than the local supply, and serves as a backup should the Town's wells need to be taken off-line. The Town can be supplied 100% of its water through the MWRA, if necessary. Water Division staff operate the water treatment plant and also operate, maintain, and repair the townwide water distribution system. The system is comprised of more than 143.5 miles of water mains, 1,344 public and private hydrants, 3,231 water gate valves, and 10,294 water service connections. This system supports 15,612 installed meters as of June 30, 2023.

Overall water production during calendar year 2023 declined by more than 126 million gallons of water compared to 2022 due to drought conditions in 2022 followed by flooding in 2023. The Town's use of MWRA water declined by 41.6% from the prior year, 249.5 million gallons compared to 427 million gallons of water. During calendar year 2021, approximately 27.1% of the total water production came from the MWRA; during calendar year 2022, 32.5% of production came from the MWRA; during calendar year 2023, approximately 21.0% of production came from the MWRA. Water usage increases significantly every year during the summer months (as compared to the off-season), when the majority of the Town's usage is due to outdoor watering. The Water Enterprise Fund operating budget is a self-supporting account. Water user fees and charges cover the entire cost of operations.

The Town has been investing in the Town's water treatment, storage, and distribution systems over the past several years and the work continues. Planning is underway to add redundancy to Needham's water system. Town Meeting appropriated design funding in FY2024 to create a fourth well at the Charles River Well Field, to add reliability to the Town water supply. DPW has requested $3M in FY2026 to construct this fourth well. The MWRA is also advancing their Metropolitan Water Tunnel Program to create redundancy of the water distribution system to the Metropolitan Boston area.

FY25 - 29 Water Capital Project Requests:

Project	FY25	FY26	FY27	FY28	FY29
Water Distribution Master Plan		$300,000			
Water Supply Development (creation of 4th Town well)		$3,000,000			
Replacements: Mills Road from Sachem to Davenport; and Mayo Avenue from Harris to Great Plain		$50,000	$470,000		
Replacement: Kingsbury Street from Oakland to Webster			$122,000	$555,000	
Replacement: Oakland Avenue from May to Highland				$380,000	$500,000

Conclusion: The Town believes it has enough water capacity to support housing developments that may result from the proposed zoning. Needham has capacity in its local water supply in the off-season and augments that local supply with additional water available through the Massachusetts Water Resources

Authority. Irrespective of this zoning, the Town is working on redundancy systems for its local water supply and the MWRA is undertaking a redundancy project for their regional supply system.

DPW has requested $300,000 in FY2026 for a water distribution system master plan to study and prioritize potential water distribution system improvements townwide. This study will inform future water capital projects and how they will be prioritized. At this time, DPW does not anticipate any new capital projects resulting from the proposed zoning, but may adjust the scope of projects (e.g., replace with a larger diameter pipe) to factor in any anticipated population growth.

For a specific development, the property owner/developer would be required to pay for the materials and construction to connect the pipes from their building into the existing water system.

SEWER

Background: The Town's sewage collection system consists of more than 130 miles of collector and interceptor sewers, 3,700 sewer manholes, and ten sewer pump stations. The Town's sewer system is a collection system that discharges its wastewater to the MWRA system for treatment. Approximately 65% of the Town's sewer collection system is a gravity-only system, and 35% of the sewer system is pumped into the gravity system. Needham has two principal points of discharge into the MWRA system and nineteen other public locations where subdivisions discharge to the MWRA system. Personnel maintain and operate 24 sewer pumps, motors, switchgear, gates, valves, buildings, and grounds contained in ten pumping facilities located throughout Town. The Sewer Enterprise Fund budget is a self-supporting account. Sewer user fees and charges cover the cost of the sewer operations.

The Town has been preparing for several major sewer system infrastructure replacement and upgrade projects. As noted in *Needham 2025: Commercial and Residential Growth Impact Study*, "Overall, the current sewer system is reliable and can accommodate development on either side of I-95."[6] However, the study noted the largest challenge facing Needham's current sewer capacity and reliability is existing deficiencies with the Greendale Avenue/Route 128 sewer interceptor from Cheney Street to Great Plain Avenue. This is a trunk sewer that collects and conveys wastewater from numerous surrounding sewer lines and plays a critical role in the operation of the Town's sewer system. The existing interceptor sewer line is deteriorating and in need of rehabilitation in order to remain functional. This multi-phase project would consist of replacing or relining the 12,000 feet (2.5 miles) of 18-inch reinforced concrete gravity sewer main. Design funding was provided in FY2023, and Phase 1 of construction is currently underway, funded via the American Rescue Plan Act (ARPA). DPW has requested that Town Meeting appropriate $13.6 million at the 2024 Annual Town Meeting to begin Phase 2 in FY2025. Due to the investment required to complete the remaining phases, the Town intends to apply for several sources of outside funding (including MWRA and MassDEP programs) to reduce the local funding required.

The Town of Needham is also under Administrative Orders from MassDEP to identify and remove Infiltration and Inflow (I/I) in its existing sewer systems. I/I is groundwater and stormwater that enter into the sewer system, rather than into stormwater drains, limiting the capacity to process sewer wastewater. Failure to address I/I will result in increases to the percentage of sewer costs from the

[6] Needham 2025: Commercial and Residential Growth Impact Study, prepared for the Town by Urban Partners, June 30, 2020. https://needhamma.gov/DocumentCenter/View/22924/Needham-2025-Report-Final-Compressed?bidId=

MWRA borne by the Town as well as additional administrative requirements. The Town completed a study in 2016 that identified target areas for I/I removal over the next ten years. DPW has been undertaking these projects using funds appropriated at Town Meeting, supplemented by funding from private development and grant funding secured from the MWRA, and all projects identified in the 2016 study have been completed. DPW has requested $1M in FY2026 to formulate a new plan and cost estimates for the continuation of the I/I removal program. Most of the funding for the implementation of this updated plan will be sourced from private entities and developments, as required by the Town's Sewer System Impact Program Regulations.[7]

American Rescue Plan Act (ARPA) Project	Amount
Sewer Main Replacement: 128-Interceptor Phase 1 (CY2024)	$3,000,000

FY25 - 29 Sewer Capital Project Requests:

Project	FY25	FY26	FY27	FY28	TBD
128-Interceptor Phase 2: Kenney Street to Valley Road at Norwich Road	$13,600,000				
128-Interceptor Phase 3					$14,000,000
128-Interceptor Phase 4					$6,000,000
Cooks Bridge Sewer Pump Station Replacement		$195,000	$3,900,000		
Sewer System Infiltration & Inflow Assessment		$1,000,000			

Conclusion: Sewer infrastructure is in place throughout the areas proposed for rezoning. DPW has requested $1M in FY2026 for a townwide sewer system infiltration and inflow assessment to identify priority capital projects with cost estimates. At this time, DPW does not anticipate any new sewer capital projects resulting from the proposed zoning, but may adjust the scope of priority projects identified in the I/I assessment if they fall in the area of the proposed rezoning. Current conditions require the Town's investment in rehabilitating the Rt.128 sewer interceptor. The proposed zoning will not impact the scope, timeline, or estimated cost of that project. Individual housing developments will be subject to DPW's Sewer System Impact Program Regulations to reduce I/I.

STORMWATER

Background: The DPW Water, Sewer, and Drains divisions oversee the collection and transportation of stormwater (drains program) originating from rain and snowstorms for discharge into streams, brooks, rivers, ponds, lakes, flood plains and wetlands throughout Town. The Town's drainage infrastructure consists of approximately 100 miles of various size drainage pipes, 4,300 catch basins, 1,500 drainage manholes, and 295 drainage discharges. DPW's oversight includes managing both the quality and the quantity of stormwater in Needham. In terms of quality, stormwater and associated discharges are now considered by the federal government as potentially contaminated and have come under increasingly severe discharge performance standards. The intention is to reduce or eliminate contaminants

[7] DPW Sewer System Impact Program: https://www.needhamma.gov/DocumentCenter/View/25715/Sewer-System-Impact-Program-Requirements-Final-2016

contained in the flow washed from ground surfaces considered to be harmful to the environment. In terms of quantity, Needham has experienced increased levels of flooding during intense rainfall events. The Town is focused on strengthening infrastructure, protecting critical assets, and educating residents about flood protection best practices. The Town is looking at two sets of strategies for stormwater management. The first are the system-wide improvements needed in the Town's stormwater drainage system. The second are site-specific improvements required of developments under the Town's Stormwater Bylaw.[8]

For system-wide improvements, DPW has requested that the May 2024 Annual Town Meeting appropriate $250,000, as part of Article 31 for Public Works Infrastructure to supplement ARPA funds to support a Stormwater Plan that would evaluate the capacity and the condition of the existing townwide stormwater drainage system. The plan would identify, prioritize, and address the health and safety, regulatory, and capacity concerns associated with the management of stormwater. It would also provide estimates for the financial investments that would be required for the construction and maintenance of future storm drain improvement projects, including storage areas for discharge (e.g., retention ponds, underground vaults, dry wells).

The Stormwater Plan would be closely tied to the ongoing master planning of the Town's brooks and culverts, which function as another important component of the stormwater network capacity by controlling the flow of surging water during heavy rains/storms. Destructive flooding in the summer of 2023 continued a pattern of increasingly erratic weather that is expected to worsen over time, further illustrating the need to continuously maintain and improve stormwater management infrastructure through holistic planning.

In addition to the capacity and resiliency considerations, the Stormwater Plan would allow the Town to identify ways to improve surface water quality by mitigating pollutants through the stormwater drainage system. This portion of the Stormwater Capacity Plan would assist the DPW in their efforts to comply with standards set by the National Pollutant Discharge Elimination System (NPDES) permit. To meet these permit obligations, the Town must increase its investment in stormwater infrastructure management.

In April 2023, the Needham Select Board approved a Stormwater Utility Fee Program,[9] which will spread the cost of this public service. Beginning in April 2024, residential and non-residential properties in Needham which have more than 200 square feet of impervious surface will incur a stormwater utility assessment. The assessment will be included in the monthly or quarterly water/sewer bill. Impervious surfaces are hard areas such as roofs, concrete, asphalt driveways, and patios that do not allow water to soak into the ground easily. Instead, water runs off the impervious surfaces, and then flows into a storm drain or a nearby body of water taking everything on that surface (pollution, trash, animal waste, etc.) with it. Properties with more impervious surface create more runoff and have a larger impact on water quality and quantity, therefore the fee charged is related to the amount of impervious area on the property. As every property generates runoff and benefits from a stormwater program, the utility model is a recommended method of collecting revenue from those who place a demand on the

[8] Needham General Bylaws Article 7, https://www.needhamma.gov/DocumentCenter/View/17787/Stormwater-By-Law-OTM-for-warrant-9192018-Clean-FINAL?bidId=

[9] Stormwater Fee: https://www.needhamma.gov/5548/Stormwater-Utility-Fee?ct=t(EMAIL_CAMPAIGN_5_25_2021_14_31__COPY_01)

stormwater management system. The revenue generated by the stormwater utility fee will be used to manage and upgrade our Town's public stormwater drainage system.

Site-specific improvements required of developments fall under the Town's Stormwater Bylaw, which requires new construction to collect and infiltrate 1-inch of water runoff from the roof. If a new building is located on a site with more than 4,000 square feet of impervious surface, that development is required to ensure that there is no impact from water runoff to abutting properties. The original focus of the Town's Stormwater Bylaw was on water quality and reducing pollutants. The Select Board has appointed a Stormwater Bylaw Working Group[10] to make recommendations for revisions to the Town's bylaws to strengthen requirements related to stormwater capacity. Recommendations from this working group are anticipated in 2025. Efforts to educate and encourage the designing of new buildings and the hardening of existing buildings against flood risk, are ongoing.

American Rescue Plan Act (ARPA) Project	**Amount**
Town Reservoir sediment removal	$2,150,000
Walker Pond Improvements	$750,000
Rosemary Lake Sluicegate Replacement	$120,000

FY25 - 29 Stormwater Capital Project Requests:

Project	**FY25**	**FY26**	**FY27**	**FY28**	**FY29**
NPDES Support Projects		$816,000	$987,000	$1,200,000	$1,200,000
Public Works Infrastructure: Storm Drain Capacity	$250,000				$250,000
Public Works Infrastructure: Brooks & Culverts	$225,000		$1,100,000	$250,000	

Conclusion: As projected flood risk continues to increase, addressing stormwater quality and capacity will be a Town priority for the foreseeable future. There has been flooding throughout Needham, including in some of the areas proposed for multi-family housing zoning. DPW has a variety of stormwater improvement projects completed, in process, and planned for throughout town. These and future investments will be informed by a townwide master plan and individual project scopes will be adjusted based on any zoning changes.

Housing developments under this proposed zoning are subject to the Town's Stormwater Utility Fee and Stormwater Bylaw, and to any future amendments of the Stormwater Bylaw adopted by Town Meeting to strengthen on-site requirements for stormwater retention. New developments will also be subject to local and state wetlands regulations and the Town's Flood Plain District requirements.

ROADWAYS

Background: The Department of Public Works is currently working on a redesign of two of the three main arterials running through the proposed zoning areas: Great Plain Avenue from Linden Street to Warren Street and Highland Avenue between Webster Street and Great Plain Avenue. The goals for these roadway improvement projects are to design with a Complete Streets approach, to slow car speeds, better accommodate bicycles and pedestrians, and improve traffic flow. The redesign of Great

[10] Stormwater Bylaw Working Group: https://www.needhamma.gov/5492/Stormwater-By-Law-Working-Group

Plain Ave will be funded by Chapter 90 and completed in 2025, with construction anticipated in 2026-2027. The Highland Avenue project is estimated in the next 5 – 7 years. This project will be designed with Chapter 90 funds, with a goal of having construction funded by the State if it is accepted as a Transportation Improvement Program (TIP) project. The designs of both projects are in an early enough stage that they will incorporate the anticipated traffic volumes associated with the proposed zoning.

DPW undertakes a periodic analysis of roadways townwide to determine a pavement condition index for each street to prioritize maintenance projects. A recent surface treatment of Chestnut Street was completed in 2023; one segment of the road was redone by Eversource after the completion of a gas main project with the balance undertaken by the Town due to need based on the roadway condition.

The Department is currently partnering with the Metropolitan Area Planning Council (MAPC) to complete a Transportation Master Plan, anticipated by the end of 2025. This master plan will analyze Needham's existing transportation infrastructure from a holistic perspective, not just in terms of infrastructure maintenance but also in terms of safety considerations, use patterns and traffic flows, community connectivity, walking and biking accommodations, and how to best bridge gaps. The plan will be a foundational document from which the Town's Mobility Planning & Coordination Committee will establish transportation goals, set standards governing when and where to install bike lanes, identify target areas for improvement, and cost out solutions. The study will also investigate how the Town's transportation network integrates with surrounding communities to improve multimodal connectivity throughout the region.

FY25 - 29 Roadway Capital Project Requests:

Project	FY25	FY26	FY27	FY28	FY29
Public Works Infrastructure: Street Resurfacing	$1,700,000	$1,800,000	$1,900,000	$2,000,000	$2,000,000
Public Works Infrastructure: Sidewalks	$995,000	$1,100,000	$1,100,000	$1,200,000	$1,200,000
Public Works Infrastructure: Intersection Improvements	$1,100,000 Hunnewell at Central	$1,300,000 Central at Great Plain	$405,000 Central at Gould; Kendrick at 4	$802,000 Central at Gould	$250,000 Great Plain at Greendale

Conclusion: Major roadway improvement projects of two of the three main arterials running through the proposed zoning areas are underway. Improvements to Chestnut Street are not currently in the Town's FY25-29 capital improvement plan and may become a priority, depending on where multi-family development occurs. There has not been a feasibility study nor design of what a major roadway improvement project of this corridor would cost, but the Department has suggested $10 - $20 million as an order-of-magnitude estimate to undertake a major redesign of Chestnut Street, including drainage infrastructure, wider sidewalks, new pavement, and other amenities.

The Town has also studied the build-out of additional segments of the Rail Trail, between High Rock Street to Needham Junction and from Needham Heights to Newton. Funding for these projects, or alternative networks of bicycle accommodations on our roadways, are not currently in the Town's FY25-

29 capital improvement plan and may become a higher priority with an increase in nearby, transit-oriented development.

At its April 18, 2024 meeting, the HONE Advisory Group voted to request that a traffic study be completed for the proposed zoning area, if funds can be identified and traffic counts can be collected before the end of the school year. This would provide a more comprehensive understanding of current conditions, and anticipated traffic conditions, under the Base Compliance Plan and the Neighborhood Housing Plan. Staff are working towards this goal as of the writing of this memo.

PARKING

Background: Needham's current zoning by-law requires 1.5 parking spaces per housing unit. The proposed zoning reduces that requirement to 1 parking spot per unit for multi-family residential uses in the overlay area only. This is informed by two parking studies: the Metropolitan Area Planning Council's Perfect Fit Parking study[11] and the Needham Center & Needham Heights Parking Study conducted for the Town by Stantec in 2023.[12]

MAPC has conducted four phases of their study, conducting overnight weeknight parking counts at multi-family housing sites in Greater Boston to get data on peak parking utilization. Phases 1 and 2 examined nearly 200 sites and found that "only 70% of the off-street parking spaces provided at multifamily developments were occupied during peak hours (in the middle of the night), while Phase 3 similarly found only 76% parking utilization during peak hours." Needham participated in Phase 4 of the study, which focused on communities west of Boston (Bedford, Belmont, Brookline, Concord, Framingham, Lexington, Natick, Needham, Newton, Sudbury, Waltham, Watertown, and Wayland). Parking counts were conducted at 37 multi-family housing sites and concluded that the parking supply was 1.45 spaces/unit while the parking demand was 0.92 spaces/unit. This is a parking utilization rate of 62%. The data collected in Needham showed a parking utilization rate of 57%, with parking supply of 1.20 spaces/unit and parking demand of 0.57 spaces/unit.

As part of a comprehensive parking study undertaken by the Town of Needham, Stantec provided a zoning analysis comparing Needham's requirements for parking in comparison to best practice national standards. In nearly all categories of land use, including residential, office, medical office, and retail, Needham's zoning requirement is higher than the national standards. For residential developments, the national standard is 1.15 spaces per unit.

The proposed zoning does not change any of the parking requirements for non-residential uses. It also maintains the Town's on-street overnight parking ban.

Conclusion: The parking requirement of a minimum of 1 space per unit is expected to be sufficient. A multi-family housing developer may choose to build additional parking, if they believe that a higher ratio is necessary to successfully rent or sell each unit based on market demand.

ENVIRONMENTAL

Housing more people in denser homes has net positives for the Town's per-capita emissions. The areas that have been selected for rezoning are largely already developed and seek to promote "in-fill"

[11] MAPC Parking Study: https://perfectfitparking.mapc.org/
[12] Stantec Parking 2023 Study: https://www.needhamma.gov/5383/Needham-Center-and-Needham-Heights-Parki

development or redevelopment that takes advantage of the fact that there is already utility infrastructure and a pre-existing building footprint that limits the need to add additional impervious surfaces. In addition, increasing public transit ridership and reducing transit-related emissions is one of the goals of Needham's Climate Action Roadmap, which is why revising local zoning requirements to ensure compliance with the MBTA Communities zoning law is one of the stated actions in the Roadmap.

Neither the MBTA Communities Act nor the proposed local zoning override state or local environmental regulations. The Town's existing bylaws (e.g., stormwater, floodplain, and wetlands) will still be applicable to any new development that occurs in these rezoned areas. This proposal does not rezone any Town-owned open space for housing.

Needham adopted the Opt-In Specialized Energy Code at the October 2023 Town Meeting, effective July 1, 2024. Any new multi-family housing over 12,000 square feet will need to meet Passive House standards and any new multi-family housing under 12,000 square feet will need to be all-electric of if using fossil fuel combustion systems, will need to provide pre-wiring for future appliances and HVAC electrification and install solar to offset energy usage.

Sources

1. Resident estimates are based on a low and high assumption of people living in each unit type: Studio with 1–2 people, one-bed with 1-2 people, two-bed with 2-4 people, and 3-bed with 3–5 people. These were then applied to RKG Associates' build out assumptions of 10% studios, 45% one-beds, 35% two-beds, and 10% three-bed units.
2. Town of Needham, *FY2025-2029 Capital Improvement Plan*, January 2024. https://needhamma.gov/5495/FY2025-2029-Capital-Improvement-Plan
3. FY25 Enrollment Report to the School Committee (December 2023) and McKibben Population & Enrollment Forecast FY25-39, November 2023. https://www.needham.k12.ma.us/departments/business__operations/business_office/enrollment___growth_forecasts
4. Master Plan Extension Update Final Report and Master Plan Update, 2023. https://www.needham.k12.ma.us/cms/one.aspx?portalId=64513&pageId=37970530
5. Executive Office of Housing and Livable Communities, *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act*, August 17, 2023. https://www.mass.gov/info-details/section-3a-guidelines
6. Urban Partners, *Needham 2025: Commercial and Residential Growth Impact Study*, June 30, 2020. https://needhamma.gov/DocumentCenter/View/22924/Needham-2025-Report-Final-Compressed?bidId=
7. Town of Needham Department of Public Works Sewer System Impact Program: https://www.needhamma.gov/DocumentCenter/View/25715/Sewer-System-Impact-Program-Requirements-Final-2016
8. Needham General Bylaws Article 7, Stormwater Bylaw: https://www.needhamma.gov/DocumentCenter/View/17787/Stormwater-By-Law-OTM-for-warrant-9192018-Clean-FINAL?bidId=
9. Stormwater Fee: https://www.needhamma.gov/5548/Stormwater-Utility-Fee?ct=t(EMAIL_CAMPAIGN_5_25_2021_14_31__COPY_01)
10. Stormwater Bylaw Working Group: https://www.needhamma.gov/5492/Stormwater-By-Law-Working-Group
11. Metropolitan Area Planning Council (MAPC), *Perfect Fit Parking Study*, July 2023: https://perfectfitparking.mapc.org/
12. Stantec, *Needham Center and Needham Heights Parking Study*, 2023: https://www.needhamma.gov/5383/Needham-Center-and-Needham-Heights-Parki
13. Town Stormwater Projects: https://www.needhamma.gov/5527/Town-Stormwater-Projects
14. RKG Associates and Innes Associates, *Town of Needham, MA MBTA Communities Summary Report*, April 2024.

Updated: 04/26/2024

HOUSING NEEDHAM (HONE)
TOWN VISIONING FOR MULTI-FAMILY HOUSING

Housing Needham (HONE) Advisory Group
MBTA Communities Act Frequently Asked Questions

What is the MBTA Communities Act? What is required by the Town?

1. **What is the MBTA Communities Act?**
   In 2021, the State Legislature passed a new law (MGL c.40A Section 3A) that requires 177 cities and towns who are served by the MBTA, including Needham, to establish a zoning district in which multi-family housing is allowed as-of-right (without needing a special permit). The multi-family zoning district must allow an average density of 15 units per acre, a portion of the district must be located within 0.5 miles from a commuter rail station, and the zoning cannot have any age-restrictions. The Massachusetts Executive Office of Housing and Livable Communities established guidelines further detailing compliance requirements.

2. **What is multi-family housing?**
   Multi-family housing is defined as a building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

3. **What does Needham's multi-family housing district need to comply with the law?**

Metric	Needham's Requirement
Minimum Land Area	50 acres
Minimum Unit Capacity (*15% of Needham's existing number of housing units)*	1,784 units
% located within 0.5 mi of commuter rail	90%
Minimum Zoning Density	15 units per acre
Deadline for Compliant Zoning	December 31, 2024

4. **Does Needham need to build all of this housing?**
   No, the law does not require that any housing be built. It requires that Needham establish zoning that allows for multi-family housing as specified above. Zoning is one factor that makes housing production possible. Other factors include having demand for additional housing, developable sites, property owners who are willing to sell, labor available to build the housing, and opportunities that are financially feasible for developers and investors.

5. **What is the timeline for complying with the MBTA Communities Act?**
   For cities and towns with commuter rail stations, the deadline for adopting this zoning is December 31, 2024.

6. **Does Needham have to comply with the MBTA Communities Act? Why not just "opt-out"?**
   The law requires that MBTA Communities shall have a compliant zoning district and does not provide any mechanism by which a town or city may opt out of this requirement. The law itself outlines three state grant programs - MassWorks, Housing Choice, and the Local Capital Projects Fund—that the Town would not be eligible for if it does not comply with the law. The most recent Executive Office of Housing and Livable Communities (EOHLC) guidelines identify 13 additional discretionary grant programs where the Commonwealth will take MBTA Communities compliance into account when making award decisions. MBTA Communities cannot avoid their obligations under the law by foregoing this funding. The Attorney General's Office has issued an

advisory stating that, "All MBTA Communities must comply with the Law. … Communities that fail to comply with the Law may be subject to civil enforcement action."

What is the Town's current zoning proposal?

7. **What is the Housing Needham (HONE) Advisory Group?**
The Housing Needham (HONE) Advisory Group was established jointly by the Select Board and Planning Board in 2023 to lead the community engagement process to create multi-family zoning that complies with the MBTA Communities Act. The group will advise the Select Board and Planning Board on proposed zoning to bring to Town Meeting in Fall 2024, informed by their individual expertise, group deliberations, and feedback received from the public.

8. **What is HONE proposing for multi-family housing zoning changes in Needham?**
HONE's final recommendation to the Select Board and Planning Board include two proposals: a Base Compliance Plan and a Neighborhood Housing Plan.

The **maps** for each plan can be found in Addendum A and B (and also online: Base Compliance Plan and Neighborhood Housing Plan).

The **zoning parameters** can be found in Addendum C (and also online here)

The geographic areas covered by each plan are largely the same, with these exceptions:
- 755 Highland Avenue (Hamilton Highlands) is in the Base Compliance Plan only.
- 760 Highland Avenue (Avery Condominiums) is in the Base Compliance Plan only.
- 1350 Highland Avenue (St. Joseph Parish) is in the Base Compliance Plan only.
- 797 Highland Avenue (The Suites of Needham) is in the Neighborhood Housing Plan only.

HONE has crafted each plan to be compliant with the MBTA Communities Act (subject to state review). The zoning parameters are more permissive under the Neighborhood Housing Plan, allowing for more height and density of housing compared to the Base Compliance Plan. Passage of the Base Compliance Plan would bring Needham into compliance with the law and passage of the Neighborhood Housing Plan would maintain Needham's compliance while zoning for more housing than would be allowed under the Base Plan.

The Base Compliance Plan rezones 104 acres, with a unit capacity of 1,868 units, at an average density of 18.6 units/acre. The Neighborhood Housing Plan rezones 96 acres, with a unit capacity of 3,294 units, at an average density of 35.6 units/acre.

9. **How does the proposed zoning differ from what is currently zoned?**
Maps and a chart comparing Needham's existing zoning with what is being proposed in the Base Plan and the Neighborhood Housing Plan can be found here.

Neither the Base Compliance Plan nor the Neighborhood Housing Plan makes any changes to the underlying zoning. Both proposals would establish a zoning overlay district, which would add new options for multi-family housing, in addition to the building types and uses already allowed in Needham's existing zoning bylaw.

Needham's Existing Zoning Map can be viewed here and parcel maps can be found on Needham's WebGIS.

10. **How many housing units are likely to be built? What is the maximum number of housing units that could be built under this proposal?**
A chart comparing how many housing units exist on these parcels today and how many could potentially be allowed under Needham's current zoning with what is being proposed can be found in Addendum D (and also online here).

The Town of Needham retained consultants (RKG Associates and Innes Associates) to support this planning process. RKG Associates ran an analysis using a financial feasibility model for developing multi-family housing to estimate the likely build out scenario under each plan:

	Base Compliance Plan	**Neighborhood Housing Plan**
Likely Build Out	222 units	1,099 units
Full Build Out	1,868 units	3,294 units

RKG Associates also analyzed Needham's historical absorption rate of new multi-family housing units. Over the past decade, as large housing developments were built in Needham the units were occupied at an average rate of about 100 units per year. Applying this rate to the chart above, the likely build out could take 2 – 10 years. The full build out could take 20-30 years, though it may never be fully realized.

The full build out totals are the same as the zoning unit capacity. It assumes that no buildings exist today and calculates how many housing units under the proposed zoning would fit on those parcels. Achieving the full build unit totals would require every current property owner who could redevelop their property to do so. Many property owners may not be interested in redeveloping their property to be multi-family housing, nor would they be interested in selling their property for redevelopment. We cannot predict exactly how or when this new zoning will result in new units, but it is unlikely that we will reach the full build unit totals. This has been Needham's experience to date. While our existing zoning allows for 1,019 units by right and 1,636 units by special permit, only 775 housing units have been built.

11. **What parking will be required?**
The Base Compliance Plan and the Neighborhood Housing Plan both require a minimum of 1.0 parking spots per housing unit. Mixed-use developments would also have to provide parking for commercial uses, at the ratios required under Needham's existing zoning. These proposals maintain the Town's on-street overnight parking ban.

12. **Can we control the style/design of the housing?**
The Town can create design guidelines for the housing in these areas. HONE is working with Needham's Design Review Board to modify existing guidelines that the Planning Board has adopted for Needham Center and Chestnut Street to apply to the multi-family housing districts.

13. **Does this proposal allow for mixed-use buildings?**
The Base Compliance Plan and the Neighborhood Housing Plan both allow for stand-alone multi-family housing throughout the districts in each map. If the underlying zoning in these areas already allow for mixed-use (both commercial and residential) buildings, mixed-use will continue

to be allowed but not required. Under the Neighborhood Housing Plan, an extra 0.5 story of height would be allowed by right in certain districts for developments include commercial space on the first floor or 7.5% of units as workforce housing. Those districts are the Chestnut Street Business District East and Chestnut Street Business District Garden, which allow 3 stories for stand-alone multi-family housing and 3.5 stories with commercial on the first floor and housing above or 7.5% of units as workforce housing. Also the Business District and Chestnut Street Business District West, which allow 4 stories for stand-alone multi-family housing and 4.5 stories with commercial on the first floor and housing above or 7.5% of units as workforce housing.

14. Will new housing built under these proposals be affordable?

The Base Compliance Plan and the Neighborhood Housing Plan both require that 12.5% of all new units in buildings with 6 or more units are set aside as deed restricted affordable housing for households at or below 80% of the Area Median Income. This aligns with Needham's existing requirements and will help the Town stay above the state's requirement of 10% affordability townwide.

As mentioned above, under the Neighborhood Housing Plan, a development would be allowed an extra 0.5 story of height in the Chestnut Street Districts and Business District, if it included 12.5% affordable units for households at or below 80% AMI and an additional 7.5% workforce housing units for households making between 80% - 120% AMI.

The MBTA Communities Act creates zoning aimed primarily at generating market-rate housing, to increase the overall supply of housing in the region. The State and Town have other initiatives aimed at increasing the supply of affordable housing (e.g. the Needham Housing Authority's redevelopment of their Linden Chambers property, previous multi-family developments in Town approved under a "friendly 40B" process).

How does this affect my property?

15. Will I be required to do anything on my property?

No one is required to change their property or develop new housing. Property owners in the proposed areas will continue to have all of the rights they currently have, since the underlying zoning will remain. Adoption of either or both of the multi-family housing plans means that individual property owners within these zoning districts will have the option to redevelop their property as multi-family housing if they choose to do so.

16. Is the Town or State proposing to take land by eminent domain?

No. This is not a proposal to use eminent domain to build housing. This proposal gives existing property owners more options for how to use their land. It is entirely voluntary.

What are the anticipated impacts on Town resources and infrastructure?

17. What are the fiscal impacts (revenue and expenses) on the Town and Schools?

The Town's consultants, RKG Associates constructed a fiscal impact model to understand the potential tax revenues from new housing developments compared to the municipal and school

operating costs to support those housing units. The analysis concludes that on a per unit basis, newly built multifamily units will generate more tax revenue than operating costs for the Town. A full report is available as part of HONE's final recommendations. The full report includes a second analysis comparing the property tax revenue the Town is receiving from the existing parcels with potential revenue it would receive if new housing were built under the zoning proposals.

18. What is the anticipated impact on school enrollment?

The estimated number of school aged-children that could result from the housing scenarios appear in the chart below. This analysis assumes varying ratios of students per unit, based on the bedroom count and income level of the household, with the likely build out occurring over a period of 2-10 years.

	Base Compliance Plan	**Neighborhood Housing Plan**
Likely Build Out	19 students	91 students
Full Build Out	151 students	264 students

The School District's current FY25-39 enrollment projection predicts that the District will return to pre-pandemic, 'capacity' enrollment levels within the next 15 years, particularly at the elementary and middle school levels. The largest projected elementary enrollment of 2,628 (FY39) is at the District's 2,634 calculated capacity for its five existing elementary schools. The largest projected middle school class of 1,347 (also in FY39) is close to the middle level capacity of 1,419 students. These projections exclude students resulting the proposed zoning change.

The new students predicted to result from the "Likely" and "Full" build out scenarios above represent an addition to the McKibben projections. These students would be distributed across the Sunita Williams, Newman, Eliot and Broadmeadow districts, with the majority of students projected at Williams and Newman.

19. How does this zoning impact the Schools Master Plan for building construction needs?

Based on best available information, the additional students projected under the "Likely" and "Full" build out scenarios for the Base Compliance Plan and the Neighborhood Housing Plan can be accommodated within the School Committee's preferred master plan scenarios.

To address the 'capacity' conditions of existing schools, the School Department engaged a consultant to develop a master plan for updating aging school facilities and creating enrollment capacity, district-wide. The School Committee's preferred master plan scenario, entitled "High Rock as Elementary School (C1a)", addresses these needs by: a) positioning grades 6 - 8 under one roof at the Pollard School, b) repurposing the High Rock as a sixth elementary school and c) renovating the aging Mitchell School as a smaller, 3-section elementary school. An alternative version of this plan (C3) would leave open the possibility of re-constructing the Mitchell as a 4-section school, its current configuration. The current anticipated cost of the C1a Master Plan is $465.8 million, and would begin with a proposed renovation/addition project at Pollard, done in partnership with the Massachusetts School Building Authority. A request for Pollard feasibility study funds is included in the 2024 Town Meeting warrant.

The School Committee's preferred master plan scenarios increase the district's elementary and middle school enrollment capacities, largely as a result of re-purposing High Rock as a sixth

elementary school. In the unlikely event that the additional construction would result in all elementary-aged students, the maximum elementary enrollment resulting from the "Likely" scenario would be 2,719, which is within the 2,854-student capacity of the C1a master plan. Additionally, the maximum elementary enrollment under the "Full" model (of 2,892) would fall within the capacity of the alternative C3 model, or 2,983. At the middle level, the potential maximum enrollments of 1,438 ("Likely") and 1,611 ("Full"), would also be within the master plan's projected middle school capacity 1,624 students.

Over the next several years, the Town will assess the impact of the MBTA Communities Act on school enrollment. In the short term, temporary classrooms, redistricting and/or higher class sizes may be needed to accommodate enrollment increases at individual schools. In the long term, the School Department can adjust its plans for a renovated Mitchell school to accommodate more or fewer students, as needed.

20. **Will we need more police or fire services to support these housing units?**
Needham Police and Needham Fire do not anticipate any significant impact on their current operations. There may be a need for a small increase to staff over time as the town's population grows, which is something that both departments regularly monitor. There are no anticipated public safety capital needs (e.g., new stations or equipment) as a result of these proposals.

21. **Does Needham's infrastructure (water, sewer, stormwater) have enough capacity to support these additional housing units?**
A detailed memo on the anticipated capital impacts of the proposed zoning can be found here.

DPW is both proactive in its planning around potential development and reactive to each development as they are built. DPW has several plans to investigate and manage the Town's infrastructure through master plans in the next 1-3 years for transportation, sewer, water, and drainage. DPW provides a thorough review of all projects that go through the Planning Board to ensure that projects comply with local requirements related to water, sewer, and drainage, as to not overtax town systems.

Needham has capacity in its local water supply in the off-season and augments that local supply with additional water available through the Massachusetts Water Resources Authority (MWRA). Irrespective of this zoning, the Town is working on redundancy systems for our local water supply and the MWRA is undertaking a redundancy project for their regional supply system. The DPW will also be undertaking projects in the plan areas in upcoming years due to potential capacity issues currently being experienced in drainage, sewer, and transportation. These projects are necessary given the current conditions and any changes in zoning will be factored in to adjust the project scopes, a needed.

22. **What is the anticipated impact on traffic? Is this rezoning coordinated with efforts to expand bike lanes in Needham or other roadway improvement projects?**
One of the primary goals of encouraging development near transit is to reduce reliance on cars. Building more housing with convenient access to public transportation and amenities, gives people more choice in how they get around. Needham participated in MAPC's Perfect Fit Parking report, which studied the supply and utilization of parking in 200 multi-family buildings in the Boston Inner Core region, and found that on average 30% of on-site parking was unused.

The Department of Public Works is currently working on a redesign of Great Plain Avenue from Linden Street to Warren Street. A roadway improvement project for Highland Avenue between Webster Street and Great Plain Avenue is also planned to slow car speeds, better accommodate bicycles and pedestrians, and improve traffic flow by having signalized intersections "talk" to signals further north on Highland Avenue to Needham Street in Newton. This project is estimated in the next 5 – 7 years. The design of both projects will be informed by any updates to our multi-family housing zoning.

At its April 18, 2024 meeting, the HONE Advisory Group voted to request that a traffic study be completed for the proposed zoning area, if funds can be identified and traffic counts can be collected before the end of the school year. This would provide a more comprehensive understanding of current conditions, and anticipated traffic conditions, under the proposals. Staff are working towards this goal as of the writing of these FAQs.

23. How will this zoning impact Needham's climate goals?

Housing more people in denser homes has net positives for our per-capita emissions and for the preservation of green space. The areas that have been selected for rezoning are largely already developed and seek to promote "in-fill" development or redevelopment that takes advantage of the fact that there is already utilities infrastructure and a preexisting building footprint that limits the need to add additional impervious surfaces. In addition, increasing public transit ridership and reducing transit-related emissions is one of the goals of Needham's Climate Action Roadmap, which is why revising local zoning requirements to ensure compliance with the MBTA Communities zoning law is one of the stated actions in the Roadmap.

24. Will these housing developments be environmentally sustainable?

Needham adopted the Opt-In Specialized Energy Code at the October 2023 Town Meeting, effective July 1, 2024. Any new multi-family housing over 12,000 square feet will need to meet Passive House standards and any new multi-family housing under 12,000 square feet will need to be all-electric of if using fossil fuel combustion systems, will need to provide pre-wiring for future appliances and HVAC electrification and install solar to offset energy usage.

25. What about private green space and open space?

The MBTA Communities Act does not override state or local environmental regulations. the Town's existing bylaws (e.g., stormwater, floodplain, and wetlands) will still be applicable to any new development that occurs in these rezoned areas. This proposal does not rezone any Town-owned open space for housing.

26. Will more housing development make stormwater flooding worse?

Needham has experienced increased levels of flooding during intense rainfall events. As projected flood risk continues to increase, the Town is focused on strengthening infrastructure, protecting critical assets, and educating residents about flood protection best practices. DPW has a variety of stormwater improvement projects completed, in process, and planned for throughout town, including in the areas proposed for multi-family housing. These investments will be informed by a townwide master plan and individual project scopes will be adjusted based on any zoning changes. A detailed memo on the anticipated capital impacts of the proposed zoning can be found here.

The Town's Stormwater Bylaw requires all new construction to collect and infiltrate 1-inch of water runoff from the roof. If a new building is located on a site with more than 4,000 square feet of impervious surface, that development is required to ensure there is no impact from water runoff to abutting properties. The original focus of the Town's Stormwater Bylaw was on water quality and reducing pollutants. The Select Board has appointed a Stormwater Bylaw Working Group to make recommendations for revisions to the Town's bylaws to strengthen requirements related to stormwater capacity.

What does this zoning term mean?

27. What is zoning? What is a zoning overlay district?

Needham has rules about what you can build and where. These rules make up our zoning bylaws, which have two basic parts: zoning that governs possible building uses (for example, residential or commercial or industrial) and zoning that governs the size and shape of buildings in each area, or district. An overlay district is a zoning district that "lies" on top of the existing zoning. It specifies special provisions for what is allowed for building uses, size, and shape in that district, in addition to what is allowed in the underlying zone. Zoning overlays can be an effective way of tailoring zoning regulations to a specific neighborhood.

28. How much discretion does each community have with where a multi-family district is located?

Each community must demonstrate that the zoning allows for multi-family housing that meets or exceeds the required unit capacity, density, and proximity to transit. Within those parameters, communities have flexibility to decide where to locate the multi-family districts and at what building size and height. These districts may be located where there are existing single-family, multi-family, commercial or other existing uses and structures, or in areas ready for redevelopment. Cities and towns are encouraged to consider multi-family districts where there is existing or planned pedestrian and bicycle access to a transit stations.

29. What does unit capacity mean?

Unit capacity is a calculation of how many units could be built if every parcel started as a blank slate today (no existing buildings) and was built to the maximum allowed under the zoning. It is important to note that zoning capacity is not a calculation of how much new housing will be built. The actual number of new units built in Needham will be less than the theoretical maximum due to the practical limitations that will prevent some existing parcels from being redeveloped as multi-family housing and design choices for new residential buildings.

30. What does "as-of-right" or "by right" mean?

By right means that the use of the building (in this case, as multi-family housing) is allowed, as long as the development complies with the parameters in the zoning bylaw. Multi-family projects proposed under MBTA Communities zoning will be subject to site plan review by the Planning Board. Construction also requires applying for a building permit, submitting plans to the Town's Building Department, and successfully passing safety inspections.

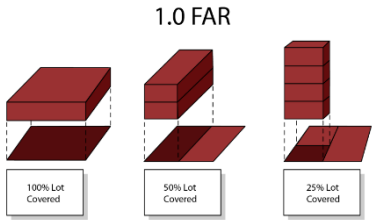
31. What is Site Plan Review? What can the Planning Board require?

Site plan review is a type of regulatory review applied to development applications when the use of the property (in this case, multifamily housing containing an established number of

dwelling units, in a building constructed to established dimensional limits) is allowed by right. Under site plan review, the Planning Board cannot deny an application that complies with the zoning, because the use is allowed by right. The Board can hold public hearings and apply limited, reasonable conditions, which may include modifying lighting, adding fencing, reviewing stormwater design for compliance with applicable standards, and adjusting parking layout and other structural elements on the site plan. Conditions can be used to shape a project, but conditions cannot go so far as to unreasonably interfere with or effectively prohibit the project.

32. What is Floor Area Ratio (FAR)?

Floor Area Ratio is a measurement where you divide the total floor area of a building by the total lot size. Higher floor area ratios mean that a building can have more square feet. An FAR of 1.0 may take various building forms. Other dimensional requirements in zoning (like height maximums and lot coverage maximums) also shape the allowed building size and density.



Floor area ratio examples for different building heights. Credit: DC Zoning Handbook

Why were certain areas not proposed for multi-family housing?

33. Why are you not rezoning near Hersey Station?

An MBTA Communities zoning district must be at least 5 acres to comply with EOHLC guidelines. In the calculation of acreage, the State subtracts out any land currently owned by the government, because it is assumed that it is unlikely to be redeveloped as housing. The HONE Advisory Group reviewed the existing zoning districts around Hersey and expressed interest in rezoning the Neighborhood Business District at the corner of Great Plain Avenue and Broad Meadow Road, along with the MBTA-owned parking lots. This did not result in a 5-acre district and thus, would not comply with the State requirements. HONE will recommend that the Planning Board look at rezoning this area for multi-family housing outside of the MBTA Communities Act process and requirements.

34. Why are you not including Needham Center or Avery Square?

HONE has recommended not including Needham Center or Avery Square (with the exception of 100 West Street) to preserve commercial and retail uses on the first floor of the buildings in these areas. This will protect existing businesses and promote ongoing mixed-use development in these areas, to create and sustain amenities and jobs in walking distance of residential areas and public transportation.

35. Why aren't you rezoning areas outside of the 0.5 mi radius to a commuter rail station?

90% of Needham's multi-family housing district (both in terms of acres and unit capacity) must be within 0.5 miles of a commuter rail station. The Base Compliance Plan and the Neighborhood Housing Plan both include the Apartment 1 district off of Greendale Avenue (Charles Court Condominiums), which is 0.8 miles from Hersey.

36. Have you considered rezoning in the area around Central Avenue/Reservoir Street?

Bus stations are not eligible as transit stations under EOHLC's MBTA Communities guidelines, so Central Avenue/Reservoir Street are not within 0.5 mi of transit. The Planning Board may consider rezoning this area, as recommended in the Housing Plan, outside of this process.

37. Is Needham going to allow development on wetlands?
Under Needham's existing zoning bylaws, all land sits in at least one zoning district even if it is not possible or practical to build on certain parcels of land. There are other state and local laws that protect wetlands from being developed, regardless of what the zoning allows, including the Massachusetts Wetlands Protection Act (MGL Ch. 131 S. 40) and the Needham Wetlands Protection Bylaw (Article 6). Those protections remain in place under the Base Compliance and Neighborhood Housing Plans.

Does Needham need more housing?

38. What is the state of housing in Needham today? Is there a need for additional housing?
Between 2010 and 2020, Needham's population increased by 3,205 new residents or 11%, up to 32,091 residents. Over this time, children and young and middle-aged adults (ages 25 – 54) all decreased as a percentage of the overall population. Those 65 years of age or older increased in total number and as a percentage of the population.

The Town of Needham has approximately 11,800 total housing units with an average household size of 2.82 individuals. 84.5% of Needham's housing stock is owner-occupied and 82.7% is single-family homes based on 2020 Census estimates. Vacancy rates for rental and homeownership units in 2021 were 2.6% and 1.0%, respectively. There is a lack of variety in housing types in Needham and a high barrier for households with low or moderate incomes.

It is common to hear examples of young adult children of Needham families who cannot find starter-housing options in town, divorced parents who want to remain near their children, older adults who find it increasingly difficult to remain in their homes, and "empty nesters" who would like to downsize or choose a different housing type to match their stage of life. For all of these individuals, housing accessibility and mobility to and within Needham is limited.

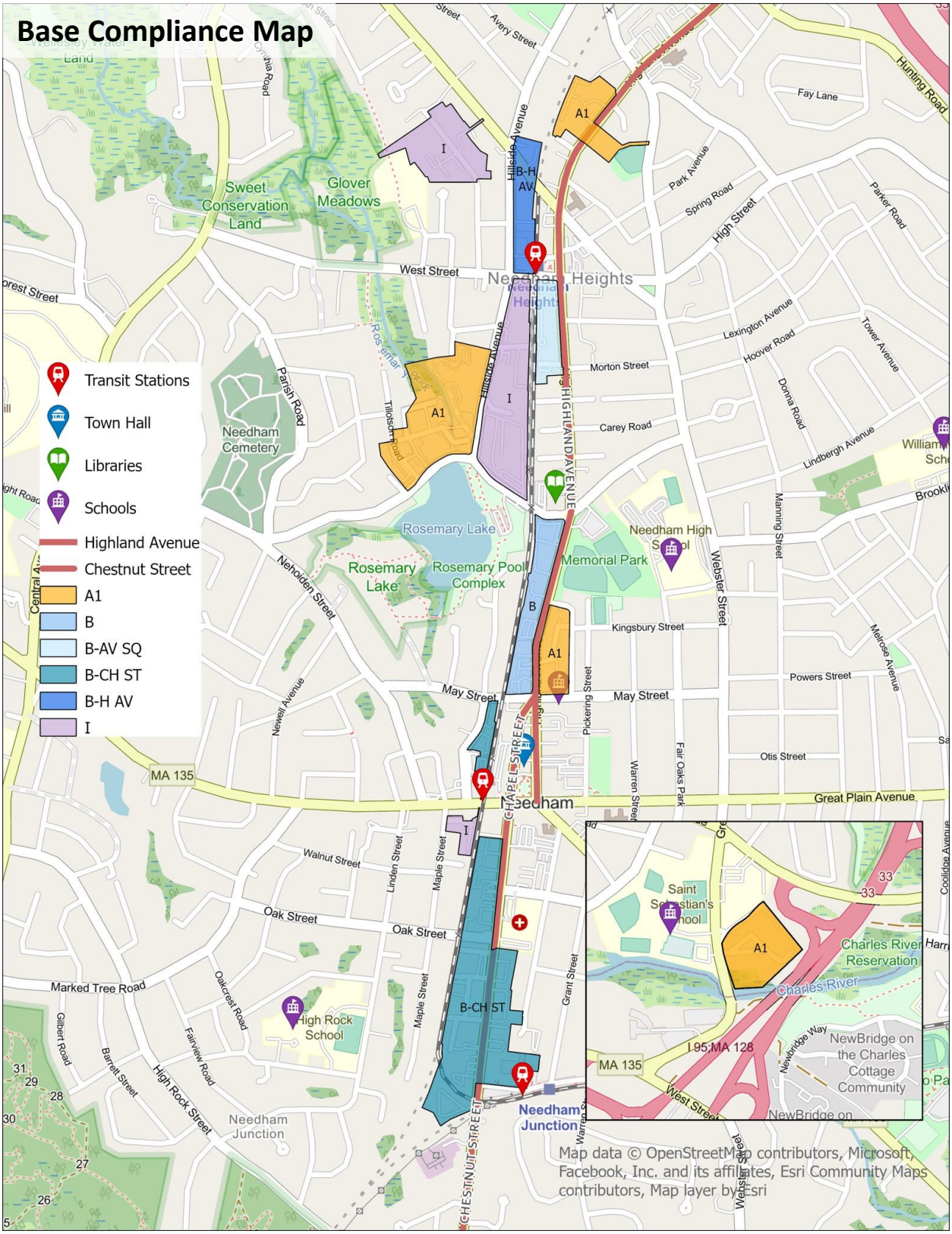
39. How do HONE's proposals relate to the 2022 Needham Housing Plan?
The Town's 2022 Housing Plan articulated the need for more housing units, of varying unit types and price points, in Needham and in the region. The Housing Plan included zoning, development and preservation, and capacity building strategies to meet the community's housing needs. Housing Needham (HONE) Advisory Group utilized the Housing Plans' recommendations as a starting point for this visioning and planning process.

40. How can Needham incentivize the production of new housing with this rezoning?
Zoning is just one factor in incentivizing or deterring housing production. Zoning that allows more units of housing per acre of land increases the financial feasibility of a redevelopment project and thus, increases the likelihood that new multi-family housing will be built. The Neighborhood Housing Plan incentivizes more housing than the Base Compliance Plan.

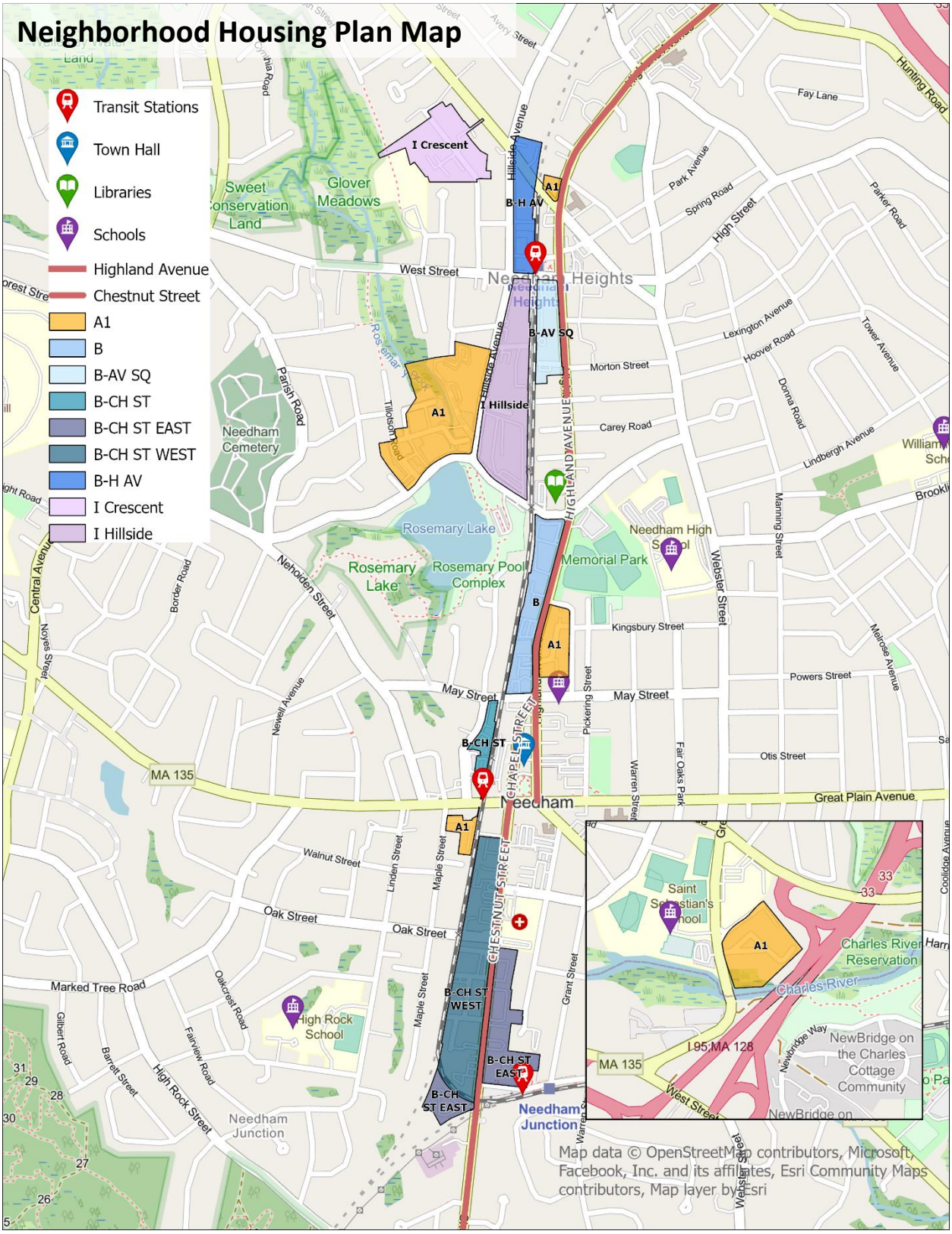
41. What other benefits could result from this zoning?
Needham's Housing Plan includes a number of goals and strategies related to creating smaller housing units, encouraging a diversity of housing types, and increasing rental opportunities. Multi-family zoning would help achieve each of these goals. Increasing housing density in areas near transit and amenities gives households the opportunity to live in a walkable neighborhood

and reduce their use of cars for everyday tasks. Better access to work, services, and other destinations via the rail network increases utilization of public transit. This will have positive benefits for the Town's climate goals as well as for congestion and traffic. By requiring that 12.5% of these units be affordable, the proposed zoning can add to our housing stock for low-and-moderate income households.

ADDENDUM A – Base Compliance Plan Maps



ADDENDUM B – Neighborhood Housing Plan Maps



HOUSING NEEDHAM (HONE)
TOWN VISIONING FOR MULTI-FAMILY HOUSING

ADDENDUM C – Zoning Parameters

BASE COMPLIANCE PLAN						
	Apartment A1	**Business**	**Avery Square Business**	**Chestnut St. Business**	**Hillside Ave. Business**	**Industrial**
Minimum Lot Size (Sq. feet)	20,000	10,000	10,000	10,000	10,000	10,000
Height (Stories)	3.0	3.0	3.0	3.0	3.0	3.0
Floor Area Ratio (FAR)	0.50		1.00	0.70	0.70	0.50
Max Lot Coverage		25%				
Max Dwelling Units Per Acre	18			18		
Parking per Unit	1.0	1.0	1.0	1.0	1.0	1.0
			4 stories and an FAR of 1.4 allowed by Special Permit.			

NEIGHBORHOOD HOUSING PLAN								
	Apt A1	**Business**	**Avery Sq Business**	**Chestnut St. Business**		**Hillside Ave. Business**	**Industrial**	
				West	**East & Garden St.**		**Crescent**	**Hillside**
Minimum Lot Size (sq. feet)	20,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Height (Stories)	4.0	4.0	3.0	4.0	3.0	3.0	3.0	3.0
Floor Area Ratio (FAR)	1.00	2.00	1.00	2.00	2.00	1.00	0.75	1.00
Max Lot Coverage								
Max Dwelling Units Per Acre	36					24		24
Parking per Unit	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Note		4.5 stories allowed if: (1) commercial space on first floor and/or (2) 7.5% of units are workforce housing (for those between 80-120% AMI)	4 stories and an FAR of 1.4 allowed by Special Permit.	4.5 stories allowed if: (1) commercial space on first floor and/or (2) 7.5% of units are workforce housing (for those between 80-120% AMI)	3.5 stories allowed if: (1) commercial space on first floor and/or (2) 7.5% of units are workforce housing (for those between 80-120% AMI)			

HOUSING NEEDHAM (HONE)
TOWN VISIONING FOR MULTI-FAMILY HOUSING

ADDENDUM D – Unit Capacity Comparison

Zoning District	Scenario Name: Unit Capacity				
	Existing Units	Existing Zoning Unit Capacity	Existing Zoning with Overlay Special Permit Unit Capacity	Base Compliance Plan Unit Capacity	Neighborhood Housing Plan Unit Capacity
Apartment A1	588	526	526	526	877
Business	4	N/A	N/A	210	305
Avery Square Business	72	77	77	187	187
Chestnut St. East	46	370	987	370	547
Chestnut St. West					732
Chestnut St./Garden St.					75
Hillside Ave Business	44	46	46	80	62
Industrial – Crescent	21	N/A	N/A	495	184
Industrial – Hillside					325
TOTAL UNITS	**775**	**1,019**	**1,636**	**1,868**	**3,294**

Innes Associates Ltd
40R Merrimac Street, Suite 201 W
Newburyport, MA 01950

MEMORANDUM

To	Katie King, Lee Newman, Alexandra Clee, Town of Needham Christopher Heep, Harrington Heep
From	Emily Keys Innes, AICP, LEED AP ND, President
Date	April 26, 2024
Project	23125 - Needham
Subject	Draft Zoning Text for MBTA Communities – MEMO 8 – Post-meeting follow-up
Cc:	Eric Halvorsen, AICP, Vice President and Principal, RKG Associates Alison Christensen, Market Analyst, RKG Associates

Modification to Article 3, #8.

ARTICLE 1: AMEND ZONING BY-LAW – MULTI-FAMILY OVERLAY DISTRICT

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

1. By amending Section 1.3, Definitions by adding the following terms:
   Applicant – A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

   Multi-family housing – A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

2. By amending Section 2.1, Classes of Districts by adding the following after ASOD Avery Square Overlay District:

   MFOD – Multi-family Overlay District

3. By inserting a new Section 3.17 Multi-family Overlay District:

3.17 Multi-family Overlay District

3.17.1 Purposes of District

The purposes of the Multi-family Overlay District include, but are not limited to, the following:

(a) Providing Multi-family housing in Needham, consistent with the requirements of M.G.L. Chapter 40A (the Zoning Act), Section 3A;
(b) Supporting vibrant neighborhoods by encouraging Multi-family housing within a half-mile of a Massachusetts Bay Transit Authority (MBTA) commuter rail station; and
(c) Establishing controls which will facilitate responsible development and minimize potential adverse impacts upon nearby residential and other properties.

Toward these ends, Multi-family housing in the Multi-family Overlay District is permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the requirements of this Section 3.17.

3.17.2 Scope of Authority

In the Multi-family Overlay District, all requirements of the underlying district shall remain in effect except where the provisions of Section 3.17 provide an alternative to such requirements, in which case these provisions shall supersede. If an Applicant elects to develop Multi-family housing in accordance with Section 3.17, the provisions of the Multi-family Overlay District shall apply to such development. Notwithstanding anything contained herein to the contrary, where the provisions of the underlying district are in conflict or inconsistent with the provisions of the Multi-family Housing Overlay District, the terms of the Multi-family Overlay District shall apply.

If the applicant elects to proceed under the zoning provisions of the underlying district (meaning the applicable zoning absent any zoning overlay) or another overlay district, as applicable, the zoning bylaws

applicable in such district shall control and the provisions of the Multi-family Overlay District shall not apply.

3.17.2.1 Subdistricts

The Multi-family Overlay District contains the following sub-districts, all of which are shown on the MFOD Boundary Map and indicated by the name of the sub-district:

(a) A-1
(b) B
(c) ASB-MF
(d) CSB
(e) HAB
(f) IND

3.17.3 Definitions

For purposes of this Section 3.17, the following definitions shall apply.

Affordable housing – Housing that contains one or more Affordable Housing Units as defined by Section 1.3 of this By-Law. Where applicable, Affordable Housing shall include Workforce Housing Units, as defined in this Subsection 3.17.3 Definitions.

As of right – Development that may proceed under the zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

Compliance Guidelines – *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.

EOHLC – The Massachusetts Executive Office of Housing and Livable Communities, or EOHLC's successor agency.

Open space – Contiguous undeveloped land within a parcel boundary.

Parking, structured – A structure in which Parking Spaces are accommodated on multiple stories; a Parking Space area that is underneath all or part of any story of a structure; or a Parking Space area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.

Parking, surface – One or more Parking Spaces without a built structure above the space. A solar panel designed to be installed above a surface Parking Space does not count as a built structure for the purposes of this definition.

Residential dwelling unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking. and sanitation.

Section 3A – Section 3A of the Zoning Act.

Site plan review authority – The Town of Needham Planning Board

Special permit granting authority – The Town of Needham Planning Board.

Sub-district – An area within the MFOD that is geographically smaller than the MFOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

Subsidized Housing Inventory (SHI) – A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

Workforce housing unit – Affordable Housing Unit as defined by Section 1.3 of this By-Law but said Workforce Housing Unit shall be affordable to a household with an income of between eighty (80) percent and 120 percent of the area median income as defined.

3.17.4 Use Regulations

3.17.4.1 Permitted Uses

The following uses are permitted in the Multi-family Overlay District as a matter of right:

(a) Multi-family housing.

3.17.4.2 Accessory Uses.

The following uses are considered accessory as of right to any of the permitted uses in Subsection 3.17.4.1:

(a) Parking, including surface parking and structured parking on the same lot as the principal use.

(b) Any uses customarily and ordinarily incident to Mult-family housing, including, without limitation, residential amenities such as bike storage/parking, a swimming pool, fitness facilities and similar amenity uses.

3.17.5 Dimensional Regulations

3.17.5.1 Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply in the Multi-family Overlay District sub-districts listed below. Buildings developed under the regulations of the Multi-family Overlay District shall not be further subject to the maximum lot area, frontage, and setback requirements of the underlying districts, as contained in Subsection 4.3.1 Table of Regulations, Subsection 4.4.1 Minimum Lot Area and Frontage, Subsection 4.4.4 Front Setback, Subsection 4.6.1 Basic Requirements, and Subsection 4.6.2 Front and Side Setbacks.

	A-1	B	ASB-MF	CSB	HAB	IND
Minimum Lot Area (square feet)	20,000	10,000	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	120	80	80	80	80	80
Minimum Front Setback (feet) from the front property line	25	10	Minimum 10 Maximum 15	20 feet for buildings with frontage on Chestnut Street 10 feet for all other buildings	20	25
Minimum Side and Rear Setback (feet)	20	10 [a, b]	10 [a, d]	20 (side) [a, b,e]	20 [a, b]	20 [a, b]

(a) The requirement of an additional 50-foot side or rear setback from a residential district as described in Subsection 4.4.8 Side and Rear Setbacks Adjoining Residential Districts or Subsection 4.6.5 Side and Rear Setbacks Adjoining Residential Districts shall not apply.
(b) Any surface parking, within such setback, shall be set back 10 feet from an abutting residential district and such buffer shall be suitably landscaped.
(c) An underground parking structure shall be located entirely below the grade of the existing lot and set back at least ten (10) feet from the lot line and the surface of the garage structure shall be suitably landscaped in accordance with Subsection 4.4.8.5 Landscaping Specifications.
(d) The rear and side setbacks are 20 feet along the MBTA right-of-way. With respect to any lot partially within an underlying residential district, (i) no building or structure for a multi-family residential use shall be placed or constructed within 110 feet of the lot line of an abutting lot containing an existing single family residential structure and (ii) except for access driveways and sidewalks, which are permitted, any portion of the lot within said residential district shall be kept open with landscaped areas, hardscaped areas, outdoor recreation areas (e.g., swimming pool) and/or similar open areas.
(e) On the west side of Chestnut Street, the rear setback shall be 20 feet. On the east side of Chestnut Street, the rear setback shall be 30 feet.

3.17.5.2 Building Height Requirements

The maximum building height in the Multi-family Overlay District sub-districts shall be as shown below. Buildings developed under the Multi-family Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Subsection 4.3.1 Table of Regulations, Subsection 4.4.2 Maximum Building Bulk, Subsection 4.4.3 Height Limitation, Subsection 4.6.1 Basic Requirements, and Subsection 4.6.4 Height Limitation.

	A-1	B	ASB-MF	CSB	HAB	IND
Maximum Building Height (stories)	3.0	3.0	3.0 [c]	3.0	3.0	3.0
Maximum Building Height (feet)	40	40	40 [c]	40	40	40

(a) Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not occupy more than 25% of the gross floor area of the building.

(b) Exceptions: Renewable Energy Installations. The Site Plan Review Authority may waive the height and setbacks in Subsection 3.17.5.2 Building Height Requirements and Subsection 3.17.5.1 Lot Area, Frontage and Setback Requirements to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall be appropriately screened, consistent with the requirements of the underlying district; shall not create a significant detriment to abutters in terms of noise or shadow; and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

(c) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit for a height of four stories and 50 feet, provided that the fourth story is contained under a pitched roof, having a maximum roof pitch of 45 degrees, or is recessed from the face of the building (street-facing)by a minimum of 12 feet as shown in the Design Guidelines adopted for the Needham Center Overlay District under Subsection 3.8.8 Design Guidelines.

3.17.5.3 Building Bulk and Other Requirements

The maximum floor area ratio or building coverage and the maximum number of dwelling units per acre, as applicable, in the Multi-family Overlay District sub-districts shall be as shown below, except that the area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio or building coverage, as applicable. Buildings developed under the regulations of the Multi-family Overlay District shall not be subject to any other limitations on floor area ratio or building bulk in Subsection 4.3.1 Table of Regulations, Subsection 4.4.2 Maximum Building Bulk, and Subsection 4.6.3 Maximum Lot Coverage.

	A-1	**B**	**ASB-MF**	**CSB**	**HAB**	**IND**
Floor Area Ratio (FAR)	0.50	N/A	1.00[b]	0.70	0.70	0.50
Maximum Building Coverage (%)	N/A	25%	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre[a]	18	N/A	N/A	18	N/A	N/A

(a) The total land area used in calculating density shall be the total acreage of the lot on which the development is located.

(b) In the ASB-MF subdistrict, the Applicant may apply for a Special Permit for an FAR of 1.4.

3.17.5.4 Multiple Buildings on a Lot

In the Multi-family Overlay District, more than one building devoted to Multi-family housing may be located on a lot, provided that each building complies with the requirements of Section 3.17 of this By-Law.

3.17.6 Off-Street Parking

(a) The minimum number of off-street parking spaces shall be one space per dwelling unit for all subdistricts within the Multi-family Overlay District.
(b) Parking areas shall be designed and constructed in accordance with Subsection 5.1.3 Parking Plan and Design Requirements. The remaining provisions of Section 5.1 Off Street Parking Regulations shall not apply to projects within the Multi-family Overlay District.
(c) Enclosed parking areas shall comply with Subsection 4.4.6 Enclosed Parking.
(d) No parking shall be allowed within the front setback. Parking shall be on the side or to the rear of the building, or below grade.
(e) The minimum number of bicycle parking spaces shall be one space per dwelling unit.
(f) Bicycle storage. For a multi-family development of 25 units or more, no less than 25% of the required number of bicycle parking spaces shall be integrated into the structure of the building(s) as covered spaces.

3.17.7 Development Standards

(a) Notwithstanding anything in the Zoning By-Laws outside of this Section 3.17 to the contrary, Multi-family housing in the Multi-family Overlay District shall not be subject to any special permit requirement.
(b) Building entrances shall be available from one or more streets on which the building fronts and, if the building fronts Chestnut Street, Garden Street, Highland Avenue, Hillside Avenue, Rosemary Street, or West Street, the primary building entrance must be located on at least one such street.
(c) Site arrangement and driveway layout shall provide sufficient access for emergency and service vehicles, including fire, police, and rubbish removal.
(d) Plantings shall be provided and include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, are prohibited.
(e) All construction shall be subject to the current town storm water bylaws, regulations, and policies along with any current regulations or policies from DEP, state, and federal agencies.
(f) Control measures shall be employed to mitigate any substantial threat to water quality or soil stability, both during and after construction.
(g) Off-site glare from headlights shall be controlled through arrangement, grading, fences, and planting. Off-site light over-spill from exterior lighting shall be controlled through luminaries selection, positioning, and mounting height so as to not add more than one foot candle to illumination levels at any point off-site.
(h) Pedestrian and vehicular movement shall be protected, both within the site and egressing from it, through selection of egress points and provisions for adequate sight distances.
(i) Site arrangements and grading shall minimize to the extent practicable the number of removed trees 8" trunk diameter or larger, and the volume of earth cut and fill.
(j) No retaining wall shall be built within the required yard setback except a retaining wall with a face not greater than four (4) feet in height at any point and a length that does not exceed forty (40) percent of the lot's perimeter. Notwithstanding the foregoing, retaining walls may graduate in height from four (4) to seven (7) feet in height when providing access to a garage or egress entry doors at the basement level, measured from the basement or garage floor to the top of the wall. In such cases, the wall is limited to seven (7) feet in height for not more than 25% of the length of the wall.
(k) Retaining walls with a face greater than twelve (12) feet in height are prohibited unless the Applicant's engineer certifies writing to the Building Commissioner that the retaining wall will not cause an increase in water flow off the property and will not adversely impact adjacent property or the public.

Special Development Standards for the A-1 Subdistrict

The following requirements apply to all development projects within the A-1 subdistrict of the Multi-family Overlay District:

(a) 4.3.2 Driveway Openings
(b) 4.3.3 Open Space
(c) 4.3.4 Building Location, with the substitution of "Multifamily Dwelling" for "apartment house."

Special Development Standards for the B and IND Subdistricts of the Multi-Family Overlay District:

(a) The requirements of the first paragraph of 4.4.5 Driveway Openings shall apply to all development projects within the Multi-family Overlay District within the B and IND subdistricts.

3.17.8 Affordable Housing

Any multi-family building with six or more dwelling units shall include Affordable Housing Units as defined in Section 1.3 of this By-Law and the requirements below shall apply.

3.17.8.1 Provision of Affordable Housing.

Not fewer than 12.5% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of Affordable Housing Units required in a proposed development, any fractional unit shall be rounded up to the nearest whole number and shall be deemed to constitute a whole unit.

In the event that the Executive Office of Housing and Livable Communities (EOHLC) determines that the calculation detailed above does not comply with the provisions of Section 3A of MGL c.40A, the following standard shall apply:

Not fewer than 10% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of Affordable Housing Units required in a proposed development, any fractional unit shall be rounded up to the nearest whole number and shall be deemed to constitute a whole unit.

3.17.8.2 Development Standards.

Affordable Units shall be:

(a) Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
(b) Dispersed throughout the development;
(c) Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
(d) Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
(e) Distributed proportionately among unit sizes; and
(f) Distributed proportionately across each phase of a phased development.
(g) Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

3.17.9 Site Plan Review.

3.17.9.1 Applicability.

Site Plan Review is required for all projects within the Multi-Family Overlay District.

3.17.9.2 Submission Requirements.

The Applicant shall submit the following site plan and supporting documentation as its application for Site Plan Review, unless waived in writing by the Planning and Community Development Director:

(a) Locus plan;
(b) Location of off-site structures within 100 feet of the property line;
(c) All existing and all proposed building(s) showing setback(s) from the property lines;
(d) Building elevation, to include penthouses, parapet walls and roof structures; floor plans of each floor; cross and longitudinal views of the proposed structure(s) in relation to the proposed site layout, together with an elevation line to show the relationship to the center of the street;
(e) Existing and proposed contour elevations in one-foot increments;
(f) Parking areas, including the type of space, dimensions of typical spaces, and width of maneuvering aisles and landscaped setbacks;
(g) Driveways and access to site, including width of driveways and driveway openings;
(h) Facilities for vehicular and pedestrian movement;
(i) Drainage;
(j) Utilities;
(k) Landscaping including trees to be retained and removed;
(l) Lighting;
(m) Loading and unloading facilities;
(n) Provisions for refuse removal; and
(o) Projected traffic volumes in relation to existing and reasonably anticipated conditions based on standards from the Institute of Transportation Engineers and prepared by a licensed traffic engineer.

3.17.9.3 Timeline.

Upon receipt of an application for Site Plan Review for a project in the MFOD, the Site Plan Review Authority shall transmit a set of application materials to the Department of Public Works, Town Engineer, Police Department, Fire Department, Design Review Board, and to any other Town agency it deems appropriate, which shall each have thirty five (35) days to provide any written comment. Upon receipt of an application, the Site Plan Review Authority shall also notice a public hearing in accordance with the notice provisions contained in M.G.L. c.40A, §11. Site plan review shall be completed, with a decision rendered and filed with the Town Clerk, no later than 6 months after the date of submission of the application.

3.17.9.4 Site Plan Approval.

Site Plan approval for uses listed in Subsection 3.17.3 Permitted Uses shall be granted upon determination by the Site Plan Review Authority that the following criteria have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these criteria have been satisfied.

(a) the Applicant has submitted the information as set forth in Subsection 3.17.8.2 Development Standards; and
(b) the project as described in the application meets the dimensional and density requirements contained in Subsection 3.17.5 Dimensional Regulations, the parking requirements contained in Subsection 3.17.6 Off-Street Parking, and the development standards contained in Subsection 3.17.7 Development Standards.

3.17.9.5 Waivers

When performing site plan review, the Planning Board may waive the requirements of Subsection 3.17.6 hereof and/or Subsection 5.1.3 Parking Plan and Design Requirements, or particular submission requirements.

When performing site plan review for a Multi-family Housing project that involves preservation of a structure listed in the National Register of Historic Places, the Massachusetts Register of Historical Places, the Inventory of Historic Assets for the Town of Needham, or is in pending for inclusion in any such register or inventory, the Planning Board as part of site plan review may reduce the applicable front, side or rear setbacks in this Section 3.17 by up to 40%.

3.17.9.6 Project Phasing.

An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Subsection 3.17.7 Affordable Housing.

3.17.10 Design Guidelines

The Planning Board may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction within the Multi-family Overlay District. Such Design Guidelines must be objective and not subjective and may contain graphics illustrating a particular standard or definition to make such standard or definition clear and understandable. The Design Guidelines for the Multi-family Overlay District shall be as adopted by the Planning Board and shall be available on file in the Needham Planning Department.

<u>ARTICLE 2</u> : AMEND ZONING BY-LAW – MAP CHANGE FOR MBTA OVERLAY DISTRICT (BASE PLAN OPTION)

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

(a) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and located directly to the south of Hamlin Lane as shown on Needham Town Assessors Map 200, Parcels 1 and 31, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the easterly sideline of Greendale Avenue and the northerly sideline of Charles River; thence running westerly by the easterly line of Greendale Avenue, four hundred forty-two and 36/100 (442.36) feet, more or less; northeasterly by the southerly line of Hamlin Lane, five hundred thirty-five and 44/100 (535.44) feet, more or less; southeasterly by the southerly line of Hamlin Lane, twenty and 22/100 (20.22) feet, more or less; southeasterly by the land of the Commonwealth of Massachusetts, State Highway I-95, five hundred thirty-nine 11/100 (539.11) feet, more or less; southwesterly by the land of the Commonwealth of Massachusetts, State Highway I-95, four hundred sixty-six (466) feet, more or less; northwesterly by the northerly sideline of Charles River, two hundred seventy-six (276) to the point of beginning.

(b) Place in the CSB Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and Single Residence B and located directly to the east and west of Chestnut Street as shown on Needham Town Assessors Map 47, Parcels 54, 72, 74-03, 74-04, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 88, and 91, Needham Town Assessors Map 46, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, and 61 and Needham Town Assessors Map 45, Parcel 6, superimposing that district over the existing Chestnut Street Business and Single Residence districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A and the southerly sideline of Keith Place; thence running southeasterly by the southerly sideline of Keith Place to the intersection with northerly sideline of Chestnut Street; southwesterly by the northerly sideline of Chestnut Street to the intersection with northerly sideline of Freeman Place; northeasterly to a point on the southerly sideline of Chestnut Street, approximately four hundred and ninety-five 88/100 (495.88) feet from the intersection with southerly sideline of School Street; southeasterly by the southerly property line of Deaconess-Glover Hospital Corporation, one hundred and eighty-seven 68/100 (187.68) feet, more or less; southwesterly by the easterly property line of Deaconess-Glover Hospital Corporation, ninety-six 74/100 (96.74) feet, more or less; southwesterly by the westerly property line of Chaltanya Kadem and Shirisha Meda, eighty-two 80/100 (82.80) feet, more or less;

southwesterly by the westerly property line of Huard, eighty-two 80/100 (82.80) feet, more or less;

southwesterly by the westerly property line of Reidy, ninety-seven 40/100 (97.40) feet, more or less; northeasterly by the northerly property line of L. Petrini & Son Inc, fifteen 82/100 (15.82) feet, more or less; southwesterly by easterly property line of L. Petrini & Son Inc, one hundred and seventy-seven 77/100 (177.77) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, one hundred and two 59/100 (102.59) feet, more or less; southwesterly by the easterly property line of L. Petrini & Son Inc, fifty 16/100 (50.16) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, seven 39/100 (7.39) feet, more or less; southwesterly by

the easterly property of Briarwood Property LLC, seventy-five (75.00) feet, more or less; northeasterly by the easterly property of Briarwood Property LLC, one hundred (100) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, two hundred and forty-nine 66/100 (249.66) feet, more or less; southeasterly by the southerly property of Briarwood Property LLC, two hundred ninety-three (293.28) feet, more or less; southwesterly by the easterly property of Veterans of Foreign Wars, one hundred and fifty (150) feet, more or less; northeasterly by the southerly property line of Veterans of Foreign Wars, eighty-five (85) feet, more or less; southwest by the easterly property of M.B.T.A, one hundred and sixty (160) feet, more or less;

southeasterly by the northerly sideline of Junction Street to intersection with westerly sideline of Chestnut; southwesterly by the westerly sideline of Chestnut Street to intersection with northerly sideline of property of M.B.T.A; southwesterly by the southerly property line of Castanea Dentata LLC, two hundred and twenty-eight 81/100 (228.81) feet, more or less; southwesterly by the southerly property line of Castanea Dentata LLC, one hundred and eight 53/100 (108.53) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and thirty-six 6/100 (136.06) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and ten 10/100 (110.10) feet, more or less; thence running northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

(c) Place in the IND Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial and Single Residence B and located directly to the south and east of Denmark Lane as shown on Needham Town Assessors Map 132, Parcel 2, superimposing that district over the existing Industrial and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the southerly sideline of Great Plain Ave; thence running southwesterly by the westerly line of M.B.T.A, four hundred thirty-seven 24/100 (437.24) feet, more or less; southwesterly by the southerly property line of Denmark Lane Condominium, one hundred and eleven 17/100 (111.17) feet, more or less; northeasterly by the easterly property line of Denmark Lane Condominium, two hundred (200) feet, more or less; northwesterly by the southerly property line of Denmark Lane Condominium, one hundred and thirty-nine 75/100 (139.75) feet, more or less; northeasterly by the easterly sideline of Maple Street, one hundred and thirty-five (135) feet, more or less; southeasterly by the northerly property line of Denmark Lane Condominium, one hundred and forty (140) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, fifteen 20/100 (15.2) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, two 44/100 (2.44) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, thirty-three 35/100 (33.35) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, seventy-nine (79) feet, more or less; northwesterly by the northerly property line of Denmark Lane Condominium, thirteen 28/100 (13.28) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, forty-seven 50/100 (47.50) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, eighty-one 91/100 (81.91) feet, more or less; northeasterly by the southerly sideline of Great Plain Ave, twelve 28/100 (12.28) feet to the point of beginning.

(d) Place in the CSB Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and located directly to the east of Garden Street as shown on Needham Town Assessors Map 51, Parcels 17, 20, 22, 23, superimposing that district over the existing Chestnut Street Business district said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the northerly sideline of Great Plain Ave; thence running southwesterly by the northerly sideline of Great Plain Ave, nine 32/100 (9.32) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-three 17/100 (53.17) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 40/100 (56.40) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 92/100 (56.92) feet, more or less; northwesterly by the westerly property line of Town of Needham, on an arch length one hundred and twelve 99/100 (112.99) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifteen 10/100 (15.10) feet, more or less; northeasterly by the westerly property line of Town of Needham, one hundred and thirty-eight 83/100 (138.83) feet, more or less; southeasterly by the northerly property line of Town of Needham, thirty-three 42/100 (33.42) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, forty (40) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, eighty-one 99/100 (81.99) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, fifty-eighty 31/100 (58.31) feet, more or less; northeasterly by the easterly sideline of Garden Street to intersection with May Street; northeasterly by the southerly sideline of May Street, sixty-one 33/100 (61.33) feet, more or less; southwesterly by the westerly sideline of M.B.T.A to the point of beginning.

(e) Place in the B Subdistrict of the MBTA Overlay District a portion of land now zoned Business and Single Residence B and located directly to the west of Highland Avenue as shown on Needham Town Assessors Map 52, Parcels 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and Needham Town Assessors Map 226, Parcels 56, 57, and 58, superimposing that district over the existing Business and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the northerly sideline of May Street; thence running northeasterly by the easterly sideline of M.B.T.A. to the intersection with southerly sideline of Rosemary Street; southeasterly by the southerly sideline of Rosemary Street to the intersection with easterly sideline of Highland Ave; southwesterly by the westerly sideline of Highland Avenue to the intersection with the northerly sideline of May St; southwesterly by the northerly sideline of May Street to the point of beginning.

(f) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and located directly to east of Highland Avenue and north of May Street as shown on Needham Town Assessors Map 53, Parcels 1, 2 and 3, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the northerly sideline of May Street and the westerly sideline of Oakland Avenue; thence running easterly by the northerly sideline of May Street to the intersection with easterly sideline of Highland Avenue; northeasterly by the easterly sideline of Highland Avenue to the intersection with southerly sideline of Oakland Avenue; southeasterly by the southerly sideline of Oakland Avenue: southerly by the westerly sideline of Oakland Avenue to the point of beginning.

(g) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and located directly to the west of Hillside Avenue and north of Rosemary Street as shown on

Needham Town Assessors Map 100 Parcels 1, 35, and 36, and Needham Town Assessors Map 101, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, and 26, superimposing that district over the existing Apartment A-1 district, said description being as follows:

Beginning at the point of intersection of the northerly sideline of Rosemary Street and the easterly sideline of Concannon Circle; thence running northwesterly by the easterly sideline of Concannon Circle, one hundred and sixty (160) feet, more or less; northwesterly by the easterly property line of 15 Concannon Circle Realty Trust, two hundred and thirty-two 75/100 (232.75) feet, more or less; northwesterly by the easterly property line of L. Petrini and Son Inc, one hundred and forty-five 84/100 (145.84) feet, more or less; northeasterly by the northerly property line of L. Petrini and Son Inc, one hundred and twenty-five (125) feet, more or less;

northwesterly by the westerly sideline of Tillotson Road, one hundred and twelve (112) feet, more or less; northeasterly across Tillotson Road to the northeasterly corner of the property of L. Petrini and Son Inc, forty (40) feet, more or less; northeasterly by the northerly property line of L. Petrini and Son Inc, one hundred and twenty-five (125) feet, more or less; northwesterly by the easterly property line of Petrini Corporation, one hundred and nineteen 94/100 (119.94) feet, more or less;

northeasterly by the southerly property line of L. Petrini and Son Inc, one hundred and sixty-two (162) feet, more or less; northwesterly by the easterly property line of Rosemary Ridge Condominium, three hundred and twenty-eight (328) feet, more or less; northeasterly by the northerly property line of Rosemary Ridge Condominium, two hundred and ninety (290) feet, more or less; northeasterly by the northerly property line of Rosemary Ridge Condominium, one hundred and sixty-two 19/100 (162.19), more or less; northwesterly by the northerly property line of Rosemary Ridge Condominium, one hundred and thirty (130), more or less; southeasterly by the northerly property line of Rosemary Ridge Condominium, two hundred and forty-one 30/100 (241.30), more or less; southeasterly by the northerly property line of Pop Realty LLC, ninety-four 30/100 (94.30), more or less to westerly side of Hillside Avenue; southeasterly by the westerly sideline of Hillside Avenue to intersection with northerly sideline of Rosemary Street; southeasterly by the northerly sideline of Rosemary Street to the point of beginning.

(h) Place in the IND Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial, Hillside Avenue Business, and Single Residence B and located directly to the east of Hillside Avenue and north of Rosemary Street as shown on Needham Town Assessors Map 100, Parcels 3, 4, 5, 7, 8, 9, 10, 11, 12, and 61, and Needham Town Assessors Map 101, Parcels 2, 3, 4, 5 and 6, superimposing that district over the existing Industrial, Hillside Avenue Business, and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the northerly sideline of Rosemary Street and the westerly sideline of M.B.T.A; thence running northwesterly by the northerly sideline of Rosemary Street to the intersection with easterly sideline of Hillside Avenue; northeasterly by the easterly sideline of Hillside Avenue to the intersection with southerly sideline of West Street; northeasterly by the southerly sideline of West Street to the intersection with the westerly sideline of M.B.T.A; southeasterly by the westerly sideline of M.B.T.A. to the point of beginning.

(i) Place in the ASB-MF Subdistrict of the MBTA Overlay District a portion of land now zoned Avery Square Business and Single Residence B and located directly to the west of Highland Avenue and south of West Street as shown on Needham Town Assessors Map 63, Parcel 37, superimposing that district over the existing Avery Square Business and Single Residence B districts, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A. and the southerly sideline of West Street; thence running southeasterly by the southerly sideline of West Street, one hundred and sixty-one 48/100 (161.48) feet, more or less; southeasterly on arch, twenty-nine (27/100) 29.27 feet to a point on the easterly sideline of Highland Avenue; southeasterly by the easterly sideline of Highland Avenue seven hundred and sixty-one (761.81) feet, more or less; northeasterly by the easterly sideline of Highland Avenue ten (10) feet, more or less; southeasterly by the easterly sideline of Highland Avenue seventy (70) feet, more or less; northwesterly by the southerly property line of HCRI Massachusetts Properties Trust II, one hundred and fifty (150) feet, more or less; southeasterly by the southerly property line of HCRI Massachusetts Properties Trust II, seventy (70) feet, more or less; southwesterly by the southerly property line of HCRI Massachusetts Properties Trust II, one hundred and two 57/100 (102.57) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., three hundred and seventy-one 56/100 (371.56) feet, more or less; northwesterly by the easterly sideline of M.B.T.A., three 54/100 (3.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., three hundred and ninety-three 56/100 (393.56) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., one hundred and seventy-five 46/100 (175.46) feet to the point of beginning.

(j) Place in the HAB Subdistrict of the MBTA Overlay District a portion of land now zoned Hillside Avenue Business and located directly to the east of Hillside Avenue and north of West Street as shown on Needham Town Assessors Map 99, Parcels 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, superimposing that district over the existing Hillside Avenue district, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A and the northerly sideline of West Street; thence running northwesterly by the northerly sideline of West Street to the intersection with easterly sideline of Hillside Avenue; northwesterly by the easterly sideline of Hillside Avenue to the intersection with northerly sideline of Hunnewell Street; northwesterly by the easterly sideline of Hillside Avenue, twenty-four 1/100 (24.01) feet to the angle point; northeasterly by the easterly sideline of Hillside Avenue, ninety-five 61/100 (95.61) feet, more or less; northeasterly by the northerly property line of Hillside Condominium, two hundred and twenty-one 75/100 (221.75) feet, more or less; northeasterly by the northerly property line of Hunnewell Needham LLC, eighteen 48/100 (18.48) feet, more or less; southwesterly by the westerly sideline of M.B.T.A. to the point of beginning.

(k) Place in the IND Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial and Single Residence B and located at Crescent Road as shown on Needham Town Assessors Map 98, Parcels 40 and 41, and Needham Town Assessors Map 99, Parcels 38, 39, 40, 61, 62, 63, and 88, superimposing that district over the existing Industrial and Single Residence B districts, said description being as follows:

Beginning at the bound on easterly side of Hunnewell Street, approximately three hundred and thirty-two 35/100 (332.35) feet from the intersection with Hillside Avenue; thence running southwesterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-one 13/100 (191.13) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, sixty-eight 68/100 (68.75) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and thirty (130) feet, more or less; southeasterly by the easterly property line of Drack Realty LLC, seventy-three (73) feet, more or less; southwesterly by the easterly property line of Drack Realty LLC, one hundred and forty (140) feet, more or less; northeasterly by the northerly property line of Lally, forty-one (41) feet, more or less; southeasterly by the easterly property line of Lally, seventy-five (75) feet, more or less; southwesterly by the southerly property line of Lally, one hundred (100) feet, more or less; southwesterly to the center of Crescent Road, twenty (20) feet, more or less; southeasterly by the center of Crescent Road, twenty-nine (29) feet, more or less; southwesterly to a bound located twenty-nine feet from the angle point on the easterly side of Crescent Road; southwesterly by the southerly property line of 66 Crescent Road LL, four hundred and fifteen 60/100 (415.60) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-two 37/100 (52.37) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and sixty-two 37/100 (162.37) feet, more or less; southwesterly by the easterly property line of Town of Needham, forty-five 76/100 (45.76) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and forty-three 92/100 (143.92) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifteen 71/100 (15.71) feet, more or less; southwesterly by the easterly property line of Town of Needham, two hundred and forty-eight 40/100 (248.40) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-three 33/100 (53.33) feet, more or less; northeasterly by the northerly property line of 166 Crescent Road LLC, five hundred and fifty-five 68/100 (555.68) feet, more or less; northeasterly to the center of Crescent Road, twenty (20) feet, more or less; northwesterly by the center of Crescent Road, fifty-six 47/100 (56.47) feet, more or less; northeasterly to the bound located four 38/100 (4.38) feet from the end of the Crescent Road; northeasterly by the northerly property line of Microwave Development Laboratories Inc, one hundred and forty-six 29/100 (146.29) feet, more or less; southeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 82/100 (54.82) feet, more or less; northeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 21/100 (54.21) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-five 81/100 (195.81) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, seven (7) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, ninety-one (91) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and forty-two (142) feet, more or less; southeasterly by the easterly sideline of Hunnewell Street, twenty (20) feet to the point of beginning.

(l) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and Single Residence B and located east and west of Highland Avenue at Cottage Avenue as shown on Needham Town Assessors Map 70, Parcels 24 and 25, superimposing that district over the existing Apartment A-1 and Single Residence B districts, said description being as follows:

Beginning at the point on the westerly sideline of Highland Avenue, two hundred and seventeen 63/100 (217.63) from the arch on Webster Street; thence running southwesterly by the westerly

sideline of Highland Avenue, three hundred and seventeen (317) feet, more or less; southeasterly across Highland Avenue, fifty (50) feet to a point on the easterly sideline of Highland Avenue; southeasterly by the northerly property line of Avery Park Condominium, two hundred and seventy-eight 75/100 (278.75) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, sixty-one (61.51) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, one hundred and seventy-nine 70/100 (179.70) feet, more or less; southwesterly by the westerly sideline of Webster Street, thirty-one 16/100 (31.16) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and sixty-six 51/100 (166.51) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and five 59/100 (105.59) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and forty-four 62/100 (144.62) feet, more or less; northwesterly by the southerly property line of Avery Park Condominium, two hundred and seventy-seven 29/100 (277.29) feet, more or less; northwesterly across Highland Avenue, fifty (50) feet to a point on the westerly side of Highland Avenue: northwesterly by the southerly property line of Hamilton Highlands LLC, one hundred and fifty-nine 45/100 (159.45) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, ninety-seven 33/100 (97.33) feet, more or less; northwesterly by the northerly sideline of Cottage Avenue, forty (40) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, fifteen (15) feet, more or less; northwesterly by the southerly property line of Hamilton Highlands LLC, twenty-five 54/100 (25.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., five hundred and seventy-five 57/100 (575.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and forty-five 2/100 (145.02) feet, more or less; northeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and one 57/100 (101.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and eighty 18/100 (180.18) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, fifty-six 57/100 (56.57) feet to the point of beginning.

Or take any other action relative thereto.

Article 3 Neighborhood Housing

To see if the Town will vote to amend the Needham Zoning By-Law, inclusive of those amendments adopted under Article 1 and Article 2, as follows, and to act on anything related thereto:

1. Amending Section 3.17 Multi-family Overlay District by revising Subsection 3.17.2.1 Subdistricts to read as follows:

   The Multi-family Overlay District contains the following sub-districts, all of which are shown on the MFOD Boundary Map and indicated by the name of the sub-district:

   (a) A-1
   (b) B
   (c) ASB-MF
   (d) CSB-E (Chestnut Street Business – East)
   (e) CSB-W (Chestnut Street Business – West)
   (f) CSB-GS
   (g) HAB
   (h) IND
   (i) IND-C (Industrial – Crescent)

2. Amending Subsection 3.17.1 Purposes of District by amending the last paragraph to read as follows:

   Toward these ends, Multi-family housing and mixed-use development (where allowed) in the Multi-family Overlay District is permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the requirements of this Section 3.17.

3. Amending Subsection 3.17.4. Use Regulations, by adding the following paragraph (b) to Subsection 3.17.4.1 Permitted Uses:

3.17.4.1 Permitted Uses

(b) In the B and CSB subdistricts: Ground floor commercial uses as a component of a mixed-use building with Multi-family Housing on the upper floors are permitted as of right. Commercial uses are limited to the uses, listed below:

i. Retail establishments serving the general public containing less than 5,750 gross square feet of floor area. In multi-tenanted structures the provisions of the section will individually apply to each tenant or use and not to the aggregate total of the structure.

ii. Retail trade or shop for custom work or the making of articles to be sold at retail on the premises.

iii. Offices and banks.

iv. Craft, consumer, professional or commercial service established dealing directly with the public and not enumerated elsewhere in this section.

v. Personal fitness service establishment. If there is insufficient off-street parking on-site to serve all land uses located thereon in adherence with the requirements of Subsection 5.1.2 Required Parking but it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower total will provide adequately for all uses or activities served by the parking lot.

vi. Manufacturing clearly incidental and accessory to retail use on the same premises and the product is customarily sold on the premises.

vii. Laundry; coin operated or self-service laundry or dry-cleaning establishment.

4. Amending Subsection 3.17.4. Use Regulations, by adding the following after Subsection 3.17.4.1 Permitted Uses and renumbering Subsection 3.17.4.2 Accessory Uses to 3.17.4.3:

3.17.4.2 Special Permit Uses in the B and CSB Subdistricts.

The following uses are permitted by Special Permit from the Planning Board in the B and CSB sub-districts of the Multi-family Overlay District:

(a) Ground floor commercial uses as a component of a mixed-use building with Multi-family Housing on the upper floors. Commercial uses are limited to the uses listed below:

i. Restaurant serving meals for consumption on the premises and at tables with service provided by a server.

ii. Take-out operation accessory to the above.

iii. Take-out food counter as an accessory to a food retail or other non- consumptive retail establishment.

iv. Retail sales of ice cream, frozen yogurt, and similar products for consumption on or off the premises.

v. Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere.

5. Amending Section 3.17 Multi-family Overlay District by replacing the tables in Subsection 3.17.5 Dimensional Requirements with the tables below, with all other text, including footnotes, contained in Subsection 3.17.5 to remain unamended unless noted below:

3.17.5. Dimensional Requirements

Replace the table in 3.17.5.1 Subsection Lot Area, Frontage and Setback Requirements with the tables below:

Table 1A. Lot Area, Frontage and Setback Requirements

	A-1	B	ASB-MF	HAB	IND
Minimum Lot Area (square feet)	20,000	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	120	80	80	80	80
Minimum Front Setback (feet) from the front property line	25	10	Minimum 10 Maximum 15	20	25
Minimum Side and Rear Setback (feet)	20	20[a, b]	10[a,d]	20[a,b]	20[a,b]

Table 1B. Lot Area, Frontage and Setback Requirements

	CSB-E	CSB-W	CSB-GS	IND - C
Minimum Lot Area (square feet)	10,000	10,000	10,000	10,000
Minimum Lot Frontage (feet)	80	80	80	80
Minimum Front Setback (feet) from the front property line	Minimum of 5 feet or average of setbacks within 100 feet, whichever is smaller	Minimum of 5 feet or average of setbacks within 100 feet, whichever is smaller	Minimum of 10 feet or average of setbacks within 100 feet, whichever is smaller	25
Minimum Side and Rear Setback (feet)	20 (side) 30 (rear) [a, b]	20[a, b]	20[a, b]	20[a, b]

And delete footnote (e).

Replace the table in Subsection 3.17.5.2 Building Height Requirements with the tables below:

Table 2A. Building Height Requirements

	A-1	B	ASB-MF	HAB	IND
Maximum Building Height (stories)[d]	4.0	4.0 4.5 with commercial ground floor or see 3.17.8.1	3.0[c]	3.0	3.0
Maximum Building Height (feet) [d]	50	50 55 with commercial ground floor or see 3.17.8.1	40 [c]	40	40

Table 2B. Building Height Requirements

	CSB-E	CSB-W	CSB-GS	IND - C
Maximum Building Height (stories) [d]	3.0 3.5 with commercial ground floor or see 3.17.8.1	4.0 4.5 with commercial ground floor or see 3.17.8.1	3.0 3.5 with commercial ground floor or see 3.17.8.1	3.0
Maximum Building Height (feet) [d]	40 45 with commercial ground floor or see 3.17.8.1	50 55 with commercial ground floor or see 3.17.8.1	40 45 with commercial ground floor or see 3.17.8.1	40

And add new footnote (d):

(d) The requirements of Subsection 4.4.7 Business Use in Other Districts are not applicable to commercial ground floor uses in the MFOD.

Replace the table in Subsection 3.17.5.3 Building Bulk and Other Requirements with the tables below:

Table 3A. Building Bulk and Other Requirements

	A-1	B	ASB-MF	HAB	IND
Floor Area Ratio (FAR)	1.00	2.00	1.00[b]	1.00	1.0
Maximum Building Coverage (%)	N/A	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre[a]	36	N/A	N/A	24	24

Table 3B. Building Bulk and Other Requirements

	CSB-E	CSB-W	CSB-GS	IND - C
Floor Area Ratio (FAR)	2.00	2.00	2.00	0.75
Maximum Building Coverage (%)	N/A	N/A	N/A	N/A
Maximum Dwelling Units per Acre [a]	N/A	N/A	N/A	24

6. Amending Section 3.17 Multi-family Overlay District by adding the following to Subsection 3.17.7 Development Standards, to read as follows:

   (l) For a mixed-use building, entrances to ground-floor dwelling units shall be located on the side or rear of the building, not from any side facing the street, or the entrances may be from a first-floor lobby serving other uses in the building.

   (m) For a mixed-use building, the ground floor of the front façade shall contain only retail, restaurant or office uses allowed by right or by special permit.

7. Amending Section 3.17 Multi-family Overlay District by adding a new paragraph to Subsection 3.17.8.1 Provision of Affordable Housing, immediately following the first paragraph, to read as follows:

   3.17.8.1 Provision of Affordable Housing.

   In the B and CSB subdistricts, an Applicant may provide an additional 7.5% of units as Workforce Housing Units in place of the requirement for a commercial ground floor to achieve the additional allowable height listed in Tables 2A and 2B under Subsection 3.17.5.2 Building Height Requirements.

8. Amending Section 3.17 Multi-family Overlay District by modifying the first line of Subsection 3.17.8.2 Development Standards to read as follows:

   Affordable Units, including Workforce Housing Units, shall be:

ARTICLE 4 : **AMEND ZONING BY-LAW – MAP CHANGE FOR MBTA OVERLAY DISTRICT (NEIGHBORHOOD HOUSING PLAN OPTION)**

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map, inclusive of those changes adopted under Article 2, as follows:

(a) Place in the CSB-W Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and located directly to the west of Chestnut Street as shown on Needham Town Assessors Map 47, Parcels 72, 74-03, 74-04, 76, 77, 78, 79, 80, 83, 84, 85, 86, 87, 88, and 91, and Needham Town Assessors Map 46, Parcels 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, and 61, superimposing that district over the existing Chestnut Street Business district and removing the existing CSB Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the point of intersection of the easterly sideline of M.B.T.A and the southerly sideline of Keith Place; thence running southeasterly by the southerly sideline of Keith Place to the intersection with westerly sideline of Chestnut Street; southwesterly by the westerly sideline of Chestnut Street to the intersection with northerly sideline of property of M.B.T.A; northeasterly by the northerly sideline of M.B.T.A; northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

(b) Place in the CSB-E Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and Single Residence B and located directly to the east of Chestnut Street as shown on Needham Town Assessors Map 46, Parcels 12, 13, 14, 15, 16, 17, 18, 19, 32, 33 and 34 superimposing that district over the existing Chestnut Street Business and Single Residence districts and removing the existing CSB Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the point on the easterly sideline of Chestnut Street, approximately four hundred and ninety-five 88/100 (495.88) feet from the intersection with southerly sideline of School Street; southeasterly by the southerly property line of Deaconess-Glover Hospital Corporation, one hundred and eighty-seven 68/100 (187.68) feet, more or less; southwesterly by the easterly property line of Deaconess-Glover Hospital Corporation, ninety-six 74/100 (96.74) feet, more or less; southwesterly by the westerly property line of Chaltanya Kadem and Shirisha Meda, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Huard, eighty-two 80/100 (82.80) feet, more or less; southwesterly by the westerly property line of Reidy, ninety-seven 40/100 (97.40) feet, more or less; northeasterly by the northerly property line of L. Petrini & Son Inc, fifteen 82/100 (15.82) feet, more or less; southwesterly by easterly property line of L. Petrini & Son Inc, one hundred and seventy-seven 77/100 (177.77) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, one hundred and two 59/100 (102.59) feet, more or less; southwesterly by the easterly property line of L. Petrini & Son Inc, fifty 16/100 (50.16) feet, more or less; northeasterly by the easterly property line of L. Petrini & Son Inc, seven 39/100 (7.39) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, seventy-five (75.00) feet, more or less; northeasterly by the easterly property of Briarwood Property LLC, one hundred (100) feet, more or less; southwesterly by the easterly property of Briarwood Property LLC, two hundred and forty-nine 66/100 (249.66) feet, more or less; southeasterly by the southerly property of Briarwood Property LLC, two hundred ninety-three (293.28) feet, more or less; southwesterly by the easterly property of Veterans of Foreign Wars, one hundred and fifty (150) feet, more or less;

northeasterly by the southerly property line of Veterans of Foreign Wars, eighty-five (85) feet, more or less; southwest by the easterly property of M.B.T.A, one hundred and sixty (160) feet, more or less; southeasterly by the northerly sideline of Junction Street to intersection with easterly sideline of Chestnut; northeasterly by the easterly sideline of Chestnut Street to the point of beginning.

(c) Place in the CSB-E Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and located at 433 Chestnut Street as shown on Needham Town Assessors Map 45, Parcel 6, superimposing that district over the existing Chestnut Street Business district and removing the existing CSB Subdistrict of the MBTA Overlay District, said description being as follows:

Starting at the point of intersection of the westerly sideline of Chestnut Street and the southerly sideline of M.B.T.A.; southerly by the westerly sideline of Chestnut Street to the intersection with northerly sideline of M.B.T.A; southwesterly by the southerly property line of Castanea Dentata LLC, two hundred and twenty-eight 81/100 (228.81) feet, more or less; southwesterly by the southerly property line of Castanea Dentata LLC, one hundred and eight 53/100 (108.53) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and thirty-six 6/100 (136.06) feet, more or less; northwesterly by the southerly property line of Castanea Dentata LLC, one hundred and ten 10/100 (110.10) feet, more or less; running northeasterly by the easterly sideline of M.B.T.A. to the point of beginning.

(d) Place in the CSB-GS Subdistrict of the MBTA Overlay District a portion of land now zoned Chestnut Street Business and located directly to the east of Garden Street as shown on Needham Town Assessors Map 51, Parcels 17, 20, 22, 23, superimposing that district over the existing Chestnut Street Business district and removing the existing CSB Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the northerly sideline of Great Plain Ave; thence running southwesterly by the northerly sideline of Great Plain Ave, nine 32/100 (9.32) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-three 17/100 (53.17) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 40/100 (56.40) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifty-six 92/100 (56.92) feet, more or less; northwesterly by the westerly property line of Town of Needham, on an arch length one hundred and twelve 99/100 (112.99) feet, more or less; northeasterly by the westerly property line of Town of Needham, fifteen 10/100 (15.10) feet, more or less; northeasterly by the westerly property line of Town of Needham, one hundred and thirty-eight 83/100 (138.83) feet, more or less; southeasterly by the northerly property line of Town of Needham, thirty-three 42/100 (33.42) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, forty (40) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, eighty-one 99/100 (81.99) feet, more or less; northwesterly by the southerly property line of Eaton Square Realty LLC, fifty-eighty 31/100 (58.31) feet, more or less; northeasterly by the easterly sideline of Garden Street to intersection with May Street; northeasterly by the southerly sideline of May Street, sixty-one 33/100 (61.33) feet, more or less; southwesterly by the westerly sideline of M.B.T.A to the point of beginning.

(e) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial and Single Residence B and located directly to the south and east of Denmark Lane as shown on Needham Town Assessors Map 132, Parcel 2, superimposing that district over the existing Industrial and Single Residence B districts, and removing the existing IND Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the point of intersection of the westerly sideline of M.B.T.A. and the southerly sideline of Great Plain Ave; thence running southwesterly by the westerly line of M.B.T.A, four hundred thirty-seven 24/100 (437.24) feet, more or less; southwesterly by the southerly property line of Denmark Lane Condominium, one hundred and eleven 17/100 (111.17) feet, more or less; northeasterly by the easterly property line of Denmark Lane Condominium, two hundred (200) feet, more or less; northwesterly by the southerly property line of Denmark Lane Condominium, one hundred and thirty-nine 75/100 (139.75) feet, more or less; northeasterly by the easterly sideline of Maple Street, one hundred and thirty-five (135) feet, more or less; southeasterly by the northerly property line of Denmark Lane Condominium, one hundred and forty (140) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, fifteen 20/100 (15.2) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, two 44/100 (2.44) feet, more or less; southwesterly by the northerly property line of Denmark Lane Condominium, thirty-three 35/100 (33.35) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, seventy-nine (79) feet, more or less; northwesterly by the northerly property line of Denmark Lane Condominium, thirteen 28/100 (13.28) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, forty-seven 50/100 (47.50) feet, more or less; northeasterly by the northerly property line of Denmark Lane Condominium, eighty-one 91/100 (81.91) feet, more or less; northeasterly by the southerly sideline of Great Plain Ave, twelve 28/100 (12.28) feet to the point of beginning.

(f) Place in the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Single Residence B and located directly to the west of Highland Avenue and north of Hunnewell Street as shown on Needham Town Assessors Map 69, Parcel 37, superimposing that district over the existing Single Residence B district, said description being as follows:

Beginning at the point of intersection of the easterly sideline of the M.B.T.A and the northerly sideline of Hunnewell Street; thence running northwesterly by the easterly sideline of the M.B.T.A., on an arch one hundred and twenty-one 22/100 (121.22) feet, more or less; southeasterly by the northerly property line of The Suites of Needham LLC, one hundred and sixty 23/100 (160.23) feet, more or less; southwesterly by the easterly sideline of Highland Avenue to the intersection with northerly sideline of Hunnewell Street; northwesterly by the northerly sideline of Hunnewell Street to the point of beginning.

(g) Remove from the A-1 Subdistrict of the MBTA Overlay District a portion of land now zoned Apartment A-1 and Single Residence B and located east and west of Highland Avenue at Cottage Avenue as shown on Needham Town Assessors Map 70, Parcels 24 and 25, said description being as follows:

Beginning at the point on the westerly sideline of Highland Avenue, two hundred and seventeen 63/100 (217.63) from the arch on Webster Street; thence running southwesterly by the westerly sideline of Highland Avenue, three hundred and seventeen (317) feet, more or less; southeasterly across Highland Avenue, fifty (50) feet to a point on the easterly sideline of Highland Avenue; southeasterly by the northerly property line of Avery Park Condominium, two hundred and seventy-eight 75/100 (278.75) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, sixty-one (61.51) feet, more or less; northeasterly by the northerly property line of Avery Park Condominium, one hundred and seventy-nine 70/100 (179.70) feet, more or less; southwesterly by the westerly sideline of Webster Street, thirty-one 16/100 (31.16) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and sixty-six 51/100 (166.51) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and five 59/100 (105.59) feet, more or less; southwesterly by the southerly property line of Avery Park Condominium, one hundred and forty-four 62/100 (144.62) feet, more or less; northwesterly by the southerly property line of Avery Park Condominium, two hundred and seventy-seven 29/100 (277.29) feet, more or less; northwesterly across Highland Avenue, fifty (50) feet to a point on the westerly side of Highland Avenue: northwesterly by the southerly property line of Hamilton Highlands LLC, one hundred and fifty-nine 45/100 (159.45) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, ninety-seven 33/100 (97.33) feet, more or less; northwesterly by the northerly sideline of Cottage Avenue, forty (40) feet, more or less; southwesterly by the southerly property line of Hamilton Highlands LLC, fifteen (15) feet, more or less; northwesterly by the southerly property line of Hamilton Highlands LLC, twenty-five 54/100 (25.54) feet, more or less; northeasterly by the easterly sideline of M.B.T.A., five hundred and seventy-five 57/100 (575.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and forty-five 2/100 (145.02) feet, more or less; northeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and one 57/100 (101.57) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, one hundred and eighty 18/100 (180.18) feet, more or less; southeasterly by the northerly property line of Hamilton Highlands LLC, fifty-six 57/100 (56.57) feet to the point of beginning.

(h) Place in the IND-C Subdistrict of the MBTA Overlay District a portion of land now zoned Industrial and Single Residence B and located at Crescent Road as shown on Needham Town Assessors Map 98, Parcels 40 and 41, and Needham Town Assessors Map 99, Parcels 38, 39, 40, 61, 62, 63, and 88, superimposing that district over the existing Industrial and Single Residence B districts, and removing the existing IND Subdistrict of the MBTA Overlay District, said description being as follows:

Beginning at the bound on easterly side of Hunnewell Street, approximately three hundred and thirty-two 35/100 (332.35) feet from the intersection with Hillside Avenue; thence running southwesterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-one 13/100 (191.13) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, sixty-eight 68/100 (68.75) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and thirty (130) feet, more or less; southeasterly by the easterly property line of Drack Realty LLC, seventy-three (73) feet, more or less; southwesterly by the easterly property line of Drack Realty LLC, one hundred and forty

(140) feet, more or less; northeasterly by the northerly property line of Lally, forty-one (41) feet, more or less; southeasterly by the easterly property line of Lally, seventy-five (75) feet, more or less; southwesterly by the southerly property line of Lally, one hundred (100) feet, more or less; southwesterly to the center of Crescent Road, twenty (20) feet, more or less; southeasterly by the center of Crescent Road, twenty-nine (29) feet, more or less; southwesterly to a bound located twenty-nine feet from the angle point on the easterly side of Crescent Road; southwesterly by the southerly property line of 66 Crescent Road LL, four hundred and fifteen 60/100 (415.60) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-two 37/100 (52.37) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and sixty-two 37/100 (162.37) feet, more or less; southwesterly by the easterly property line of Town of Needham, forty-five 76/100 (45.76) feet, more or less; northwesterly by the easterly property line of Town of Needham, one hundred and forty-three 92/100 (143.92) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifteen 71/100 (15.71) feet, more or less; southwesterly by the easterly property line of Town of Needham, two hundred and forty-eight 40/100 (248.40) feet, more or less; northwesterly by the easterly property line of Town of Needham, fifty-three 33/100 (53.33) feet, more or less; northeasterly by the northerly property line of 166 Crescent Road LLC, five hundred and fifty-five 68/100 (555.68) feet, more or less; northeasterly to the center of Crescent Road, twenty (20) feet, more or less; northwesterly by the center of Crescent Road, fifty-six 47/100 (56.47) feet, more or less; northeasterly to the bound located four 38/100 (4.38) feet from the end of the Crescent Road; northeasterly by the northerly property line of Microwave Development Laboratories Inc, one hundred and forty-six 29/100 (146.29) feet, more or less; southeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 82/100 (54.82) feet, more or less; northeasterly by the northerly property line of Microwave Development Laboratories Inc, fifty-four 21/100 (54.21) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and ninety-five 81/100 (195.81) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, seven (7) feet, more or less; southeasterly by the easterly property line of Microwave Development Laboratories Inc, ninety-one (91) feet, more or less; northeasterly by the easterly property line of Microwave Development Laboratories Inc, one hundred and forty-two (142) feet, more or less; southeasterly by the easterly sideline of Hunnewell Street, twenty (20) feet to the point of beginning.

Or take any other action relative thereto.

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 4/30/2024

Agenda Item	Introduce Rob MacLean, Director of the Needham Free Public Library
Presenter(s)	Katie King, Deputy Town Manager

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**
The Deputy Town Manager will introduce Rob MacLean, newly appointed Director of the Needham Free Public Library	
2.	**VOTE REQUIRED BY SELECT BOARD**
N/A – Discussion Only	
3.	**BACK UP INFORMATION ATTACHED**
a. Resume for Rob MacLean	

Robert MacLean

[redacted]

Areas of Expertise

Budget Management	Procurement/Vendor Relations	Grant Writing
Community Outreach	Program Design & Implementation	Public Speaking
Staff Development	Problem Resolution	Union Relations

Professional Experience

Weymouth Public Libraries, Weymouth, MA 2010-Present

Director of Library Services

Leads a library team of 29 staff across five departments working in two library buildings operating a total of 80 hours per week for a community of more than 57,000 residents. Develops and implements mission-driven programs and services as well as policies and procedures. Ensures a diverse collection meets the changing needs of library patrons.

Developed and managed thirteen annual operating budgets; supplemented Town funding with dozens of local, state, and federal grants; works closely with Friends of Weymouth Libraries; involved in creating and supporting newly established Weymouth Libraries Foundation.

Manages complex facility projects and issues of 19th-century library building as well as 21st-century library building.

Oversees recruitment, hiring, and training of staff as well as professional development. Inspires staff at all levels by capitalizing on strengths and building cross-departmental team relationships. Works with the library union to negotiate new contracts, resolve issues, and support staff.

Key Accomplishments

- Grew budget 95% from $971,910 in FY2011 to $1,895,275 in FY2024.
- Grew staff 35% from 20.00 FTE in FY2011 to 27.09 FTE in FY2024.
- In fall 2020, opened the new Tufts Library, a $33 million, 50,000-square-foot public library with five meeting rooms, ten study rooms, a Digital Media Lab, Local History Room and Archives, Quiet Room, children's and teen programming rooms, outdoor amphitheater, butterfly garden, and solar arrays. Awarded a $12 million Massachusetts Public Library Construction Program grant by the Massachusetts Board of Library Commissioners in July 2017. On track for Silver LEED Certification.
- Led and oversaw $3+ million, award-winning historic renovation of the 1898 Fogg Library branch, which reopened in 2014,funded by federal, state and local grants.
- Complements a full range of cultural and arts programming for all ages with innovative programming including the LSTA grant-funded All Aboard Greenbush! One Book, One Train series with the public libraries of Hingham, Cohasset, and Scituate; How-To Festival; Summer Sounds concert series; Welcome to Weymouth community event for new residents; and South Shore Jigsaw Puzzle Festival.
- Established a robust series of author events including NYT-bestselling authors Elin Hilderbrand, Ian Rankin, Craig Johnson, and historian Nicholas Bunker.

- Improved local history collections: grant-funded archivist and conservation work including 15th-century mishoon, art works by Edmonia Lewis, Anne Whitney, John Adams Jackson, and Chester Harding; grant-funded digitization of anti-slavery posters, Civil War diaries, annual town reports, local newspaper, lepidoptera collection, yearbooks, historic images, maps, and letters; acquired Abigail Adams letter, late 18th- and early 19th-century sampler and family registers, and early 20th-century Weymouth postcard collection.
- Edited and published *Colonial Weymouth: The Forgotten Second Settlement,* the first written chronicle of Weymouth's history from 1622-1789.
- Developed FY2023-2027 strategic plan and new mission statement.
- In 2018, revised Circulation Policy to eliminate all overdue fines for all patrons.
- Led first-ever branding effort to professionalize and reinvigorate marketing efforts.

Taft Public Library, Mendon, MA 2010
Library Director
Led a library staff of nine and an activist board of library trustees through difficult economic times that called for creativity, collaboration, and outreach. Dealt with the maintenance issues of an 1896 historic building while exploring the purchase of a building for a new library. Supported and motivated staff to provide stellar service to patrons. Made the hard decisions of budget cuts in order to minimize the effect on the library's programs and services.

Elderhostel/Road Scholar, Boston, MA 1998 to 2009
Program Manager, Domestic Program Department 2005 to 2009
Managed, supported, and guided nine of the largest program providers in the western U.S. Reexamined program portfolio, decreased excess capacity while increasing revenue. Oversaw creative program development and management with a goal to increase enrollments and revenue.
Editor/Writer, Marketing Department 1998 to 2005

Education

Simmons College
Master of Library and Information Science

Harvard College
Bachelor of Arts in English and American Literature and Language

---

Professional Involvement

President, Old Colony Library Network 2022-2023
Judge, Adult Fiction for Mass Book Awards, Massachusetts Center for the Book 2019
Judge, Letters about Literature, Massachusetts Center for the Book 2018
Member, Past Chair, Board of Library Trustees, Weymouth Public Libraries 1998 to 2010
Member, Friends of the Weymouth Library 1996 to 2010

Professional Memberships

American Library Association, New England Library Association,
Massachusetts Library Association

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 4/30/2024

Agenda Item	Public Hearing: Outdoor Dining License – Sai Restaurant Inc d/b/a Masala Art
Presenter(s)	Vinod Kapoor, Owner

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

Sai Restaurant Inc d/b/a Masala Art, located at 990 Great Plain Avenue, is seeking to establish an outdoor dining space on a back patio to the rear of the establishment which lies on an easement upon which the Town has rights to public parking.

The applicant has used the requested area since 2020 in accordance with state emergency orders and local rules in the context of the COVID-19 pandemic. The requested arrangement of seating is the same.

The applicant is requesting seasonal use of the space, in-line with the Zoning By-Law and their Special Permit.

The applicant will require an exception to Select Board Policy SB-LIC-016 to permit more than three parking spaces to be used for outdoor dining.

The applicant has also applied to the Select Board for an Alteration of Premises to their liquor license.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: Move that the Board vote to approve an Outdoor Dining License for Sai Restaurant Inc d/b/a Masala Art, and to grant an exception to Select Board Policy SB-LIC-016 to permit additional parking spaces to be used for outdoor dining.

3.	**BACK UP INFORMATION ATTACHED**

a. Planning Board Application
b. Floor Plan
c. Planning Board Decision
d. Abutter's Notice
e. Select Board Policy
f. Zoning By-law

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2023 FEB -7 PM 12:53

TOWN OF NEEDHAM
MASSACHUSETTS

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

PLANNING BOARD

APPLICATION FOR SITE PLAN REVIEW

Project Determination: (circle one) Major Project Minor Project

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

Location of Property 990 Great Plain Avenue
Name of Applicant SAI RESTAURANT, INC d/b/a Masala Art
Applicant's Address 990 Great Plain Avenue
Phone Number 617-230-2100

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

Property Owner's Name: GREAT REALTY TRUST
(SORABH KAPOOR – TRUSTEE/MANAGER)
Property Owner's Address 992 GREAT PLAIN AVENUE
Telephone Number 617-803-6702

Characteristics of Property: Lot Area 8326 sq ft Present Use: RESTAURANT
Map #47 Parcel # 064 Zoning District: Center Business District

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

REQUESTING AN AMENDMENT TO ADD 44 OUTDOOR SEATS ON EXISTING PARKING SPACES RESIDING ON LOT.

Signature of Applicant (or representative) _____
VINOD KAPOOR (President, Sai Restaurant Inc.)
Address if not applicant _____ Telephone # 617-230-2100

Owner's permission if other than applicant _____
Sorabh Kapoor (Trustee/Manager, Great Realty Trust)

SUMMARY OF PLANNING BOARD ACTION
Received by Planning Board _____ Date 2/7/23
Hearing Date _____ Parties of Interest Notified of Public Hearing _____
Decision Required by _____ Decision/Notices of Decision sent _____
Granted _____
Denied _____ Fee Paid _____ Fee Waived _____
Withdrawn _____
NOTE: Reports on Minor Projects must be issues within 35 days of filing date.

RECEIVED TOWN CLERK
NEEDHAM, MA 02492
2023 FEB -7 PM 12:53

TOWN of NEEDHAM
MASSACHUSETTS
APPLICATION FOR OUTDOOR SEATING UNDER SECTION 6.9 OF THE ZONING BY-LAW

LOCATION:
Property Address: 990 GREAT PLAIN AVE, NEEDHAM, MA 02492
Name of Establishment: MASALA ART

APPLICANT:
Name (must be business owner, manager, or lessee): VINOD KAPOOR, OWNER - MASALA ART
Address: 990 GREAT PLAIN AVENUE
NEEDHAM, MA 02492
Telephone Number: (617) 230-2100
Email Address: vinod kapoor 1@gmail.com

Do you own or rent property?

PROPERTY OWNER:
Complete this section if applicant is not the property owner
Name (must be owner): GREAT REALTY TRUST
Address: 992 GREAT PLAIN AVE
NEEDHAM, MA 02492
Telephone Number: (617) 230-2100
Email Address: vinod kapoor 1@gmail.com

APPLICATION REQUEST:

Are you requesting to have outdoor dining on PRIVATE parking spaces? Yes ✓ No ___

If yes, how many private parking spaces? 5

Are you requesting to have outdoor dining on PUBLIC parking spaces (on-street or in a public parking lot)? Yes___ No ✓

If yes, how many public parking spaces do you intend to use in each category? *Note: there is a maximum of 3 parking spaces allowed per applicant.*

_____ # on-street public parking spots. Please note, required concrete barriers will take up 1 parking spot and should be added to the total number of spots you are applying to use.
_____ # of off-street public parking spots (in a public parking lot)

Are any of the spaces you are requesting to use designated for handicap parking? NO
Are you requesting to have outdoor dining on a sidewalk? NO

SEATING: FACILITIES/EQUIPMENT:
Total number of seats approved under existing Special Permit 160
Total number of seats existing inside 160 (may be same as above or fewer)
Number of restrooms provided 3
Total number of seats proposed outside 44 Size of Grease Trap 800 lbs
Number of chairs 44 Air Curtains (if opening is off kitchen) N/A
Number of tables 11 Screens (if opening is off kitchen) N/A
Outdoor Seating Area dimensions 36 x 30'
Type of Barrier or Enclosure to Define Seating Area
(mandatory if alcohol is proposed to be served):
Jersey Barriers

DATES AND HOURS OF OPERATION
The standard outdoor dining season in the Town of Needham is April 1 - November 30. The Town will consider applications that extend beyond that timeframe on an individual basis.

Are you requesting to serve food & beverage outdoors earlier than April 1 or later than November 30? Yes no
If yes, what are your proposed opening and closing dates?
April 1 to Oct. 30
What days of the week and hours do you plan to serve food & beverage outdoors?
Everyday (Monday through Sunday)

BRIEF DESCRIPTION OF:
Seating Arrangement, Type of Furniture, Type of Barrier or Enclosure to Define Seating Area (mandatory if alcohol is proposed to be served), Ingress/Egress from the Inside to the Outside, Location of Outdoor Exit Area in the case of an emergency, Written Description of Colors and Materials Used
The sidewalk access will have Jersey barriers. The sides will be enclosed with planters. Ingress / Egress is indicated on attach plan/drawing. We will have metal Tables & Chairs.

PLAN REQUIREMENTS

Submit a Plan of the Outside Seating Area, showing precise dimensions and locations of:

(1) Seating arrangement, including the arrangement of the furniture

(2) Enclosure of dining area (this is required if service of alcohol is proposed)

(3) Location of ingress/egress from inside to outside

(4) Location of outside emergency exit(s)

(5) Separation distances to building, curbing, sidewalks, streets, trees, planters, rubbish containers, equipment, and any other obstacles in pedestrian walkway or access aisles

Said Plan must be certified by a Registered Architect or Engineer with certifications that the restaurant with the outdoor seating complies with egress and access requirements, that the seating configuration complies with safety requirements, and that the restaurant has adequate restroom facilities for the number of seats. (If the total indoor and outdoor seating exceeds the number allowed for the existing restroom facilities, you may reduce the number of indoor seats being used, so that the total number of restaurant seats does not trigger additional restroom facilities.)

(6) For parking spaces located on a parking lot (public or private), provide a site plan showing parking areas to be utilized for outdoor seating. Said plan can be an existing approved Site Plan, in which applicant delineates proposed seating location.

FURNITURE SPECIFICATIONS SHEET

A detailed specifications sheet illustrating the appearance, materials, colors, and size of selected outdoor seating furniture and equipment including chairs, benches, tables, umbrellas, fences, and other items. Photographs of furniture and equipment may be substituted for specification sheets as along as a sheet listing the dimensions of the furniture and equipment accompanies the photographs.

Are you proposing to have: (please check all that apply)?

- A tent or canopy? A permit from the Building Department may be required (link).
- Outdoor lighting? An electrical permit is required (link).

Outdoor Heating? A permit from the Fire Department is required (link).

PHOTOGRAPHS

Submit photographs of the proposed outdoor dining location (front and side views) if available.

ALCOHOL SERVICE

____ **NO**

__✓__ **YES**

If you are seeking permission to serve alcohol outside (i.e., to extend your existing license to a patio or other outdoor seating areas), you must get approval from the Select Board by filing an Alteration of Licensed Premises, which is available on the Alcoholic Beverages Control Commission (ABCC) website at https://www.mass.gov/how-to/amend-your-alcoholic-beverages-retail-license-alteration-of-premises-or-location-change-abcc.

Please select one. Expansion area must be either:

1. Contiguous to the licensee's premise with a clear view of the area from inside the premises; or
2. The Licensee may commit to providing management personnel dedicated to the area.

FEES AND TERM

Outdoor seating licenses are issued for a term of one year, unless stated otherwise, and can be renewed annually. The annual application fee is $25, which will be credited toward the annual licensing fee if the application is approved

For outdoor dining approved on public property, there is an annual licensing fee for the sole use of public space for outdoor dining at the rate of $250 per public parking space and $100 for the use of the sidewalk. If an applicant is approved for the use of public parking space(s) and the sidewalk, the $100 sidewalk licensing fee will be waived.

CERTIFICATION

I/we the undersigned certify that I am the owner of record of the named property or that the owner of record authorizes the proposed work and that the above information which I/we provided is correct.

I/we have read and fully understand the procedures as established by the Town of Needham and further understand that failure to comply with said procedures may result in revocation of this permit.

Signature of Applicant(s): [signature] Pres. Date: 12.29.22

_____ Date: Sai Restaurant, Inc Masala Art.

THIS SECTION BELOW IS FOR OFFICIAL USE ONLY

Major Project Site Plan Review Special Permit (Planning Board) yes_____ no_____

Zoning Board of Appeals Special Permit yes_____ no_____

Select Board Licensing Approval _____

Certificate of Insurance covering outdoor area: _____

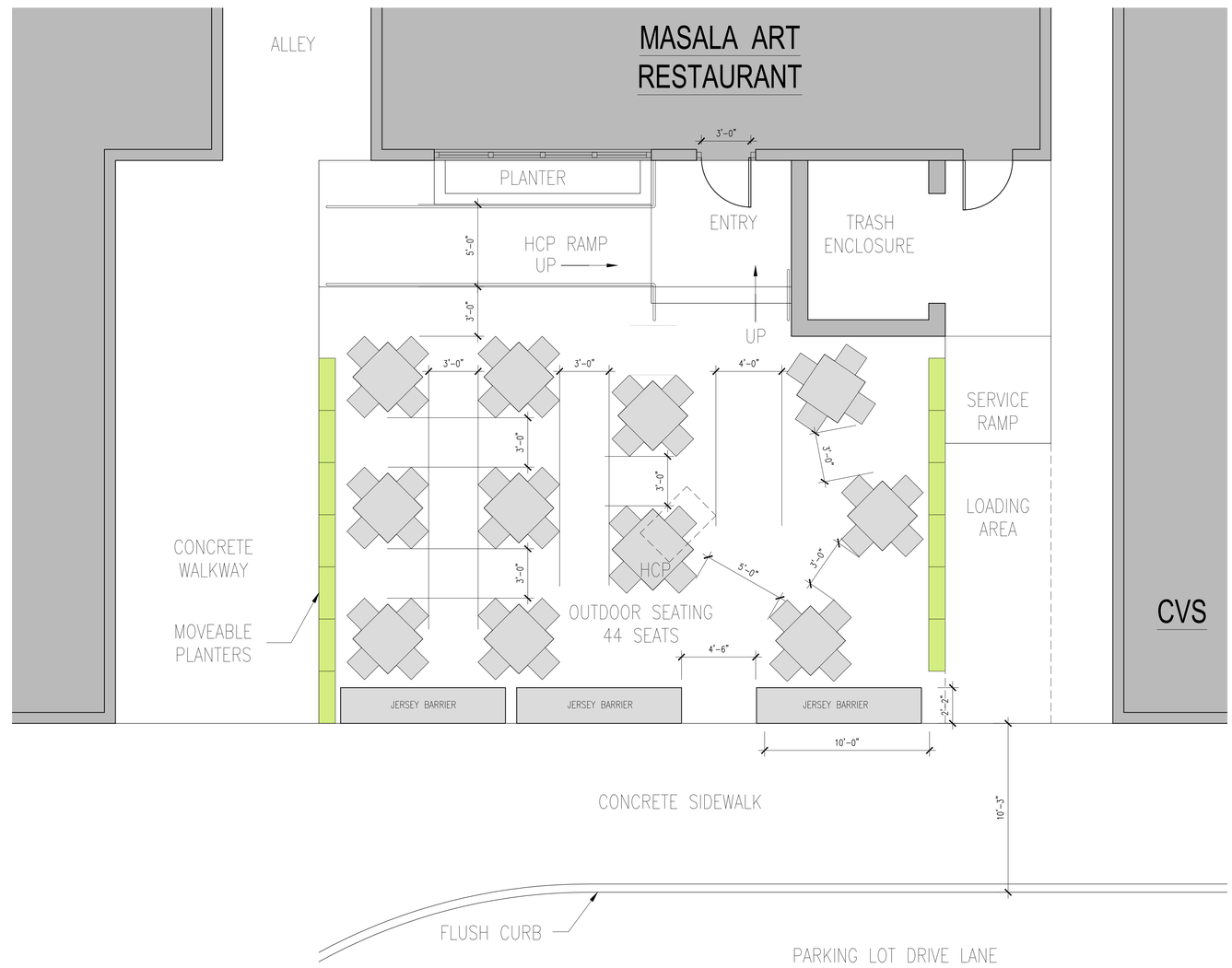
Departmental Approval (Health _____ Building _____Fire_____ Police _____ Public Works _____)

License Agreement (if seating is on sidewalk or other public property): _____

Alteration of Licensed Premises (for alcohol service in outdoor area): _____

Comments: _____

_____



1 OUTDOOR SEATING PLAN
SCALE: 1/2"=1'-0"

FORM+PLACE
ARCHITECTURE • PLANNING • URBAN DESIGN
17 Lincoln Street, Suite 2A
Newton Highlands, MA 02461
(617) 780-1960

Special Permit Plan

Outdoor Seating
Masala Art
Special Permit Plan
990 Great Plain Avenue
Needham, MA 02492

REGISTERED ARCHITECT
JOHN M. RUFO
No. 5015
NEEDHAM, MA
COMMONWEALTH OF MASSACHUSETTS

Project No:	22003
Drawn By:	JR
Checked By:	JR
Issue Date:	13 Jan 2023

Revisions

No	Date	Description

Drawing Title:
SEATING PLAN

Drawing Number
A-2.01

PLANNING & COMMUNITY DEVELOPMENT
PLANNING DIVISION

MEMORANDUM

TO: Joe Prondak, Building Department

FROM: Planning Department

DATE: January 11, 2024

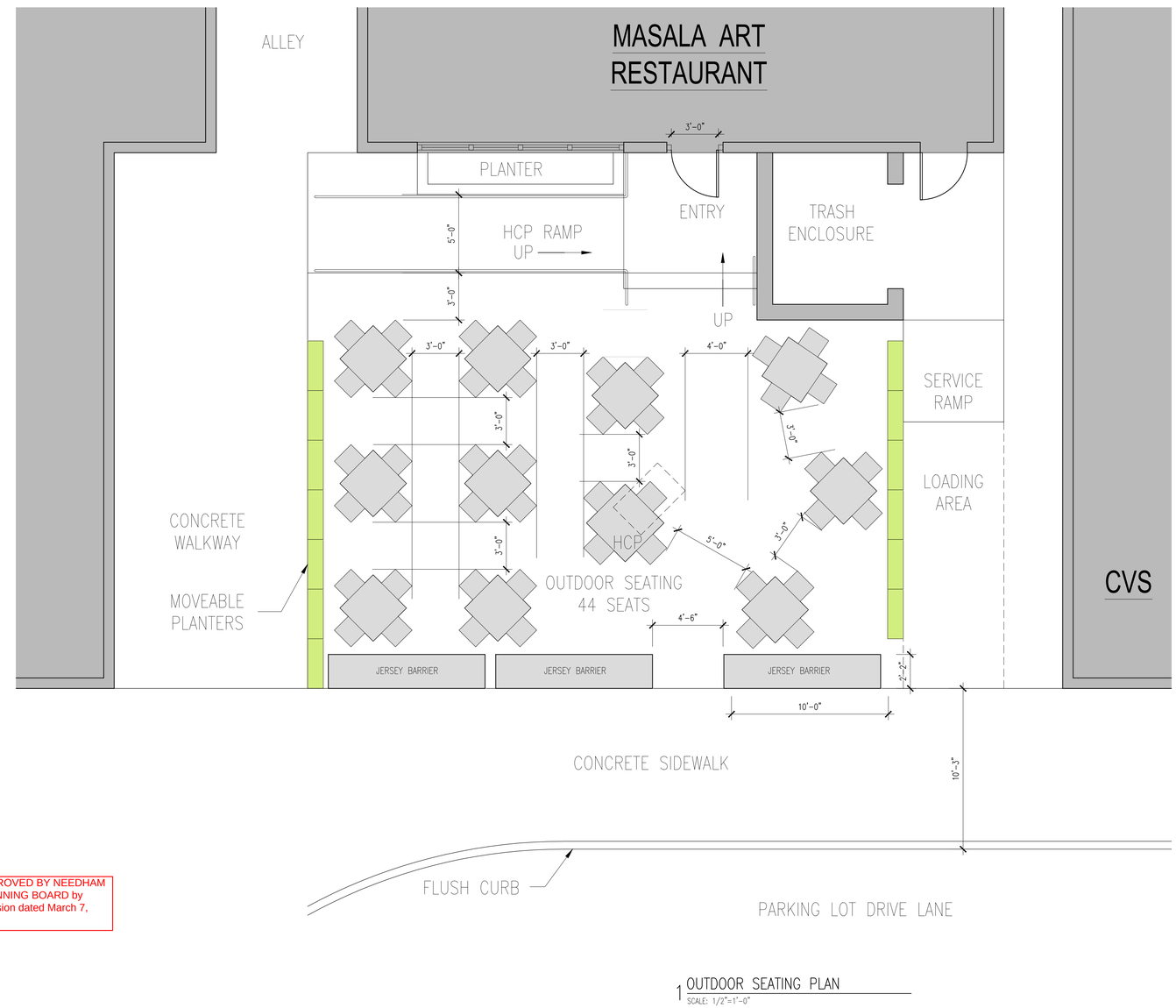
SUBJECT: **Sai Restaurant Inc., dba Masala Art**
Amendment to Major Project Site Plan Review Special Permit No. 2002-02
990 Great Plain Avenue

The Planning Board issued an Amendment to Major Project Site Plan Review Special Permit No. 2002-02 issued on March 7, 2023 to Sai Restaurant Inc., dba Masala Art. Said Amendment permitted a total of 44 outdoor dining seats for use from April 1 through October 31 as shown on the approved plan.

The Planning Board has received evidence of the decision being recorded at the Norfolk County Registry of Deeds as of October 10, 2023. Accordingly, the Planning Board approves the outdoor seating changes permitted in the Decision, as shown on the following approved plan: Plan entitled "Outdoor Seating Plan, Masala Art" prepared by Form + Place, PO Box 610016, Newton Highlands, MA 02461, Sheet A-2.01, entitled "Seating Plan," dated January 13, 2023.

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

cc: Carys Lustig, Director, Department of Public Works
Myles Tucker, Support Services Manager
Tom Ryder, Town Engineer



APPROVED BY NEEDHAM PLANNING BOARD by Decision dated March 7, 2023

1 OUTDOOR SEATING PLAN
SCALE: 1/2"=1'-0"

FORM+PLACE
ARCHITECTURE • PLANNING • URBAN DESIGN
17 Lincoln Street, Suite 2A
Newton Highlands, MA 02461
(617) 780-1960

Special Permit Plan

Outdoor Seating
Masala Art
Special Permit Plan
990 Great Plain Avenue
Needham, MA 02492

REGISTERED ARCHITECT
JOHN M. RUFO
No. 5015
NEEDHAM, MA
COMMONWEALTH OF MASSACHUSETTS

Project No:	22003
Drawn By:	JR
Checked By:	JR
Issue Date:	13 Jan 2023

Revisions

No	Date	Description

Drawing Title:
SEATING PLAN

Drawing Number
A-2.01

LEGAL NOTICE
TOWN OF NEEDHAM
SELECT BOARD

Application for an Outdoor Dining License

Notice is hereby given pursuant to Town of Needham Zoning By-Laws, Section 6.9 and Needham Select Board Policy SB-LIC-016, that Sai Restaurant, Inc. d/b/a Masala Art, Vinod Kapoor, Owner, has applied for an Outdoor Dining License at 990 Great Plain Avenue, Needham.

IT IS ORDERED that a public hearing be held for said application at the office of the Select Board as the Needham Licensing Authority located in the Town Hall, 1471 Highland Avenue on the 30th day of April 2024 at 7:00 PM. The Select Board invites all residents and interested parties to provide input at this meeting that will be held in person in Town Hall and via Zoom.

Use this link below to join the webinar:
https://us02web.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFJoQT09

Webinar ID: 826 0101 3229
Password: 652800
Or Telephone: +1 646 931 3860

This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at http://masspublicnotices.org/

Licensing Authority
Select Board

LEGAL NOTICE

Town of Needham

SELECT BOARD

Application for an Outdoor Dining License

Notice is hereby given pursuant to Town of Needham Zoning By-Laws, Section 6.9 and Needham Select Board Policy SB-LIC-016, that Sai Restaurant, Inc. d/b/a Masala Art, Vinod Kapoor, Owner, has applied for an Outdoor Dining License at 990 Great Plain Avenue, Needham.

IT IS ORDERED that a public hearing be held for said application at the office of the Select Board as the Needham Licensing Authority located in the Town Hall, 1471 Highland Avenue on the 30th day of April 2024 at 7:00 PM. The Select Board invites all residents and interested parties to provide input at this meeting that will be held in person in Town Hall and via Zoom.

Use this link below to join the webinar: https://us02web.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFJoQT09

Webinar ID: 826 0101 3229 Password: 652800

Or Telephone: +1 646 931 3860

This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at http://masspublicnotices.org/

Licensing Authority, Select Board

2x4 Town of Needham - Masala Art Outdoor Dining Lic 4-18-24 *4-18-24 HTW*

990 GREAT PLAIN AVENUE
300 FEET

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/047.0-0042-0000.0	FIRST PARISH IN NEEDHAM - UNITARIAN		23 DEDHAM AVE	NEEDHAM	MA	02492-
199/047.0-0069-0000.0	SDS NOMINEE TRUST	DOUGLAS SALAMONE	2 AVA	MILLIS	MA	02054-
199/047.0-0070-0000.0	THE KINGSBURY BUILDING MASTER DEED	C/O GREENE,RUBIN,MILLER & PACINO	1340 SOLDIERS FIELD ROAD	BOSTON	MA	02135-
199/047.0-0070-0042.0	CROSS KINGSBURY LLC		19 TECH CIR	NATICK	MA	01760-
199/047.0-0070-0044.0	CROSS KINGSBURY LLC		19 TECH CIR	NATICK	MA	01760-
199/047.0-0071-0000.0	SDS NOMINEE TRUST	DOUGLAS SALAMONE	2 AVA	MILLIS	MA	02054-
199/050.0-0026-0000.0	S-BNK NEEDHAM CENTRE, LLC		961 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0064-0000.0	KAPOOR, SORABH TR	GREAT REALTY TRUST	27 ELIOT ST #2	JAMAICA PLAIN	MA	02130-
199/050.0-0024-0000.0	EIP PICKERING STREET LLC		PO BOX 1083	HICKSVILLE	NY	11802-1083
199/051.0-0083-0000.0	TOWN OF NEEDHAM		1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/047.0-0065-0000.0	FIRST OF MANY, LLC		P.O. BOX 85	EAST WALPOLE	MA	02032-
199/047.0-0070-0028.0	GRAHAM, MARCIA A		205 SOUTH ST	MEDFIELD	MA	02052-
199/051.0-0009-0000.0	PESIRIDIS, NICHOLAS, TRS	ROMA REALTY TRUST	PO BOX 850551	BRAINTREE	MA	02185-
199/047.0-0003-0000.0	ALPHI LLC		596 CENTRAL AVE	NEEDHAM	MA	02492-
199/047.0-0004-0000.0	TOMMASINO, ROBERT C, TR		907 MASSACHUSETTS AVE	CAMBRIDGE	MA	02139-
199/047.0-0066-0000.0	KATZ, JEFFREY A. & GARY M., TRUSTEES,	AJ REALTY TRUST	PO BOX 920206	NEEDHAM	MA	02492-
199/047.0-0070-0012.0	CROSS KINGSBURY LLC		19 TECH CIRCLE	NATICK	MA	01760-
199/047.0-0070-0030.0	CROSS KINGSBURY LLC		19 TECH CIR	NATICK	MA	01760-
199/047.0-0072-0000.0	BRETT, LLC		2 PINE TREE DR	BUZZARDS BAY	MA	02532-
199/047.0-0074-0003.0	LEVLEE, LLC		PO BOX 223	BOSTON	MA	02127-
199/047.0-0090-0000.0	TOWN OF NEEDHAM		1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/051.0-0008-0000.0	TOWN OF NEEDHAM	PARKING LOT	1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/051.0-0011-0000.0	THOMAS, DINA &	THOMAS, TRIANTOS	198 CURVE ST	DEDHAM	MA	02026-
199/051.0-0087-0000.0	FAN,CHING TA & MEI LING		16 CURVE ST	NEEDHAM	MA	02492-
199/047.0-0062-0000.0	SIMON II ASSOCIATES LIMITED PARTNERSHIP		10 NEWBURY ST	BOSTON	MA	02116-
199/047.0-0070-0022.0	GRAHAM, MARCIA A		205 SOUTH ST	MEDFIELD	MA	02052-
199/047.0-0070-0032.0	CROSS KINGSBURY LLC		19 TECH CIR	NATICK	MA	01760-
199/050.0-0022-0000.0	1478 HIGHLAND AVENUE CO., LLC	PO BOX 1159	REAL ESTATE TAX DEPARTMENT	DEERFIELD	IL	60015-
199/050.0-0025-0000.0	1492 HIGHLAND AVENUE LLC		78 HANCOCK ST	BRAINTREE	MA	02184-
199/050.0-0027-0000.0	935 GREAT PLAIN AVENUE LLC		78 HANCOCK ST	BRAINTREE	MA	02184-
199/050.0-0028-0000.0	HARTMAN, FREDERICK M TR	FAK NEEDHAM REALTY TRUST	919 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0070-0010.0	NEEDHAM ENTERPRISES LLC		105 CHESTNUT ST STE 28	NEEDHAM	MA	02492-
199/047.0-0070-0024.0	GRAHAM, MARCIA A		205 SOUTH ST	MEDFIELD	MA	02052-
199/047.0-0070-0026.0	GRAHAM, MARCIA A		205 SOUTH ST	MEDFIELD	MA	02052-
199/047.0-0063-0000.0	SIMON II ASSOCIATES LLC		10 NEWBURY ST	BOSTON	MA	02116-
199/047.0-0067-0000.0	KATZ, JEFFREY A. & GARY M., TRUSTEES	AJ REALTY TRUST	PO BOX 920206	NEEDHAM	MA	02492-
199/047.0-0068-0000.0	1016 GREAT PLAIN AVENUE LLC		78 HANCOCK ST	BRAINTREE	MA	02184-
199/047.0-0070-0034.0	CROSS KINGSBURY LLC		19 TECH CIR	NATICK	MA	01760-
199/051.0-0010-0000.0	HEFFERNAN, MICHAEL A. &	HEFFERNAN, ELIZABETH A., TRS	18 GANNETT RD	NATICK	MA	01760-
199/047.0-0041-0000.0	BROMLEY-NEEDHAM LLC		57 DEDHAM AVE	NEEDHAM	MA	02492-
199/047.0-0058-0000.0	TOWN OF NEEDHAM	PARKING LOT	1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/047.0-0059-0000.0	GREYMONT, ALFRED W. TR	ALFRED W. GREYMONT REVOCABLE TRUST	11 DEER PATH LN	MIRROR LAKE	NH	03853-
199/047.0-0070-0020.0	BERGER, BRUCE & BORNSTEIN, GLENN	SMOKEY RE TRUST	1034 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0070-0040.0	CROSS KINGSBURY LLC		19 TECH CIR	NATICK	MA	01760-
199/047.0-0089-0000.0	50 DEDHAM AVE LLC		93 FISHER AVE	BROOKLINE	MA	02445-
199/051.0-0001-0000.0	TOWN OF NEEDHAM		1471 HIGHLAND AVE	NEEDHAM	MA	02492-

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.....

990 GREAT PLAIN AVENUE
500 FEET

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/047.0-0077-0000.0	BETH ISRAEL DEACONESS HOSPITAL-NEEDHAM INC		117-119 CHESTNUT ST	NEEDHAM	MA	02492-

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.....

Town of Needham Select Board

Policy Number:	SB-LIC-016
Policy:	Outdoor Dining Licenses
Date Approved:	10/12/2021
Date Revised:	
Approved:	_____ Chair, Select Board

Section 1. Purpose

The purpose of this policy is to establish a process and application criteria for licensing local businesses to use public rights-of-way, public parking lots, on-street parking spaces, sidewalks and/or other Town-owned property for outdoor dining. The Select Board will consider these guiding principles for outdoor dining:

- Create quality public spaces that contribute to people's health, happiness, and sense of connection to Needham and with each other.
- Support small businesses through added vibrancy and engagement in our business districts.
- Maintain safe and accessible sidewalk access for all users.
- Balance the needs of other street activities, including adequate parking infrastructure.

Section 2. Policy

2.1 No outdoor restaurant seating shall be permitted within the public right-of-way, public sidewalks and/or on public property unless the Select Board authorizes the placement of temporary outdoor seating.

2.2 Under Zoning Bylaw Section 6.9, the Select Board may authorize the placement of seasonal, temporary outdoor seating including but not limited to tables, chairs, serving equipment, planters, and umbrellas, within the public way and on public property, for eat-in restaurants during normal hours of operation, provided that:

2.2.1 The Select Board holds a public hearing and deems that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons

of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, is adequately provided for;

2.2.2 The seating is within the public sidewalk abutting the front, rear, or side of the restaurant's owned or leased property or on a public way or on other public property abutting the front, rear, or side of the restaurant's owned or leased property;

2.2.3 Such use is clearly related to the restaurant conducted inside the principal building;

2.2.4 Unless otherwise permitted by law, a minimum sidewalk width of forty-eight inches (48") and a minimum width of thirty-six inches (36") of unobstructed pedestrian paths , shall be continuously maintained, as shown on the plan provided to the Select Board;

2.2.5 Such use does not obstruct or otherwise interfere with visibility at intersections;

2.2.6 During all operating hours and thereafter, the area of outdoor seating must be kept clean, including clearing of all tables and removal of all trash; and

2.2.7 The application and proposed plans adhere to all health, safety, access, and operational requirements established by the Town, as outlined in Appendix A: Outdoor Dining Requirements. The Town Manager is authorized to update these requirements, as needed, and will ensure the application form reflects any changes.

2.3 Items 2.2.1, 2.2.2 and 2.2.3 shall not apply during special town-wide festivals or events during the year as designated by the Select Board.

2.4 A restaurant applying for outdoor seating must possess a Common Victuallers License.

2.5 Operation of outdoor restaurant seating areas is only permitted when the main place of business is open.

2.6 Two or more restaurants may apply jointly for a shared outdoor seating area, subject to all requirements that apply to individual applicants.

2.7 The Board may not approve more than 3 public parking spaces for any single applicant. The three spaces include any area taken by concrete safety barriers.

2.8 If an applicant is requesting the use of a designated handicap parking space for outdoor dining, the Board may not approve unless a suitable alternative location for handicap parking is identified.

2.9 The outdoor dining season shall be April 1 - November 30. The Select Board may authorize seasonal temporary outdoor seating under Zoning Bylaw Section 6.9.2 (b) earlier than April 1 and later than November 30 of each year. Applicants should specify the requested start and end date for their outdoor seating area. Board consideration shall be given to snow removal operations, roadway and sidewalk construction schedules, and other needs of the Town.

2.10 Outdoor dining licenses must be renewed annually. For those applications seeking a renewal from the prior year, the Town Manager will determine whether a public hearing is required, taking into consideration any compliance issues, resident or abutter complaints, and safety concerns in the prior year. Renewals will be reviewed subject to the criteria above and to the operational needs of the Town, including but not limited to anticipated roadway or sidewalk construction, potential changes in use of the public property, and changes in the Town's overall parking infrastructure.

2.11 An application for outdoor seating on public property that increases the restaurant's overall seating capacity by more than thirty percent (30%) must receive approval by the Special Permit Granting Authority that granted the special permit allowing the use of the premises as a restaurant (either the Planning Board or the Zoning Board of Appeals), before the Select Board will review the outdoor dining application.

2.12 If an applicant currently has a liquor license that allows consumption on premises and intends to extend that service to the Outdoor Seating area, the applicant must file an Alcoholic Beverages Control Commission's Alteration of Premises form with the Select Board.

2.13 Applicants must provide a certificate of liability insurance covering the approved outdoor dining area and naming the Town of Needham as an additionally insured party in the amount of $500,000/$1 million.

2.14 Permission to use Town land does not modify or amend any applicable state or local rules, requirements, permits, licenses, or approvals. To the extent that modifications of any existing permits, licenses or approvals may be necessary, they should be separately applied for by the applicant.

2.15 Permission to use Town land may be modified or terminated by the Town, in its sole discretion, at any time. Upon termination, the restaurant shall be responsible for removing all its property from the designated area.

Section 3. Procedures

3.1 The applicant shall file an application for outdoor dining on the form prescribed by the Town of Needham and submit requisite plans, photographs, and information.

3.2 The application and related plans that are submitted must adhere to all health, safety, and access requirements established by the Town, as outlined in this policy and in Appendix A: Outdoor Dining Requirements.

3.3 Applicants must provide a certificate of liability insurance covering the approved outdoor dining area and naming the Town of Needham as an additionally insured party in the amount of $500,000/$1 million.

3.4 Upon receipt of an application, the Town Manager or their designee, will review the application for completeness, request any missing documentation, and circulate the completed application to relevant Town departments for review and comments.

3.4.1 An application for outdoor seating on public property that increases the restaurant's overall seating capacity by more than thirty percent (30%) must receive approval by the Special Permit Granting Authority that granted the special permit allowing the use of the premises as a restaurant (either the Planning Board or the Zoning Board of Appeals), before the Select Board will review the outdoor dining application.

3.4.2 If an applicant currently has a liquor license that allows consumption on premises and intends to extend that service to the outdoor seating area, the applicant must file an Alcoholic Beverages Control Commission's Alteration of Premises form with the Select Board.

3.4.3 Applicants are encouraged to apply in late fall/early winter prior to the next outdoor dining season. Applicants may need approval from multiple local boards including the Select Board, Planning Board, and/or Zoning Board of Appeals depending on the specifics of the application. Applicants with liquor licenses will also require approval from the Alcoholic Beverages Control Commission, after local approval is received. While the Town will work diligently to process applications, applicants are not guaranteed a decision by April 1.

3.5 The Office of the Town Manager will notify the applicant and all owners of property within a 300-foot radius of the premises to be licensed of any public hearing via certified mail, at least seven (7) days prior to the scheduled hearing date.

3.6 Applicants that are approved by the Board will be required to sign a license agreement with the Town of Needham for the use of the public right of way.

3.7 Approved applicants may be required to obtain additional permits, subject to the specific furniture and accessories proposed for outdoor dining. Tents and outdoor structures with roofs require a permit from the Building Department. Outdoor

electrical wiring and lighting require an electrical permit from the Building Department. Outdoor heaters require a permit from the Fire Department.

3.8 Applicants with outdoor seating approved in on-street parking spaces or in a parking lot must coordinate with the Department of Public Works for the placement of concrete jersey barriers, before outdoor dining furniture can be installed or used.

3.9 Outdoor dining licenses must be renewed annually. The Select Board will determine whether a public hearing is required for renewal, taking into consideration any compliance issues, resident or abutter complaints, and safety concerns in the prior year. Renewals will be reviewed subject to the criteria above and to the operational needs of the Town, including but not limited to anticipated roadway or sidewalk construction, potential changes in use of the public property, and changes in the Town's overall parking infrastructure.

Section 4. Fees

4.1 There shall be an annual application fee of $25, which will be credited toward the annual licensing fee, as defined in Section 4.2, when the application is approved.

4.2 For all approved applications, there shall be an additional annual licensing fee for the sole use of public space for outdoor dining at the rate of $250 per public parking space and $100 for the use of the sidewalk. If an applicant is approved for the use of public parking space(s) and the sidewalk, the $100 sidewalk licensing fee will be waived.

Section 5. Exceptions

The Select Board reserves the right to make exceptions to this policy if it determines that it is in the best interest of the Town to do so.

Appendix A. Outdoor Dining Requirements

All outdoor dining applications will be reviewed by the relevant Town Department(s) to ensure compliance with the following requirements:

Public Safety & Accessibility

1. The plan submitted must show a minimum sidewalk width of 48" and a minimum width of 36" (or as otherwise prescribed by law) is maintained and unobstructed from the sidewalk or entrances into the building or any other designated walkways or pedestrian paths. The table and chairs must be placed within the outdoor seating area in such a manner as to allow free and safe passage of pedestrian traffic.
2. The outdoor seating arrangement may not obstruct or interfere with visibility at any street intersection and must not impede Police or Fire access.
3. The outdoor seating arrangement may not obstruct any fire exit, fire escape or other required ingress or egress.
4. The outdoor seating area must be accessible to people with disabilities and the applicant must at all times comply with all applicable laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of services.
5. Outdoor seating placed on sidewalks or in outdoor areas should maintain a 36''clear path between and around all tables and chairs.
6. Seating placed near or adjacent to public ways or parking lots that vehicles can pull up to or travel by must have crash protection, such as concrete barriers.

Public Health

7. All entrances and exit doors through the kitchen used by food service personnel and customers must be screened and provided with air curtains meeting National Sanitation Foundation standards. All windows or openings though the kitchen used for the transfer of food must also be screened and provided with air curtains. (If your entrance and exit or service opening to the outdoor seating area is through the kitchen, you must get Health Department approval.)
8. All food must be prepared inside the facility's kitchen and kept inside until served. No food may be prepared outside.
9. A system for washing down the outside seating area must be provided.
10. Food service personnel may not serve patrons beyond the outdoor seating area as shown on the plan approved by the licensing authority.
11. Food service personnel must constantly police the outdoor seating area for wastepaper, garbage, and other trash. Covered trash receptacles should be provided and must be emptied as needed to prevent overflowing. They must also be emptied at the end of each evening's service.
12. If dumpsters are located near these proposed seating areas, need to ensure that areas around dumpsters are clean and sanitary, and no public health nuisance issues with odors or attraction of pests exist.
13. During the operating hours and thereafter, strict clean-up practices must be adhered to. Food service personnel must clear up after each patron and remove all trash and dirty dishes.

14. Outside food handlers must have easy access to handwash sinks and cleaning cloths. Facilities for preparation and disposal of sanitizing solutions must be accessible.
15. Outdoor seating areas shall be considered as part of the restaurant and shall comply with Board of Health regulations, including a prohibition of smoking in seasonal outdoor dining areas and only service animals being allowed in those same areas.
16. Pets not allowed in outdoor seating areas. Only service animals are permitted.

Furniture, Fixtures, Lighting & Heating

17. Tents and outdoor structures with roofs will require a permit from the Building Department.
18. Electrical wiring and lighting for outdoor seating will require an electrical permit from the Building Department.
19. Outdoor heaters require a permit from the Fire Department.
20. The applicant shall be responsible for the maintenance and upkeep of the public right-of-way used for the outdoor seating area and the replacement of damaged public property, including brick pavers. No furniture or furnishings may be permanently attached by any means to the public sidewalk or any other public property.
21. Planters may be used to provide added visual interest and create a more attractive and welcoming atmosphere. Planters may not be used to define the area of outdoor seating where the service of alcohol is involved.
22. If a patio is constructed, the patio or other ground surface must be constructed of material readily cleanable and not susceptible to dust, mud, or debris. (Brick, bluestone, tile, and concrete are examples of acceptable materials.)
23. Outdoor dining furniture and fixtures must be maintained in good visual appearance and in clean condition. Tabletops must be easily cleanable and durable and maintained in a clean and sanitary condition.
24. Umbrellas may be used but must be, when extended, at least 7 feet above the sidewalk or patio level and contained within the outdoor seating area. Umbrellas should be closed when the restaurant is not open for business.
25. Furniture and fixtures must be removed or safely secured when inclement weather is forecasted.
26. At the end of each outdoor dining season, all furniture, umbrellas, and trash receptacles must be removed.
27. All outdoor seating, furnishings and obstructions must be removed from December 1 through and including March 31, unless you have received written approval from the Town of Needham extending your outdoor dining license beyond April 1 - November 30.
28. Electrical or lighting used in or around outdoor seating needs to be UL listed for outdoor continuous use, such as power outlets, lighting and cords or cables. Exterior feeds for lighting or power should not be laid on the ground and installed overhead without code compliant cable and supporting hardware. Electrical wiring for lighting and power shall require a permit and inspection, this work shall be installed by a licensed electrician.
29. Tents, membrane structures and their accessories such as sidewalls, drops, tarpaulins, floor coverings, bunting and combustible decorations shall be certified by an approved testing laboratory meeting the design criteria of NFPA 701. Each Membrane structure or tent shall have a permanently affixed label bearing the size, fabric, and material type, testing agency and standard that fabric was tested under.

30. Portable fire extinguishers are required for each tent or membrane structure.
31. Open or exposed flame or other devices emitting flame, fire or heat or any other flammable or combustible liquids, gas, charcoal, or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet of the tent or membrane structure while open to the public unless approved by the Fire Code Official.
32. LP Gas containers shall be located on the outside. Containers of 500 gallons or less shall have a minimum separation distance of 10 feet between the container and the structure. Storage of over 500 gallons shall have a minimum distance of 25 feet between the container and the structure.
33. Portable LP Gas containers, piping, valves, and fittings located outside and are being used to fuel equipment inside the tent or membrane structure shall be adequately protected to prevent tampering, damage by vehicles or other hazards and shall be in an approved location. Portable LP Gas containers shall be securely fastened in place to prevent unauthorized movement.

Licensing Authority

34. A restaurant requesting outdoor seating must possess a Common Victuallers License.
35. The outdoor seating area must be clearly related to the restaurant conducted in the principal building.
36. Operation of outdoor restaurant seating areas is permitted only when the main place of business is open.
37. If an applicant currently has an alcoholic license and intends to extend that service to the Outdoor Seating area, it must file an Alteration of Premises ABCC form with the Select Board.

TOWN OF NEEDHAM

Office of the Town Clerk

BY-LAWS

Approved By the Attorney General

Special Town Meeting
October 25, 2021

February 15, 2022

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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

MAURA HEALEY
ATTORNEY GENERAL

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

February 15, 2022

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

Re: Needham Special Town Meeting of October 25, 2021 -- Case # 10411
Warrant Articles # 4 and 5 (Zoning)

Dear Ms. Eaton:

Articles 4 and 5 - We approve Articles 4 and 5 from the October 25, 2021 Needham Special Town Meeting.

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

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL
Nicole B. Caprioli
By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418

cc: Town Counsel Christopher H. Heep

Received
2022

TOWN CLERK
February 15, 2022

NEEDHAM
5:06 PM

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909
Telephone (781) 455-7500 x216
Fax (781) 449-1246
Email: Teaton@needhamma.gov

Theodora K. Eaton, MMC
Town Clerk

AT THE SPECIAL TOWN MEETING

HELD ON MONDAY, OCTOBER 25, 2021

UNDER ARTICLE 4

It was

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

a) Amend Section 6.9. Outdoor Seating, Subsection 6.9.1, Applicability, by (i) adding the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter is" before the words "permitted under"; and (iii) adding the word "are" before the words "permitted under"; so that it reads as follows:

"Section 6.9.2 shall apply in any business district in which eat-in restaurants are permitted under Section 3.2.2 of this By-Law."

b) Amend the first sentence of Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by (i) adding the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter" before the words "is permitted during"; (iii) replacing the words "Section 7.4.4 and 7.4.6" with the words "Sections 7.4.4 and 7.4.6"; and (iv) replacing the words "Board of Selectmen" with the words "Select Board"; so that it reads as follows:

"Seasonal temporary (i.e. April through October) outdoor seating, including but not limited to tables, chairs, serving equipment, planters, and umbrellas, for eat-in restaurants is permitted during normal hours of operation, subject to minor project site plan review with

waiver of all requirements of Sections 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board in the case of (a) below and the Select Board in the case of (b) below, provided that:"

c) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (a) by deleting the words ", licensed," so that it reads as follows:

"(a) It is within the front yard, rear yard, or side yard of the restaurant's owned or leased property, but only if said yard abuts a public right-of-way, public property, or other public uses, provided that:"

d) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b) by (i) deleting the words "so long as there remains no less than forty-eight inches (48"), or as otherwise permitted by law, of unencumbered sidewalk width remaining"; (ii) deleting the word "alternatively" before the words "on a public way"; and (iii) adding the word "on" before the words "other public property"; so that it reads as follows:

"(b) It is within the public sidewalk abutting the front, rear, or side yard of the restaurant's owned or leased property or on a public way or on other public property abutting the front, rear, or side yard of the restaurant's owned or leased property, provided that:"

e) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b)(i) by replacing the words "Board of Selectmen" with the words "Select Board", so that it reads as follows:

"(i) No temporary outdoor restaurant seating shall be permitted, unless the Select Board authorizes the placement of temporary outdoor seating within the public right-of-way, public sidewalks and/or on public property;"

f) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b)(iii) by replacing the words "Board of Selectmen" with the words "Select Board", so that it reads as follows:

"(iii) A minimum width of forty-eight inches (48"), or as otherwise permitted by law, shall be continuously maintained and unobstructed for the sidewalk or entrance into the principal building, or any other designated sidewalks or pedestrian paths, as shown on the plan provided to the Select Board;"

g) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b)(iv) by (i) adding the words "shall not be authorized" after the words "Outdoor seating"; (ii) deleting the words "is prohibited" before the words

"in designated or required landscape areas"; and (iii) by adding the words ", or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;" at the end of the subparagraph so that it reads as follows:

"(iv) Outdoor seating shall not be authorized in designated or required landscaped areas, parking lots or drive aisles, or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;"

h) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b) by adding the following sentence at the end of the section:

"The Select Board may authorize seasonal temporary outdoor seating under this Section 6.9.2 (b) earlier than April 1 and later than October 31 of each year."

i) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by replacing the words "Board of Selectmen" with the words "Select Board", in the second paragraph of the section so that it reads as follows:

"Items (a)(i), (a)(iii), (a)(v) and (b)(ii), (b)(iv), and (b)(vi) shall not apply during special town-wide festivals or events during the year as designated by the Select Board."

j) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by deleting the last paragraph of the section and replacing it with the following paragraph to read as follows:

"Where there is authorization for the placement of seasonal temporary outdoor restaurant seating and where such seating could be interpreted to be an increase in the number of seats serving a restaurant, such seating shall not be counted toward the off-street parking or loading requirements, provided that (1) such seating remains seasonal and temporary; and (2) such seating does not increase capacity by more than thirty percent (30%) unless such increase is authorized by the Special Permit Granting Authority that granted the special permit allowing the use of the premises as a restaurant, with or without a hearing, as said Special Permit Granting Authority shall determine."

k) Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial and Industrial 1

Districts, by revising Accessory Uses to replace the term "Seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter" with the term "Seasonal temporary outdoor seating for eat-in restaurants".

l) Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by revising Accessory Uses to replace the term "Seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter" with the term "Seasonal temporary outdoor seating for eat-in restaurants".

m) Amend the second sentence of Section 3.2.4 Uses in the New England Business Center District, Subsection 3.2.4.1 Permitted Uses, paragraph (k) by (i) adding the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter" before the words "shall be allowed"; and (iii) replacing the words "Board of Selectmen" with the words "Select Board"; so that it reads as follows:

"Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9."

n) Amend the second sentence of Section 3.2.5 Uses in the Highland Commercial-128 District, Subsection 3.2.5.1 Permitted Uses, paragraph (i) by (i) adding the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter" before the words "shall be allowed"; and (iii) replacing the words "Board of Selectmen" with the words "Select Board"; so that it reads as follows:

"Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9."

o) Amend the second sentence of Section 3.2.6 Uses in the Mixed Use-128 District, Subsection 3.2.6.1 Permitted Uses, paragraph (m) by adding (i) the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter" before the words "shall be allowed"; and (iii) replacing the words "Board of Selectmen" with the words "Select Board"; so that it reads as follows:

"Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9."

UNANIMOUS CONSENT

A true copy
ATTEST: Theodora K. Eaton
Theodora K. Eaton, MMC, Town Clerk

Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909
Telephone (781) 455-7500 x216
Fax (781) 449-1246
Email: Teaton@needhamma.gov

AT THE SPECIAL TOWN MEETING

HELD ON MONDAY, OCTOBER 25, 2021

UNDER ARTICLE 5

It was

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

1) Amend Section 4.4.4, Front Setback, by replacing in the first sentence of the first paragraph the word "a" with the word "the" and by capitalizing the term "business district" to read as follows (new language underlined):

   "In the Business District, there shall be a minimum front setback of ten (10) feet for all lots zoned in the Business District prior to April 14, 1952 and of twenty (20) feet for all lots changed to the Business District thereafter. The setback area shall be kept open and landscaped with grass or other plant materials; such area shall be unpaved except for walks and driveways, as defined in Section 4.4.5. Regulations relative to parking setbacks are governed by Section 5.1."

2) Amend Section 4.4.4, Front Setback, by revising the second paragraph to read as follows (new language underlined):

   "In the Chestnut Street Business District, there shall be a minimum front setback of ten (10) feet for all buildings except along both sides of Chestnut Street where there shall be a front setback of twenty (20) feet for all buildings. The landscaping treatment for the setback area shall be consistent with the Chestnut Street Landscape Design Recommendations (April 1988) on file in the office of the Planning Board. No parking shall be allowed in this setback area. Parking shall be on the side or in the back of the building."

UNANIMOUS CONSENT

A true copy
ATTEST: Theodora K. Eaton
Theodora K. Eaton, MMC, Town Clerk

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 4/30/2024

Agenda Item	Public Hearing: Alteration of Premises for an All-Alcohol License in a Restaurant – Sai Restaurant Inc d/b/a Masala Art
Presenter(s)	Vinod Kapoor, Owner

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED

Sai Restaurant Inc d/b/a Masala Art, located at 990 Great Plain Avenue, currently holds an All-Alcohol liquor license. The current licensed premises have a total of 3,700 square feet with 116 seats. The proposed amendment seeks to expand the premises to include a 600 square foot outdoor patio area with 44 additional seats.

The applicant has used the requested area since 2020 in accordance with state emergency orders and local rules in the context of the COVID-19 pandemic. The requested arrangement of seating is the same.

The applicant has also applied to the Select Board for an Outdoor Dining License since the proposed area is located on an easement upon which the Town has rights to public parking.

2. VOTE REQUIRED BY SELECT BOARD

Suggested Motion: That the Select Board vote to approve the Alteration of Premises amendment application for Sai Restaurant Inc d/b/a Masala Art and vote to forward the Amendment application to the ABCC for review and final approval.

3. BACK UP INFORMATION ATTACHED

a. Amendment Application and Corporate Vote
b. Floorplans
c. Legal Notice
d. Abutter Listing

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM

AMENDMENT-Change or Alteration of Premises Information

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make $200.00 payment here: ABCC PAYMENT WEBSITE

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY) 00016-RS-0770

ENTITY/ LICENSEE NAME SAI RESTAURANT, INC. dba MASALA ART

ADDRESS 990 GREAT PLAIN AVENUE

CITY/TOWN NEEDHAM **STATE** MA **ZIP CODE** 02492

For the following transactions (Check all that apply):

- ☐ New License
- ☐ Transfer of License
- ☐ Change of Manager
- ☐ Change of Officers/Directors
- ☐ Change of Ownership Interest
- ☐ Change Corporate Name
- ☐ Change of DBA
- ☒ Alteration of Licensed Premises
- ☐ Change of Location
- ☐ Other
- ☐ Change of Class (i.e. Annual / Seasonal)
- ☐ Change of License Type (i.e. club / restaurant)
- ☐ Change of Category (i.e. All Alcohol/Wine, Malt)
- ☐ Issuance/Transfer of Stock/New Stockholder
- ☐ Change Corporate Structure (i.e. Corp / LLC)
- ☐ Change of Hours
- ☐ Pledge of Collateral (i.e. License/Stock)
- ☐ Management/Operating Agreement

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change or Alteration of Premises Information

☐ **Change of Location**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☒ **Alteration of Premises**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
SAI RESTAURANT, INC. dba MASALA ART	NEEDHAM, MASSACHUSETTS	00016-RS-0770

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

WE PLAN TO ADD OUTDOOR SEATING WITH CAPACITY OF 44 SEATS USING EXISTING PARKING ON RESTAURANT PREMISES.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
VINOD KAPOOR	PRESIDENT, SAI RESTAURAN	[redacted]	[redacted]

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

WE PLAN TO ADD OUTDOOR SEATING WITH CAPACITY OF 44 SEATS USING EXISTING PARKING ON RESTAURANT PREMISES.

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

ONE LARGE DINING AREA DIVIDED INTO TWO SECTIONS, SERVICE BAR AND FOOD. BAR ON 1ST FLOOR. 600 SQ/FT OUTDOOR PATIO.

Total Sq. Footage	4300	Seating Capacity	160	Occupancy Number	160
Number of Entrances	1	Number of Exits	1	Number of Floors	1

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

Proposed Street Address

3B. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage		Seating Capacity		Occupancy Number	
Number of Entrances		Number of Exits		Number of Floors	

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises: Lease

Landlord Name: Great Plain Acquisitions, LLC

Landlord Phone: [redacted]

Landlord Email: [redacted]

Landlord Address: [redacted]

Lease Beginning Date	3.2023	Rent per Month	10,000
Lease Ending Date	3.2025	Rent per Year	

Will the Landlord receive revenue based on percentage of alcohol sales? ○ Yes ◉ No

4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

WE ARE USING EXISTING FURNITURE/EQUIPMENT FOR THIS ALTERATION. THERE ARE NO ADDITIONAL COSTS TO BUILD OUT THE OUTDOOR SEATING AREA.

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total:	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			◯ Yes ◯ No
			◯ Yes ◯ No
			◯ Yes ◯ No
			◯ Yes ◯ No

APPLICANT'S STATEMENT

I, VINOD KAPOOR the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager

Authorized Signatory

of SAI RESTAURANT, INC.

Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

(1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;

(2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;

(3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;

(4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;

(5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;

(6) I understand that all statements and representations made become conditions of the license;

(7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;

(8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and

(9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

(10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: [signature] Date: 04.08.24

Title: President, Sai Restaurant, Inc

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

LICENSE AGREEMENT

LICENSE AGREEMENT (this "Agreement") effective as of March 22, 2023 ("Effective Date") by and between **GREAT PLAIN ACQUISITIONS, LLC**, a Massachusetts limited liability company (hereinafter referred to as "Licensor"), and SAI RESTAURANTS, INC., d/b/a Masala Art, a Massachusetts corporation (hereinafter referred to as "Licensee").

WHEREAS, Licensor and Licensee are among the parties who have entered into that certain (i) Memorandum of Understanding dated March 7, 2023 in Civil Action No. 17-0766, a copy of which is attached hereto as Exhibit 1, and (ii) Settlement Agreement dated March 22, 2023 (the "Settlement Agreement") pursuant to which, among other things, (i) Licensee has transferred title to that certain improved real property located at 990-992 Great Plain Avenue, Needham, MA (the "Property") to Licensor and (ii) Licensee is entitled to remain in a portion of the Property pursuant to the terms of this License Agreement.

WHEREAS, Licensee will license from Licensor (i) the first floor of in the building (the "Building") ("First Floor Premises") located on the Property, (ii) the basement of the Building ("Basement Premises"), (iii) that portion of the third floor of the Building occupied by Licensee prior to the Effective Date ("Third Floor Premises) and (iv) that portion of Property shown in cross-hatch on the plan of the Property attached hereto as Exhibit 2 ("Patio Premises"). (Collectively, the "Licensed Premises"); and

WHEREAS, Licensor wishes to grant to Licensee a non-transferable and revocable license to use the Licensed Premises in accordance with the terms and conditions set forth herein.

TERMS OF LICENSE;

NOW, THEREFORE, Licensor and Licensee, each in consideration that the other joins herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, act and agree as follows:

1. Licensed Premises. In consideration of the mutual covenants and agreements herein contained and in the Settlement Agreement, Licensor hereby grants to Licensee a license to use and occupy the Licensed Premises for the Term (defined in Section 2). Licensee shall have no real property interest in or other rights to the Licensed Premises; and this License is not transferable. Licensee shall have access in common with others to the common portions of the Building for the purposes of access to the Third Floor Premises and Licensee shall provide unrestricted access to all common portions of the Property located in the Licensed Premises.

This License is not intended to create a lease or any other interest in real property in favor of Licensee, but merely creates a license. As long as Licensee is not in default of its obligations under this License Agreement beyond applicable notice and cure periods, Licensor agrees that it will not revoke the license granted herein during the Initial Term and the Extended Term, if applicable.

The foregoing notwithstanding, Licensor shall have the right to revoke this License as to the Third Floor Premises at any time provided that Licensor agrees to reimburse Licensee for the reasonable costs incurred by Licensee in leasing alternative storage space for those materials that Licensee was storing in the Third Floor Premises. Licensor's reimbursement obligation shall be concurrent with the Term of this License Agreement.

2. Commencement Date and Expiration Date. The term of this License shall commence on March 22, 2023 (the "Commencement Date") and shall end on September 30, 2024 (the "Initial Term") unless sooner terminated by Licensor pursuant to the terms of this License Agreement. Provided this License is in full force and effect and Licensee is not in default of its obligations under this License Agreement both at the time of the exercise of the extension option and at the commencement of the Extended Term, Licensee may extend the Initial Term for an additional period of six (6) months (the "Extended Term") (the Initial Term, as it may be extended by the Extended Term, may be referred to from time to time as the "Term") by giving Licensor written notice of its election to do so no less than three (3) months prior to the expiration of the Initial Term, TIME BEING OF THE ESSENCE. If Licensee fails to timely exercise the Extended Term, Licensee shall be deemed to have waived the right to extend the Initial Term. The last scheduled date of the Term or earlier revocation or termination of this License Agreement in accordance with its terms shall be deemed to be the "Expiration Date".

3. License Fee. During the Initial Term, Licensee shall have no obligation to pay a license fee for the use of the Licensed Premises. During the Extended Term, Licensee shall pay to Licensor a license fee in the amount of Ten Thousand Dollars ($10,000.00) per month (the "License Fee") of the Extended Term. Licensee shall pay the License Fee to Licensor at P.O. Box 963, Portland, Maine 04101 or at such other address as Licensor may specify in writing from time to time. The monthly License Fee is payable in advance, on or before the first (1st) day of each calendar month during the Extended Term, without offset, deduction, demand or notice. The License Fee shall be appropriately pro-rated for any partial calendar month based on the number of actual days elapsed.

Licensee acknowledges and agrees that its covenant to pay the License Fee and other sums payable under this License Agreement, and to observe, perform and comply with any other obligations of Licensee under this License Agreement, are independent of Licensor's obligations under this License Agreement, and that in the event that Licensee shall have a claim against Licensor, Licensee shall not have the right to deduct the amount allegedly owed to Licensee from any License Fee or other sums payable under this License Agreement, it being understood that Licensee's sole remedy for recovering upon such claim shall be binding mediation as set forth in Paragraph 20 of the Settlement Agreement. Licensee bears the risk of the occurrence of any events, or changes in any circumstances, that may, or do, have the effect of frustrating the purposes for which Licensee entered into this License Agreement or achievement of the value or utility of this License Agreement or the Licensed Premises to Licensee, and no such events or changes in circumstances shall discharge or relieve Licensee from its obligations under this License Agreement.

4. Permitted Use. Subject to applicable laws (i) the First Floor Premises of the Licensed Premises shall be used for the operation of a first class full service sit down restaurant that includes indoor/patio/outdoor dining, takeout dining, private event catering, live

entertainment, outside catering, bar service, and a lounge offering Indian food and for no other use or purpose, (ii) the Basement Premises of the Licensed Premises shall be used for food preparation in connection with the operation of a restaurant in the First Floor Premises and includes the restrooms for use by Licensee and its customers, and (iii) the Third Floor Premises of the Licensed Premises shall be used for storage of personal property related to the operation of the First Floor Premises and for no other use or purpose. Licensee shall use the Premises in compliance with all applicable laws and the terms of this License Agreement. Licensee shall be authorized to use the Premises as it currently utilizes the Premises prior to the Commencement Date. Licensee shall not commit or permit any waste, overloading, damage, private or public nuisance or unlawful or noxious activity to be conducted upon the Licensed Premises and Licensee shall not interfere with the use, operation and/or enjoyment of the premises of other occupants in the Property.

5. Condition of Licensed Premises. Licensee acknowledges that it has been operating from the Licensed Premises prior to the Commencement Date and hereby accepts the Licensed Premises "AS IS, WHERE IS" and "WITH ALL FAULTS" without any obligation whatsoever on the part of Licensor to improve or alter the Building or the Licensed Premises in order to prepare it for Licensee's occupancy or during Licensee's occupancy, and without any representations or warranties of any kind (including, without limitation, any express or implied warranties of merchantability, habitability or fitness for any particular purpose).

Notwithstanding anything to the contrary herein, Licensor shall have the right (and hereby reserves such rights) to undertake alterations, improvements, and/or additions to the Property, including, without limitation, reduction to or expansion of (inclusive of additional stories or levels on) the Building, and to make changes or revisions in the Property, notwithstanding that such activities may necessitate temporary disruptions to the Building during the conduct of the work, so long as any such work shall not cause unreasonable disruption to Licensee's ability to conduct its business. Licensor agrees that it will utilize its best efforts to schedule any changes or revisions in the Property at times outside the normal operating hours of the Licensee so as to not interfere with the business operations of the Licensee, provided that Licensor shall not be obligated to employ tradesmen on an overtime basis.

6. Alterations. Licensee shall not make any alterations or improvements to the Licensed Premises except as set forth below in Paragraph 12 without first obtaining Licensor's prior written consent, which consent may not be unreasonably withheld as to non-structural alterations and/or alterations that do not adversely impact the Building systems. Consent to structural alterations or alterations that adversely impact the Building systems may be granted or withheld in Licensor's sole discretion. All permitted alterations and improvements attached to or built into the Licensed Premises by the Licensee shall become or remain a part of the Licensed Premises and will be deemed Licensor's property and may not be removed by Licensee, unless otherwise provided in this License or specifically required to be removed by Licensor, at Licensee's expense on or prior to the Expiration Date. Any of Licensee's property remaining in the Licensed Premises after the Expiration Date will be deemed abandoned, and may be retained by Licensor or disposed of by Licensor, without liability to Licensor, in such manner as Licensor determined; any and all such costs and expenses to be chargeable to Licensee.

7. Licensee's Obligations. From and after the Commencement Date, Licensee, at Licensee's sole expense, agrees to:

(a) continuously, actively, and diligently use and occupy the entire Licensed Premises solely for the use permitted under this License Agreement throughout the entire term hereof and any renewal or extension thereof;

(b) maintain in good order and repair (except for ordinary wear, tear and unavoidable casualty) the interior of the Licensed Premises, the fixtures and appurtenances therein, Licensee's permitted exterior signs, plate glass, vestibules and exterior doors serving the Licensed Premises, including the making of any necessary repairs and/or replacements to those Building systems and equipment that exclusively service the Licensed Premises, including without limitation HVAC systems and the restroom facilities and associated plumbing, it being understood that Licensor shall have no obligation with respect to maintenance of the Licensed Premises. Licensor shall be responsible for Building systems that do not exclusively service the Licensed Premises in accordance with Section 8 of this License Agreement;

(c) perform, at its sole cost and expense, all repairs, alterations, improvements or additions to the Licensed Premises that may be required on account of any existing or future laws (including without limitation the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.) as they relate to the Licensed Premises, the conduct of Licensee's business therein, and/or the performance of any improvements or alterations, made by or for the account of Licensee;

(d) use the Licensed Premises in compliance with applicable laws;

(e) not overload or deface the Licensed Premises or permit any use of the Licensed Premises that would create any fire hazard, or be unlawful, noisy, offensive or create a nuisance, or violate any governmental law or regulation or applicable insurance rating association requirement, or commit waste or other injurious acts upon person or property;

(f) on the Expiration Date, vacate the Licensed Premises broom clean as set forth in Paragraph 19 of this Agreement, ordinary wear and tear and damage by casualty or condemnation excepted;

(g) arrange for the provision of and pay directly to the applicable utility company before such amounts are due, all charges for separately metered electric and water used in the Licensed Premises by Licensee. Licensee agrees that it will be responsible for 75% of the gas usage in the Building and that it will reimburse Licensor for such costs within twenty (20) days of receipt of an invoice from Licensor. Licensor shall have the right to install separate meters for utilities in its sole discretion. Licensor shall be responsible for contacting the utility company and having the utility company bill gas charges for the Building directly to Licensor;

(h) pay for all other costs of operating Licensor's business in the Licensed Premises, such as janitorial services, security services, etc.; and

(i) pay to all governmental authorities all personal property taxes which may be levied against Licensee's sales, merchandise, trade fixtures and other personal property in or about the Licensed Premises.

8. Licensor's Obligations. The Licensor will maintain and repair the roof, foundation, structural walls, common areas and other structural components of the Building and other Building systems (including without limitation the HVAC system) not exclusively servicing the Licensed Premises up to the point of common connection (specifically excluding, without limitation, the Licensee's storefront improvements, doors, windows and glass of the Building, and Building systems from the point of common connection into the Licensed Premises); provided, however, that the Licensor will not be responsible for any repairs and maintenance made necessary by acts of the Licensee or the Licensee's agents, contractors, employees or invitees.

9. Insurance. Licensee will obtain by March 28, 2023 and keep in force, at its own expense, so long as this License Agreement remains in effect and during such other time as Licensee occupies the Licensed Premises or any part thereof (a) comprehensive, single limit, general liability insurance ("GCL"), including personal injury, insuring the Licensor, the current or future holders of mortgages granted by Licensor on the Property ("Mortgagees"), and Licensee with respect to the Licensed Premises, on account of bodily injuries to or death of any person or persons; and property damage, in the amount set forth in the Certificate of Insurance attached hereto as Exhibit 3; (b) automobile liability insurance covering any owned automobiles of Licensee and any hired and non-owned vehicles in the amount set forth in the Certificate of Insurance attached hereto as Exhibit 3, (c) umbrella coverage in the amount set forth the Certificate of Insurance attached hereto as Exhibit 3, (d) all-risks insurance at replacement cost value insuring Licensee's personal property, including inventory, trade fixtures, wall and floor coverings, furniture and other personal property removable by Licensee and leasehold improvements either existing within the Licensed Premises at the Effective Date of this License Agreement or installed by Licensee during the Term; and (e) workers' compensation or similar insurance affording statutory coverage and containing statutory limits in the amount set forth in the Certificate of Liability Insurance attached hereto as Exhibit 3. All insurance required under this License Agreement shall be issued by responsible companies qualified to do business in the Commonwealth of Massachusetts, in good standing therein and otherwise acceptable to Licensor. The Licensor and Mortgagees shall be covered as additional insureds on a primary, non-contributory basis on Licensee's GCL policy and umbrella policy and such coverage may be provided in the form of existing policy provisions or one or more endorsements. All insurance maintained by Licensee shall be in form reasonably acceptable to Licensor and shall contain an endorsement providing that such insurance may not be terminated or cancelled for any reason until after thirty (30) days' written notice to Licensor. All such insurance shall also contain a provision that no act or omission of the Licensee will affect or limit the obligation of the insurer to pay on behalf of the Licensor the amount of the loss sustained by, or claim made against, the Licensor. Licensee shall, prior to the Commencement Date and annually thereafter, provide Licensor with certificates of insurance, in form and substance satisfactory to Licensee, certifying that the insurance required to be maintained hereunder is in effect, and naming Licensor as an additional insured under each policy of insurance so maintained. The Certificate of Insurance attached hereto as Exhibit 3 is for purposes of specifying the amounts of coverage under each

type of insurance policy maintained by Licensee and does not satisfy Licensee's obligations to provide a certificate of insurance to evidence the insurance Licensee is obligated to maintain hereunder. If Licensee shall not comply with its covenants made in this Section, Licensor may, at its option, cause insurance as aforesaid to be issued, and in such event Licensee agrees to pay the premium for such insurance promptly upon Licensor's demand. The risk of loss of or damage to property of the Licensee on or about the Licensed Premises will be borne solely by the Licensee and neither the Licensor nor any other occupant of the Building will have any liability for loss thereof or damage thereto. Licensor agrees that Licensee wills cancel any insurance related to the Building on March 28, 2023 and Licensor agrees it has secured its own coverage for the Building. Licensee represents and warrants that between the Effective Date and the time the coverage required herein is effective on March 28, 2023, Licensee will maintain the insurance required pursuant to the Loan Documents as that term is defined in the Settlement Agreement.

Upon the request of Licensor, Licensee will cause each fire or other casualty insurance policy obtained by it to provide that the insurance company waives all right of recovery by way of subrogation against Licensor in connection with any damage covered by any policy.

10. Release and Waiver of Subrogation.

The parties release each other from any claims for damage to any person or to the Licensed Premises and the Building and to the personal property, fixtures, improvements and alterations of either the Licensor or the Licensee in or on the Licensed Premises and the Building that are caused by or result from risks insured against under any insurance policies carried by the parties and in force at the time of any such damage to the extent of the insurance coverage.

11. Casualty/Condemnation. If the Building or the Licensed Premises, or any part thereof, are damaged by fire or casualty, or taken by any exercise of the right of eminent domain, this License Agreement shall terminate and the parties shall submit any dispute related to such termination to binding mediation as set forth in Paragraph 20 of the Settlement Agreement. Licensor shall be entitled to collect the entire insurance proceeds payable under any insurance maintained by Licensor hereunder, provided that if such casualty was caused by the acts or omissions of Licensee or its agents, employees, contractors, invitees, vendors or other party acting for on behalf of or under the authority of Licensee, Licensee shall pay to Licensor the amount of any deductible maintained by Licensor under such insurance within twenty (20) days of termination, and this obligation shall survive the termination of this License Agreement.

12. Signage. Licensee has the right to maintain the signs existing on the Building on the Effective Date. Subject to receipt of municipal approval, Licensee has the right to change the signs in the front and back of the building displaying hours of operations and restaurant features to the signs shown on Exhibit 4 attached hereto ("Approved Signs") provided that, the method of installation shall be subject to Licensor's approval which shall not be unreasonably withheld. Licensee shall not install signs in addition to the existing signs and/or the Approved Signs without Licensor's consent which consent shall not be unreasonably withheld provided the same are in compliance with applicable law. Licensee shall, at its sole cost and expense (i) maintain the existing and/or Approved Signs and (ii) remove all signs on or prior to the Expiration Date

and repair any damage occasioned thereby. Alternatively, Licensor shall have the right, but not the obligation, to remove all or some of the exterior signs on Licensee's behalf on the Expiration Date.

13. Permit Requirement. Licensee shall be responsible at its sole costs and expense for obtaining all occupancy, operating and signage permits from all appropriate governmental authorities, as well as any building permits required for any alterations permitted hereunder.

14. Utilities. Licensor shall not be liable to Licensee for the failure or interruption of any services to the Building, including without limitation, utility services, which interruption is beyond the reasonable control of Licensor.

15. Access. Licensor, its agents and contractors shall have the right to enter the Licensed Premises at any time, for purposes of inspecting the Licensed Premises, performing any work or repairs that Licensor deems necessary and for showing the Licensed Premises to prospective purchasers, lenders, and tenants, provided that Licensor shall give Licensee no less than 24 hours prior verbal or email notice of such entry which notice shall in no event be necessary in the event of an emergency. Licensee shall immediately deliver to Licensor a full set of all keys to all locks in the Licensed Premises. Licensor may perform any repair or maintenance in the Licensed Premises which it deems necessary, and install use and maintain pipes, ducts and conduits within the Licensed Premises. Licensor agrees that in connection with any such access, it shall use reasonable efforts not to interfere with Licensee's day to day business operations.

16. Indemnification. Licensee agrees to save Licensor and any member, manager, partner, trustee, stockholder, officer, director employee, and any holders of mortgages secured by the Licensed Premises (collectively, the "Indemnified Parties"), harmless from and to indemnify the Indemnified Parties against, and to defend with counsel reasonably acceptable to Licensor, any and all injury, loss or damage and any and all claims for injury, loss or damage of whatever nature (i) caused by or resulting from any act, omission or negligence of Licensee or any of Licensee's agents, servants or employees, or (ii) occurring in the Licensed Premises, no matter how caused (other than as a result of any act, omission or negligence of Licensor or its agents, servants or employees or any third party unaffiliated with Licensee). Licensor agrees to save Licensee harmless from and to indemnify Licensee against, and to defend with counsel reasonably acceptable to Licensee, any and all injury, loss or damage and any and all claims for injury, loss or damage of whatever nature (i) caused by or resulting from any act, omission or negligence of Licensor or any of Licensor's agents, servants or employees, or (ii) occurring in the common areas, no matter how caused (other than as a result of any act, omission or negligence of Licensee its agents, servants or employees or any third party unaffiliated with Licensor). The foregoing indemnification obligations shall survive the expiration of this License Agreement.

17. Licensor's Liability. Licensor shall not be liable for any damage, accident or injury to any person or persons or property resulting from the activities of Licensee conducted on or from the Licensed Premises (and which does not result from any act, omission or negligence of Licensor or its agents. Licensor shall not be liable to Licensee for any injury, damage or loss,

including without limitation, inconvenience, annoyance or injury to business arising from Licensor's inability to fulfill, or delay in fulfilling, any obligation of Licensor for any reason beyond Licensor's control.

18. Subordination/Estoppel Certificates. This License Agreement shall be subject and subordinate in all respects to (a) all present and/or future mortgages which affect the Property and/or the Building, in whole or in part, whether or not such mortgage also covers other lands and/or buildings and each and every advance made or hereafter to be under such mortgages and to all renewals, modifications, replacements, substitutions, and extensions of such mortgages. Licensor shall obtain on Licensee's behalf, a commercially reasonable subordination, non-disturbance and attornment agreement from each mortgagee.

During the term of this License Agreement, whenever, from time to time requested by Licensor, Licensee agrees to deliver to Licensor and to any mortgage holder, or such other person designated by Licensor within fifteen (15) days after written request therefore, a certificate, stating, if the same be true, that Licensee has entered into occupancy of the Licensed Premises in accordance with the provisions of this License Agreement, that this License Agreement is in full force and effect, and any other information reasonably requested.

19. Surrender. As set forth in the Settlement Agreement, Licensee shall surrender the Licensed Premises by the Expiration Date by sending to Licensor via nationally recognized overnight courier or hand delivery, all of the keys to the Premises. Delivery of the keys as set forth herein and payment of any outstanding License Fees, shall be the only requirements for Licensee to surrender the Licensed Premises. The only remedy for Licensee's failure to surrender the Premises shall be as set forth in Paragraph 5 of the Settlement Agreement.

20. Vacating of Licensed Premises. By the Expiration Date, Licensee shall vacate the Licensed Premises leaving it in good order and condition, broom clean, ordinary wear and tear excepted, with all of Licensee's personal property and trade fixtures removed (other than such fixtures that have become part of the Property). The personal property and trade fixtures shall include but not be limited to roof exhaust motor, exhaust fans, venting hoods, hanging copper light fixtures at the bar and spice bar, granite countertop bars, spice bars, religious sculptures from the First Floor Premises and walk in refrigerators and corresponding compressor units and wine cellar units from the Basement Premises, provided that Licensee shall not remove any HVAC related equipment or any fixtures, the removal of which may reasonably cause structural damage to the Building. Licensee shall repair any damage occasioned by the removal of its personal property and/or trade fixtures. At the written request of either party, the parties will conduct a joint walkthrough of the Licensed Premises to discuss the property to be removed and the methods of removal.

If the Licensed Premises are not vacated and surrendered on the Expiration Date in the condition required herein, Licensee shall be liable to Licensor for all losses, costs, liabilities and damages which Licensor may incur by reason thereof, including, without limitation, attorney's fees, and Licensee shall indemnify, defend and hold harmless Licensor against all claims made by any succeeding occupant against Licensor or otherwise arising out of or resulting from the failure of Licensee to timely vacate and surrender the Licensed Premises in accordance with the

provisions of this License Agreement. In no event, however, shall this Section be construed as permitting Licensee to license and use the Licensed Premises after the Expiration Date. Any disputes regarding whether the Licensee has vacated the Licensed Premises shall be submitted to binding mediation as set forth in Paragraph 20 of the Settlement Agreement. Any disputes regarding whether the Licensee has vacated the Licensed Premises shall be immaterial as to whether Licensee has surrendered the Licensed Premises pursuant to Section 19 of the License Agreement and Paragraph 5 of the Settlement Agreement.

21. Termination. The Licensee shall have the right to voluntarily terminate this License Agreement or surrender any portion of the Licensed Premises, at any time upon written notice to Licensor.

22. Hazardous Materials. For purposes hereof, the term "Hazardous Materials" shall mean and refer to asbestos, urea formaldehyde, lead, lead paint, polychlorinated biphenyls, radioactive materials, explosives, known carcinogens, petroleum products and by-products (including crude oil or any fraction thereof), and any pollutant, contaminant, chemical, material, substance or waste, defined as or determined to be hazardous, toxic, dangerous, a pollutant or contaminate, under any Environmental Law; and the term "Environmental Law" shall mean any federal, state, county, municipal, local or other statute, ordinance, rule, regulation, permit, judgment, order, writ, decree, award or injunction which relates to or deals with the protection of the environment or wildlife and/or human health and safety, including all regulations promulgated by a regulatory body pursuant to any such statute, ordinance, or regulation, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. §9601 et. seq., the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §6901, et. seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. §1251 et. seq., and the Clean Air Act, as amended, 42 U.S.C. §7401 et. seq.

Licensee represents and warrants that it will not use, store or dispose of any Hazardous Materials in the Licensed Premises. The foregoing notwithstanding, Licensor acknowledges and agrees that Licensee may use so-called household cleaners and chemicals in the ordinary course of business and in compliance with applicable laws to maintain the Licensed Premises and may store same in accordance with directions labeled thereon. If at any time during the Term of this License Agreement, Hazardous Materials shall be found in the Licensed Premises or the Property which was caused by Licensee (or its employees, agents, contractors and/or customers), Licensee shall remove, dispose and remediate same, in compliance with all applicable Environmental Laws and at Licensee's sole cost and expense. Licensee acknowledges that Licensor shall have no obligation to remediate any mold in the Licensed Premises.

23. Default and Revocation. Licensee shall be deemed to be in default under this License as follows (i) if Licensee defaults in the payment of the License Fee or other sums due, (ii) if Licensee abandons the Licensed Premises, (iii) if Licensee assigns or sublets this License or any portion thereof in violation of this License, or (iv) if Licensee defaults in the prompt and full performance of any other provision of this License Agreement and such default is not cured within fifteen (15) days of notice to cure (provided that Licensee shall not be entitled to a cure period for failure to maintain the insurance it is required to maintain under this License

Agreement). Upon Licensor's revocation of this License Agreement as a result of an event of default by Licensee, Licensee shall have the right to immediately demand binding mediation set forth in Paragraph 20 of the Settlement Agreement to determine whether an event of default has occurred.

24. Licensee's Property Risk. All property placed in the Licensed Premises is placed at Licensee's sole risk. Any property remaining after Expiration Date or after Licensee otherwise surrenders the Licensed Premises shall be deemed abandoned and may be disposed of by Licensor (at Licensee's sole expense) as Licensor so determines.

25. No Assignment. Licensee may not under any circumstances whatsoever assign, sub-license or otherwise grant, transfer or convey any interest in this License Agreement at any time, or permit the use of the Licensed Premises by any person other than Licensee's employees.

26. Licensor's Right to Cure Defaults. Licensor may, but shall not be obligated to, cure, any default by Licensee under this License Agreement. Whenever Licensor so elects, all costs and expenses incurred by Licensor, including reasonable attorneys' fees and expenses, in curing a default shall be paid by Licensee to Licensor on demand, together with interest thereon at the rate of the lesser of (a) 12% per annum or (b) the maximum rate permitted by law, from the date of payment by Licensor to date of payment by Licensee.

27. Brokers/Agents. Each of Licensor and Licensee represent and warrant to each other that it has not dealt with any brokers or agents in connection with this License Agreement and Licensor and Licensee shall indemnify each other for all costs, claims and liabilities arising out of a breach of said representation.

28. Notices. Licensor and Licensee incorporate by reference the Notice provision set forth in Paragraph 22 of the Settlement Agreement.

29. Restaurant Provisions. Licensee covenants and agrees that during the entire Term, Licensee will conduct in the First Floor Premises and the Basement Premises, a high-grade operation serving first-quality Indian food for on-premises consumption, and that the Licensed Premises will be kept clean at all times. Licensee shall not cause any offensive odors (other than those normally associated with Indian cuisine) or loud noise (including the use of loudspeakers), or constitute a nuisance or menace to any other occupant or other persons in the Building, and in no event shall any noises or odors be emitted from the Licensed Premises. To the extent not present on the Effective Date, Licensee shall install (at its sole cost and subject to Licensor's approval thereof) and maintain throughout the Term such grease traps, exhaust and ventilation system and other reasonable measures in accordance with customary restaurant industry standards and applicable laws to control or eliminate odors as may be required by applicable laws or as may be employed in comparable first-class restaurants. During the Term, Licensee shall, at its sole cost and expense, contract with a reputable contractor to regularly empty and remove and clean and maintain any interior or exterior grease traps, exhausts and ventilation systems serving the Licensed Premises.

Further, Licensee agrees to maintain a contract with a licensed pest control contractor reasonably acceptable to the Licensor, which contract will provide for the monthly application of necessary pest control materials in the Licensed Premises. Licensee shall provide Licensor with a copy of such contract and evidence of such monthly applications upon request from the Licensor.

30. Patio Premises. Licensee's use of the Patio Premises shall be in accordance with the terms and conditions of this License Agreement and the Decision of the Planning Board set forth as Exhibit 4 to this License Agreement. Licensee may, at its sole costs and risk, outfit that portion of the Patio Premises designated "Seating Area" on Exhibit 2 attached hereto, with tables, chairs, umbrellas, lights and trash receptacles in connection with its use and operations in the First Floor Premises, subject to compliance with all of the terms, conditions and restrictions of this License Agreement. Licensor shall have no obligation to police the use of the Patio Premises. Licensee's right to use the Patio Premises is personal to Licensee and may not be assigned to any other person or entity except in connection with a permitted assignment or sublease of this License Agreement. Licensee shall open the Patio Premises for business only during those hours when the First Floor Premises is open for business. In addition, Licensee acknowledges and agrees that: (i) Licensee shall be solely responsible for any destruction, damage, theft, or vandalism of, or to, any of Licensee's personal property located in the Patio Premises; (ii) the Patio Premises shall not be used for storage; (iii) Licensee will, at Licensee's expense, clean and maintain in good repair the Patio Premises and shall remove all trash generated therefrom on a daily basis or more frequently as needed. Licensee shall promptly remove snow and ice from that portion of the Patio Premises designated "Asphalt" on Exhibit 2 attached hereto; and (iv) Licensee will permit all reasonably necessary access through that portion of the Patio Premises designated "Asphalt" to Licensor, its agents and contractors, utility companies, and other Building occupants as may be needed to access the Building or Building systems and to use the trash receptacles. Licensor shall have the right to locate a trash dumpster in close to the area designated "Compactor Enclosure" on Exhibit 2 attached hereto. Licensor agrees that it will not block access to the Patio and that the siting of any additional trash dumpster will not interfere with the operations of the Patio Premises.

31. Liquor License. Provided that the Licensee (i) has a valid liquor license permitting the sale of any type of wine, beer and any other applicable alcoholic beverages (the "Liquor License"), (ii) complies with all state, municipal and other governmental laws, regulations and rules with respect to the sale of liquor and all alcoholic beverages as aforesaid, and (iii) complies with applicable provisions of this License Agreement, Licensor agrees that Licensee shall have the right to sell liquor at retail for consumption within the Licensed Premises incidental to a full-service sit-down restaurant, subject to and in accordance with all applicable provisions of the Liquor License and this License Agreement. Licensee shall maintain liquor law liability insurance in accordance with the provisions of Section 9 of this License Agreement in the amount shown on the Certificate of Insurance attached hereto as Exhibit 3.

Licensee agrees to indemnify and hold harmless the Indemnified Parties from and against any and all claims and any and all loss, cost, damage or expense relating to the sale of liquor and all alcoholic beverages in and from the Licensed Premises, including, without limitation, any such claim arising from any act, omission or negligence of the Licensee, or the Licensee's

contractors, licensees, contractors, agents, employees or invitees, or from any accident, injury, or damage whatsoever caused to any person or to the property of any person occurring from and after the Commencement Date and throughout the Term, whether such claim arises or accident, injury or damages occurs within the Licensed Premises, within the Building but outside the Premises or outside the Property. This indemnity and hold harmless agreement shall include indemnity against all costs, expenses and liabilities (including, without limitation, legal fees, court costs and other reasonable disbursements) incurred or made in connection with any such claim or proceeding brought thereon, and the defense thereof, and shall survive the expiration or earlier termination of this License Agreement. It is understood that without this indemnification of the Licensor by the Licensee, the Licensor would not enter into this License Agreement and would not permit the sale of alcoholic beverages in or from the Licensed Premises, and Licensee covenants that the Licensee's liability insurance referred to in this License Agreement shall cover, indemnify and hold harmless the Licensor from all such matters and items mentioned in this indemnity.

32. Liens. Licensee shall keep the Licensed Premises free from any mechanics' or materialmen's liens for labor or materials furnished Licensee; provided that Licensee shall have twenty (20) days after notice of any such lien to remove such lien by bonding or other manner or to otherwise provide Licensor adequate security against such lien.

33. Waiver/Remedies. No waiver of any provision of this License Agreement shall be valid unless in writing signed by the party to be charged. No waiver with respect to any provision on one occasion shall be deemed a waiver of such provision on any other occasion. Notwithstanding any remedies expressly set forth herein (except as expressly provided herein), all rights and remedies provided for herein or otherwise existing at law or in equity are cumulative, and a party's exercise of any right or remedy under this License Agreement or under applicable law is not exclusive and shall not preclude such party from exercising any other right or remedy that may be available to it.

34. Representations. Licensee hereby represents and warrants to Licensor that it has the right and authority to enter into this License Agreement and to accept the license herein granted. The person signing this instrument on behalf of Licensee represents that such person has the authority to sign this instrument and to bind Licensee accordingly.

35. General.

(a) This License Agreement supersedes any prior oral or written agreement or understanding between the parties hereto with respect to the subject matter hereof and may not be amended except by written instrument executed by both Licensor and Licensee.

(b) If any term or provision of this License Agreement or the application thereof to any person, property or circumstance shall to any extent be invalid or unenforceable, the remainder hereof, or the application of such term or provision to persons, properties or circumstances other than those as to which it is invalid or unenforceable shall not be affected thereby, and each term and provision hereof shall be valid and enforced to the fullest extent permitted by law.

(c) This License Agreement may be executed in multiple counterparts, any of which shall be deemed an original, but all of which shall constitute but one and the same instrument. Delivery of an executed counterpart of this License Agreement by electronic mail or telefacsimile shall be equally as effective as delivery of any original executed counterpart.

(d) The covenants and agreements herein contained shall bind and inure to all benefit of Licensor and Licensee and their respective successors and assigns. No third party shall be entitled to enforce any or all of the provisions of this License Agreement or have any rights hereunder whatsoever. The term "Licensor" as used in this License Agreement, so far as covenants or obligations to be performed by Licensor are concerned, shall be limited to mean and include only the owner or owners at the time in question of the Property, and in the event of any transfer or transfers of title to said property, the Licensor (and in case of any subsequent transfers or conveyances, the then grantor) shall be concurrently freed and relieved from and after the date of such transfer or conveyance, without any further instrument or agreement of all liability as respects the performance of any covenants or obligations on the part of the Licensor contained in this License Agreement thereafter to be performed, it being intended hereby that the covenants and obligations contained in this License Agreement on the part of Licensor, shall, subject as aforesaid, be binding on the Licensor, its successors and assigns, only during and in respect of their respective successive periods of ownership of said fee, as the case may be. Licensee, its successors and assigns, shall not assert nor seek to enforce any claim for breach of this License Agreement against any of Licensor's assets other than Licensor's interest in the Property and in the rents, issues and profits thereof, and Licensee agrees to look solely to such interest for the satisfaction of any liability or claim against Licensor under this License Agreement. being specifically agreed that in no event whatsoever shall Licensor (which term shall include, without limitation, any general or limited partner, trustees, beneficiaries, officers, directors, members or stockholders of Licensor) ever be personally liable for any such liability or for consequential, punitive or exemplary damages.

(e) No waiver by Licensor of any of the provisions hereof shall be deemed to be a waiver of any other provision hereof or of any subsequent breach by Licensee of the same or any other provision.

(f) No remedy or election by Licensor hereunder shall be deemed exclusive but shall, wherever possible, be cumulative with all other remedies at law or in equity.

(g) Time is of the essence in connection with all obligations of the parties hereunder.

(h) The validity and enforcement of this License Agreement shall be governed by and construed in accordance with the internal laws of the Commonwealth of Massachusetts without regard to principles of conflicts of law, and such laws shall apply in any action or proceeding arising out of or under this License Agreement.

(i) The preparation, revision or delivery of this instrument for examination, discussion or execution shall in no event be deemed to be an offer to enter into this instrument

but shall be merely a part of the negotiations between Licensor and Licensee. Neither party hereto shall have any obligation or liability to the other whatsoever at law or in equity (including any claims for detrimental reliance or promissory estoppel, notwithstanding any law to the contrary) unless and until such time as both parties shall have executed and delivered this instrument.

(j) This License Agreement may not be recorded in any public office.

(k) If either party seeks monetary damages from the other party, and a final mediation award is entered entirely in favor of the party defending the monetary damages claim, then the party who brought such monetary claim shall reimburse the defending party for its reasonable attorney's fees and costs paid defending that claim. Otherwise, except as expressly provided otherwise in this License Agreement, each party shall bear its own fees and expenses unless otherwise provided by statute.

Notwithstanding anything to the contrary herein contained, it is expressly agreed and understood as follows: (i) this agreement is a license and not a lease, (ii) in the event that Licensee is in default of its obligations under this License Agreement beyond applicable notice and cure periods, this License Agreement can be terminated by the Licensor subject to binding mediation as set forth in Paragraph 20 of the Settlement Agreement, (iii) this License Agreement is non-transferable by Licensee, (iv) the License Fee reflects consideration for a license and services to be performed and not a lease, (v) Subject to a determination to the contrary by a mediator under binding mediation invoked pursuant to Paragraph 20 of the Settlement Agreement, the Licensor has the right to deny access to the Licensed Premises, enter the Licensed Premises and exercise self-help remedies without court approval in enforcing its rights where Licensor has (a) revoked the License and the terms has been terminated early, (b) Licensee is in default and the term had been terminated early, or (c) as otherwise may be provided herein, and (vi) Licensee specifically covenants and agrees, for Licensor's benefit and as material condition to this agreement that:

A) Licensee shall not bring any action against Licensor or interpose any defense against Licensor based upon the theory that this License constitutes a lease; and

B) Licensee expressly waives any substantive or procedural rights that Licensee may have that are predicated upon the rights of a tenant of real property. Notwithstanding the provision of this preceding sentence to the contrary, should this agreement be deemed by any court, governmental authority, or quasi-governmental authority to constitute a lease, in such event Licensor shall have all of the rights and remedies of a landlord of real property available under the applicable law.

IN WITNESS WHEREOF, this License Agreement is executed as an instrument under seal as of the day and year first above-written.

LICENSOR:

GREAT PLAIN ACQUISTIONS, LLC

By: _____
Name:
Its:

LICENSEE:

SAI RESTAURANTS, INC.

By: _____
Name: VINOD KAPOOR
Its: President
duly authorized

IN WITNESS WHEREOF, this License Agreement is executed as an instrument under seal as of the day and year first above-written.

LICENSOR:

GREAT PLAIN ACQUISTIONS, LLC

By: _____
Name: Terrence J. Murray
Its: Authorized Signatory

LICENSEE:

SAI RESTAURANTS, INC.

By: _____
Name:
Its:
duly authorized

ENTITY VOTE

The Board of Directors or LLC Managers of S AI RT A URA INC.
Entity Name

duly voted to apply to the Licensing Authority of NEEDHAM and the
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on 03/24/2024
Date of Meeting

For the following transactions (Check all that apply):

- [x] Alteration of Licensed Premises
- [ ] Change of Location
- [ ] Other

"VOTED: To authorize VINOD KAPOOR
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,

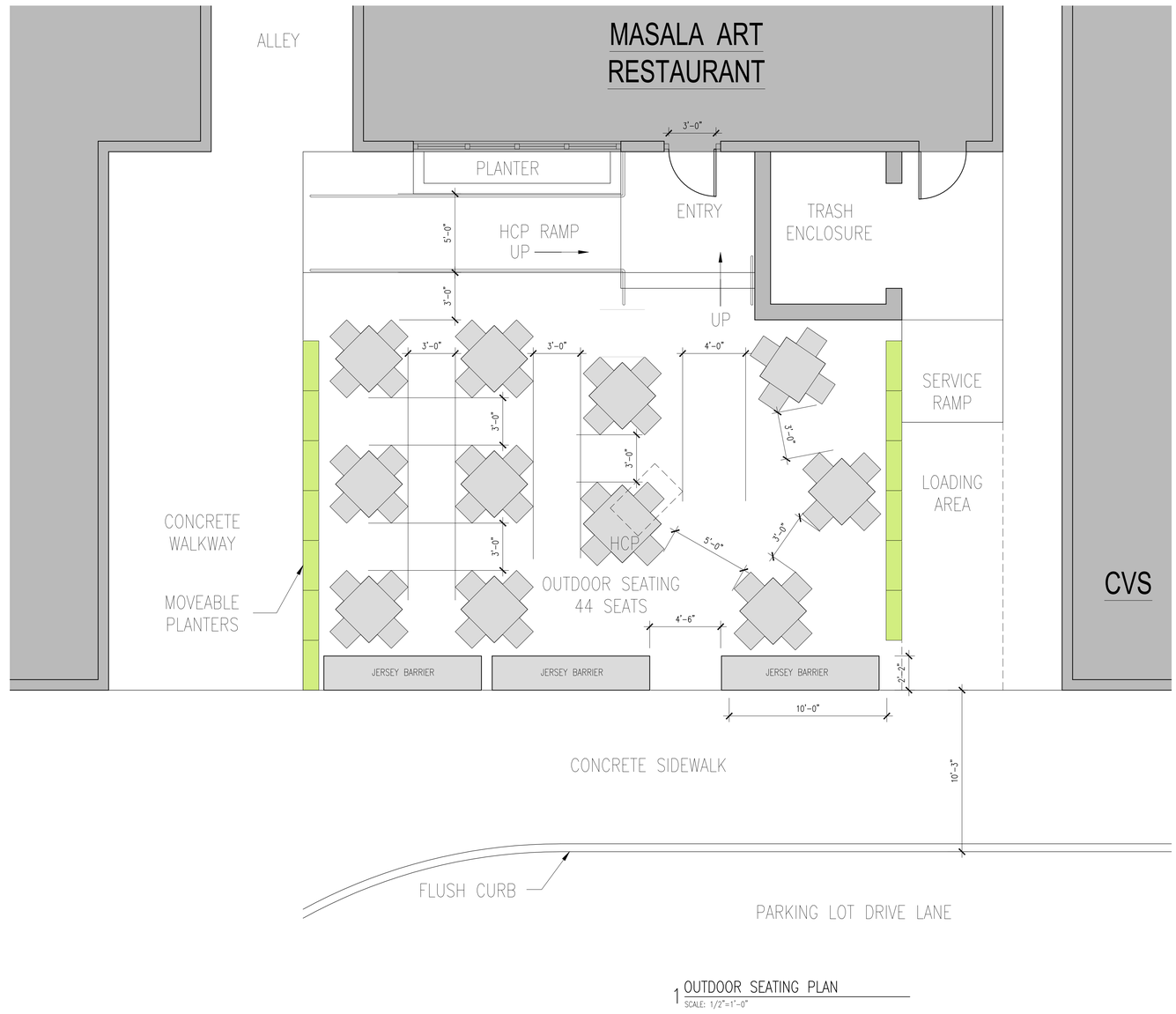
, President
Corporate Officer /LLC Manager Signature

VINOD KAPOOR
(Print Name) Sai Restaurant, Inc

For Corporations ONLY
A true copy attest,

Corporation Clerk's Signature

VINOD KAPOOR.
(Print Name)



1 OUTDOOR SEATING PLAN
SCALE: 1/2"=1'-0"

FORM+PLACE
ARCHITECTURE • PLANNING • URBAN DESIGN
17 Lincoln Street, Suite 2A
Newton Highlands, MA 02461
(617) 790-1960

Special Permit Plan

Outdoor Seating
Masala Art
Special Permit Plan
990 Great Plain Avenue
Needham, MA 02492

REGISTERED ARCHITECT
JOHN M. RUFO
No. 5015
NEEDHAM, MA
COMMONWEALTH OF MASSACHUSETTS

Project No:	22003
Drawn By:	JR
Checked By:	JR
Issue Date:	13 Jan 2023

Revisions

No	Date	Description

Drawing Title:
SEATING PLAN

Drawing Number
A-2.01

LEGAL NOTICE

Town of Needham

SELECT BOARD

Application for an Alteration of Premises of Alcoholic Beverages License

Notice is hereby given pursuant to Massachusetts General Laws, Chapter 138, that Sai Restaurant, Inc. d/b/a Masala Art, Vinod Kapoor, Owner, has applied for an Alteration of Premises of a Section 12 Restaurant, All Alcoholic Beverages License at 990 Great Plain Avenue, Needham.

IT IS ORDERED that a public hearing be held for said application at the office of the Select Board as the Needham Licensing Authority located in the Town Hall, 1471 Highland Avenue on the 30th day of April 2024 at 7:00 PM. The Select Board invites all residents and interested parties to provide input at this meeting that will be held in person in Town Hall and via Zoom.

Use this link below to join the webinar: https://us02web.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFJoQT09

Webinar ID: 826 0101 3229 Password: 652800

or Telephone: +1 646 931 3860

This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at http://masspublicnotices.org/

Licensing Authority, Select Board

2x4 Town of Needham - Masala Art Alcoholic Lic 4-18-24 *4-18-24 HTW*

990 GREAT PLAIN AVENUE
300 FEET

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/047.0-0042-0000.0	FIRST PARISH IN NEEDHAM - UNITARIAN		23 DEDHAM AVE	NEEDHAM	MA	02492-
199/047.0-0069-0000.0	SDS NOMINEE TRUST	DOUGLAS SALAMONE	2 AVA	MILLIS	MA	02054-
199/047.0-0070-0000.0	THE KINGSBURY BUILDING MASTER DEED	C/O GREENE,RUBIN,MILLER & PACINO	1340 SOLDIERS FIELD ROAD	BOSTON	MA	02135-
199/047.0-0070-0042.0	CROSS KINGSBURY LLC		19 TECH CIR	NATICK	MA	01760-
199/047.0-0070-0044.0	CROSS KINGSBURY LLC		19 TECH CIR	NATICK	MA	01760-
199/047.0-0071-0000.0	SDS NOMINEE TRUST	DOUGLAS SALAMONE	2 AVA	MILLIS	MA	02054-
199/050.0-0026-0000.0	S-BNK NEEDHAM CENTRE, LLC		961 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0064-0000.0	KAPOOR, SORABH TR	GREAT REALTY TRUST	27 ELIOT ST #2	JAMAICA PLAIN	MA	02130-
199/050.0-0024-0000.0	EIP PICKERING STREET LLC		PO BOX 1083	HICKSVILLE	NY	11802-1083
199/051.0-0083-0000.0	TOWN OF NEEDHAM		1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/047.0-0065-0000.0	FIRST OF MANY, LLC		P.O. BOX 85	EAST WALPOLE	MA	02032-
199/047.0-0070-0028.0	GRAHAM, MARCIA A		205 SOUTH ST	MEDFIELD	MA	02052-
199/051.0-0009-0000.0	PESIRIDIS, NICHOLAS, TRS	ROMA REALTY TRUST	PO BOX 850551	BRAINTREE	MA	02185-
199/047.0-0003-0000.0	ALPHI LLC		596 CENTRAL AVE	NEEDHAM	MA	02492-
199/047.0-0004-0000.0	TOMMASINO, ROBERT C, TR		907 MASSACHUSETTS AVE	CAMBRIDGE	MA	02139-
199/047.0-0066-0000.0	KATZ, JEFFREY A. & GARY M., TRUSTEES,	AJ REALTY TRUST	PO BOX 920206	NEEDHAM	MA	02492-
199/047.0-0070-0012.0	CROSS KINGSBURY LLC		19 TECH CIRCLE	NATICK	MA	01760-
199/047.0-0070-0030.0	CROSS KINGSBURY LLC		19 TECH CIR	NATICK	MA	01760-
199/047.0-0072-0000.0	BRETT, LLC		2 PINE TREE DR	BUZZARDS BAY	MA	02532-
199/047.0-0074-0003.0	LEVLEE, LLC		PO BOX 223	BOSTON	MA	02127-
199/047.0-0090-0000.0	TOWN OF NEEDHAM		1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/051.0-0008-0000.0	TOWN OF NEEDHAM	PARKING LOT	1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/051.0-0011-0000.0	THOMAS, DINA &	THOMAS, TRIANTOS	198 CURVE ST	DEDHAM	MA	02026-
199/051.0-0087-0000.0	FAN,CHING TA & MEI LING		16 CURVE ST	NEEDHAM	MA	02492-
199/047.0-0062-0000.0	SIMON II ASSOCIATES LIMITED PARTNERSHIP		10 NEWBURY ST	BOSTON	MA	02116-
199/047.0-0070-0022.0	GRAHAM, MARCIA A		205 SOUTH ST	MEDFIELD	MA	02052-
199/047.0-0070-0032.0	CROSS KINGSBURY LLC		19 TECH CIR	NATICK	MA	01760-
199/050.0-0022-0000.0	1478 HIGHLAND AVENUE CO., LLC	PO BOX 1159	REAL ESTATE TAX DEPARTMENT	DEERFIELD	IL	60015-
199/050.0-0025-0000.0	1492 HIGHLAND AVENUE LLC		78 HANCOCK ST	BRAINTREE	MA	02184-
199/050.0-0027-0000.0	935 GREAT PLAIN AVENUE LLC		78 HANCOCK ST	BRAINTREE	MA	02184-
199/050.0-0028-0000.0	HARTMAN, FREDERICK M TR	FAK NEEDHAM REALTY TRUST	919 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0070-0010.0	NEEDHAM ENTERPRISES LLC		105 CHESTNUT ST STE 28	NEEDHAM	MA	02492-
199/047.0-0070-0024.0	GRAHAM, MARCIA A		205 SOUTH ST	MEDFIELD	MA	02052-
199/047.0-0070-0026.0	GRAHAM, MARCIA A		205 SOUTH ST	MEDFIELD	MA	02052-
199/047.0-0063-0000.0	SIMON II ASSOCIATES LLC		10 NEWBURY ST	BOSTON	MA	02116-
199/047.0-0067-0000.0	KATZ, JEFFREY A. & GARY M., TRUSTEES	AJ REALTY TRUST	PO BOX 920206	NEEDHAM	MA	02492-
199/047.0-0068-0000.0	1016 GREAT PLAIN AVENUE LLC		78 HANCOCK ST	BRAINTREE	MA	02184-
199/047.0-0070-0034.0	CROSS KINGSBURY LLC		19 TECH CIR	NATICK	MA	01760-
199/051.0-0010-0000.0	HEFFERNAN, MICHAEL A. &	HEFFERNAN, ELIZABETH A., TRS	18 GANNETT RD	NATICK	MA	01760-
199/047.0-0041-0000.0	BROMLEY-NEEDHAM LLC		57 DEDHAM AVE	NEEDHAM	MA	02492-
199/047.0-0058-0000.0	TOWN OF NEEDHAM	PARKING LOT	1471 HIGHLAND AVE	NEEDHAM	MA	02492-
199/047.0-0059-0000.0	GREYMONT, ALFRED W. TR	ALFRED W. GREYMONT REVOCABLE TRUST	11 DEER PATH LN	MIRROR LAKE	NH	03853-
199/047.0-0070-0020.0	BERGER, BRUCE & BORNSTEIN, GLENN	SMOKEY RE TRUST	1034 GREAT PLAIN AVE	NEEDHAM	MA	02492-
199/047.0-0070-0040.0	CROSS KINGSBURY LLC		19 TECH CIR	NATICK	MA	01760-
199/047.0-0089-0000.0	50 DEDHAM AVE LLC		93 FISHER AVE	BROOKLINE	MA	02445-
199/051.0-0001-0000.0	TOWN OF NEEDHAM		1471 HIGHLAND AVE	NEEDHAM	MA	02492-

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.....

990 GREAT PLAIN AVENUE
500 FEET

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/047.0-0077-0000.0	BETH ISRAEL DEACONESS HOSPITAL-NEEDHAM INC		117-119 CHESTNUT ST	NEEDHAM	MA	02492-

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.....

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 04/30/2024

Agenda Item	Public Hearing: Eversource Grant of Location – 34 Whitman Road
Presenter(s)	Joanne Callender, Eversource Representative

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

Eversource Energy requests permission to install approximately 8 feet of conduit in Whitman Road. The reason for this work is to provide service to 34 Whitman Road.

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, that conduit must be placed at 24" below grade to the top of the conduit.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Select Board approve and sign a petition from Eversource Energy to install approximately 8 feet of conduit in Whitman Road.

3.	**BACK UP INFORMATION ATTACHED**

a. DPW Review Sheet
b. Letter of Application
c. Petition
d. Order
e. Petition Plan
f. Notice Sent to Abutters
g. List of Abutters

TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT

NEEDHAM, MA 02492 Telephone: (781) 455-7550
www.needhamma.gov/dpw

TO: Emily Meyer, Select Board Office
FROM: DPW Office
DATE:
RE:

For Select Board Meeting of

Abutters list & labels at Assessors Office.

Please email confirmation date & time of hearing

GRANT OF LOCATION PETITION REVIEW

DATE OF FIELD REVIEW: 4/11/24 REVIEWER: R.W.W.

SITE LOCATION: #34 WHITMAN RD UTILITY REQUESTING: EVERSOURCE

Conduit Work Area Description

(A) Sidewalk/Grass Strip Crossing Only Peer Review tar

B Work Within Paved Road Perpendicular Crossing Peer Review _____

C Work Within a Plaza Area/Landscaped Island/Parallel Along Roadway

Peer Review _____ Div. Head Review _____

D Other Peer Review _____ Div. Head Review _____

- [x] Petition Plan Consistent with Field Review
- [x] Diameter of Conduit 3"
- [x] Depth of Conduit
- [x] Utility Conflicts
- [x] Crossing Perpendicular to Road
- [x] Public Road
- [x] Double Pole N/A
- [x] Old Pole Removed N/A
- [x] Cables Transferred to New Pole NO
- [x] New Riser on Pole NO
- [x] Visible Trench Patch across Road/Sidewalk No
- [ ] Abutters List Complete
- [x] Photos Included

Department Head _____

COMMENTS:

THIS ONE LOOKS GOOD. NO TRENCHING. NO RISER ON POLE.

The application is complete pending a public hearing- TAR

EVERSOURCE ENERGY

180 Calvary Street
Waltham, Ma 02453

April 9, 2024

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Whitman Road
Needham, MA
W.O.# 16512310

Dear Members of the Board:

The enclosed petition and plan are being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install approximately 8 feet of conduit in Whitman Road.

The reason for this work is to provide service to #34 Whitman Road.

If you have any further questions, contact Joanne Callender at (781) 314-5054.
Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone
Rights and Permits, Supervisor

RMS/HC
Attachments

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

To the **Select Board** 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 **K. Rice, dated March 27, 2024,** and filed herewith, under the following public way or ways of said Town:

Whitman Road - **Easterly from pole 416/2, approximately 272 feet south of Charles River Street, install approximately 8 feet of conduit.**

W.O.# 16512310

NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY

By: *Richard M. Schifone*
Richard M. Schifone, Supervisor
Rights & Permits

Dated this 9th day of April 2024

Town of **NEEDHAM** Massachusetts

Received and filed _____2024

_____

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 tranmission of electricity for lighting, heating or power under the public way or ways of the Town thereinafter 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:

Whitman Road - **Easterly from pole 416/2, approximately 272 feet south of Charles River Street, install approximately 8 feet of conduit.**

W.O.# 16512310

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 **K. Rice, dated March 27, 2024** on the file with said petition.
2. Said company 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. All work shall be done to the satisfaction of the Select Board or such officer or officers as it may appoint to supervise the work.

1 _____
2 _____
3 _____
4 _____
5 _____

Select Board
the Town of
NEEDHAM

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 _____ 2024 at _____ in said Town.

1 _____
2 _____
3 _____
4 _____
5 _____

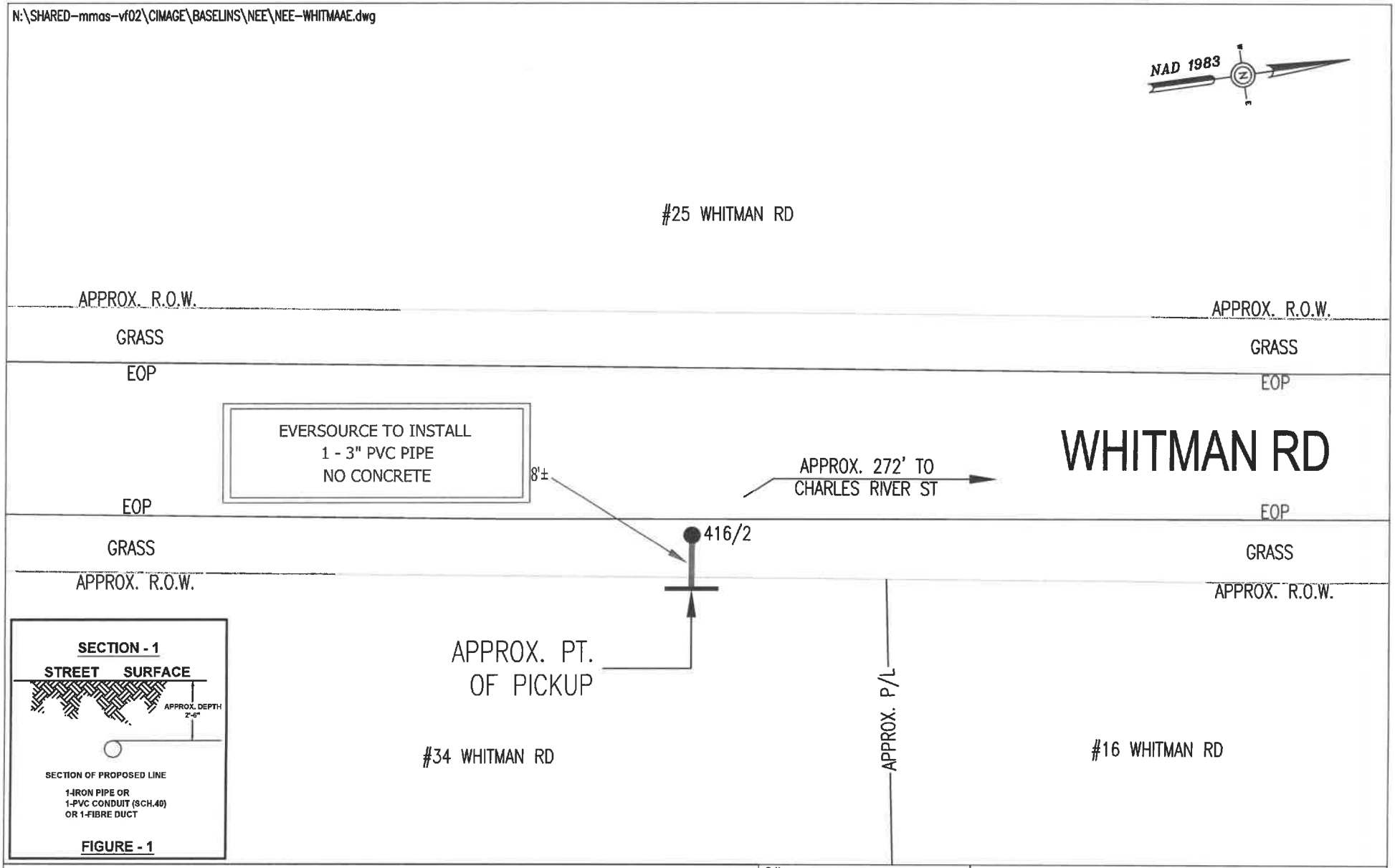
Select Board
the Town of
NEEDHAM

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the **Select Board** of the Town of **NEEDHAM,** Masssachusetts, duly adopted on the _____ day of _____, 2024 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

N:\SHARED-mmas-vf02\CIMAGE\BASELINS\NEE\NEE-WHITMAAE.dwg



0 20 40

SCALE IN FEET

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT. TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED

MASS. LAW

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

C#	
Ward #	
Work Order # 16512310	
Surveyed by: N/A	
Research by: GR	
Plotted by: GR	
Proposed Structures: GR	
Approved: K. RICE	
P#	

NSTAR ELECTRIC d/b/a EVERSOURCE
1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of #34 WHITMAN RD
NEEDHAM

Showing PROPOSED CONDUIT LOCATION

Scale 1"=20' Date MARCH 27, 2024

SHEET 1 of 1

TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Assessors Map & Parcel Number: MAP 305 PCL 02

Building Permit Number: _____

Zoning District: SRA

Lot Area: 43560 SF

Address: 34 WHITMAN STREET

Owner: _____

Builder: _____

DEMO / (PROPOSED PLOT PLAN) / FOUNDATION ASBUILT / FINAL AS-BUILT

Circle One That Applies

40 Scale

Field Resources, Inc.

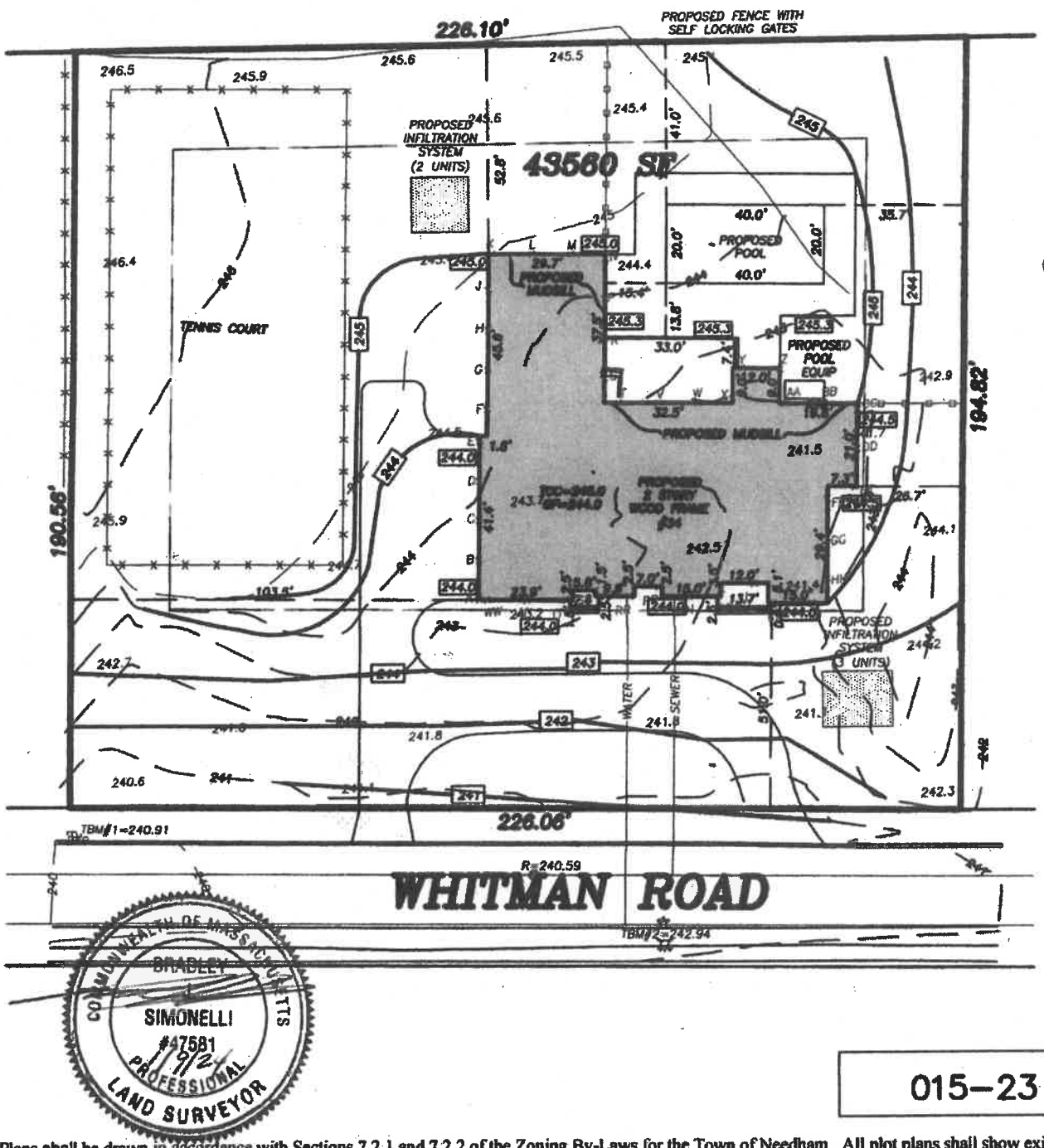
LAND SURVEYORS

P.O .Box 324 281 Chestnut Street

Auburn, MA 01501 Needham, MA 02492

781 444 5936

office@fieldresources.net



87%

COMMONWEALTH OF MASSACHUSETTS
BRADLEY J. SIMONELLI
#47581
PROFESSIONAL LAND SURVEYOR

015-23

Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. All plot plans shall show existing structures and public & private utilities, including water mains, sewers, drains, gaslines, etc.; driveways, septic systems, wells,Flood Plain and Wetland Areas, lot dimensions, lot dimensions, lot size, dimensions of proposed structures, sideline, front and rear offsets and setback distances, (measured to the face of structure) and elevation of top of foundations and garage floor. For new construction, lot coverage, building height calculations, proposed grading and drainage of rechardge structures. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures* offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location areas with no public sewer.

*Accessory structures may require a separate building permit - See Building Code

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.
The above is subscribed to and executed by me this 8TH day of JANUARY 2024.

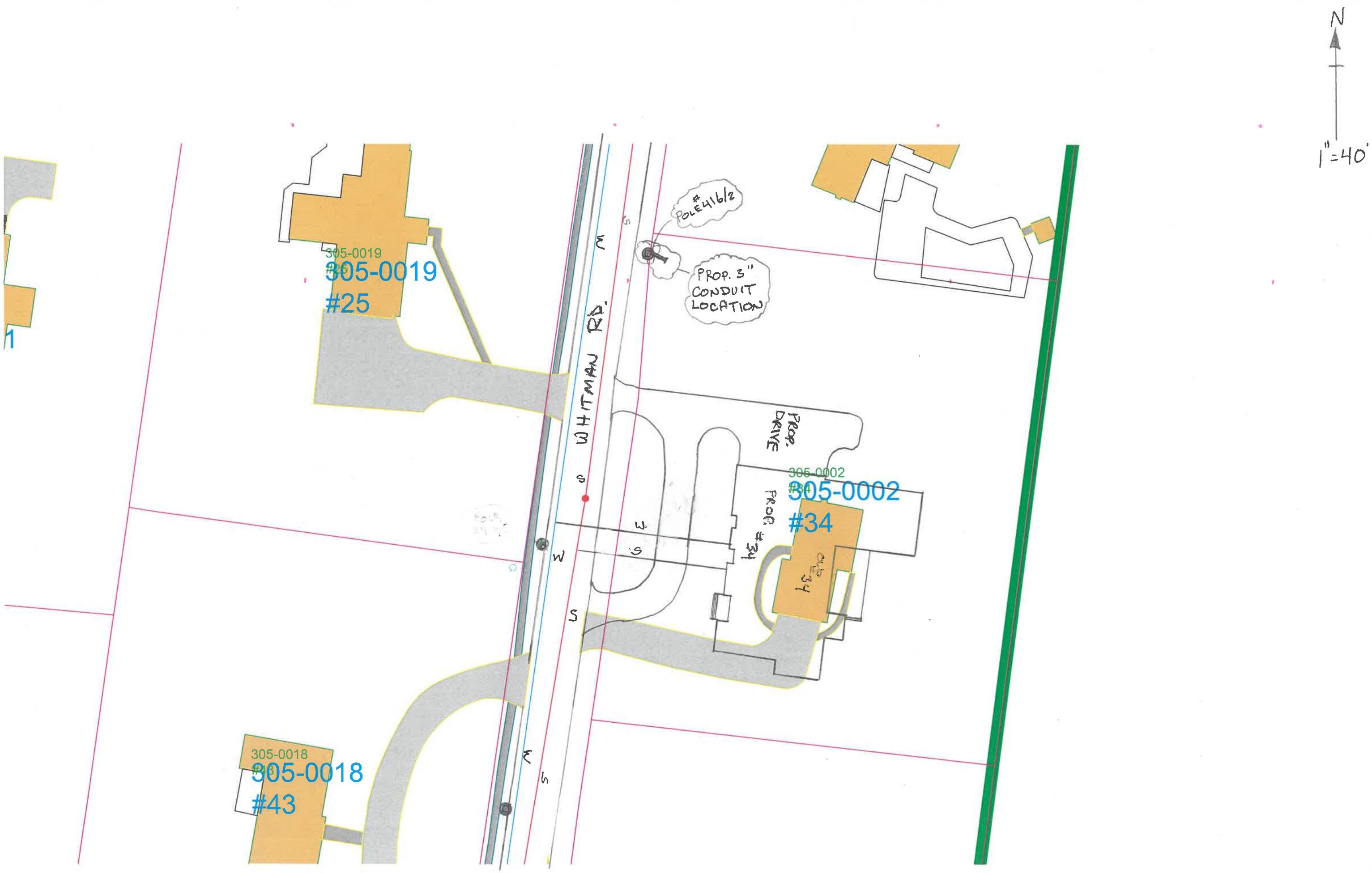
Name: Bradley J. Simonelli, PLS. #47581 Registered Land Surveyor Date: _____

Address: 281 Chestnut Street City: Needham State: MA Zip: 02492 Phone: 781-444-5936

Approved: _____ Director of Public Works: Date: _____

Approved: _____ Building Inspector: Date: _____

Copyright by Field Resources, Inc. All rights reserved.


N
1"=40'
305-0019
#25
WHITMAN RD.
POLE #416/2
PROP. 3" CONDUIT LOCATION
PROP. DRIVE
305-0002
#34
PROP. #34
305-0018
#43

NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 7:10 p.m. on Tuesday, April 30, 2024 in person at Town Hall, 1471 Highland Avenue, Needham, MA 02492 and via Zoom** upon petition of Eversource Energy dated April 9, 2024 to install approximately 8 feet of conduit in Whitman Road. The reason for this work is to provide service to 34 Whitman Road.

A public hearing is required, and abutters are notified.

If you have any questions regarding this petition, please contact Joanne Callender, Eversource Energy representative at (781) 314-5054.

Kevin Keane
Heidi Frail
Catherine Dowd
Marianne Cooley
Josh Levy

SELECT BOARD

You are invited to a Zoom webinar:
https://us02web.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFJoQT09
Passcode: 652800
Webinar ID: 826 0101 3229

Dated: April 22, 2024

34 WHITMAN ROAD

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/305.0-0018-0000.0	HASLIP, JOHN H. TR	HASLIP, NANCY C, TR	43 WHITMAN RD	NEEDHAM	MA	02492-
199/305.0-0003-0000.0	DEAMORE, DENISE A. TR.	THE JARED TRUST-2000	54 WHITMAN RD	NEEDHAM	MA	02492-
199/305.0-0019-0000.0	PEVEAR, RICHARD DUSTIN JR.&	PEVEAR, TIFFANY ROSE	25 WHITMAN RD	NEEDHAM	MA	02492-
199/304.0-0002-0000.0	FOSTER, BARBARA D. TR.	C/O CHOATE HALL & STEWART LLP/M> KARASEK	TWO INTERNATIONAL PL 30TH FLOOR	BOSTON	MA	02110-
199/305.0-0001-0000.0	LENZA, PETER TR.	GALLAGHER 2018 QUALIFIED PERSONAL TRUST	47 SUMMIT ROAD	WELLESLEY	MA	02482-
199/305.0-0002-0000.0	LUEDERS, WALLACE M, CARL L,&	LUEDERS, KAREN A & MARK A.& CARL J	78 PHEASANT LANDING RD	NEEDHAM	MA	02492-
199/305.0-0020-0000.0	ABRISHAMIAN, RAMIN &	ABRISHAMIAN, DIANA V. GARCIA M. DE	534 CHARLES RIVER ST	NEEDHAM	MA	02492-

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.....

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 04/30/2024

Agenda Item	Public Hearing: Eversource Grant of Location – 99 Whitman Road
Presenter(s)	Joanne Callender, Eversource Representative

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

Eversource Energy requests permission to install approximately 12 feet of conduit in Whitman Road. The reason for this work is to provide service to 99 Whitman Road.

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, that conduit must be placed at 24" below grade to the top of the conduit.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Select Board approve and sign a petition from Eversource Energy to install approximately 12 feet of conduit in Whitman Road.

3.	**BACK UP INFORMATION ATTACHED**

a. DPW Review Sheet
b. Letter of Application
c. Petition
d. Order
e. Petition Plan
f. Notice Sent to Abutters
g. List of Abutters

TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT

NEEDHAM, MA 02492 Telephone: (781) 455-7550
www.needhamma.gov/dpw

TO: Emily Meyer, Select Board Office
FROM: DPW Office
DATE:
RE:

For Select Board Meeting of

Abutters list & labels at Assessors Office.

Please email confirmation date & time of hearing

GRANT OF LOCATION PETITION REVIEW

DATE OF FIELD REVIEW: 4/11/24 REVIEWER: RWW.

SITE LOCATION: #99 WHITMAN RD. UTILITY REQUESTING: EVERSOURCE

Conduit Work Area Description

(A) Sidewalk/Grass Strip Crossing Only Peer Review tar

B Work Within Paved Road Perpendicular Crossing Peer Review _____

C Work Within a Plaza Area/Landscaped Island/Parallel Along Roadway

Peer Review _____ Div. Head Review _____

D Other Peer Review _____ Div. Head Review _____

- [x] Petition Plan Consistent with Field Review
- [x] Diameter of Conduit 3"
- [x] Depth of Conduit
- [x] Utility Conflicts
- [x] Crossing Perpendicular to Road
- [x] Public Road
- [ ] Double Pole N/A
- [ ] Old Pole Removed N/A
- [x] Cables Transferred to New Pole NO
- [x] New Riser on Pole No
- [x] Visible Trench Patch across Road/Sidewalk No
- [ ] Abutters List Complete
- [x] Photos Included

Department Head _____

COMMENTS:

THIS ONE LOOKS GOOD. NO TRENCHING. NO RISER ON POLE

The application is complete pending a public hearing- TAR

EVERSOURCE ENERGY

180 Calvary Street
Waltham, Ma 02453

April 9, 2024

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Whitman Road
Needham, MA
W.O.# 16175807

Dear Members of the Board:

The enclosed petition and plan are being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install approximately 12 feet of conduit in Whitman Road.

The reason for this work is to provide service to #99 Whitman Road.

If you have any further questions, contact Joanne Callender at (781) 314-5054.
Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone
Rights and Permits, Supervisor

RMS/HC
Attachments

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

To the **Select Board** 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 **K. Rice, dated March 4, 2024,** and filed herewith, under the following public way or ways of said Town:

Whitman Road - **Northwesterly from pole 416/11, approximately 1346 feet south of Charles River Street, install approximately 12 feet of conduit.**

W.O.#16175807

NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY

By: *Richard M. Schifone*
Richard M. Schifone, Supervisor
Rights & Permits

Dated this 9th day of April 2024

Town of **NEEDHAM** Massachusetts

Received and filed _____2024

_____

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 tranmission of electricity for lighting, heating or power under the public way or ways of the Town thereinafter 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:

Whitman Road - **Northwesterly from pole 416/11, approximately 1346 feet south of Charles River Street, install approximately 12 feet of conduit.**

W.O.# 16175807

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 **K. Rice, dated March 4, 2024** on the file with said petition.
2. Said company 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. All work shall be done to the satisfaction of the Select Board or such officer or officers as it may appoint to supervise the work.

1 _____
2 _____
3 _____
4 _____
5 _____

Select Board
the Town of
NEEDHAM

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 _____ 2024 at _____ in said Town.

1 _____
2 _____
3 _____
4 _____
5 _____

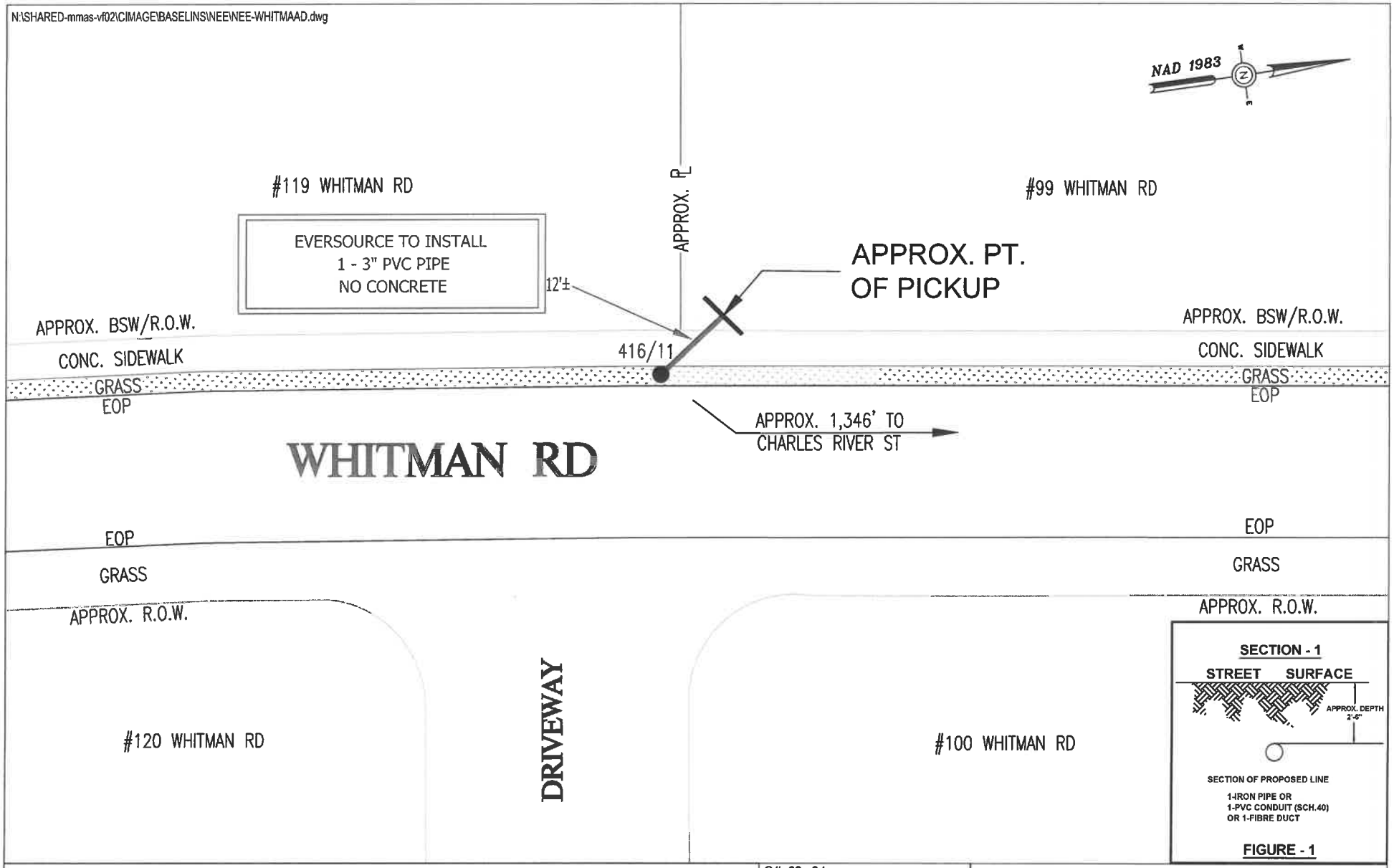
Select Board
the Town of
NEEDHAM

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the **Select Board** of the Town of **NEEDHAM,** Masssachusetts, duly adopted on the _____ day of _____, 2024 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

N:\SHARED-mmas-vf02\CIMAGE\BASELINS\NEE\NEE-WHITMAAD.dwg



SECTION - 1

SECTION OF PROPOSED LINE

1-IRON PIPE OR
1-PVC CONDUIT (SCH.40)
OR 1-FIBRE DUCT

FIGURE - 1

0 20 40

SCALE IN FEET

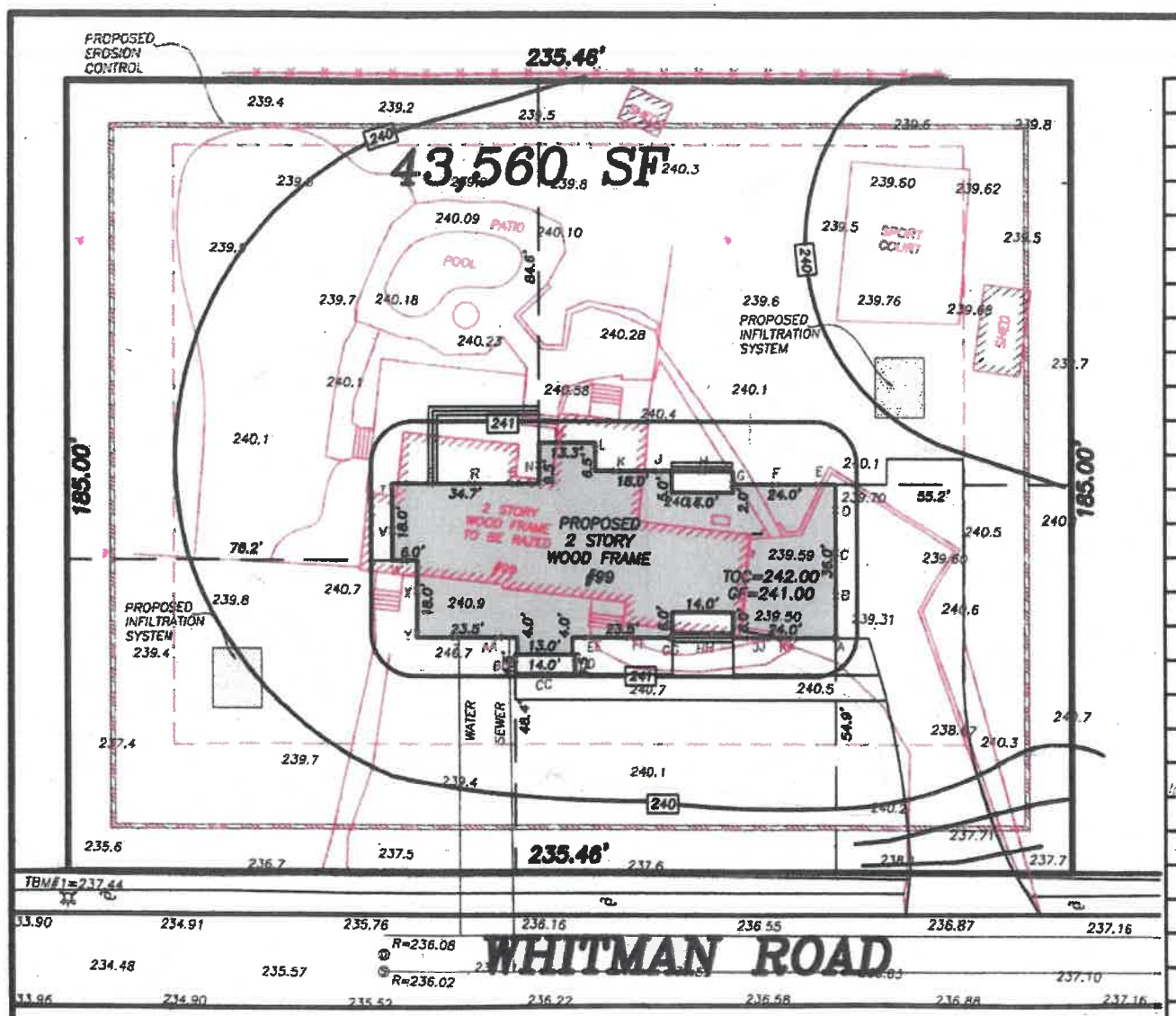
BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT. TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED

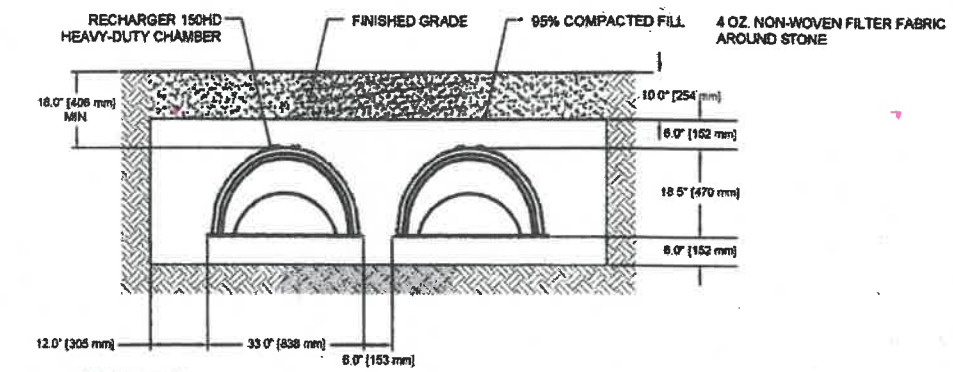
MASS. LAW

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

C# 62-24	NSTAR ELECTRIC d/b/a EVERSOURCE
Ward #	1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Work Order # 16175807	
Surveyed by: N/A	*Plan of* #99 WHITMAN RD
Research by: GR	NEEDHAM
Plotted by: GR	Showing PROPOSED CONDUIT LOCATION
Proposed Structures: GR	
Approved: K. RICE	Scale 1"=20' Date MARCH 4, 2024
P#	SHEET 1 of 1

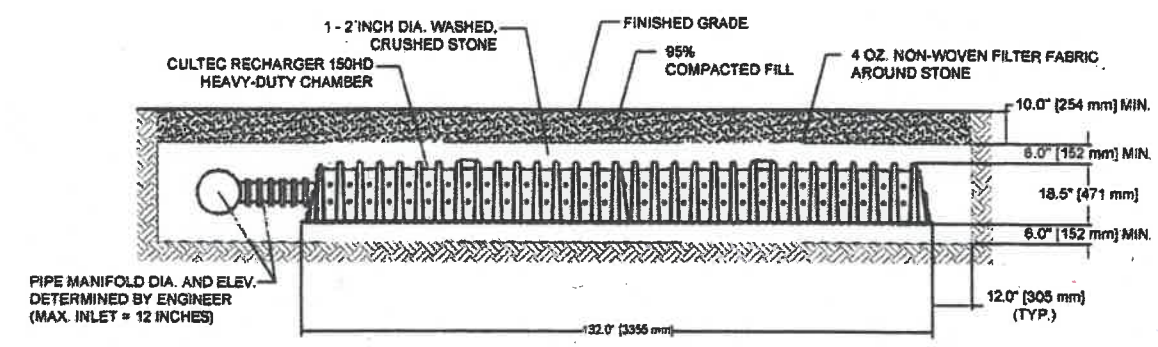


ELEV STATION	EXISTING ELEVATION	PROPOSED ELEVATION
A	239.2	241.0
B	239.4	241.0
C	239.6	241.0
D	239.7	241.0
E	240.2	241.3
F	240.4	241.3
G	240.6	241.3
H	240.8	241.3
J	240.6	241.3
K	240.5	241.3
L	241.0	241.3
M	240.9	241.3
N	240.9	241.3
P	240.8	241.3
R	240.7	241.3
S	240.6	241.3
T	240.6	241.3
V	240.6	241.3
W	240.9	241.3
X	240.9	241.3
Y	240.7	241.3
Z	240.7	241.3
AA	240.8	241.3
BB	240.8	241.3
CC	240.7	241.3
DD	240.9	241.3
EE	241.0	241.3
FF	240.9	241.3
GG	240.7	241.3
HH	240.2	241.3
JJ	240.0	241.3
KK	239.3	241.3



GENERAL NOTES
RECHARGER 150HD BY CULTEC, INC. OF BROOKFIELD, CT.
STORAGE PROVIDED = 4.89 CF/FT PER DESIGN UNIT.
REFER TO CULTEC, INC 'S CURRENT RECOMMENDED INSTALLATION GUIDELINES.
USE RECHARGER 150HD HEAVY-DUTY FOR TRAFFIC AND/OR H20 APPLICATIONS.

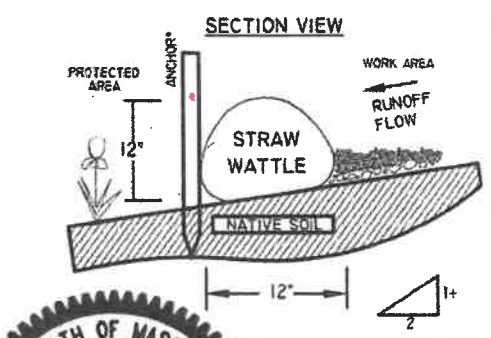
ALL RECHARGER 150HD HEAVY-DUTY UNITS ARE MARKED WITH A COLOR STRIPE FORMED INTO THE PART ALONG THE LENGTH OF THE CHAMBER.
ALL RECHARGER 150 CHAMBERS MUST BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.



INFILTRATION SYSTEM DETAILS

NOT TO SCALE

STRAW WATTLE
SECTION VIEW



ZONING INFORMATION: SINGLE RESIDENCE A (SRA)

	REQUIRED	PROPOSED
MINIMUM LOT AREA	43,560 SF	43,560 SF.
MINIMUM LOT FRONTAGE	150 FEET	235.46 FEET
MINIMUM FRONT SETBACK	30 FEET	46.4 FEET
MINIMUM SIDE YARD	25 FEET*	55.2 FEET*
		76.2 FEET
MINIMUM REAR YARD	15 FEET	84.6 FEET
MAXIMUM BUILDING HEIGHT	35 FEET	30.26 FEET
MAXIMUM BUILDING HEIGHT	2 1/2 STORIES	2 1/2 STORIES

*MAXIMUM OF 32 LINEAR FEET OF THE BUILDING MAY BE BUILT AT MINIMUM SETBACK THE REMAINDER MUST BE AT LEAST 2 ADDITIONAL FEET.

PROPOSED BUILDING FOOTPRINT = 3,756 SF

(3,756 S.F. X 1") / 12 = 313 Cu. Ft.

MITIGATED WITH 6 CULTEC CONTRACTOR 150 HDXL RECHARGER DRYWELL CHAMBERS (OR SUITABLE REPLACEMENT) CAPACITY OF 53.79 CU FT EACH.(11 x 4.89 CU FT)
RECHARGE WILL MITIGATE COMPLETELY FOR A 1" STORM FOR THE PROPOSED FOOTPRINT
SEE DRYWELL DETAIL FOR SPECIFICATIONS AND PLAN FOR LOCATIONS. LOCATIONS AS SHOWN.

027-23

EXISTING
GRADE PLANE = 7695.6 / 32 = 240.49
TOC TO GRADE = 242.00 – 240.49 = 1.51
ALLOWABLE BUILDING = 35.00 – 1.51 = 33.49

PROPOSED
GRADE PLANE = 7720.4 / 32 = 241.26
TOC TO GRADE = 242.00 – 241.26 = 0.74
ALLOWABLE BUILDING = 35.00 – 0.74 = 34.26

BASED UPON COMPARATIVE ANALYSIS THE EXISTING GRADE PLANE PROVIDES MORE RESTRICTIVE ENVIRONMENT FOR THE BUILDING HEIGHT THE MAXIMUM ALLOWABLE STRUCTURE ABOVE THE TOP OF CONCRETE IS 33.49 FEET.

THE PROPOSED STRUCTURE FROM TOP OF CONCRETE TO RIDGE IS 28.75 FEET. MAKING THE PROPOSED HEIGHT 30.26 FEET FROM THE EXISTING GRADE PLANE.

COMMONWEALTH OF MASSACHUSETTS
BRADLEY S. SIMONELLI
#47581
9/26/23
PROFESSIONAL LAND SURVEYOR

GRAPHIC SCALE
40 0 20 40 80

CERTIFIED PLOT PLAN SHOWING GRADE PLANES
99 WHITMAN ROAD
NEEDHAM, MASS.

Field Resources, Inc.
LAND SURVEYORS

SEPTEMBER 25, 2023 SCALE 1"=30'

P.O. BOX 324
AUBURN, MA

281 CHESTNUT ST.
NEEDHAM, MA.
781 444 5936

office@fieldresources.net

Copyright © by Field Resources, Inc. All rights reserved.

N
1"=40'
#84
WHITMAN RD.
305-0034
#119
305-0034
#119
PROP. DRIVE
PROP. #99
305-0015
#99
305-0015
#99
OLD #99
S
W
305-0006
#100
305-0006
#100
PROP. 3" CONDUIT LOCATION
POLE #416/11

92
TRANSIT 150
M 6866A

NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 7:10 p.m. on Tuesday, April 30, 2024 in person at Town Hall, 1471 Highland Avenue, Needham, MA 02492 and via Zoom** upon petition of Eversource Energy dated April 9, 2024 to install approximately 12 feet of conduit in Whitman Road. The reason for this work is to provide service to 99 Whitman Road

A public hearing is required, and abutters are notified.

If you have any questions regarding this petition, please contact Joanne Callender, Eversource Energy representative at (781) 314-5054.

Kevin Keane
Heidi Frail
Catherine Dowd
Marianne Cooley
Josh Levy

SELECT BOARD

You are invited to a Zoom webinar:
https://us02web.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFJoQT09
Passcode: 652800
Webinar ID: 826 0101 3229

Dated: April 22, 2024

99 WHITMAN ROAD

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/305.0-0007-0000.0	MCGAUGH, KATHERINE M &	MCGAUGH, JAMES E	120 WHITMAN RD	NEEDHAM	MA	02492-
199/305.0-0014-0000.0	CHAN, KEVIN & KRISTINE T. & EARLE , JOHN M	FREKETIC, KATHERINE G. & PALERMO, MAR	119 WHITMAN RD	NEEDHAM	MA	02492-
199/305.0-0034-0000.0	BASS, MICHAEL A. TR.	119 BELLE LANE REALTY TRUST	119 BELLE LN	NEEDHAM	MA	02492-
199/305.0-0005-0000.0	LAVINE, BENNETT A. &	LAVINE, CLAIRE L	287 GREENDALE AVE	NEEDHAM	MA	02494-
199/305.0-0035-0000.0	FANG, YUAN &	CAI, XIAOHUA	131 BELLE LN	NEEDHAM	MA	02492-
199/305.0-0015-0000.0	HEFFERNAN, MICHAEL A . TR. &	HEFFERNAN, ELIZABETH A. TR	6 LITTLE HOLLOW LN	GROTON	MA	01450-
199/305.0-0006-0000.0	EISENBERG, DAVID L. +	CAPLAN, FRANCES A	100 WHITMAN RD	NEEDHAM	MA	02492-
199/305.0-0016-0000.0	STRAPP, HENRY F. TR.	81 WHITMAN ROAD REALTY TRUST	81 WHITMAN RD	NEEDHAM	MA	02492-

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.....

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 4/30/2024

Agenda Item	Public Hearing: Outdoor Dining License – Eat Farmhouse LLC d/b/a The Farmhouse (Continued)
Presenter(s)	Dora Tavel-Sanchez Luz, Owner

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

Eat Farmhouse LLC d/b/a The Farmhouse, located at 970 Great Plain Avenue, is seeking to establish an outdoor dining space on a back patio to the rear of the establishment which lies on an easement upon which the Town has rights to public parking.

The applicant has used the requested area since 2020 in accordance with state emergency orders and local rules in the context of the COVID-19 pandemic. The requested arrangement of seating is the same.

The applicant is requesting seasonal use of the space, in-line with the Zoning By-Law and their Special Permit.

The special permit approved by the Planning Board differs slightly from the applicant's original proposal. The original application proposed 64 seats outdoors plus the already permitted 100 seats indoors. The special permit, as issued, permits 58 patio seats, with indoor seating reduced to 76 seats when outdoor dining is occurring, for a total of 134 seats.

The applicant will require an exception to Select Board Policy SB-LIC-016 to permit more than three parking spaces to be used for outdoor dining.

The applicant has also applied to the Select Board for an Alteration of Premises to their liquor license.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: Move that the Board vote to approve an Outdoor Dining License for Eat Farmhouse LLC d/b/a The Farmhouse, and to grant an exception to Select Board Policy SB-LIC-016 to permit additional parking spaces to be used for outdoor dining.

3.	**BACK UP INFORMATION ATTACHED**

a. Planning Board Application
b. Floor Plan
c. Planning Board Decision
d. Abutter's Notice
e. Select Board Policy
f. Zoning By-law

TOWN of NEEDHAM
MASSACHUSETTS
APPLICATION FOR OUTDOOR SEATING
UNDER SECTION 6.9 OF THE ZONING BY-LAW

LOCATION:
Property Address: 970 Great Plain Ave
Name of Establishment: The Farmhouse

APPLICANT:
Name (must be business owner, manager, or lessee): Dora Tavel-Sanchez LLC
Address: _____

_____
Telephone Number: 917 612 4680
Email Address: eatfarmhouse@gmail.com

Do you own or rent property?

PROPERTY OWNER:
Complete this section if applicant is not the property owner
Name (must be owner): Dora Tavel-Sanchez LLC
Address: _____

_____
Telephone Number: 781-449-6200
Email Address: eatfarmhouse@gmail.com

APPLICATION REQUEST:

Are you requesting to have outdoor dining on PRIVATE parking spaces? Yes ___ No X

If yes, how many private parking spaces? ~~Currently four.~~ N/A

Are you requesting to have outdoor dining on PUBLIC parking spaces (on-street or in a public parking lot)? Yes ✓ No ___

If yes, how many public parking spaces do you intend to use in each category? *Note: there is a maximum of 3 parking spaces allowed per applicant.*

_____ # on-street public parking spots. Please note, required concrete barriers will take up 1 parking spot and should be added to the total number of spots you are applying to use.
3 # of off-street public parking spots (in a public parking lot)

Are any of the spaces you are requesting to use designated for handicap parking?
Are you requesting to have outdoor dining on a sidewalk? NO, N/A

SEATING: FACILITIES/EQUIPMENT:
Total number of seats approved under existing Special Permit 64
Total number of seats existing inside 100 (may be same as above or fewer)
Number of restrooms provided 3
Total number of seats proposed outside 64 Size of Grease Trap _____
Number of chairs 64 Air Curtains (if opening is off kitchen) ____
Number of tables 32 Screens (if opening is off kitchen) ____
Outdoor Seating Area dimensions _____
Type of Barrier or Enclosure to Define Seating Area
(mandatory if alcohol is proposed to be served):
metal fencing +
concrete barrier

DATES AND HOURS OF OPERATION
The standard outdoor dining season in the Town of Needham is April 1 - November 30. The Town will consider applications that extend beyond that timeframe on an individual basis.

Are you requesting to serve food & beverage outdoors earlier than April 1 or later than November 30? Yes no
If yes, what are your proposed opening and closing dates?

What days of the week and hours do you plan to serve food & beverage outdoors?
Tues thru Saturday 12-2, 4 30-10

BRIEF DESCRIPTION OF:
Seating Arrangement, Type of Furniture, Type of Barrier or Enclosure to Define Seating Area (mandatory if alcohol is proposed to be served), Ingress/Egress from the Inside to the Outside, Location of Outdoor Exit Area in the case of an emergency, Written Description of Colors and Materials Used

ALCOHOL SERVICE

___ **NO**

X **YES**

If you are seeking permission to serve alcohol outside (i.e., to extend your existing license to a patio or other outdoor seating areas), you must get approval from the Select Board by filing an Alteration of Licensed Premises, which is available on the Alcoholic Beverages Control Commission (ABCC) website at https://www.mass.gov/how-to/amend-your-alcoholic-beverages-retail-license-alteration-of-premises-or-location-change-abcc.

Please select one. Expansion area must be either:

1. Contiguous to the licensee's premise with a clear view of the area from inside the premises; or
2. The Licensee may commit to providing management personnel dedicated to the area.

FEES AND TERM

Outdoor seating licenses are issued for a term of one year, unless stated otherwise, and can be renewed annually. The annual application fee is $25, which will be credited toward the annual licensing fee if the application is approved

For outdoor dining approved on public property, there is an annual licensing fee for the sole use of public space for outdoor dining at the rate of $250 per public parking space and $100 for the use of the sidewalk. If an applicant is approved for the use of public parking space(s) and the sidewalk, the $100 sidewalk licensing fee will be waived.

CERTIFICATION

I/we the undersigned certify that I am the owner of record of the named property or that the owner of record authorizes the proposed work and that the above information which I/we provided is correct.

I/we have read and fully understand the procedures as established by the Town of Needham and further understand that failure to comply with said procedures may result in revocation of this permit.

Signature of Applicant(s): _____ Date: 1/18/22

_____ Date: _____

THIS SECTION BELOW IS FOR OFFICIAL USE ONLY

Major Project Site Plan Review Special Permit (Planning Board) yes_____ no_____

Zoning Board of Appeals Special Permit yes_____ no_____

Select Board Licensing Approval _____

Certificate of Insurance covering outdoor area: _____

Departmental Approval (Health _____ Building _____ Fire_____ Police _____ Public Works _____)

License Agreement (if seating is on sidewalk or other public property): _____

Alteration of Licensed Premises (for alcohol service in outdoor area): _____

Comments: _____

_____

PLAN REQUIREMENTS

Submit a Plan of the Outside Seating Area, showing precise dimensions and locations of:

(1) Seating arrangement, including the arrangement of the furniture

(2) Enclosure of dining area (this is required if service of alcohol is proposed)

(3) Location of ingress/egress from inside to outside

(4) Location of outside emergency exit(s)

(5) Separation distances to building, curbing, sidewalks, streets, trees, planters, rubbish containers, equipment, and any other obstacles in pedestrian walkway or access aisles

Said Plan must be certified by a Registered Architect or Engineer with certifications that the restaurant with the outdoor seating complies with egress and access requirements, that the seating configuration complies with safety requirements, and that the restaurant has adequate restroom facilities for the number of seats. (If the total indoor and outdoor seating exceeds the number allowed for the existing restroom facilities, you may reduce the number of indoor seats being used, so that the total number of restaurant seats does not trigger additional restroom facilities.)

(6) For parking spaces located on a parking lot (public or private), provide a site plan showing parking areas to be utilized for outdoor seating. Said plan can be an existing approved Site Plan, in which applicant delineates proposed seating location.

FURNITURE SPECIFICATIONS SHEET

A detailed specifications sheet illustrating the appearance, materials, colors, and size of selected outdoor seating furniture and equipment including chairs, benches, tables, umbrellas, fences, and other items. Photographs of furniture and equipment may be substituted for specification sheets as along as a sheet listing the dimensions of the furniture and equipment accompanies the photographs.

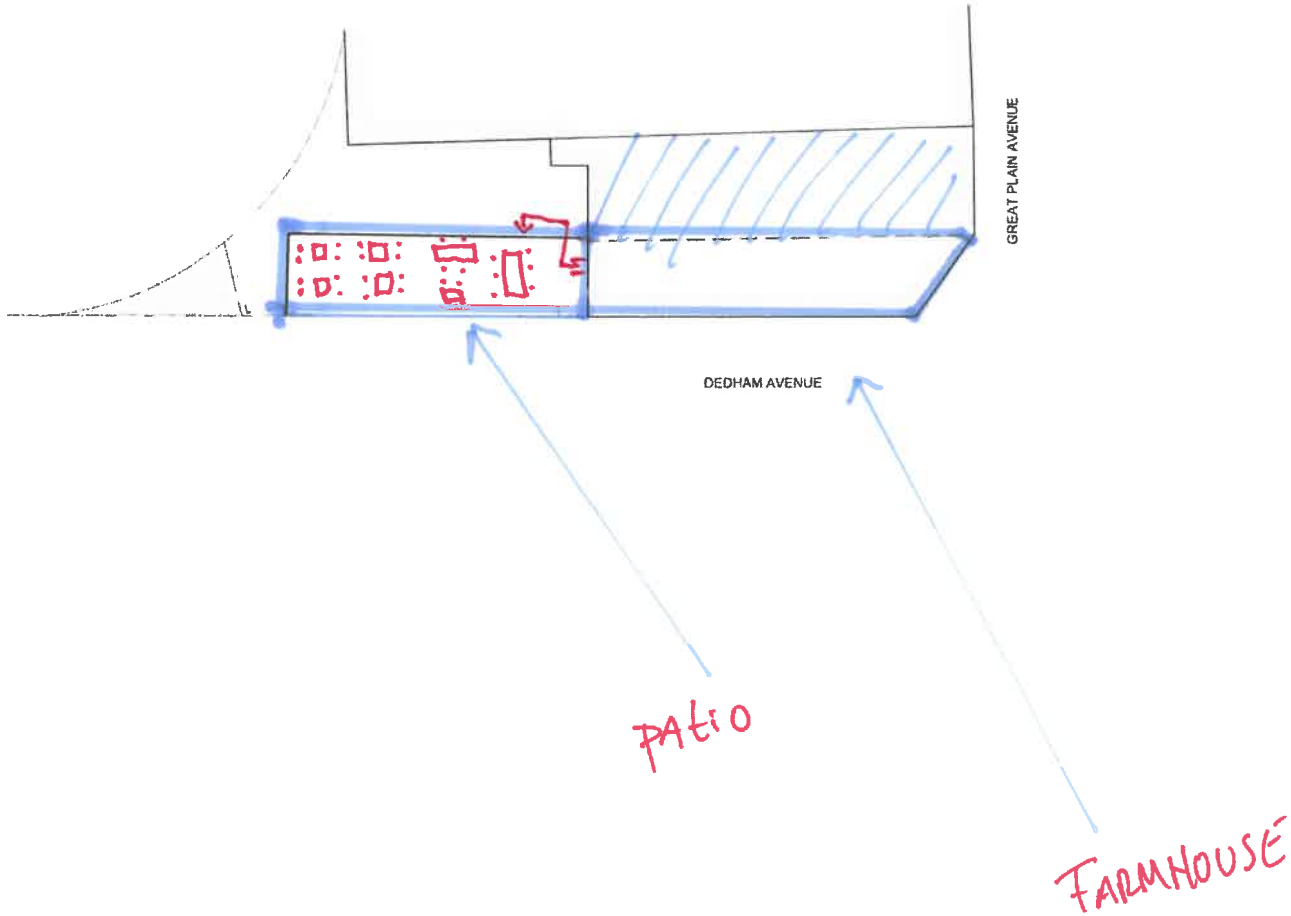
Are you proposing to have: (please check all that apply)?

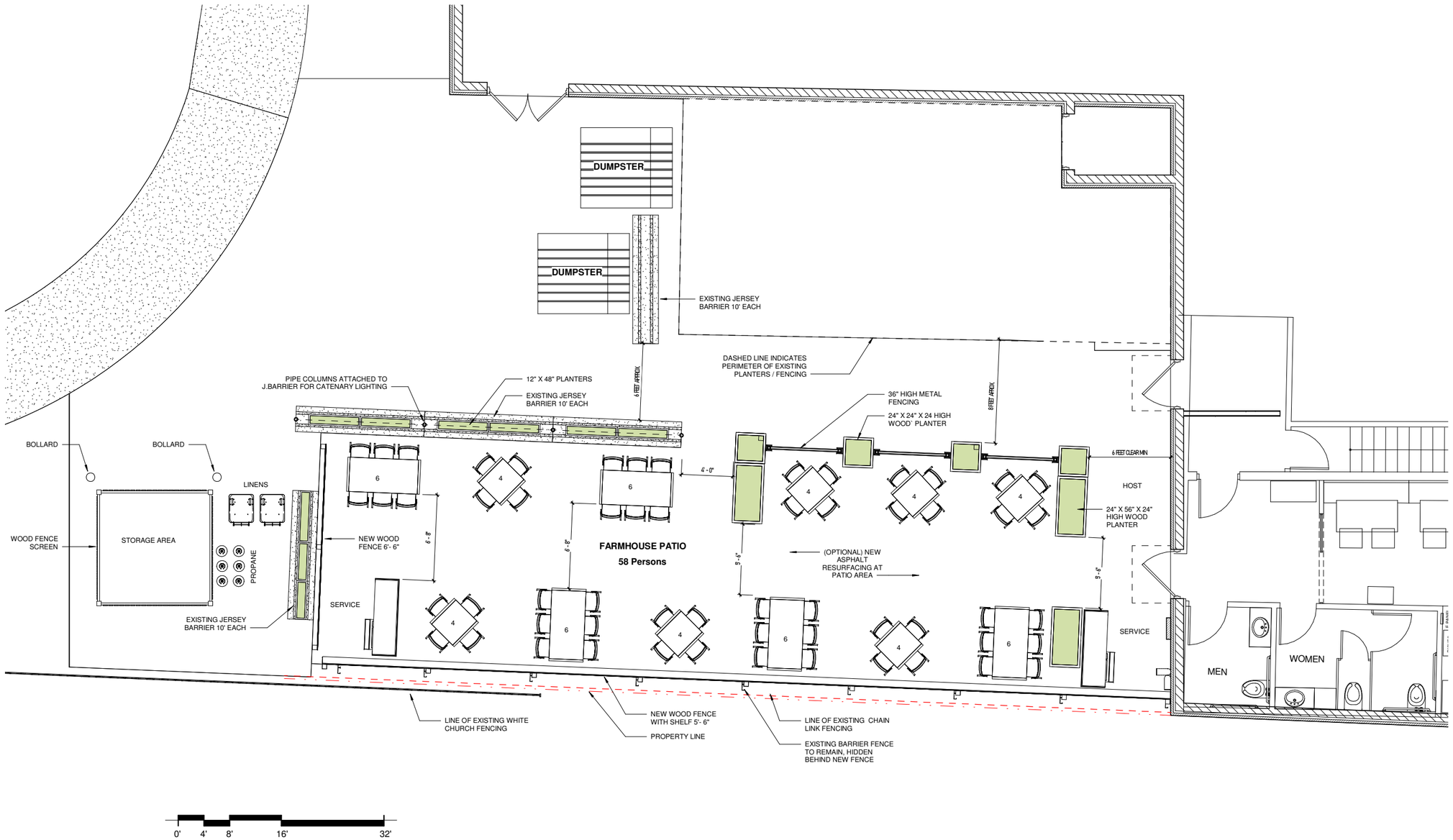
- A tent or canopy? A permit from the Building Department may be required (link).
- ✓ Outdoor lighting? An electrical permit is required (link).
- ✓ Outdoor Heating? A permit from the Fire Department is required (link).

yes, already done so and approved.

PHOTOGRAPHS

Submit photographs of the proposed outdoor dining location (front and side views) if available.


GREAT PLAIN AVENUE
DEDHAM AVENUE
patio
FARMHOUSE



PROPOSED PATIO PLAN

SPALDING TOUGIAS ARCHITECTS, INC.
241 A Street, Suite 200 | Boston, MA 02210
617-542-4522 | WWW.STA-INC.COM

Gabriel / Dora FARMHOUSE PATIO

970 Great Plain Road
Needham, MA

the farmhouse

CONSULTANTS:

David MIller Landscape Architecture + Planning

No.	Date	Revision

Seal

REGISTERED ARCHITECT
GREGORY GEORGE SPALDING
No. 8095
CAMBRIDGE, MASS.
COMMONWEALTH OF MASSACHUSETTS

02.08.2022

Drawing Title

PROPOSED PATIO LAYOUT PLAN

Project No. Project Number

Date

Scale 1/4" = 1'-0"

Drawn By Author

Checked By Checker

Drawing No. A100

© Copyright Spalding Tougias Architects, Inc.

SPALDING TOUGIAS ARCHITECTS, INC.
241 A Street, Suite 200 | Boston, MA 02210
617-542-4522 | WWW.STA-INC.COM

Gabriel / Dora FARMHOUSE PATIO

970 Great Plain Road
Needham, MA

the farmhouse

CONSULTANTS:

David MIller Landscape Architecture + Planning

No.	Date	Revision

Seal

REGISTERED ARCHITECT
GREGORY GEORGE SPALDING
No. 8095
CAMBRIDGE, MASS.
COMMONWEALTH OF MASSACHUSETTS

02.08.2022

Drawing Title

RENDERING

Project No.
Project Number

Date

Scale

Drawn By
Author

Checked By
Checker

Drawing No.
A101

© Copyright Spalding Tougias Architects, Inc.

Bk 40495 Ps55 #36901
04-28-2022 @ 10:25a

RECEIPT
Printed: April 28, 2022 @ 10:25:55
Norfolk Registry of Deeds
William P O'Donnell
Register

Trans#: 43269 Oper:LAUSTIN

==========
Book: 40495 Page: 55 Inst#: 36901
Ctl#: 181 Rec:4-28-2022 @ 10:25:55a
NDHM 970 GREAT PLAIN AVENUE

DOC	DESCRIPTION	TRANS
AMENDMENT		ISION
10.00 rec fee		ity Development
50.00 Surcharge		
5.00 Tech.Surcharge		
STATE PG ADJ		
Postage/Handling Fee		
State Fee $40.00		

Total fees:

*** Total charges

CASH PMT PAYMEN

2022 -7 PM 3:39

AMENDMENT TO DECISION
March 28, 2022

MAJOR PROJECT SITE PLAN SPECIAL PERMIT
Eat Farmhouse LLC 970 Great Plain Avenue, Needham, MA 02492
Application No. 2007-04
(Original Decision dated May 7, 2007, transferred on November 5, 2012, further amended June 4, 2019)

DECISION of the Planning Board (hereinafter referred to as the Board) on the petition of Dora Tavel-Sanchez Luz, Manager of Eat Farmhouse LLC, (hereinafter referred to as the Petitioner) for property located at 970 Great Plain Avenue, Needham, Massachusetts, 02492. Said property is shown on Needham Town Assessors Plan, No. 47 as Parcel 63 containing .45 acres in the Center Business Zoning District and the Needham Center Overlay District, Sub-District A.

This decision is in response to an application submitted to the Board on February 15, 2022, by the Petitioner to amend the decision by the Board dated May 7, 2007, transferred on November 5, 2012, further amended June 4, 2019. The Petitioner seeks: (1) a Major Project Site Plan Review Special Permit Amendment under Section 7.4 of the Needham Zoning By-Law (hereinafter the By-Law); (2) a Special Permit Amendment to Major Project Site Plan Review Special Permit No. 2007-04, Section 4.2; and (3) a Special Permit Amendment under Section 5.1.1.6, to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 of the By-Law (required parking and parking plan and design requirements, respectively).

The requested Major Project Site Plan Review Special Permit Amendment would, if granted, amend the Decision to permit up to 58 outdoor seats by the Farmhouse Restaurant abutting the municipal parking lot and within the parking spaces of the private parking lot and to further reduce the number of indoor seats provided at the restaurant during the outdoor dining season from 100 seats to 76 seats running from April 1 through October 31. The original permit for the restaurant at this location permitted a one hundred (100) seat full-service restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter where the service was provided solely indoors. The original permit further limited the restaurants operation during the weekday lunchtime period (11:00 a.m. - 2:30 p.m.) to 40 of the 100 seats allocated for table dining. At all other times, the Petitioner was able to utilize all of the 100 seats allocated for table dining.

The outdoor dining proposed is seasonal running from April 1 through October 31. The private parking lot (7 parking spaces located behind the subject restaurant at 970 Great Plain Avenue) upon which the seating is to be located is the subject of an easement granted to the Town to permit parking on the private lot for municipal purposes. The Original Major Project Site Plan Special Permit Decision No. 2007-04, dated May 7, required that the 7 parking spaces located on the private lot be available to service all uses within the commercial

MARGINAL REFERENCE
BOOK 30716 PAGE 356

LEGAL NOTICE
TOWN OF NEEDHAM
SELECT BOARD

Application for an Alteration of Premises of Alcoholic Beverages License

Notice is hereby given pursuant to Town of Needham Zoning By-Laws, Section 6.9 and Needham Select Board Policy SB-LIC-016, that Eat Farmhouse LLC d/b/a The Farmhouse, Dora Tavel Sanchez Luz, Manager of Record, has applied for an Outdoor Dining License at 970 Great Plain Avenue, Needham.

IT IS ORDERED that a public hearing be held for said application at the office of the Select Board as the Needham Licensing Authority located in the Town Hall, 1471 Highland Avenue on the 16th day of April 2024 at 6:00 PM. The Select Board invites all residents and interested parties to provide input at this meeting that will be held in person, Select Board Chambers, Town Hall and via Zoom.

Use this link below to join the webinar:
https://us02web.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFJoQT09

Webinar ID: 826 0101 3229
Password: 652800
Or Telephone: +1 646 931 3860

This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at http://masspublicnotices.org/

Licensing Authority
Select Board

Town of Needham Select Board

Policy Number:	SB-LIC-016
Policy:	Outdoor Dining Licenses
Date Approved:	10/12/2021
Date Revised:	
Approved:	_____ Chair, Select Board

Section 1. Purpose

The purpose of this policy is to establish a process and application criteria for licensing local businesses to use public rights-of-way, public parking lots, on-street parking spaces, sidewalks and/or other Town-owned property for outdoor dining. The Select Board will consider these guiding principles for outdoor dining:

- Create quality public spaces that contribute to people's health, happiness, and sense of connection to Needham and with each other.
- Support small businesses through added vibrancy and engagement in our business districts.
- Maintain safe and accessible sidewalk access for all users.
- Balance the needs of other street activities, including adequate parking infrastructure.

Section 2. Policy

2.1 No outdoor restaurant seating shall be permitted within the public right-of-way, public sidewalks and/or on public property unless the Select Board authorizes the placement of temporary outdoor seating.

2.2 Under Zoning Bylaw Section 6.9, the Select Board may authorize the placement of seasonal, temporary outdoor seating including but not limited to tables, chairs, serving equipment, planters, and umbrellas, within the public way and on public property, for eat-in restaurants during normal hours of operation, provided that:

2.2.1 The Select Board holds a public hearing and deems that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons

of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, is adequately provided for;

2.2.2 The seating is within the public sidewalk abutting the front, rear, or side of the restaurant's owned or leased property or on a public way or on other public property abutting the front, rear, or side of the restaurant's owned or leased property;

2.2.3 Such use is clearly related to the restaurant conducted inside the principal building;

2.2.4 Unless otherwise permitted by law, a minimum sidewalk width of forty-eight inches (48") and a minimum width of thirty-six inches (36") of unobstructed pedestrian paths , shall be continuously maintained, as shown on the plan provided to the Select Board;

2.2.5 Such use does not obstruct or otherwise interfere with visibility at intersections;

2.2.6 During all operating hours and thereafter, the area of outdoor seating must be kept clean, including clearing of all tables and removal of all trash; and

2.2.7 The application and proposed plans adhere to all health, safety, access, and operational requirements established by the Town, as outlined in Appendix A: Outdoor Dining Requirements. The Town Manager is authorized to update these requirements, as needed, and will ensure the application form reflects any changes.

2.3 Items 2.2.1, 2.2.2 and 2.2.3 shall not apply during special town-wide festivals or events during the year as designated by the Select Board.

2.4 A restaurant applying for outdoor seating must possess a Common Victuallers License.

2.5 Operation of outdoor restaurant seating areas is only permitted when the main place of business is open.

2.6 Two or more restaurants may apply jointly for a shared outdoor seating area, subject to all requirements that apply to individual applicants.

2.7 The Board may not approve more than 3 public parking spaces for any single applicant. The three spaces include any area taken by concrete safety barriers.

2.8 If an applicant is requesting the use of a designated handicap parking space for outdoor dining, the Board may not approve unless a suitable alternative location for handicap parking is identified.

2.9 The outdoor dining season shall be April 1 - November 30. The Select Board may authorize seasonal temporary outdoor seating under Zoning Bylaw Section 6.9.2 (b) earlier than April 1 and later than November 30 of each year. Applicants should specify the requested start and end date for their outdoor seating area. Board consideration shall be given to snow removal operations, roadway and sidewalk construction schedules, and other needs of the Town.

2.10 Outdoor dining licenses must be renewed annually. For those applications seeking a renewal from the prior year, the Town Manager will determine whether a public hearing is required, taking into consideration any compliance issues, resident or abutter complaints, and safety concerns in the prior year. Renewals will be reviewed subject to the criteria above and to the operational needs of the Town, including but not limited to anticipated roadway or sidewalk construction, potential changes in use of the public property, and changes in the Town's overall parking infrastructure.

2.11 An application for outdoor seating on public property that increases the restaurant's overall seating capacity by more than thirty percent (30%) must receive approval by the Special Permit Granting Authority that granted the special permit allowing the use of the premises as a restaurant (either the Planning Board or the Zoning Board of Appeals), before the Select Board will review the outdoor dining application.

2.12 If an applicant currently has a liquor license that allows consumption on premises and intends to extend that service to the Outdoor Seating area, the applicant must file an Alcoholic Beverages Control Commission's Alteration of Premises form with the Select Board.

2.13 Applicants must provide a certificate of liability insurance covering the approved outdoor dining area and naming the Town of Needham as an additionally insured party in the amount of $500,000/$1 million.

2.14 Permission to use Town land does not modify or amend any applicable state or local rules, requirements, permits, licenses, or approvals. To the extent that modifications of any existing permits, licenses or approvals may be necessary, they should be separately applied for by the applicant.

2.15 Permission to use Town land may be modified or terminated by the Town, in its sole discretion, at any time. Upon termination, the restaurant shall be responsible for removing all its property from the designated area.

Section 3. Procedures

3.1 The applicant shall file an application for outdoor dining on the form prescribed by the Town of Needham and submit requisite plans, photographs, and information.

3.2 The application and related plans that are submitted must adhere to all health, safety, and access requirements established by the Town, as outlined in this policy and in Appendix A: Outdoor Dining Requirements.

3.3 Applicants must provide a certificate of liability insurance covering the approved outdoor dining area and naming the Town of Needham as an additionally insured party in the amount of $500,000/$1 million.

3.4 Upon receipt of an application, the Town Manager or their designee, will review the application for completeness, request any missing documentation, and circulate the completed application to relevant Town departments for review and comments.

3.4.1 An application for outdoor seating on public property that increases the restaurant's overall seating capacity by more than thirty percent (30%) must receive approval by the Special Permit Granting Authority that granted the special permit allowing the use of the premises as a restaurant (either the Planning Board or the Zoning Board of Appeals), before the Select Board will review the outdoor dining application.

3.4.2 If an applicant currently has a liquor license that allows consumption on premises and intends to extend that service to the outdoor seating area, the applicant must file an Alcoholic Beverages Control Commission's Alteration of Premises form with the Select Board.

3.4.3 Applicants are encouraged to apply in late fall/early winter prior to the next outdoor dining season. Applicants may need approval from multiple local boards including the Select Board, Planning Board, and/or Zoning Board of Appeals depending on the specifics of the application. Applicants with liquor licenses will also require approval from the Alcoholic Beverages Control Commission, after local approval is received. While the Town will work diligently to process applications, applicants are not guaranteed a decision by April 1.

3.5 The Office of the Town Manager will notify the applicant and all owners of property within a 300-foot radius of the premises to be licensed of any public hearing via certified mail, at least seven (7) days prior to the scheduled hearing date.

3.6 Applicants that are approved by the Board will be required to sign a license agreement with the Town of Needham for the use of the public right of way.

3.7 Approved applicants may be required to obtain additional permits, subject to the specific furniture and accessories proposed for outdoor dining. Tents and outdoor structures with roofs require a permit from the Building Department. Outdoor

electrical wiring and lighting require an electrical permit from the Building Department. Outdoor heaters require a permit from the Fire Department.

3.8 Applicants with outdoor seating approved in on-street parking spaces or in a parking lot must coordinate with the Department of Public Works for the placement of concrete jersey barriers, before outdoor dining furniture can be installed or used.

3.9 Outdoor dining licenses must be renewed annually. The Select Board will determine whether a public hearing is required for renewal, taking into consideration any compliance issues, resident or abutter complaints, and safety concerns in the prior year. Renewals will be reviewed subject to the criteria above and to the operational needs of the Town, including but not limited to anticipated roadway or sidewalk construction, potential changes in use of the public property, and changes in the Town's overall parking infrastructure.

Section 4. Fees

4.1 There shall be an annual application fee of $25, which will be credited toward the annual licensing fee, as defined in Section 4.2, when the application is approved.

4.2 For all approved applications, there shall be an additional annual licensing fee for the sole use of public space for outdoor dining at the rate of $250 per public parking space and $100 for the use of the sidewalk. If an applicant is approved for the use of public parking space(s) and the sidewalk, the $100 sidewalk licensing fee will be waived.

Section 5. Exceptions

The Select Board reserves the right to make exceptions to this policy if it determines that it is in the best interest of the Town to do so.

Appendix A. Outdoor Dining Requirements

All outdoor dining applications will be reviewed by the relevant Town Department(s) to ensure compliance with the following requirements:

Public Safety & Accessibility

1. The plan submitted must show a minimum sidewalk width of 48" and a minimum width of 36" (or as otherwise prescribed by law) is maintained and unobstructed from the sidewalk or entrances into the building or any other designated walkways or pedestrian paths. The table and chairs must be placed within the outdoor seating area in such a manner as to allow free and safe passage of pedestrian traffic.
2. The outdoor seating arrangement may not obstruct or interfere with visibility at any street intersection and must not impede Police or Fire access.
3. The outdoor seating arrangement may not obstruct any fire exit, fire escape or other required ingress or egress.
4. The outdoor seating area must be accessible to people with disabilities and the applicant must at all times comply with all applicable laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of services.
5. Outdoor seating placed on sidewalks or in outdoor areas should maintain a 36''clear path between and around all tables and chairs.
6. Seating placed near or adjacent to public ways or parking lots that vehicles can pull up to or travel by must have crash protection, such as concrete barriers.

Public Health

7. All entrances and exit doors through the kitchen used by food service personnel and customers must be screened and provided with air curtains meeting National Sanitation Foundation standards. All windows or openings though the kitchen used for the transfer of food must also be screened and provided with air curtains. (If your entrance and exit or service opening to the outdoor seating area is through the kitchen, you must get Health Department approval.)
8. All food must be prepared inside the facility's kitchen and kept inside until served. No food may be prepared outside.
9. A system for washing down the outside seating area must be provided.
10. Food service personnel may not serve patrons beyond the outdoor seating area as shown on the plan approved by the licensing authority.
11. Food service personnel must constantly police the outdoor seating area for wastepaper, garbage, and other trash. Covered trash receptacles should be provided and must be emptied as needed to prevent overflowing. They must also be emptied at the end of each evening's service.
12. If dumpsters are located near these proposed seating areas, need to ensure that areas around dumpsters are clean and sanitary, and no public health nuisance issues with odors or attraction of pests exist.
13. During the operating hours and thereafter, strict clean-up practices must be adhered to. Food service personnel must clear up after each patron and remove all trash and dirty dishes.

14. Outside food handlers must have easy access to handwash sinks and cleaning cloths. Facilities for preparation and disposal of sanitizing solutions must be accessible.
15. Outdoor seating areas shall be considered as part of the restaurant and shall comply with Board of Health regulations, including a prohibition of smoking in seasonal outdoor dining areas and only service animals being allowed in those same areas.
16. Pets not allowed in outdoor seating areas. Only service animals are permitted.

Furniture, Fixtures, Lighting & Heating

17. Tents and outdoor structures with roofs will require a permit from the Building Department.
18. Electrical wiring and lighting for outdoor seating will require an electrical permit from the Building Department.
19. Outdoor heaters require a permit from the Fire Department.
20. The applicant shall be responsible for the maintenance and upkeep of the public right-of-way used for the outdoor seating area and the replacement of damaged public property, including brick pavers. No furniture or furnishings may be permanently attached by any means to the public sidewalk or any other public property.
21. Planters may be used to provide added visual interest and create a more attractive and welcoming atmosphere. Planters may not be used to define the area of outdoor seating where the service of alcohol is involved.
22. If a patio is constructed, the patio or other ground surface must be constructed of material readily cleanable and not susceptible to dust, mud, or debris. (Brick, bluestone, tile, and concrete are examples of acceptable materials.)
23. Outdoor dining furniture and fixtures must be maintained in good visual appearance and in clean condition. Tabletops must be easily cleanable and durable and maintained in a clean and sanitary condition.
24. Umbrellas may be used but must be, when extended, at least 7 feet above the sidewalk or patio level and contained within the outdoor seating area. Umbrellas should be closed when the restaurant is not open for business.
25. Furniture and fixtures must be removed or safely secured when inclement weather is forecasted.
26. At the end of each outdoor dining season, all furniture, umbrellas, and trash receptacles must be removed.
27. All outdoor seating, furnishings and obstructions must be removed from December 1 through and including March 31, unless you have received written approval from the Town of Needham extending your outdoor dining license beyond April 1 - November 30.
28. Electrical or lighting used in or around outdoor seating needs to be UL listed for outdoor continuous use, such as power outlets, lighting and cords or cables. Exterior feeds for lighting or power should not be laid on the ground and installed overhead without code compliant cable and supporting hardware. Electrical wiring for lighting and power shall require a permit and inspection, this work shall be installed by a licensed electrician.
29. Tents, membrane structures and their accessories such as sidewalls, drops, tarpaulins, floor coverings, bunting and combustible decorations shall be certified by an approved testing laboratory meeting the design criteria of NFPA 701. Each Membrane structure or tent shall have a permanently affixed label bearing the size, fabric, and material type, testing agency and standard that fabric was tested under.

30. Portable fire extinguishers are required for each tent or membrane structure.
31. Open or exposed flame or other devices emitting flame, fire or heat or any other flammable or combustible liquids, gas, charcoal, or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet of the tent or membrane structure while open to the public unless approved by the Fire Code Official.
32. LP Gas containers shall be located on the outside. Containers of 500 gallons or less shall have a minimum separation distance of 10 feet between the container and the structure. Storage of over 500 gallons shall have a minimum distance of 25 feet between the container and the structure.
33. Portable LP Gas containers, piping, valves, and fittings located outside and are being used to fuel equipment inside the tent or membrane structure shall be adequately protected to prevent tampering, damage by vehicles or other hazards and shall be in an approved location. Portable LP Gas containers shall be securely fastened in place to prevent unauthorized movement.

Licensing Authority

34. A restaurant requesting outdoor seating must possess a Common Victuallers License.
35. The outdoor seating area must be clearly related to the restaurant conducted in the principal building.
36. Operation of outdoor restaurant seating areas is permitted only when the main place of business is open.
37. If an applicant currently has an alcoholic license and intends to extend that service to the Outdoor Seating area, it must file an Alteration of Premises ABCC form with the Select Board.

TOWN OF NEEDHAM

Office of the Town Clerk

BY-LAWS

Approved By the Attorney General

Special Town Meeting
October 25, 2021

February 15, 2022

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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

MAURA HEALEY
ATTORNEY GENERAL

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

February 15, 2022

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

Re: Needham Special Town Meeting of October 25, 2021 -- Case # 10411
Warrant Articles # 4 and 5 (Zoning)

Dear Ms. Eaton:

Articles 4 and 5 - We approve Articles 4 and 5 from the October 25, 2021 Needham Special Town Meeting.

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

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL
Nicole B. Caprioli
By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418

cc: Town Counsel Christopher H. Heep

Received
2022

TOWN CLERK
February 15, 2022

NEEDHAM
5:06 PM

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909
Telephone (781) 455-7500 x216
Fax (781) 449-1246
Email: Teaton@needhamma.gov

Theodora K. Eaton, MMC
Town Clerk

AT THE SPECIAL TOWN MEETING

HELD ON MONDAY, OCTOBER 25, 2021

UNDER ARTICLE 4

It was

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

a) Amend Section 6.9. Outdoor Seating, Subsection 6.9.1, Applicability, by (i) adding the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter is" before the words "permitted under"; and (iii) adding the word "are" before the words "permitted under"; so that it reads as follows:

"Section 6.9.2 shall apply in any business district in which eat-in restaurants are permitted under Section 3.2.2 of this By-Law."

b) Amend the first sentence of Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by (i) adding the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter" before the words "is permitted during"; (iii) replacing the words "Section 7.4.4 and 7.4.6" with the words "Sections 7.4.4 and 7.4.6"; and (iv) replacing the words "Board of Selectmen" with the words "Select Board"; so that it reads as follows:

"Seasonal temporary (i.e. April through October) outdoor seating, including but not limited to tables, chairs, serving equipment, planters, and umbrellas, for eat-in restaurants is permitted during normal hours of operation, subject to minor project site plan review with

waiver of all requirements of Sections 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board in the case of (a) below and the Select Board in the case of (b) below, provided that:"

c) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (a) by deleting the words ", licensed," so that it reads as follows:

"(a) It is within the front yard, rear yard, or side yard of the restaurant's owned or leased property, but only if said yard abuts a public right-of-way, public property, or other public uses, provided that:"

d) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b) by (i) deleting the words "so long as there remains no less than forty-eight inches (48"), or as otherwise permitted by law, of unencumbered sidewalk width remaining"; (ii) deleting the word "alternatively" before the words "on a public way"; and (iii) adding the word "on" before the words "other public property"; so that it reads as follows:

"(b) It is within the public sidewalk abutting the front, rear, or side yard of the restaurant's owned or leased property or on a public way or on other public property abutting the front, rear, or side yard of the restaurant's owned or leased property, provided that:"

e) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b)(i) by replacing the words "Board of Selectmen" with the words "Select Board", so that it reads as follows:

"(i) No temporary outdoor restaurant seating shall be permitted, unless the Select Board authorizes the placement of temporary outdoor seating within the public right-of-way, public sidewalks and/or on public property;"

f) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b)(iii) by replacing the words "Board of Selectmen" with the words "Select Board", so that it reads as follows:

"(iii) A minimum width of forty-eight inches (48"), or as otherwise permitted by law, shall be continuously maintained and unobstructed for the sidewalk or entrance into the principal building, or any other designated sidewalks or pedestrian paths, as shown on the plan provided to the Select Board;"

g) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b)(iv) by (i) adding the words "shall not be authorized" after the words "Outdoor seating"; (ii) deleting the words "is prohibited" before the words

"in designated or required landscape areas"; and (iii) by adding the words ", or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;" at the end of the subparagraph so that it reads as follows:

"(iv) Outdoor seating shall not be authorized in designated or required landscaped areas, parking lots or drive aisles, or in parking spaces located within a public way, except for good cause, and where the Select Board finds, after holding a public hearing, that pedestrian and vehicular circulation, the safety of restaurant patrons and the public, and parking for patrons of restaurants, retail establishments and service establishments in the vicinity of the outdoor seating, shall be adequately provided for;"

h) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, Subparagraph (b) by adding the following sentence at the end of the section:

"The Select Board may authorize seasonal temporary outdoor seating under this Section 6.9.2 (b) earlier than April 1 and later than October 31 of each year."

i) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by replacing the words "Board of Selectmen" with the words "Select Board", in the second paragraph of the section so that it reads as follows:

"Items (a)(i), (a)(iii), (a)(v) and (b)(ii), (b)(iv), and (b)(vi) shall not apply during special town-wide festivals or events during the year as designated by the Select Board."

j) Amend Section 6.9. Outdoor Seating, Subsection 6.9.2, Basic Requirements Seasonal Outdoor Seating, by deleting the last paragraph of the section and replacing it with the following paragraph to read as follows:

"Where there is authorization for the placement of seasonal temporary outdoor restaurant seating and where such seating could be interpreted to be an increase in the number of seats serving a restaurant, such seating shall not be counted toward the off-street parking or loading requirements, provided that (1) such seating remains seasonal and temporary; and (2) such seating does not increase capacity by more than thirty percent (30%) unless such increase is authorized by the Special Permit Granting Authority that granted the special permit allowing the use of the premises as a restaurant, with or without a hearing, as said Special Permit Granting Authority shall determine."

k) Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial and Industrial 1

Districts, by revising Accessory Uses to replace the term "Seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter" with the term "Seasonal temporary outdoor seating for eat-in restaurants".

l) Amend Section 3.2, Schedule of Use Regulations, Subsection 3.2.2, Uses in Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts, by revising Accessory Uses to replace the term "Seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter" with the term "Seasonal temporary outdoor seating for eat-in restaurants".

m) Amend the second sentence of Section 3.2.4 Uses in the New England Business Center District, Subsection 3.2.4.1 Permitted Uses, paragraph (k) by (i) adding the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter" before the words "shall be allowed"; and (iii) replacing the words "Board of Selectmen" with the words "Select Board"; so that it reads as follows:

"Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9."

n) Amend the second sentence of Section 3.2.5 Uses in the Highland Commercial-128 District, Subsection 3.2.5.1 Permitted Uses, paragraph (i) by (i) adding the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter" before the words "shall be allowed"; and (iii) replacing the words "Board of Selectmen" with the words "Select Board"; so that it reads as follows:

"Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9."

o) Amend the second sentence of Section 3.2.6 Uses in the Mixed Use-128 District, Subsection 3.2.6.1 Permitted Uses, paragraph (m) by adding (i) the word "eat-in" before the word "restaurants"; (ii) deleting the words "serving meals for consumption on the premises and at tables with service provided by waitress or waiter" before the words "shall be allowed"; and (iii) replacing the words "Board of Selectmen" with the words "Select Board"; so that it reads as follows:

"Further provided, accessory uses for seasonal temporary outdoor seating for eat-in restaurants shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9."

UNANIMOUS CONSENT

A true copy
ATTEST: Theodora K. Eaton
Theodora K. Eaton, MMC, Town Clerk

Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909
Telephone (781) 455-7500 x216
Fax (781) 449-1246
Email: Teaton@needhamma.gov

AT THE SPECIAL TOWN MEETING

HELD ON MONDAY, OCTOBER 25, 2021

UNDER ARTICLE 5

It was

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

1) Amend Section 4.4.4, Front Setback, by replacing in the first sentence of the first paragraph the word "a" with the word "the" and by capitalizing the term "business district" to read as follows (new language underlined):

   "In the Business District, there shall be a minimum front setback of ten (10) feet for all lots zoned in the Business District prior to April 14, 1952 and of twenty (20) feet for all lots changed to the Business District thereafter. The setback area shall be kept open and landscaped with grass or other plant materials; such area shall be unpaved except for walks and driveways, as defined in Section 4.4.5. Regulations relative to parking setbacks are governed by Section 5.1."

2) Amend Section 4.4.4, Front Setback, by revising the second paragraph to read as follows (new language underlined):

   "In the Chestnut Street Business District, there shall be a minimum front setback of ten (10) feet for all buildings except along both sides of Chestnut Street where there shall be a front setback of twenty (20) feet for all buildings. The landscaping treatment for the setback area shall be consistent with the Chestnut Street Landscape Design Recommendations (April 1988) on file in the office of the Planning Board. No parking shall be allowed in this setback area. Parking shall be on the side or in the back of the building."

UNANIMOUS CONSENT

A true copy
ATTEST: Theodora K. Eaton
Theodora K. Eaton, MMC, Town Clerk

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 4/30/2024

Agenda Item	Public Hearing: Alteration of Premises for an All-Alcohol License in a Restaurant – Eat Farmhouse LLC d/b/a The Farmhouse (Continued)
Presenter(s)	Dora Tavel-Sanchez Luz, Owner

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

Eat Farmhouse LLC d/b/a The Farmhouse, located at 970 Great Plain Avenue, currently holds an All-Alcohol liquor license. The current licensed premises has a total of 1,711 square feet with 100 seats. The proposed amendment seeks to expand the premises to include a 1,150 square foot outdoor patio area with 58 additional seats (with indoor seating reduced to 76 seats when the patio is in use).

The applicant has used the requested area since 2020 in accordance with state emergency orders and local rules in the context of the COVID-19 pandemic. The requested arrangement of seating is the same.

The applicant has also applied to the Select Board for an Outdoor Dining License since the proposed area is located on an easement upon which the Town has rights to public parking.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Select Board vote to approve the Alteration of Premises amendment application for Eat Farmhouse LLC and vote to forward the Amendment application to the ABCC for review and final approval.

3.	**BACK UP INFORMATION ATTACHED**

a. Amendment Application and Corporate Vote
b. Floorplans
c. Legal Notice
d. Abutter Listing

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM

AMENDMENT-Change or Alteration of Premises Information

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make $200.00 payment here: ABCC PAYMENT WEBSITE

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY) 00029-RS-0770

ENTITY/ LICENSEE NAME Eat Farmhouse LLC

ADDRESS 970 Great Plain Avenue

CITY/TOWN Needham **STATE** MA **ZIP CODE** 02492

For the following transactions (Check all that apply):

- ☐ New License
- ☐ Transfer of License
- ☐ Change of Manager
- ☐ Change of Officers/Directors
- ☐ Change of Ownership Interest
- ☐ Change Corporate Name
- ☐ Change of DBA
- ☒ Alteration of Licensed Premises
- ☐ Change of Location
- ☐ Other
- ☐ Change of Class (i.e. Annual / Seasonal)
- ☐ Change of License Type (i.e. club / restaurant)
- ☐ Change of Category (i.e. All Alcohol/Wine, Malt)
- ☐ Issuance/Transfer of Stock/New Stockholder
- ☐ Change Corporate Structure (i.e. Corp / LLC)
- ☐ Change of Hours
- ☐ Pledge of Collateral (i.e. License/Stock)
- ☐ Management/Operating Agreement

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change or Alteration of Premises Information

☐ **Change of Location**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☒ **Alteration of Premises**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Eat Farmhouse LLC	Needham	00029-RS-0770

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

We are applying to incorporate an outdoor space that was originally operated under COVID emergency orders.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Dora Tavel-Sanchez Luz	Owner	[redacted]	

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

Addition of patio in rear of restaurant with 58 seats.

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

1,711 sq ft on the first floor and 1,150 sq ft patio for seasonal outdoor dining. First floor dining room with seating capacity for 100 seats (limited to 76 when using patio) and patio with 58 seats for seasonal use. First floor also contains kitchen area, takeout station, and two restrooms.

Total Sq. Footage	2,861	Seating Capacity	134	Occupancy Number	134
Number of Entrances	3	Number of Exits	3	Number of Floors	1

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

Proposed Street Address

3B. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage		Seating Capacity		Occupancy Number	
Number of Entrances		Number of Exits		Number of Floors	

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises: Lease

Landlord Name: Matthew Simon

Landlord Phone: [redacted]

Landlord Email: [redacted]

Landlord Address: 10 Newbury St, Boston, MA 02116

Lease Beginning Date		Rent per Month	8,400
Lease Ending Date		Rent per Year	99,000

Will the Landlord receive revenue based on percentage of alcohol sales? (•) Yes ( ) No

4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

No new costs - all changes already made during emergency orders.

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total:	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			◯ Yes ◯ No
			◯ Yes ◯ No
			◯ Yes ◯ No
			◯ Yes ◯ No

APPLICANT'S STATEMENT

I, Dora Tavel-Sanchez Luz the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager

Authorized Signatory

of Eat Farmhouse LLC

Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

(1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;

(2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;

(3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;

(4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;

(5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;

(6) I understand that all statements and representations made become conditions of the license;

(7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;

(8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and

(9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

(10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: [signature] Date: 03/25/2024

Title: LLC Manager

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

ENTITY VOTE

The Board of Directors or LLC Managers of Eat Farmhouse LLC
Entity Name

duly voted to apply to the Licensing Authority of Needham and the
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on Dec 6, 2022
Date of Meeting

For the following transactions (Check all that apply):

- [x] Alteration of Licensed Premises
- [ ] Change of Location
- [ ] Other

"VOTED: To authorize Dora Tavel-Sanchez Luz
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,

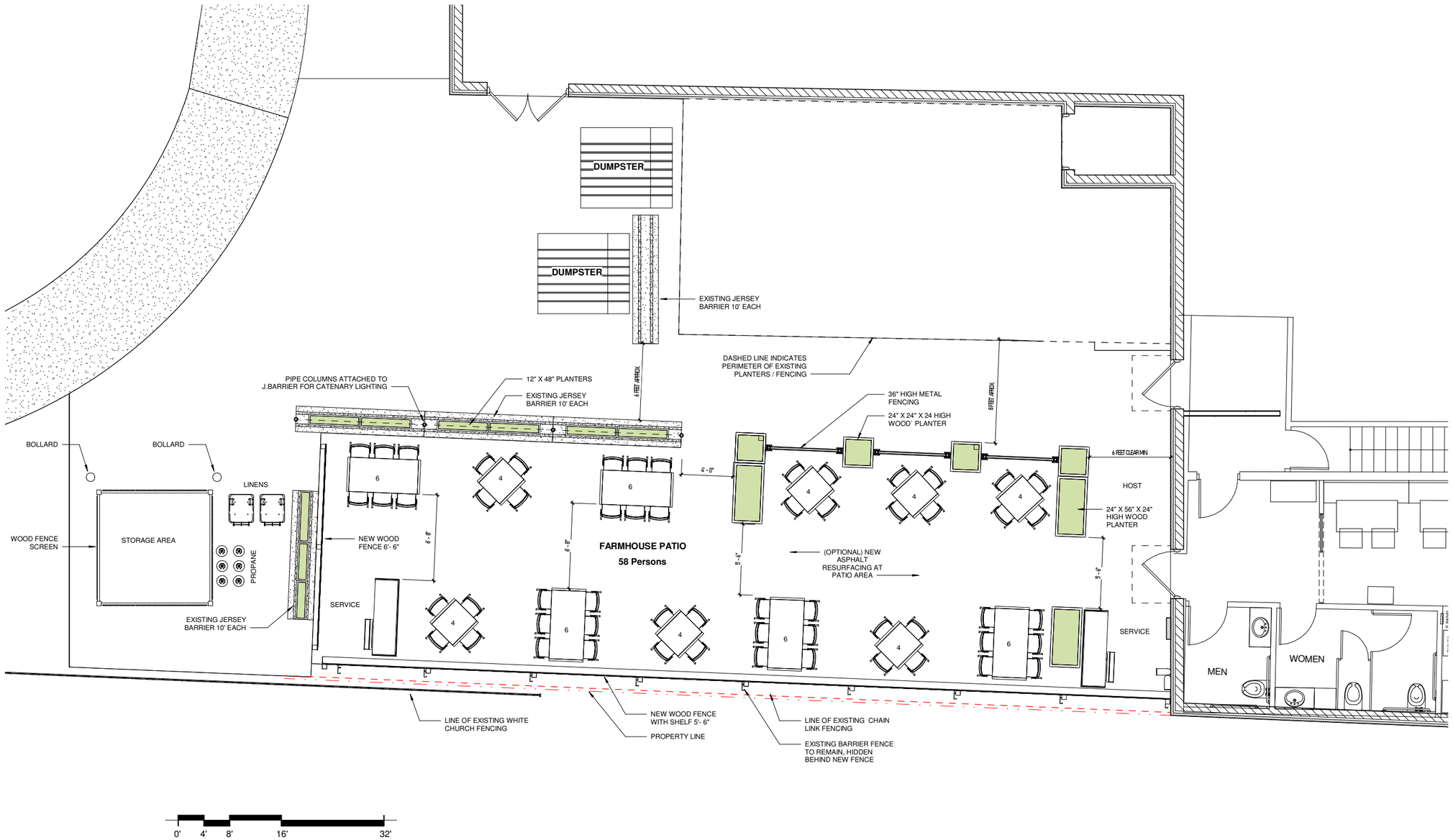
Corporate Officer /LLC Manager Signature

Dora Tavel-Sanchez Luz
(Print Name)

For Corporations ONLY
A true copy attest,

Corporation Clerk's Signature

(Print Name)



PROPOSED PATIO PLAN

SPALDING TOUGIAS ARCHITECTS, INC.
241 A Street, Suite 200 | Boston, MA 02210
617-542-4522 | WWW.STA-INC.COM

Gabriel / Dora FARMHOUSE PATIO

970 Great Plain Road
Needham, MA

the farmhouse

CONSULTANTS:

David MIller Landscape Architecture + Planning

No.	Date	Revision

Seal

REGISTERED ARCHITECT
GREGORY GEORGE SPALDING
No. 8095
CAMBRIDGE, MASS.
COMMONWEALTH OF MASSACHUSETTS

02.08.2022

Drawing Title

PROPOSED PATIO LAYOUT PLAN

Project No. Project Number

Date

Scale 1/4" = 1'-0"

Drawn By Author

Checked By Checker

Drawing No. A100

© Copyright Spalding Tougias Architects, Inc.

SPALDING TOUGIAS ARCHITECTS, INC.
241 A Street, Suite 200 | Boston, MA 02210
617-542-4522 | WWW.STA-INC.COM

Gabriel / Dora FARMHOUSE PATIO

970 Great Plain Road
Needham, MA

the farmhouse

CONSULTANTS:

David MIller Landscape Architecture + Planning

No.	Date	Revision

Seal

REGISTERED ARCHITECT
GREGORY GEORGE SPALDING
No. 8095
CAMBRIDGE, MASS.
COMMONWEALTH OF MASSACHUSETTS

02.08.2022

Drawing Title

RENDERING

Project No.
Project Number

Date

Scale

Drawn By
Author

Checked By
Checker

Drawing No.
A101

© Copyright Spalding Tougias Architects, Inc.

LEGAL NOTICE

Town of Needham

SELECT BOARD

Application for an Alteration of Premises of Alcoholic Beverages License

Notice is hereby given pursuant to Massachusetts General Laws, Chapter 138, that Eat Farmhouse LLC d/b/a The Farmhouse, Dora Tavel Sanchez Luz, Manager of Record, has applied for an Alteration of Premises of a Section 12 Restaurant, All Alcoholic Beverages License at 970 Great Plain Avenue, Needham.

IT IS ORDERED that a public hearing be held for said application at the office of the Select Board as the Needham Licensing Authority located in the Town Hall, 1471 Highland Avenue on the 16th day of April 2024 at 6:00 PM. The Select Board invites all residents and interested parties to provide input at this meeting that will be held in person, Select Board Chambers, Town Hall and via Zoom.

Use this link below to join the webinar: https://us02web.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFJoQT09

Webinar ID: 826 0101 3229 Password: 652800 Or Telephone: +1 646 931 3860

This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at http://masspublicnotices.org/

Licensing Authority
Select Board

2x4 Town of Needham - Farmhouse 4-4-24 *4-4-24 HTW*

LEGAL NOTICE
TOWN OF NEEDHAM
SELECT BOARD

Application for an Alteration of Premises of Alcoholic Beverages License

Notice is hereby given pursuant to Town of Needham Zoning By-Laws, Section 6.9 and Needham Select Board Policy SB-LIC-016, that Eat Farmhouse LLC d/b/a The Farmhouse, Dora Tavel Sanchez Luz, Manager of Record, has applied for an Outdoor Dining License at 970 Great Plain Avenue, Needham.

IT IS ORDERED that a public hearing be held for said application at the office of the Select Board as the Needham Licensing Authority located in the Town Hall, 1471 Highland Avenue on the 16th day of April 2024 at 6:00 PM. The Select Board invites all residents and interested parties to provide input at this meeting that will be held in person, Select Board Chambers, Town Hall and via Zoom.

Use this link below to join the webinar:
https://us02web.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFJoQT09

Webinar ID: 826 0101 3229
Password: 652800
Or Telephone: +1 646 931 3860

This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at http://masspublicnotices.org/

Licensing Authority
Select Board

970 GREAT PLAIN AVENUE
300 FEET

OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
1016 GREAT PLAIN AVENUE LLC		78 HANCOCK ST	BRAINTREE	MA	02184
1478 HIGHLAND AVENUE CO., LLC	PO BOX 1159	REAL ESTATE TAX DEPARTMENT	DEERFIELD	IL	60015
1492 HIGHLAND AVENUE LLC		78 HANCOCK ST	BRAINTREE	MA	02184
3840 LINCOLN LLC		7280 COVENTRY CT # 528	NAPLES	FL	34104
50 DEDHAM AVE LLC		93 FISHER AVE	BROOKLINE	MA	02445
905 GREAT PLAIN AVENUE LLC	C/O THE MAKIN GROUP INC	7 HARVARD ST	BROOKLINE	MA	02445
935 GREAT PLAIN AVENUE LLC		78 HANCOCK ST	BRAINTREE	MA	02184
ALPHI LLC		596 CENTRAL AVE	NEEDHAM	MA	02492
ATB REALTY LLC		2867 BANYAN BLVD CIR NW	BOCA RATON	FL	33431
BERGER, BRUCE & BORNSTEIN, GLEN	SMOKEY RE TRUST	1034 GREAT PLAIN AVE	NEEDHAM	MA	02492
BRETT, LLC		2 PINE TREE DR	BUZZARDS BAY	MA	02532
BRIGGS, GRAHAM R. + JANE C., TRS		15 OAK ST	NEEDHAM	MA	02492
BROMLEY-NEEDHAM LLC		57 DEDHAM AVE	NEEDHAM	MA	02492
COX, GILBERT W. JR. TR	COX REALTY TRUST	60 DEDHAM AVE	NEEDHAM	MA	02492
CROSS KINGSBURY LLC		19 TECH CIR	NATICK	MA	01760
EIP PICKERING STREET LLC		PO BOX 1083	HICKSVILLE	NY	11802
EVANS, JAMES R. & STECKLOFF, JILLIAN		73 DEDHAM AVE	NEEDHAM	MA	02492
FAN,CHING TA & MEI LING		16 CURVE ST	NEEDHAM	MA	02492
FIRST CHURCH OF CHRIST SCIENTIST		870 GREAT PLAIN AVE	NEEDHAM	MA	02492
FIRST OF MANY, LLC		P.O. BOX 85	EAST WALPOLE	MA	02032
FIRST PARISH IN NEEDHAM - UNITARIAN		23 DEDHAM AVE	NEEDHAM	MA	02492
GRAHAM, MARCIA A		205 SOUTH ST	MEDFIELD	MA	02052
GREYMONT, ALFRED W. TR	ALFRED W. GREYMONT REVOCABLE	11 DEER PATH LN	MIRROR LAKE	NH	03853
HARTMAN, FREDERICK M TR	FAK NEEDHAM REALTY TRUST	919 GREAT PLAIN AVE	NEEDHAM	MA	02492
HEFFERNAN, MICHAEL A. &	HEFFERNAN, ELIZABETH A., TRS	18 GANNETT RD	NATICK	MA	01760
KAPOOR, SORABH TR	GREAT REALTY TRUST	27 ELIOT ST #2	JAMAICA PLAIN	MA	02130
KATZ, JEFFREY A. & GARY M., TRUSTE	AJ REALTY TRUST	PO BOX 920206	NEEDHAM	MA	02492
LEVLEE, LLC		PO BOX 223	BOSTON	MA	02127
NEEDHAM ENTERPRISES LLC		105 CHESTNUT ST STE 28	NEEDHAM	MA	02492
PESIRIDIS, NICHOLAS, TRS	ROMA REALTY TRUST	PO BOX 850551	BRAINTREE	MA	02185
S-BNK NEEDHAM CENTRE, LLC		961 GREAT PLAIN AVE	NEEDHAM	MA	02492
SDS NOMINEE TRUST	DOUGLAS SALAMONE	2 AVA	MILLIS	MA	02054

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.....

970 GREAT PLAIN AVENUE
300 FEET

OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
SIMON II ASSOCIATES LLC		10 NEWBURY ST	BOSTON	MA	02116
THE KINGSBURY BUILDING MASTER D	C/O GREENE,RUBIN,MILLER & PACII	1340 SOLDIERS FIELD ROAD	BOSTON	MA	02135
THOMAS, DINA &	THOMAS, TRIANTOS	198 CURVE ST	DEDHAM	MA	02026
TOMMASINO, ROBERT C, TR		907 MASSACHUSETTS AVE	CAMBRIDGE	MA	02139

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.....

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 4/30/2024

Agenda Item	American Rescue Plan Act Funding
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**
The Town Manager will provide the Board with an update on ARPA spending, commitments, grants, and projects.	
2.	**VOTE REQUIRED BY SELECT BOARD**
N/A – Discussion Only.	
3.	**BACK UP INFORMATION ATTACHED**
a. April 30, 2024 Update to ARPA Proposal Budget	

ARPA Proposal Budget with Expended Balance

Category	Description	State/County	Budget	Adjusted Budget	Total Expended	Unexpended	Encumbered	Uncommitted Balance
COVID-19 Direct Impact	Contact Tracers	State	$60,000.00	$23,910.00	$23,910.00	$0.00	$0.00	$0.00
	Epidemiologist	State	$140,000.00	$216,077.47	$164,771.32	$51,306.15	$51,306.15	$0.00
	Public Health Nurse	State	$160,000.00	$279,083.00	$187,798.50	$91,284.50	$91,284.50	$0.00
	Mental & Behavioral Health Staffing	State	$190,000.00	$265,548.00	$205,467.65	$60,080.35	$60,080.35	$0.00
	Mental & Behavioral Health Services	State	$190,000.00	$48,350.75	$46,850.75	$1,500.00	$1,500.00	$0.00
	COVID-19 Test Kits for School Staff and residents of limited means and those in high risk groups	State	$229,800.00	$229,800.00	$229,800.00	$0.00	$0.00	$0.00
	Other - Rentals	State	$4,246.00	$4,246.00	$4,246.00	$0.00	$0.00	$0.00
	Other - Town COVID-19 Test Kits	State	$2,984.78	$2,984.78	$2,984.78	$0.00	$0.00	$0.00
	Other - Not yet assigned	State	$92,969.22	$0.00	$0.00	$0.00	$0.00	$0.00
	Subtotal		**$1,070,000.00**	**$1,070,000.00**	**$865,829.00**	**$204,171.00**	**$204,171.00**	**$0.00**
Ventilation Upgrades	Library Chiller	State	$0.00	$369,000.00	$0.00	$369,000.00	$333,548.52	$35,451.48
	Subtotal		**$0.00**	**$369,000.00**	**$0.00**	**$369,000.00**	**$333,548.52**	**$35,451.48**
Technology Improvements	Support for Hybrid Meetings, Communications & Remote Work	State	$175,000.00	$441,123.33	$237,523.33	$203,600.00	$67,163.82	$136,436.18
	NeoGov E-Forms Module	State	$31,613.48	$31,613.48	$31,613.48	$0.00	$0.00	$0.00
	Other - Not yet assigned	State	$68,386.52	$2,263.19	$0.00	$2,263.19	$0.00	$2,263.19
	Subtotal		**$275,000.00**	**$475,000.00**	**$269,136.81**	**$205,863.19**	**$67,163.82**	**$138,699.37**
Economic Development	Grant Program	State	$460,000.00	$443,775.00	$389,979.14	$53,795.86	$0.00	$53,795.86
	Public Art	State	$20,000.00	$37,500.00	$15,622.71	$21,877.29	$17,500.00	$4,377.29
	Other - Rental of Tents	State	$18,725.00	$18,725.00	$18,725.00	$0.00	$0.00	$0.00
	Other - Not yet assigned	State	$1,275.00	$0.00	$0.00	$0.00	$0.00	$0.00
	Subtotal		**$500,000.00**	**$500,000.00**	**$424,326.85**	**$75,673.15**	**$17,500.00**	**$58,173.15**
Water/Sewer/Drains	Temp Project Manager	State	$500,000.00	$471,336.60	$89,472.35	$381,864.25	$310,526.65	$71,337.60
	Rosemary Sluice Gate Replacement/NPDES Stormwater	State	$600,000.00	$120,000.00	$19,220.45	$100,779.55	$75,469.55	$25,310.00
	Stormwater Master Plan	State	$0.00	$280,000.00	$0.00	$280,000.00	$0.00	$280,000.00
	Other - Not yet assigned	State	$340,336.60	$0.00	$0.00	$0.00	$0.00	$0.00
			$1,440,336.60	**$871,336.60**	**$108,692.80**	**$762,643.80**	**$385,996.20**	**$376,647.60**
		State total	**$3,285,336.60**	**$3,285,336.60**	**$1,667,985.46**	**$1,617,351.14**	**$1,008,379.54**	**$608,971.60**
Infrastructure*	Town Reservoir Clean-up Construction - ARPA-1033	County	$2,070,000.00	$2,142,500.00	$125,000.00	$2,017,500.00	$0.00	$2,017,500.00
	Walker Pond Category 2 Construction - ARPA-1032	County	$356,000.00	$356,000.00	$207,024.64	$148,975.36	$148,975.36	$0.00
	Walker Pond Outlet - ARPA-1166	County	$0.00	$400,000.00	$0.00	$400,000.00	$0.00	$400,000.00
	128 Sewer Interceptor Project Design - ARPA-1178	County	$0.00	$60,000.00	$49,200.00	$10,800.00	$0.00	$10,800.00
	128 Sewer Interceptor Project Construction - ARPA-1178	County	$0.00	$2,940,000.00	$0.00	$2,940,000.00	$2,392,306.00	$547,694.00
	South St Water Main Construction	County	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
	Allowance for Water/Sewer/Drains	County	$3,487,848.40	$15,348.40	$0.00	$15,348.40	$0.00	$15,348.40
	Subtotal	County total	**$5,913,848.40**	**$5,913,848.40**	**$381,224.64**	**$5,532,623.76**	**$2,541,281.36**	**$2,991,342.40**
	Grand Total		**$9,199,185.00**	**$9,199,185.00**	**$2,049,210.10**	**$7,149,974.90**	**$3,549,660.90**	**$3,600,314.00**

updated 4/30/24

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 4/30/2024

Agenda Item	Consolidation of Information Technology Functions
Presenter(s)	Kate Fitzpatrick, Town Manager

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

At its meeting on April 23, 2024 the School Committee voted to approve the Memorandum of Understanding between the Select Board and the School Committee concerning the proposed consolidation of Town and School information technology functions.

For the past year, Town and School officials have been engaged in an evaluation of the concept of consolidating the Town and School Information Technology functions. Last summer, the parties engaged a consultant, Plante Moran, LLC to conduct an Informational Technology (IT) Organizational Assessment. The assessment was complete in November, 2023 and presented to a joint meeting of the Select Board, School Committee, and Finance Committee on December 5, 2023. The Board voted to endorse the proposed consolidation at its meeting on February 13, 2024.

The Plante Moran report recommended that the Town and School technology departments be unified within a single structure under the direction of the School Department. The planned move is predicted to result in greater cohesion, efficiency, and collaboration; to better enable strategic planning; and to provide consistent implementation of policy, procedure, and training. Additionally, Plante Moran recommended that the Town strengthen its services by investing in its informational technology infrastructure, including cybersecurity resources.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Board vote to approve the Information Technology Consolidation Memorandum of Understanding between the Select Board and the School Committee.

3.	**BACK UP INFORMATION ATTACHED**

a. Memorandum of Understanding
b. FAQ – Town and School IT Consolidation

SCHOOL/TOWN INFORMATION TECHNOLOGY ORGANIZATION
MEMORANDUM OF UNDERSTANDING (MOU)

This Agreement is entered into by and between the Select Board of the Town of Needham and the School Committee of the Town of Needham, collectively "the parties."

WHEREAS, the Town's Information Technology Center and the School Department's Information Technology Department have operated as separate entities; and

WHEREAS, Town and School officials have been engaged in an evaluation of the concept of consolidating the Town and School Information Technology functions. The parties engaged a consultant, Plante Moran, LLC to conduct an Informational Technology (IT) Organizational Assessment. The assessment was completed in November, 2023 and was presented to a joint meeting of the Select Board, School Committee, and Finance Committee on December 5, 2023; and

WHEREAS, the Plante Moran report recommended that the Town and School technology departments be unified within a single structure under the direction of the School Department. The initiative is predicted to result in greater cohesion, efficiency, and collaboration; to better enable strategic planning; and to provide consistent implementation of policy, procedure, and training. Additionally, Plante Moran recommended that the Town strengthen its services by investing in its informational technology infrastructure, including cybersecurity resources; and

WHEREAS, The parties seek to consolidate the two departments,

NOW THEREFORE BE IT AGREED as follows:

Information Technology staff will be School Department employees and will report to the Director of Information Technology Services and ultimately to the Superintendent.

The School Department agrees to employ existing Town IT staff (2) in the appropriate employee group.

Funds appropriated for Municipal Information Technology will not be carried forward into a successor fiscal year.

Funds appropriated for Municipal Information Technology will not be reallocated to fund items unrelated to municipal information technology.

The parties agree to prepare and adopt Service-level agreements which set expectations between the service provider (NPS) and the customer (General Government) and describe the

products or services to be delivered, the point of contact for end-user problems, and metrics by which the effectiveness of the process is monitored and approved.

The Superintendent and Town Manager will facilitate regular meetings of School and Town stakeholders comprised of select School and Town employees who have an interest in setting goals for information technology initiatives and priorities (the "User Advisory Committee"). The Director of IT Services will serve as staff person to the User Advisory Committee.

The Superintendent and the Town Manager will meet at least annually to discuss the status of the initiative. The School Department Director of Information Technology Services will provide periodic reports to the Superintendent and Town Manager on the status of projects, staffing, and finance.

In the case of any disagreement about the terms of this MOU, the Town Manager and School Superintendent will meet to discuss and resolve any issues. In extraordinary circumstances, the School Committee and Select Board will meet in a joint session to discuss any concerns.

The Parties agree to review the Agreement on a biennial basis. Termination of the Agreement may be achieved by vote of the Select Board or School Committee and will become effective on the July 1st, which occurs at least eighteen months after such vote.

Witness our hands and seals this _____ day of _____ 2024.

Town of Needham
Select Board vote of Approval: April 30, 2024
School Committee vote of Approval: April 23, 2024

Needham Public Schools

May 2024 Annual Town Meeting Article 12
Frequently Asked Questions: Town & School IT Consolidation

- **Why are the Town and Schools Consolidating Information Technology (IT) Services?**

Following the 2022 departure of several key individuals within the Town of Needham Informational Technology Department, the School Department stepped in to assist with and oversee operations on an interim basis and to provide critical services in the area of network, applications and user support. Based on the early success of this collaboration, and in collaboration with the Select Board, School Committee, and Finance Committee chairs, the Town Manager and Superintendent retained the services of a consulting firm to review and assess the optimal structure for school and town technology services, including whether some or all services should be combined, how duties should be distributed and what the potential cost of implementation might be.

- **What Did the Consulting Firm Recommend?**

In November 2023, Plante Moran, LLC, an audit firm with experience in municipal sector information technology consulting, concluded its Informational Technology (IT) Organizational Assessment. That report, which is available on the School Department website at https://www.needham.k12.ma.us/departments/information_technology_services, recommended that the Town and School technology departments be unified as a single structure under the direction of the Needham Public Schools.

In addition, Plante Moran recommended that the Town of Needham:

- Engage in strategic technology planning;
- Improve its cybersecurity infrastructure;
- Update its inventory of technology assets and software;
- Replace/ upgrade aged and legacy technologies;
- Implement technology training programs for staff;
- Evaluate the effectiveness of administrative software solutions for potential improvements;
- Standardize technologies across the organization, where possible; and
- Develop updated policies and procedures.

- **How will the Town of Needham Benefit from IT Service Consolidation?**

The planned move will facilitate Town-wide planning of strategic priorities and initiatives; will create opportunities for shared infrastructure and operational efficiencies; will provide consistent implementation of IT policy, procedure and training; and will result in greater cohesion and collaboration between departments of the Town.

- **What is the Proposed Plan and Timeline for Implementation?**

The proposed consolidation would occur in a phased approach, broadly consisting of the following:

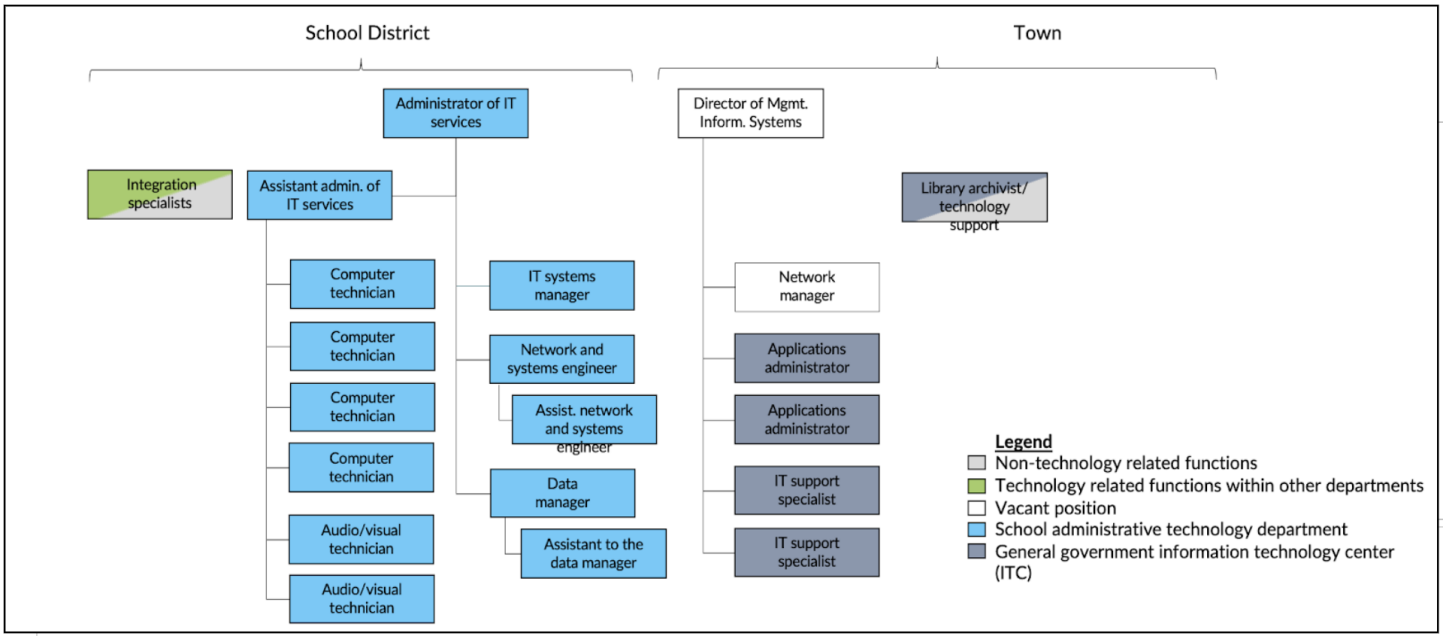
- FY24: Continue the existing, interim structure; Leverage external vendors to provide services, where needed; Update inventories; Engage in risk assessment; Solicit Employee Feedback; and Prepare for consolidation. Preparations include the reorganization of budgets, the development of a Memorandum of Understanding (MOU) to guide consolidation, and the formation of an IT Steering Committee comprised of representative user groups.

- FY25: Implement a 'transitional,' consolidated structure; Spin-off non-technology functions; Develop IT strategic plans; Update policies/procedures; Engage in staff training.

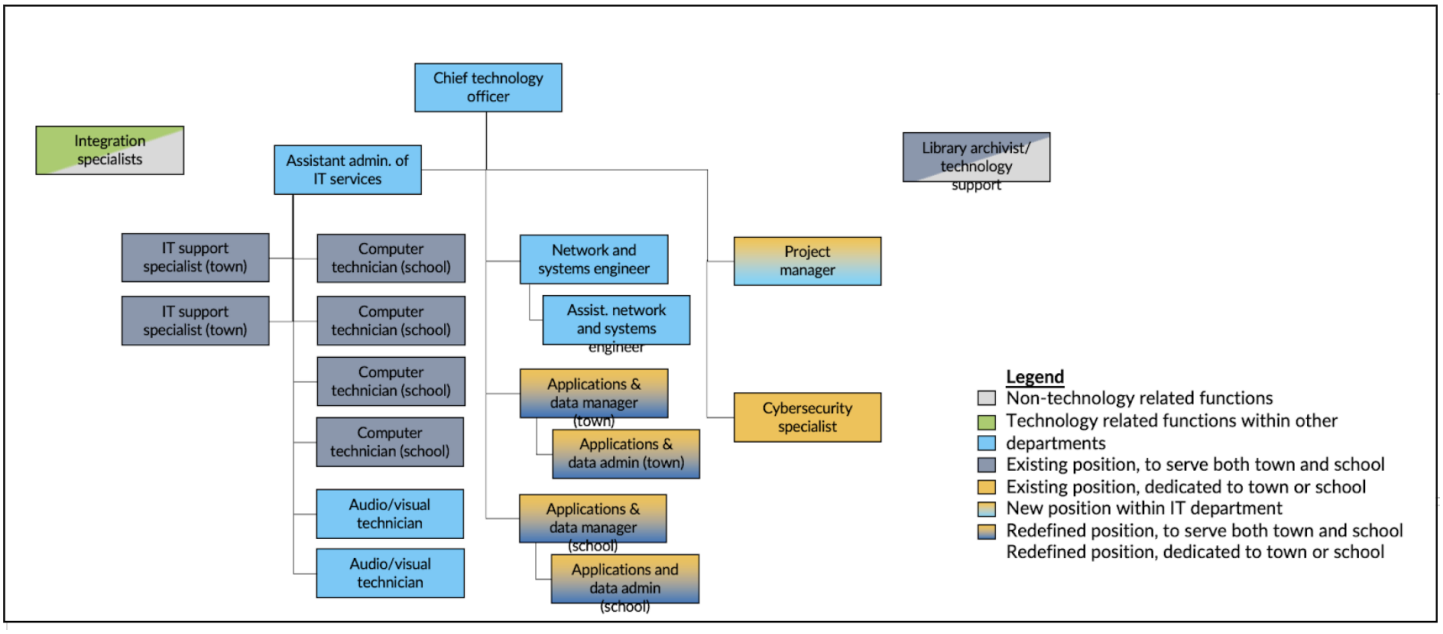
- FY26: Implement a permanent organizational structure; Replace legacy technology, as needed; Focus on systems integration, workflow improvements and software assessments.

- **What are the Current and Proposed Organizational Structures?**

The current structure of school and general government IT services is:



The consolidated structure proposed by Plante Moran is:



- **What is the Proposed Implementation Budget?**

The proposed implementation budget is $4,561,761, which includes the school technology budget of $2,063,836, and the municipal technology budget of $1,904,283. It also includes $593,643 in additional expenses, requested via separate warrant article (Article 12.)

The additional expenses break down as follows:

In the area of staffing, an increase in salary funds (of $129,859) is required to transition employees and backfill functions that will be removed from the IT scope (student registration and data analysis/reporting.) The Superintendent and Town Manager intend to assess staffing levels over the next two years to determine if the number of personnel are adequate, particularly in the areas of applications and network support.

In the area of supplies and services, $463,784 are needed for the following new and ongoing expenses:

- Network oversight and cybersecurity $204,034
- Zoom phone system configuration, deployment and support, $91,700
- Help desk support, including 24/7 services to public safety functions, $26,800
- Outsourced printer maintenance, $65,000
- Implementation policy consulting services, $50,000
- Accelerated Town device replacement, $26,250

Future year investments will focus on the replacement of legacy technologies and administrative systems upgrades.

- **Will the Proposed Consolidation Result in Budget Savings?**

The consolidated structure is expected to result in operational efficiencies down the road, as the need for managed services is reduced, purchasing becomes more efficient through economies of scale, and technologies become standardized across the organization. In the short term, however, Plante Moran identified an immediate need to invest in key areas of the Town's technology infrastructure. These areas include: network security; 24/7 support for safety-sensitive functions; strategic plan and policy/procedure development; and replacement cycle funding for legacy technologies and outdated administrative systems.

- **What will Town Meeting be Asked to Approve?**

In May, Town Meeting will be asked to approve the consolidation plan, as well as the additional funds required to implement the Plante Moran recommendations, though the following financial warrant article:

ARTICLE 12: APPROPRIATE FOR INFORMATION TECHNOLOGY CONSOLIDATION

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 71 Section 37M to consolidate information technology services of the School Committee and The Town under the direction of the School Committee, and to raise and/or transfer and appropriate the sum of $593,643 to support information technology consolidation, to be spent under the direction of the School Committee, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto

INSERTED BY: Select Board, School Committee

- **How Would the Consolidated Budget be Appropriated to the School Department?**

The recommendation is for the municipal IT budget, which is currently included within the Town's Finance Department budget, to be transferred to the School Department. For ease of review by Town Meeting, and to provide public transparency, the Town Warrant includes a second appropriation line to the Needham Public Schools, as follows:

Article 13 – Appropriate the FY25 Operating Budget:
21 Needham Public Schools - Needham Public School Budget ($2,063,836 of $97,517,926)
22 Needham Public Schools - Municipal Information Technology ($1,904,283)

The remaining consolidation budget funds would be appropriated via the separate warrant article referenced above.

Article 12 – Appropriate for Information Technology Consolidation ($593,643)

- **Why is it Important to Consolidate Budgets and Operations within a Single Structure?**

The efficient operation of a consolidated IT structure requires common operational and financial leadership. In the absence of consolidation, the Town Charter would require that town technology operations remain under the control and direction of the Town Manager and school technology operations remain under the School Committee. In addition, the expenditure of funds would continue to be subject to the differing fiscal priorities and budgetary planning processes of the two entities. Further, it is crucial that one department oversee operations, including resources and budget,

to ensure cohesion and the efficient and practical use of IT staff and resources. Without a consolidation of budget resources and operations it will be impractical to implement this plan.

- **Is Consolidation Permitted by Law?**

Yes. Massachusetts General Law c. 71 s. 37M, permits a city or town to consolidate certain administrative functions, such as technology administration, upon acceptance of this statute. Such consolidation would require a majority vote of both the School Committee and the Annual Town Meeting. Under that statute, the decision to consolidate functions also can be revoked by a majority vote of either the School Committee or Town Meeting, or both.

Additionally, Section 17 of the Town's Charter grants to the School Committee "… all the powers, duties, responsibilities and functions vested in school committees by the General Laws and as delegated to it by the Town which are not inconsistent with the General Laws. The School Committee shall execute all laws pertaining to educational responsibilities assigned to the Town and such further responsibilities as may be delegated to them by vote of the Town."

- **Have the School Committee and Select Board voted to support the Consolidation?**

Yes, the School Committee voted to support the consolidation when it approved the warrant article that will go to Town Meeting in May, and the Select Board voted to support the merger as well. The Superintendent of Schools and Town Manager also strongly support the consolidation of Town and School IT services.

- **Do School IT Staff Have the Requisite Experience, Qualifications and Clearance to Oversee Town IT Services, Including Sensitive Public Safety Functions?**

Yes, school IT staff are experienced, qualified and certified to work with the type of technology infrastructure that underlies general government operations, including networks, equipment and applications. In fact, School staff have been working with and overseeing public safety and public infrastructure (e.g., water) for over a year now.

School IT staff maintain the school department's multi-building network and have provided both training and backup services to Town IT staff in this area. School staff also have the skills and experience necessary to manage and support all types of information technology devices (such as computers, servers, telecommunications equipment, cameras, and specialty equipment), and to lay low voltage wiring. Additionally, school staff are experienced with administering enterprise-level information software systems, including both financial and information management systems. Finally, school staff have experience working with Apple, PC and cloud-based environments, as well as their associated operating platforms.

Additionally, school IT staff have the experience and qualifications needed to administer systems that contain sensitive and protected information. All IT staff working in the Public Safety Building must be Criminal Justice Information Services (CJIS)-certified for the Town to remain compliant in this area. CJIS certification is a requirement for organizations that access or use criminal justice information (CJI). The certification is administered by the Federal Bureau of Investigations and is designed to ensure that organizations have the necessary security measures in place to project CJI. Currently, both the School Director of Administrative Information Technology Services and the individual providing 24/7 contract support services to Public Safety are CJIS-certified. Additionally, school staff routinely work with systems that contain Health Insurance Portability and Accountability

Act (HIPPA)-protected health information, confidential student information protected by the Family Educational Rights and Privacy Act (FERPA), and other restricted data.

- **Why are IT Services Proposed to be Consolidated Under the School Committee Instead of the Town Manager?**

The School Department has a large, experienced and well-run department that is capable of scaling up to administer general government technology operations, as well. Additionally, the School Department already has been functioning in this capacity for over a year, since the departure of the Town's senior technology staff. Finally, the School Department is both ready and willing to accept the responsibility of supporting the Town's technology infrastructure into the future. Just as the Town assumed responsibility and oversight for school maintenance many years ago, the Schools are prepared and qualified to do the same with IT services.

- **What Guarantees will the Town Have for Subsequent Service under School Leadership?**

The Superintendent and Town Manager will execute a Memorandum of Understanding which will set out their expectations and commitments, including as they relate to resource allocation, budget transparency, and problem solving. Furthermore, the School Committee will continue to work closely with the Finance Committee to ensure the high level of transparency, efficiency and accountability that has been the case for many years.

- **Is this Town-School Collaboration Supported by Historical Precedent and Prior Working Relations?**

Yes. The Town Manager and School Superintendent, in partnership with the Select Board and School Committee, have a long history of success operating in a cooperation to oversee school building projects, to maintain school facilities, and to support the work of school resource officers and crossing guards, among other initiatives. Additionally, the parties will act proactively to ensure that the special technology needs of each will continue to be met within a consolidated structure through the enactment of a Memorandum of Understanding, through the creation of an information technology advisory committee comprised of representative user groups, and through continued representation on the Town's established Technology Advisory Board (TAB).

- **Are there other communities that have consolidated IT services in this way?**

Yes. The towns of Brookline, Franklin, Duxbury, Medfield and Natick have consolidated services in this way and under the jurisdiction of the School Committee.

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 4/30/2024

Agenda Item	Positions on Warrant Articles
Presenter(s)	Kate Fitzpatrick, Town Manager

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

The Board will review articles on the Annual Town Meeting Warrant and the Special Town Meeting Warrant.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Board vote to support (not to support) article _____ in the Annual Town Meeting Warrant and vote to support (not to support) article _____ in the Special Town Meeting Warrant.

3.	**BACK UP INFORMATION ATTACHED**

a. Final Annual Town Meeting Warrant provided under separate cover
b. May 13, 2024 Special Town Meeting Warrant provided under separate cover
c. Status of Articles as of April 26, 2024

TOWN MEETING
Status of Articles 4/26/2024

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
	ANNUAL TOWN MEETING							
1	ANNUAL TOWN ELECTION							
2	COMMITTEE AND OFFICER REPORTS							
3	ESTABLISH ELECTED OFFICIALS' SALARIES		Adopt		Marianne	John		
4	FUND COLLECTIVE BARGAINING AGREEMENT – NIPEA		Adopt	Adopt	Marianne	Barry		
5	FUND COLLECTIVE BARGAINING AGREEMENT – ITWA		Adopt	Adopt	Marianne	Barry		
6	APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM		Adopt	Adopt	Josh	Karen		
7	APPROPRIATE FOR FACILITIES MAINTENANCE PROGRAM		Adopt	Adopt	Cathy	Paul		
8	APPROPRIATE FOR SMALL REPAIR GRANT PROGRAM		Adopt	Adopt	Josh	Karen		
9	APPROPRIATE FOR PLANNING CONSULTING ASSISTANCE		Adopt	Not Adopt	Cathy	John		
10	APPROPRIATE FOR SCIENTIFIC EXPERTS & CONSULTANTS		Adopt	No Adopt	Cathy	Karen		
11	APPROPRIATE FOR FIRE ALARM WIRE REMOVAL		Adopt	Adopt	Kevin	Jim		

TOWN MEETING
Status of Articles 4/26/2024

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
12	APPROPRIATE FOR INFORMATION TECHNOLOGY CONSOLIDATION		Adopt	Adopt	Cathy	John		
13	APPROPRIATE THE FY2025 OPERATING BUDGET		Adopt	Adopt	Kevin	Carol		
14	APPROPRIATE THE FY2025 SEWER ENTERPRISE FUND BUDGET		Adopt	Adopt	Kevin	Paul		
15	APPROPRIATE THE FY2025 WATER ENTERPRISE FUND BUDGET		Adopt	Adopt	Kevin	Paul		
16	SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS		Adopt	Adopt	Josh	Jim		
17	AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS		Adopt	Adopt	Josh	Barry		
18	AMEND ZONING BY-LAW – AFFORDABLE HOUSING DISTRICT		Adopt	Adopt	Cathy	Jim		Adam
19	AMEND ZONING BY-LAW – MAP CHANGE FOR AFFORDABLE HOUSING DISTRICT		Adopt	Adopt	Cathy	Jim		Adam
20	AMEND ZONING BY-LAW – SOLAR ENERGY SYSTEMS		Adopt	Adopt	Heidi	Jim		Adam or Artie
21	APPROPRIATE FOR HIGH SCHOOL TENNIS COURTS			Adopt	Heidi	Carol	Maureen Callahan	

TOWN MEETING
Status of Articles 4/26/2024

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
22	APPROPRIATE FOR LINDEN STREET REDEVELOPMENT		Adopt	Adopt	Cathy	Jim	Laura Dorfman	
23	APPROPRIATE FOR DEFAZIO COMPLEX FENCING		Adopt	Adopt	Heidi	Carol	Jeanne McKnight	
24	APPROPRIATE FY2025 CPA RESERVES		Adopt	Adopt	Heidi	Carol		
25	APPROPRIATE FOR GENERAL FUND CASH CAPITAL		Adopt	Adopt	Marianne	John		
26	APPROPRIATE FOR POLLARD MIDDLE SCHOOL FEASIBILITY STUDY/MSBA		Adopt	Adopt	Marianne	John		
27	APPROPRIATE FOR ATHLETIC FACILITY IMPROVEMENTS – CLAXTON FIELD		Adopt	Adopt	Heidi	Jim		
28	APPROPRIATE FOR FIRE ENGINE	Amend?			Kevin	Karen		
29	APPROPRIATE FOR WATER FLEET REFURBISHMENT		Adopt	Adopt	Kevin	Paul		
30	APPROPRIATE FOR QUIET ZONE PROJECT		Adopt		Marianne	John		
31	APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE		Adopt	Adopt	Kevin	Barry		
32	APPROPRIATE FOR PUBLIC WORKS FACILITIES IMPROVEMENTS PHASE 1 DESIGN		Adopt	Adopt	Kevin	Paul		
33	APPROPRIATE FOR SEWER MAIN REPLACEMENT		Adopt	Adopt	Kevin	Paul		

TOWN MEETING
Status of Articles 4/26/2024

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
34	APPROPRIATE FOR WATER ENTERPRISE FUND CASH CAPITAL		Adopt	Adopt	Kevin	Paul		
35	APPROPRIATE FOR WATER SERVICE CONNECTIONS		Adopt	Adopt	Kevin	Paul		
36	RESCIND DEBT AUTHORIZATIONS		Adopt	Adopt	Josh	Karen		
37	ACCEPT M.G.L. CH. 32 SECTION 20(6)/RETIREMENT BOARD STIPENDS	Withdrawn			Marianne	Barry		
38	AMEND GENERAL BY-LAWS – PERIODIC GENERAL BY-LAW REVIEW		Adopt	Adopt	Marianne	Paul		
39	AMEND GENERAL BY-LAW - NON-CRIMINAL DISPOSITION/ PLASTIC BAGS		Adopt	Adopt	Marianne	Barry		
40	AMEND GENERAL BY-LAW TECHNOLOGY ADVISORY BOARD		Adopt	Adopt	Cathy	Barry		
41	AUTHORIZE SELECT BOARD TO REMOVE RESTRICTIONS				Cathy	Barry		
42	AMEND GENERAL BY-LAWS — LOCAL HISTORIC DISTRICT		Adopt	No Position Taken	Kevin			
43	CITIZENS' PETITION: RESCIND DEBT AUTHORIZATION			Adopt	Marianne	Karen		
44	CITIZENS' PETITION/AMEND ZONING BY-LAW – DIMENSIONAL REGULATIONS			Not Adopt	Cathy	Karen		Adam

TOWN MEETING
Status of Articles 4/26/2024

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
45	CITIZENS' PETITION – SINGLE USE PLASTICS BAN BY-LAW	Amend	Adopt	Not Adopt	Heidi	Barry		
46	CITIZENS' PETITION – AUTHORIZATION TO EXPEND FUNDS FOR CONSULTANT FOR MBTA COMMUNITIES ZONING				Heidi	Carol		
47	APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND		Adopt	Adopt	Josh	Jim		
48	APPROPRIATE TO CAPITAL IMPROVEMENT FUND					John		
49	APPROPRIATE TO CAPITAL FACILITY FUND					Paul		
50	APPROPRIATE DEBT SERVICE STABILIZATION FUND					John		
51	OMNIBUS					Carol		
	SPECIAL TOWN MEETING							
1	AMEND THE FY2024 OPERATING BUDGET		Adopt	Adopt	Kevin	Carol		
2	APPROPRIATE FOR TOWN-OWNED LAND SURVEYS		Adopt	Adopt	Heidi	Jim		
3	UNPAID BILLS OF A PRIOR YEAR		Adopt	Adopt	Cathy	Karen		
4	APPROPRIATE FOR PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) PROGRAMMING		Adopt	Adopt	Josh	Barry		

TOWN MEETING
Status of Articles 4/26/2024

#	Article	Status	SB Position	FC Position	SB	FC	CPC	Planning
5	APPROPRIATE FOR AUDITORIUM UPGRADES AND IMPROVEMENTS	Emergency Preamble	Adopt	Adopt	Kevin	John		
6	RESCIND DEBT AUTHORIZATIONS		Adopt	Adopt	Josh	Paul		
7	AMEND GENERAL BY-LAWS – FINES UNDER SECTION 3.5		Adopt	Adopt		Karen		

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 4/30/2024

Agenda Item	Town Manager's Report
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**
The Town Manager will update the Board on issues not covered on the agenda.	
2.	**VOTE REQUIRED BY SELECT BOARD**
N/A – Discussion Only	
3.	**BACK UP INFORMATION ATTACHED**
None	

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 4/30/2024

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**
Board members may report on the progress and/or activities of their Committee assignments.	
2.	**VOTE REQUIRED BY SELECT BOARD**
N/A – Discussion Only	
3.	**BACK UP INFORMATION ATTACHED**
None	

NCRTF Buni Celebration Bench

03/16/2024

To: Needham Select Board

From: Paul Good, Chair
The Needham Community Revitalization Trust Fund (NCRTF)

Re: Catherine Buni Celebration Bench On Amity Path
Location: 500 Dedham Ave. Needham, MA 02492

Dear Select Board,

The NCRTF is requesting your approval of the Catherine Buni Celebration Bench for installation on the beautiful Amity Path behind 500 Dedham Avenue.

As depicted In the images provided, this natural granite bench will integrate beautifully into the surrounding landscape of this serene walking path.

It's carved inscription on the face of the stone will read: "You Are The Gift!" welcoming every passerby to sit and enjoy a few peaceful moments as they gaze into the wooded surroundings.

On the top of the stone, at the back center, will be a flush mounted inlaid bronze colored plaque with the dedication to Catherine's mother who, until recently due to her mobility issues, has loved to walk the Amity path and connect with the nature that surrounds it.

At the donor's request, this top plaque will be installed only after her mom's passing and the stonemason's who are forming the granite bench will return to install this plaque after that time as part of their agreement. The craftspeople creating the bench are associated with one of the oldest granite monument creators in Vermont and are friends of the Buni family.

Ed Olsen, Director Of Parks And Forestry, has already visited the site location and approved the site and concept during his visit on June 5, 2023.

If approved, this natural granite bench will be installed by Summer 2024 for all to enjoy!

Thank you for your consideration.

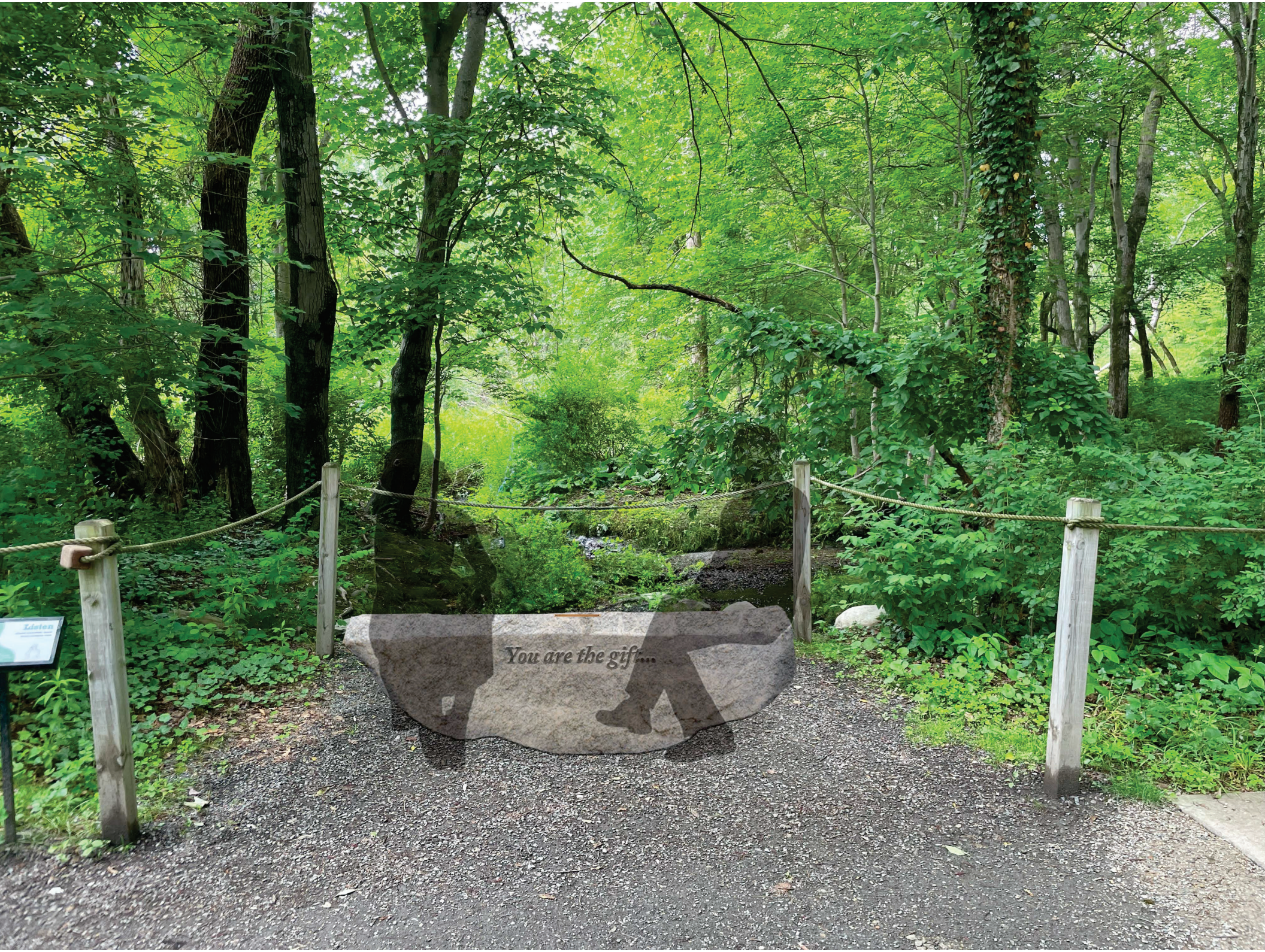
Cheers,

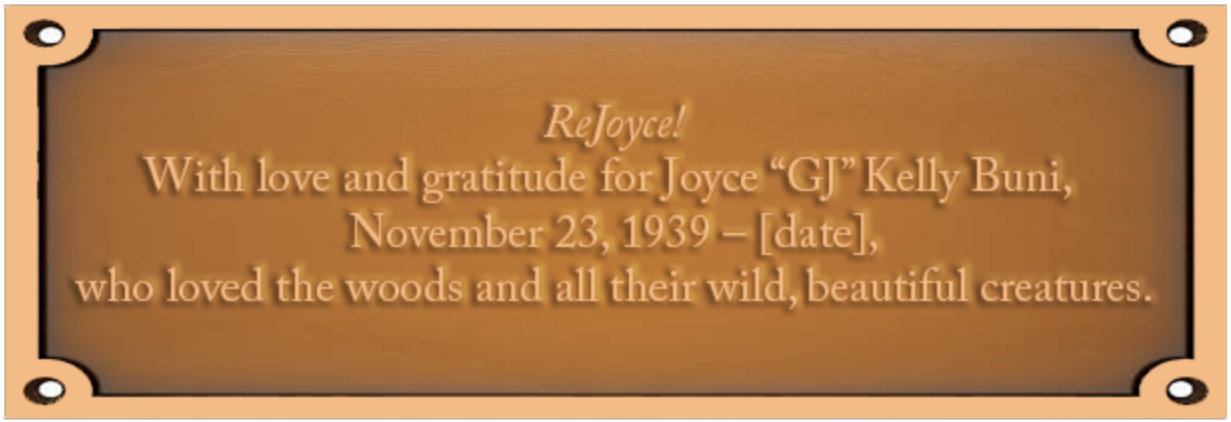
Paul

Paul A. Good
Founder/Chair
The Revitalization Trust Fund Committee (NCRTF)
781-718-5552

Listen
You are the gift...

Listen
You are the gift...


Listen
You are the gift...


ReJoyce!
With love and gratitude for Joyce "GJ" Kelly Buni,
November 23, 1939 – [date],
who loved the woods and all their wild, beautiful creatures.

Town of Needham Board of Selectmen

Policy Number:	BOS-DIS-003
Policy:	Naming of Facilities and Placement of Materials
Date Approved:	April 13, 2005
Date Revised:	May 11, 2010
Approved:	_____ Chairman, Board of Selectman

Policy:

1. The Board of Selectmen is responsible for the naming (or renaming) of any facilities located on parcels of land under the jurisdiction of the Board. A facility is defined as a building, portion of a building, driveway, intersection, walkway, or other parcel or portion of a parcel of land and places or natural features contained therein. Once a facility has been named, renaming will be approved only in extraordinary circumstances.

2. The Board of Selectmen is responsible for approval of the placement of memorial objects, artwork, signs or other fixtures on parcels of land under the jurisdiction of the Board. Examples include, but are not limited to, plaques, memorial or ornamental signs, sculptures, banners, benches, trees or other plantings, fountains, detached structures, and walls.

Procedure:

1. A proposal to name a facility must be submitted in writing to the Board of Selectmen and must include a summary outlining the merits of the proposal. The proponent or his or her designee will present the request to the Board of Selectmen at a regularly scheduled meeting. The Board will vote on the proposal no sooner than the next regularly scheduled meeting, after allowing a period of time for public comment. The Board of Selectmen may appoint a committee to assist with its review of any proposal.

2. A proposal for the placement of a memorial object, piece of artwork, sign, or other fixture must be submitted in writing to the Board of Selectmen and must include a summary outlining the merits of the proposal. The Board will vote on the proposal at a regularly scheduled meeting.

3. The Board of Selectmen shall review existing facility names to avoid duplication, confusing similarity or inappropriateness.

4. Approval of the placement of a memorial object, artwork, sign or other fixture will only be made after a determination by the Board of Selectmen that the proposal will not: limit physical access to the site; endanger the peace or safety of the public; interfere with any utility or access thereto; be limited by unacceptable special restrictions, conditions or

covenants; or create a significant budgetary obligation on the Town for which no provision has been made.

5. Donation of funds, memorial objects, artwork, signs, fixtures, or in-kind services must be formally accepted by the Board of Selectmen in accordance with Massachusetts General Laws.

6. Requests for naming of facilities or placement of memorials on land not under the jurisdiction of the Board will be referred to the appropriate Board.

Town of Needham
Select Board
Minutes for Tuesday, March 26, 2024
Select Board's Chamber and
Via ZOOM
https://us02web.zoom.us/j/89068374046

6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Vice Chair Kevin Keane, Cathy Dowd, Heidi Frail, Marcus Nelson, Town Manager Kate Fitzpatrick. David Davison, Deputy Town Manager/Director of Finance, Katie King, Deputy Town Manager/Director of Operations, and Susan Metropol, Recording Secretary, were also in attendance.

6:00 p.m. Public Comment Period:

Michael Diener, 30 Kenney Street, presented information he compiled on various funds utilized by the Town and his comments on how differing uses of these funds may affect the Town and its residents. He made several recommendations on the topic.

6:07 p.m. Citizens' Petition: Single Use Plastics Ban:
Presenters: Rob Fernandez, Petitioner, Kathy Raiz, Petitioner

Rob Fernandez and Kathy Raiz provided the Select Board with the basis for their citizens' petition. Their proposed single use plastic ban would occur in two phases:

> Phase 1 (effective January 1, 2025): ban on polystyrene and Styrofoam containers and plastic straws (unless requested by a patron), plastic stirrers, and splash guards.
>
> Phase 2 (effective January 1, 2026): ban on water bottles less than 1 liter.

Presenters noted that enforcement would be the same as the plastic bag ban through the Needham Board of Health and that they are starting to gather feedback from businesses to understand their concerns and thoughts as well.

Questions from Select Board members included topics such as what other towns are doing with regard to bans on plastic items, the cost differences for businesses between plastic water bottles and aluminum water bottles, and what is being done at the state level regarding plastic bans.

6:24 p.m. Citizens' Petition: Rescind Debt Authorization:
Presenter: Joe Abruzese, Petitioner

Joe Abruzese provided a summary of the basis of the petition to release the $2.5 million previously held. Ms. Cooley confirmed that the Select Board also submitted a similar warrant for Town Meeting. Mr. Abruzese will confirm with the Moderator what the process for his citizens' petition will be as there is another article on the topic.

6:29 p.m. Citizens' Petition: Authorization to Expend Funds for Consultant for MBTA Communities Zoning:
Presenter: Gary Ajamian, Petitioner

Petitioner Gary Ajamian and fellow petitioners presented the basis for their citizens' petition, notably that they are seeking the appropriation and authorization of $150,000 to prepare an analysis of the MBTA Communities Act with specific regard to infrastructure, public safety, and environmental impacts. These funds would be directed towards hiring a technical consultant in order to conduct an independent evaluation of these areas. Discussion included the timeline for this petition and the scope of this consultant as compared with the consultants already engaged with HONE.

6:50 p.m. Introduce Ellyse Glushkov, Treasurer/Collector:
Presenters: Cecilia Simchak, Assistant Director of Finance

Ms. Simchak introduced incoming Treasurer/Collector Ellyse Glushkov. Ms. Glushkov holds a bachelor's degree in plant and soil sciences from the Stockbridge School of Agriculture and a master's degree in accounting from UMass Amherst. Select Board Members expressed their excitement for Ms. Glushkov's start in this role. She is looking forward to working with everyone in the Town.

6:54 p.m. Police Department Annual Report:
Presenters: John Schlittler, Chief of Police, Kelsey Cournoyer, Crime Analyst

Chief Schlittler provided the Board with a summary of the 2023 Annual Report of the Police Department. The Chief was joined by Kelsey Cournoyer, who compiled the report. Chief Schlittler reviewed that there are 49 sworn officers in the Needham Police Department. The Department is currently budgeted for 53 officers and is working towards a full staff. Chief Schlittler emphasized that the officers in the Needham Police Department do not only enforce the law but play many roles in the community in a range of different and challenging situations. Of note, the Needham Police Department is currently participating in the Massachusetts Police Accreditation Program. This is a voluntary step by the Needham Police Department to maintain certain standards established by the Accreditation Program, including regular assessments by Commission-appointed assessors to ensure compliance with professional standards.

2023 Year End Review

Chief Schlittler then provided a summary of the 2023 Year End Review, including notable changes in specific criminal activities, including thefts from motor vehicles, unemployment fraud, assault and battery, as well as traffic and bylaw violations. He also emphasized the Department continues to track data related to four specific areas of citizen concerns:

- Mental health
- Drug overdose (In 2023, there were 24 total overdoses; four had Narcan administered by either Police or Fire. 20 overdoses did not require the use of Narcan. Three overdoses led to death.)
- Handcuffing (Handcuffing was used 88 times in 2023, one less occurrence than 2022. 70.4% of these instances were arrests. 13 of them were warrant of apprehension, 5 for mental health related reasons, three for officer safety, four for protective custody, and 1 for another reason.)
- Domestic violence (There were 89 domestic disturbance/violence related calls in Needham in 2023, a 17% increase from 2022.)

There were seven instances in which force was used in 2023, which is a decrease from 12 instances in 2022. There were 4,900 motor vehicle stops, which is more than 2,000 more stops than 2022, however the percentages related to race and resident status remain stable. 95% of these stops were non-residents. There was a total of 64 arrests in Needham in 2023, four more than the number of arrests in 2022. The overall number of crashes per month was 37, most accidents occurring between 2-3pm. There were 22 motor vehicle involving pedestrian accidents, eight of which were at a crossing location.

Chief Schlittler also reviewed the processes for training that the Needham Police Department has been conducting. Specific Massachusetts Police Training Committee includes training on trauma informed response, responding to interpersonal violence, hate crimes, officer wellness, CPR, and firearms training, among others.

Discussion ensued regarding police use of the data presented, the importance of the Community Outreach Officer in responding to appropriate calls, and concerns about drugs and work with surrounding towns on this issue. There were also questions from Select Board members about mail theft, crashes involving pedestrians and hands-free enforcement, as well as maintaining a positive social media presence in the community.

7:33 p.m. Marcus Nelson exited the Select Board Chambers.

7:34 p.m. Appointment Calendar and Consent Agenda:

Motion by Mr. Keane that the Board vote to approve the Appointment Calendar and Consent Agenda as presented.
Second: Ms. Dowd. Unanimously approved 4-0.

APPOINTMENT CALENDAR

1.	Paul Molta	Regional Transportation Advisory Committee Term Exp: 6/30/2026

CONSENT AGENDA

1.	In accordance with Section 20B (v) of the Town Charter and as recommended by the Town Manager and the Personnel Board, adopt compensation tables for non-represented employees for fiscal year 2025 and fiscal year 2026.
2.	Approve a Mobile Food Vendor License application for Goldberg Food Enterprises LLC d/b/a How's Your Meat to vend on May 11, 2024 at the Needham History Center & Museum (pending completion of inspections by the Health and Fire departments).
3.	Approve the following donation to the Needham Health Division: • $733 from Susanna Whitman for Needham's Gift of Warmth Program • $10,000 from Needham Community Council for Needham's Gift of Warmth Program
4.	Approve the following donation to Needham Youth & Family Services: • $200 gift card from Wegman's towards future programs
5.	Approve the following donation to Needham's Aging Services Division: • $30 from Margaret Clarridge
6.	Approve the following donation to the Needham Free Public Library: • $21,488 from the Friends of the Needham Free Public Library
7.	Sign the Warrant for the Annual Town Election to be held on Tuesday, April 9, 2024.
8.	Approve a request from Jill Barber, YMCA, to hold the road event "Charles River YMCA Independence Day 5K." The event is scheduled for Thursday, July 4, 2024, at 8:30 am – 9:30 am. The event and route have been approved by the following departments: Fire, Police, and Public Works.
9.	Approve and Sign Water Sewer Abatement #1326.

NOTICE OF APPROVED ONE-DAY SPECIAL ALCOHOL LICENSES

Hosting Organization	Event Title	Location	Event Date
Temple Beth Shalom	Purim Spiel	Temple Beth Shalom, 670 Highland Avenue	3/23/2024

7:35 p.m. Marcus Nelson reentered the Select Board Chambers.

7:35 p.m. Babson College Scholarships:
Presenter: Kevin Keane, Select Board Vice Chair

The Select Board awards scholarships to Needham residents and alumni of Needham High School from a fund made available to the Town by Babson College.

Meredith Stover, Director of Financial Aid at Babson College, Board Vice Chair Kevin Keane, and Support Services Manager Myles Tucker met recently and reviewed the applications. Mr. Keane congratulated the recipients, all of whom are Needham residents.

Motion by Ms. Frail that the Board votes to award the Town of Needham Babson Scholarships to the following applicants:
1. Alberto Colon – Rising Junior, Renewal Recipient
2. Danielle Friedline – Rising Junior, Renewal Recipient
3. Rachel Kuzmin – Admitted Freshman
4. Henry London – Part-Time Graduate Student, Babson Alumnus
5. Albina Miloshi – Rising Senior, Renewal Recipient
Second: Mr. Keane. Unanimously approved 5-0.

7:36 p.m. Town Manager:

Annual Town Meeting Warrant
- The Quiet Zone working group met and recommend that $750,000 be included for design. The Town was previously holding $1.3 million for this item. The difference has been allocated to the Public Works Infrastructure Article.
- The estimate for Town and School IT Consolidation has been reduced to approximately $593,000.

Motion by Ms. Dowd that the Board vote to amend the 2024 Annual Town Meeting Warrant subject to minor technical corrections to be made by the Town Manager, Town Counsel and/or bond counsel.
Second: Ms. Frail. Unanimously approved 5-0.

Close May 13, 2024 Special Town Meeting
Ms. Fitzpatrick noted the following changes:
- The line items for water and sewer will be removed upon the determination of the Director of Finance (Articles 3 and 4).
- The Bows and Arrows Article does not require action at Town Meeting. Of note, State law allows hunting on private property unless it is posted that hunting is not allowed.
- There is an article that will include abandoned and unregulated motor vehicles in the non-criminal disposition.

Motion by Ms. Dowd that the Board close the warrant for the May 13, 2024 Special Town Meeting subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.
Second: Mr. Keane. Unanimously approved 5-0.

Town Manager Report
- A short ceremony will be held to honor Needham's Fallen Vietnam veterans at the Town's Vietnam Memorial on March 29 at 11:00 a.m.

- The Moderator has confirmed that the Special Town Meeting for the Fall will be held on October 21, 2024.

7:45 p.m. Board Discussion:

Committee Reports

Ms. Frail reported that the HONE Committee will be holding their final public meeting on Thursday, March 28 at 7:00 p.m. in Powers Hall and Zoom. The meeting will cover the results of the fiscal analysis, finalized maps, and an opportunity for public comment.

Mr. Keane reported on the Climate Action Planning Committee and the work Town Sustainability Manager Gabby Queenan who is currently working on several relevant grants. Community Conversations will hold an event on racism on May 2, location TBD. The Massachusetts Department of Public Utilities will be holding a hearing regarding municipal aggregation. The Needham Muslim Neighbors hosted an iftar and welcomed members of the wider community to join them on March 24.

Ms. Cooley noted that the Quiet Zone Working Group met and has settled on $750,000 to be included in the warrant article for the initial feasibility study.

Select Board Transitions

The Board then discussed the upcoming Select Board transitions in anticipation of the upcoming Town Election on April 9. Vice Chair Kevin Keane and Select Board members recognized and thanked Chair Marianne Cooley for her service as Chair.

The Board members also thanked Marcus Nelson for his service on the Select Board. Ms. Cooley thanked him for what he has taught the Board about seeing and recognizing each person in our community. Select Board members highlighted Mr. Nelson's positivity, approachability, and the unique trust he has built with members of the Needham community. Mr. Nelson shared his own reflections on the past three years, expressing his appreciation for all those he has had the opportunity to work with and all he has learned in the role.

8:12 p.m. Adjourn:

Motion by Mr. Nelson that the Select Board enter into executive session pursuant to Exception 3: to discuss strategy with respect to collective bargaining with the ITWA and NIPEA, where an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares [the chair so declares] and; Exception 6: To discuss the purchase of real property and not to return to Open Session prior to adjournment. Second: Mr. Keane. Unanimously approved 5-0.

A list of all documents used at this Select Board meeting is available at: http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID

The next Select Board meeting is scheduled for Tuesday, April 16, 2024, at 6:00 p.m.

Note: The meeting adjourned at 8:45 p.m.

Town of Needham
Select Board
Minutes for Tuesday, April 2, 2024
Powers Hall and
Via ZOOM
https://us02web.zoom.us/j/89068374046

6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Vice Chair Kevin Keane, Cathy Dowd, Heidi Frail, Marcus Nelson, and Town Manager Kate Fitzpatrick. David Davison, Deputy Town Manager/Director of Finance, and Katie King, Deputy Town Manager/Director of Operations, were also in attendance.

6:00 p.m. Consent Agenda:
Motion by Mr. Keane that the Board vote to approve the Consent Agenda as presented.
Second: Mr. Nelson. Unanimously approved 5-0.

CONSENT AGENDA

1.	Approve minutes of March 12, 2024 Open Session

6:01 p.m. Appointment Calendar:
Motion by Ms. Frail that the Board vote to approve the Appointment Calendar items 1-4.
Second: Mr. Nelson. Unanimously approved 5-0.

Ms. Frail exited Powers Hall.

Motion by Mr. Keane that the Board vote to approve the Appointment Calendar item 5.
Second: Mr. Nelson. Approved 4-0.

APPOINTMENT CALENDAR

1.	Paul Molta	Mobility Planning and Coordination Committee Term Exp: 6/30/2027
2.	Kamryn Doerr	Climate Action Committee Term Exp: 6/30/2027
3.	Michael Greis	Climate Action Committee Term Exp: 6/30/2025
4.	Barry Coffman	Climate Action Committee Term Exp: 6/30/2027
5.	Stephen Frail	Climate Action Committee Term Exp: 6/30/2027

6:02 p.m. Ms. Frail reentered Powers Hall.

6:03 p.m. Executive Session:

Motion by Mr. Nelson that the Select Board enter into executive session pursuant to Exception 3: To discuss strategy with respect to collective bargaining with NIPEA, where an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares [the chair so declared] not to return to Open Session prior to adjournment.
Second: Mr. Keane. Unanimously approved 5-0.

A list of all documents used at this Select Board meeting is available at:
http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID

The next Select Board meeting is scheduled for Tuesday, April 16, 2024, at 6:00 p.m.

Note: The meeting adjourned at 6:15 p.m.

Town of Needham
Stormwater By-Law Working Group
Committee Charge & Composition

Type:	Ad hoc until Town Meeting Vote
Legal Reference:	Select Board Vote
Appointing Authority:	Select Board
Number of Voting Members:	~~Nine (9)~~ **Ten (10)**
Term of Appointment	Through 11/1/2024
Special Municipal Employee	Yes
Staff Support	Water & Sewer Superintendent; Compliance Coordinator; Public Works Staff

Members	Year Appointed	Term Expiration	Membership
Kevin Keane	**2024**	**11/1/2024**	Select Board Member
	2024	**11/1/2024**	Select Board Member
Sue Barber	**2024**	**11/1/2024**	Conservation Commissioner
	2024	**11/1/2024**	Builder
John Salo	**2024**	**11/1/2024**	At Large
Janine Helwig	**2024**	**11/1/2024**	At Large
Preston Hall	**2024**	**11/1/2024**	At Large
Tom Ryder	**2024**	**11/1/2024**	Town Engineer
Deb Anderson	**2024**	**11/1/2024**	Director of Conservation
Joe Prondak	**2024**	**11/1/2024**	Building Commissioner

Composition:

- Two (2) ~~One (1)~~ members/representatives of the Select Board*
- One (1) member/representative of the Conservation Commission
- One (1) builder appointed by the Select Board
- Three (3) residents at large appointed by the Select Board

- The Town Engineer, ex officio*^
- The Director of Conservation, ex officio*^
- The Building Commissioner, ex officio*^

* Regular municipal employees serving on the Committee remain regular municipal employees, even though the committee members are designated as special municipal employees

^ An ex officio member is a person who is a member by virtue of their position and is entitled to serve without additional authorization. Ex officio members are voting members. And enjoy the same rights, privileges and responsibilities as any other member.

Purpose:

The Stormwater By-Law Working Group will provide input to the Town in the revision and update of Article 7 of the General By-Laws of the Town – Stormwater.

Charge:

- The Working Group will provide input and feedback to the Town Manager and Select Board on updates and requirements of the National Pollutant Distribution Elimination System (NPDES) pertaining to stormwater quality.
- The Working Group will review and make recommendations for amendments to the Stormwater By-Law relating to stormwater capacity.

Charge Adopted: December 19, 2023 **Charge Revised:** **April 30, 2024**
SME Status Voted: December 19, 2023

Town of Needham
Water Sewer Billing System
Abatement Form

FROM: DEPARTMENT OF PUBLIC WORKS
TO: TOWN TREASURER AND COLLECTOR
CC: TOWN ACCOUNTANT

WHEREAS the approporate 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 hearby requested that you abate these particular account(s) in the amount(s) stated below.

Water Sales:	$615.00
Water Irrigation:	$84.00
Water Admin Fees:	$0.00
Sewer Sales:	$480.00
Transfer Station Charges:	$0.00
Total Abatement:	$1,179.00

Order #: 1327

Read and Approved: Date

3/27/24

Director of Public Works

Date

Town Manager

Town of Needham
Water Sewer Billing System
Abatement Form

Customer Name	Customer ID #	Location ID #	Street #	Street Name	Domestic Water	Sewer	Irrigation Water	Total	Reason Code	Prepared By:
Pace Builders	48905	10824	94	Elder Rd	$15.00	$12.00	$4.00	$31.00	BE	CS
Levine, Alla	48873	24546	345	Hunnewell St	$15.00	$12.00	$4.00	$31.00	BE	CS
Jiang, Shan	48833	24730	112	Jarvis Cir	$15.00	$12.00	$4.00	$31.00	BE	CS
Lukatsky, Michael	48877	24582	42	Andrea Cir	$15.00	$12.00	$4.00	$31.00	BE	CS
Senhaj, Ossama / Senhaj, Nathalia	48837	10392	121	Reservoir St	$15.00	$12.00	$4.00	$31.00	BE	CS
Winder, Tyler	48881	8982	58	Woodbine Cir	$15.00	$12.00	$0.00	$27.00	BE	CS
Kuper, Danius	48861	14568	267	Rosemary St	$15.00	$12.00	$0.00	$27.00	BE	CS
Pradham, Sundip & Milee	48893	11112	77	Webster St	$15.00	$12.00	$0.00	$27.00	BE	CS
Lodkin, Vladimir & Irina	48899	10844	83	83 Elder Rd	$15.00	$12.00	$0.00	$27.00	BE	CS
Landing Investments, LLC	48875	10700	38	38 River Park St	$15.00	$12.00	$0.00	$27.00	BE	CS
Fagan, Eric / Applestein, Melissa	48845	12036	183	183 Hillside Ave	$15.00	$12.00	$4.00	$31.00	BE	CS
Dilanian, Traute	48903	25694	900	900 Greendale Ave #1	$15.00	$12.00	$0.00	$27.00	BE	CS
Carey, Ryan	48895	10632	8	8 Arnold St	$15.00	$12.00	$4.00	$31.00	BE	CS
Fritz, Michael	48867	10432	33	33 Bridge St	$15.00	$12.00	$0.00	$27.00	BE	CS
ARP Development, LLC	48871	11162	34	34 Horace St	$15.00	$12.00	$0.00	$27.00	BE	CS
Buonomo, Lawrence / Geschwind, C	48863	16510	28	28 Perry Dr	$15.00	$12.00	$4.00	$31.00	BE	CS
Elmahgoub, Khaled	48885	23830	617	617 Highland Ave	$15.00	$12.00	$0.00	$27.00	BE	CS
First Landing Investments, LLC	48855	9262	25	25 Sachem Rd	$15.00	$12.00	$4.00	$31.00	BE	CS
Swerling, Lindsey & Adam	48889	23840	73	73 Putnam St	$15.00	$12.00	$0.00	$27.00	BE	CS
Monsen, Craig / Pascoe, Vanessa	48897	9468	80	80 Sachem Rd	$15.00	$12.00	$4.00	$31.00	BE	CS
Szkodzinski, Michael	48847	26286	185	185 Hillside Ave	$15.00	$12.00	$4.00	$31.00	BE	CS
Baccari, Michael	48841	10208	128	128 Webster St	$15.00	$12.00	$0.00	$27.00	BE	CS
Kracoff, Lauren & Brian	48869	11180	33	33 Horace St	$15.00	$12.00	$0.00	$27.00	BE	CS
Gauchman, Adam & Courtney	48831	16596	1200	1200 Central Ave	$15.00	$12.00	$0.00	$27.00	BE	CS
Jacobson, Jamie / Jacobson, Benjam	48839	9060	125	125 Woodbine Cir	$15.00	$12.00	$4.00	$31.00	BE	CS
Schwitzer, Jordan	48891	10520	73	73 St. Mary St	$15.00	$12.00	$4.00	$31.00	BE	CS
Chorev, Michael	48927	1174	113	113 Livingston Cir	$15.00	$12.00	$4.00	$31.00	BE	CS
Driscoll, Sean & Stephanie	49011	962	68	68 Green St	$15.00	$12.00	$0.00	$27.00	BE	CS
Hart, Colby & Madeline	49007	4312	66	66 Stevens Rd	$15.00	$12.00	$0.00	$27.00	BE	CS
Katsiampoura, Anastasia	48937	14904	1327	1327 Great Plain Ave	$15.00	$12.00	$4.00	$31.00	BE	CS
Ballast Construction / Delaney, Shar	48977	16278	38	38 Henderson St	$15.00	$12.00	$4.00	$31.00	BE	CS
Adduci, Richard & Beth	48959	4104	27	27 Coolidge Ave	$15.00	$12.00	$4.00	$31.00	BE	CS
Pannozzi, Michael & Alyssa	49003	18082	65	65 Charles River St	$15.00	$0.00	$4.00	$19.00	BE	CS
Petrini Corp, LLC	48953	5318	233	233 Warren St	$15.00	$12.00	$0.00	$27.00	BE	CS

Wong, Alanna	48957	23934	26	26 Stonecrest Dr	$15.00	$12.00	$4.00	$31.00	BE	CS
Mastroianni, Kristina / Schroder, Ry	48933	18444	125	125 Charles River St	$15.00	$12.00	$0.00	$27.00	BE	CS
Suo, Chang & Meng, Di	48989	3954	518	518 Great Plain Ave	$15.00	$12.00	$4.00	$31.00	BE	CS
Zheng, Yan Yan	48955	13992	25	25 Curtis Rd	$15.00	$12.00	$0.00	$27.00	BE	CS
McMahon, James	48925	16928	100	100 Mary Chilton Rd	$15.00	$12.00	$0.00	$27.00	BE	CS
Kamisickas, Jack	48995	15496	57	57 Oak St	$15.00	$12.00	$4.00	$31.00	BE	CS
Bai, Xiaobo & Yu Ying	48997	26122	59	59 Oak St	$15.00	$12.00	$0.00	$27.00	BE	CS
				Totals:	$615.00	$480.00	$84.00	$1,179.00		

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.

Verified By:

Mangement Analyst, DPW

Town of Needham
Water Sewer Billing System
Abatement Form

FROM: DEPARTMENT OF PUBLIC WORKS
TO: TOWN TREASURER AND COLLECTOR
CC: TOWN ACCOUNTANT

WHEREAS the approporate 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 hearby requested that you abate these particular account(s) in the amount(s) stated below.

Water Sales:	-$1,798.90
Water Irrigation:	$0.00
Water Admin Fees:	$0.00
Sewer Sales:	-$4,189.35
Transfer Station Charges:	$0.00
Total Abatement:	-$5,988.25

Order #: 1328
Read and Approved: Date 4/5/2024 Date

Director of Public Works Town Manager

Town of Needham
Water Sewer Billing System
Abatement Form

Customer Name	Customer ID #	Location ID #	Street #	Street Name	Domestic Water	Sewer	Irrigation Water	Total	Reason Code	Prepared By:
Alicia Stedman	47375	12398	170	West St	-$1,691.68	-$3,867.72	$0.00	-$5,559.40	MRE	KW
Maureen Nyhen	8865	8054	25	Homestead Pk	-$107.22	-$321.63	$0.00	-$428.85	COA	KW
				Totals:	-$1,798.90	-$4,189.35	$0.00	-$5,988.25		

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.

Verified By:

Mangement Analyst, DPW