

NEEDHAM PLANNING BOARD

Thursday, March 27, 2025

7:00 p.m.

Charles River Room

Public Services Administration Building, 500 Dedham Avenue

AND

Virtual Meeting using Zoom

Meeting ID: **880 4672 5264**

(Instructions for accessing below)

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **880 4672 5264**

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: **880 4672 5264**

Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **880 4672 5264**

Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

1. Public Hearing:

7:00 p.m.	Article 1:	Amend Zoning By-Law – Flood Plain District
	Article 2:	Amend Zoning By-Law – Map Change to Flood Plain District

2. Appointment Recommendation to Stephen Palmer Reuse Development Committee.

3. Minutes.

4. Summer Schedule.

5. Report from Planning Director and Board members.

6. Correspondence.

(Items for which a specific time has not been assigned may be taken out of order.)

LEGAL NOTICE
Planning Board,
TOWN OF NEEDHAM
NOTICE OF HEARING

In accordance with the provisions of M.G.L., Chapter 40A, §5, the Needham Planning Board will hold a public hearing on Thursday, March 27, 2025 at 7:00 p.m. in the Charles River Room, first floor, Public Services Administration Building, 500 Dedham Avenue, Needham, Massachusetts, as well as by Zoom Web ID Number 880 4672 5264 (further instructions for accessing by zoom are below), regarding certain proposed amendments to the Needham Zoning By-Law to be considered by the May 2025 Special Town Meeting.

The article designations given have been assigned by the Planning Board for identification purposes only. An article number will subsequently be established by the Select Board for the Warrant.

ARTICLE 1: **AMEND ZONING BY-LAW – FLOOD PLAIN DISTRICT**

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

1. Delete Section 2.3.1 in its entirety and replace it with the following:

2.3.1

All special flood hazard areas within the Town of Needham designated as Zone A, AE, or AH on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Needham are panel numbers 25021C0016F, 25021C0017F, 25021C0019F, 25021C0028F, 25021C0036F, 25021C0037F, 25021C0038F and 25021C0039F dated July 8, 2025. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Division.

2. Delete Section 3.3 Uses in the Flood Plain District in its entirety and replace it with the following:

3.3 Uses in the Flood Plain District

The purpose of the Flood Plain District is to:

- (a) Protect the streams, rivers, and other watercourses in the Town and their adjoining lands;
- (b) Protect the health and safety of persons and property against the hazards of flooding;
- (c) Preserve and maintain the ground water table for water supply purposes;
- (d) Protect the community against detrimental use and development of lands adjoining such water courses;
- (e) Conserve the watershed areas of the Town for the health, safety, welfare of the public;

- (f) Preserve the balance of the components of the ecosystem of the watercourses and adjoining land;
- (g) Ensure public safety through reducing the threats to life and personal injury;
- (h) Eliminate new hazards to emergency response officials;
- (i) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- (j) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- (k) Eliminate costs associated with the response and cleanup of flooding Conditions; and
- (l) Reduce damage to public and private property resulting from flooding waters.

The Flood Plain District shall be considered as overlying other use districts established by this By-Law. Within the Flood Plain District, the requirements of the underlying district continue to apply insofar as they comply with the provisions of this section. In the event there is a conflict or difference between the provisions of the overlying and underlying district the more restrictive shall apply. Compliance with these provisions shall not be construed as satisfying the provisions of Massachusetts General Laws Chapter 131. The flood plain management regulations found in this Flood Plain District section shall take precedence over any less restrictive conflicting local laws, rules or regulations.

3. Insert a new Section 3.3.1 to read as follows:

3.3.1 Designation of Town Floodplain Administrator

The Town hereby designates the position of Town Engineer to be the official floodplain administrator of the Town.

4. Insert a new Section 3.3.2 to read as follows:

3.3.2 Definitions Applicable in Flood Plain District

The following definitions shall be applicable in the Flood Plain District.

Development – means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Floodway – the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use – means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

New Construction – Structures for which the start of construction commenced on or after the effective date of the first flood plain management bylaw adopted by the Town, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.*

Recreational Vehicle – means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area – the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

Start of Construction – the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Repair of a Foundation – when work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

Variance – means a grant of relief by the Town from the terms of a flood plain management regulation.

Violation – means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in US Code of Federal Regulations, Title 44, §60.3 is presumed to be in violation until such time as that documentation is provided.

5. Delete Section 3.3.3 Uses Requiring A Special Permit and insert in its place the following:

3.3.3 Special Permit Required for all Proposed Development in Flood Plain District

A special permit from the Board of Appeals is required for:

- (a) All proposed construction or other development in the Flood Plain District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- (b) Any driveway and walkway ancillary to uses otherwise permitted by this section.
- (c) Tennis courts or other uses requiring a similarly prepared surface.
- (d) Water and sewer pumping stations.
- (e) Any use not expressly permitted or prohibited.
- (f) Swimming pools, together with structures, walkways, mechanical systems accessory thereto, and fences.
- (g) Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the Flood Plain District is found by the Board of Appeals not, in fact, to be subject to flooding. The Board of Appeals shall refer each question on this matter to the Planning Board, Conservation Commission, Board of Health, and Department of Public Works, and shall not act

until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report has been received.

6. Delete the introductory paragraph of Section 3.3.4 Special Permit Criteria and replace it with the following:

The Town's special permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the Flood Plain District. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

In addition, in granting a special permit, the Board of Appeals shall consider, among other factors, the following:

7. Insert in Section 3.3.5 General Provisions Relating to Flood Plain District the following new subsections to read as follows:

(f) In A Zones, in the absence of FEMA BFE data and floodway data, the Building Department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

(g) In A Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

(h) If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation

- NFIP Program Specialist
Federal Emergency Management Agency, Region I

(i) The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to any variance, and will maintain this record in its files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a Town official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood

level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the Flood Plain District.

8. Delete Section 3.3.6(c) and insert in its place the following:

(c) In a riverine situation, the Town Engineer shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor, Boston, MA 02114
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

9. Insert new Section 3.3.7 to read as follows:

3.3.7 Variances

A variance from this Flood Plain District Bylaw must meet all requirements set out by Massachusetts law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

10. Insert a new Section 3.3.8. to read as follows:

3.3.8 Disclaimer

The degree of flood protection required by this Bylaw is considered reasonable but does not imply total flood protection.

11. Re-number all sections within Section 3.3 in appropriate numerical order to account for the insertion of new Sections 3.3.1 and 3.3.2 as provided for above.

ARTICLE 2: **AMEND ZONING BY-LAW – MAP CHANGE TO FLOOD PLAIN DISTRICT**

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map to revise the boundaries of the Flood Plain District so that the District now comprises the following:

- (a) All special flood hazard areas within the Town of Needham designated as Zone A, AE, or AH on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Needham are panel numbers 25021C0016F, 25021C0017F, 25021C0018F, 25021C0019F, 25021C0028F, 25021C0036F, 25021C0037F, 25021C0038F, and 25021C0039F dated July 8, 2025. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 8, 2025.

- (b) All that land along or sloping toward that portion of Rosemary Brook between Rosemary Lake and Central Avenue that is at or below the following elevations: (i) Ninety (90) feet above mean sea level upstream of West Street; and (ii) Eighty-eight (88) feet above mean sea level between West Street and Central Avenue.
- (c) All that land along or sloping toward that portion of Rosemary Brook between Central Avenue and the Needham-Wellesley town line that is at or below an elevation of eighty-five (85) feet above mean sea level.

The complete text of the proposed amendments to the Zoning By-Law and proposed Zoning Map are available on the Town's website at www.needhamma.gov/planning and in the Planning Department office at 500 Dedham Avenue, Needham, MA, 02492.

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID 880 4672 5264

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Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment through Zoom or through calling in, or by attending the in-person meeting. You may also send comments in advance of the public hearing to planning@needhamma.gov.

Persons interested are encouraged to call the Planning Board office (781-455-7550) for more information.

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

Needham Hometown Weekly, March 13, 2025 and March 20, 2025.

DRAFT
Scale 1" = 1000 Ft





Federal Emergency Management Agency

Washington, D.C. 20472

RECEIVED
TOWN OF NEEDHAM
SELECT BOARD
2025 JAN 14 P 12:54

cc: SB
CAMP
Katie
Dave
→ KP

January 08, 2025

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

Chairperson Kevin Keane
Chair, Town of Needham Selectboard
Town Hall
1471 Highland Avenue
Needham, MA 02492

Community Name: Town of Needham,
Norfolk County,
MA
Community No.: 255215
Map Panels See FIRM Index
Affected:

Dear Kevin Keane:

This is to notify you of the final flood hazard determination for Norfolk County, Massachusetts (All Jurisdictions), in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

The statutory 90-day appeal period that was initiated for your community when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in the local newspaper has elapsed.

FEMA did not receive any appeals of the proposed flood hazard determinations or submittals regarding the Revised Preliminary Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) during that time.

Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on July 08, 2025. Before the effective date, we will send your community final printed copies of the FIS report and FIRM. For insurance purposes, the community number and new suffix code for the panels being revised are indicated on the FIRM and must be used for all new policies and renewals.

Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3 (c) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document.



Federal Emergency Management Agency

Washington, D.C. 20472

RECEIVED
TOWN OF NEEDHAM
SELECT BOARD
2025 JAN 14 P 12:54

cc: SB
Carmy
Katie
Dave
→ KF

January 08, 2025

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

Chairperson Kevin Keane
Chair, Town of Needham Selectboard
Town Hall
1471 Highland Avenue
Needham, MA 02492

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Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3 (c) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document.

This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions in this Paragraph of the NFIP regulations:

1. Amending existing regulations to incorporate any additional requirements of 44 CFR Part 60.3 (c);
2. Adopting all the standards of 44 CFR Part 60.3 (c) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 CFR Part 60.3 (c).

Also, prior to the effective date, your community is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3 (c) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many states and communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the NFIP State Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations, 5th Edition (2019)*, provides some guidance on this subject and is available at <https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes/flood>.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be affected when the revised FIRM panels referenced above become effective. If no LOMCs were issued previously for your community, you are receiving a SOMA for informational purposes only.

Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided for use in a computer mapping system. These

files can be used in conjunction with other thematic data for floodplain management purposes, insurance requirements, and many other planning applications. Copies of the digital files of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or by visiting the Map Service Center at <https://www.msc.fema.gov>. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance or enacting the floodplain management regulations, please contact Joy Duperault, NFIP State Coordinator for Massachusetts, by telephone at (857) 286-0326 or by email at joy.duperault@mass.gov. If you should require any additional information, we suggest that you contact the Director, Risk Analysis Branch of FEMA, Region I at (617) 956-7576 or kerry.bogdan@fema.dhs.gov for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the telephone number shown above. Additional information and resources you may find helpful regarding the NFIP and floodplain management can be found on our website at <https://www.fema.gov/flood-maps>. Copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E.
Engineering and Modeling Division
Risk Management Directorate | Resilience

Enclosure:
Final SOMA

cc: Community Map Repository
Thomas Ryder, Town Engineer, Town of Needham

FINAL SUMMARY OF MAP ACTIONS

Community: NEEDHAM, TOWN OF

Community No: 255215

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panels(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on July 8, 2025.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

FINAL SUMMARY OF MAP ACTIONS

Community: NEEDHAM, TOWN OF

Community No: 255215

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	00-01-1006A	11/30/2000	554 CENTRAL AVENUE	2552150002C	25021C0036F
LOMA	09-01-1318A	09/22/2009	TAX MAP 74, LOT 9 -- 13 HIGHLAND CIRCLE	2552150002C	25021C0037F
LOMA	12-01-2126A	08/14/2012	THE CHARLES COURT EAST CONDOMINIUM -- 1212 GREENDALE AVENUE	25021C0039E	25021C0039F
LOMA	13-01-0012A	10/18/2012	LOT 17A -- 190 EDGEWATER DRIVE	25021C0038E	25021C0038F
LOMA	13-01-0076A	10/16/2012	Lot 31 - 65 Mary Chilton Road	25021C0017E	25021C0017F
LOMA	12-01-2469A	11/01/2012	LOT 32 -- 57 MARY CHILTON ROAD	25021C0017E	25021C0017F
LOMA	13-01-0233A	11/07/2012	Lot 30 - 69 Mary Chilton Road	25021C0017E	25021C0017F
LOMA	13-01-0331A	11/20/2012	LOT 3 -- 30 EDGEWATER DRIVE	25021C0038E	25021C0038F
LOMA	13-01-0321A	12/13/2012	LOT 3 -- 231-233 WEST STREET	25021C0036E	25021C0036F
LOMA	13-01-2006A	06/12/2013	LOT 11 -- 115/117 BOOTH STREET	25021C0036E	25021C0036F
LOMA	13-01-2953A	10/22/2013	LOT 2 -- 21 HIGHLAND AVENUE	25021C0037E	25021C0037F
LOMA	14-01-1868A	05/15/2014	LOT 7A - 144 BROOKSIDE ROAD	25021C0017E	25021C0017F
LOMA	14-01-3202A	10/09/2014	67 Cynthia Road	25021C0036E	25021C0036F
LOMA	15-01-1367A	04/28/2015	LOT 6 -- 120 BROOKSIDE ROAD	25021C0017E	25021C0017F
LOMA	16-01-1100A	05/24/2016	559, 567, 573, & 585 CENTRAL AVENUE	25021C0036E	25021C0036F
LOMA	17-01-1392A	05/16/2017	CARMELO FRAZETTIE PLAN, LOT 1 -- 371 WEST STREET	25021C0036E	25021C0036F

FINAL SUMMARY OF MAP ACTIONS

Community: NEEDHAM, TOWN OF

Community No: 255215

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	17-01-2141A	08/22/2017	LOTS 11 & 12 -- 564 CENTRAL AVENUE	25021C0036E	25021C0036F
LOMA	20-01-0358A	02/14/2020	FREMONT PARK, LOTS 28-29 -- 30 CHARLES STREET	25021C0036E	25021C0036F
LOMA	20-01-0600A	02/14/2020	77 Mary Chilton Road	25021C0017E	25021C0017F
LOMA	21-01-0159A	12/10/2020	LOT 8 -- 63 CYNTHIA ROAD	25021C0036E	25021C0036F
LOMA	21-01-1201A	08/02/2021	LOT 6 -- 73 CYNTHIA ROAD	25021C0036E	25021C0036F

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
			NO CASES RECORDED	

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

FINAL SUMMARY OF MAP ACTIONS

Community: NEEDHAM, TOWN OF

Community No: 255215

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

DCR Required Modifications for Compliance

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ARTICLE 1: AMEND ZONING BY-LAW – FLOOD PLAIN DISTRICT

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

1. Delete Section 2.3.1 in its entirety and replace it with the following:

2.3.1

All special flood hazard areas within the Town of Needham designated as Zone A, AE, or AH on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Needham are panel numbers 25021C0016F, 25021C0017F, ~~25021C0018F~~, 25021C0019F, 25021C0028F, 25021C0036F, 25021C0037F, 25021C0038F and 25021C0039F dated July 8, 2025. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Division.

2. Delete Section 3.3 Uses in the Flood Plain District in its entirety and replace it with the following:

3.3 Uses in the Flood Plain District

The purpose of the Flood Plain District is to:

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- (a) Protect the streams, rivers, and other watercourses in the Town and their adjoining lands;
- (b) Protect the health and safety of persons and property against the hazards of flooding;
- (c) Preserve and maintain the ground water table for water supply purposes;
- (d) Protect the community against detrimental use and development of lands adjoining such water courses;
- (e) Conserve the watershed areas of the Town for the health, safety, welfare of the public;
- (f) Preserve the balance of the components of the ecosystem of the watercourses and adjoining land;
- (g) Ensure public safety through reducing the threats to life and personal injury;
- (h) Eliminate new hazards to emergency response officials;
- (i) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- (j) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- (k) Eliminate costs associated with the response and cleanup of flooding Conditions; and
- (l) Reduce damage to public and private property resulting from flooding waters.

The Flood Plain District shall be considered as overlying other use districts established by this By-Law. Within the Flood Plain District, the requirements of the underlying district continue to apply insofar as they comply with the provisions of this section. In the event there is a conflict or difference between the provisions of the overlying and underlying district the more restrictive shall apply. Compliance with these provisions shall not be construed as satisfying the provisions of Massachusetts General Laws Chapter 131. The flood plain management regulations found in this Flood Plain District section shall take precedence over any less restrictive conflicting local laws, rules or regulations.

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3. Insert a new Section 3.3.1 to read as follows:

3.3.1 Designation of Town Floodplain Administrator

The Town hereby designates the position of Town Engineer to be the official floodplain administrator of the Town.

4. Insert a new Section 3.3.2 to read as follows:

3.3.2 Definitions Applicable in Flood Plain District

The following definitions shall be applicable in the Flood Plain District.

Development – means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Floodway – the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use – means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or

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(2) Directly by the Secretary of the Interior in states without approved programs.

New Construction – Structures for which the start of construction commenced on or after the effective date of the first flood plain management bylaw adopted by the Town, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.*

Recreational Vehicle – means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area – the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

Start of Construction – the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Repair of a Foundation – when work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

Variance – means a grant of relief by the Town from the terms of a flood plain management regulation.

Violation – means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the

elevation certificate, other certifications, or other evidence of compliance required in US Code of Federal Regulations, Title 44, §60.3 is presumed to be in violation until such time as that documentation is provided.

5. Delete Section 3.3.3 Uses Requiring A Special Permit and insert in its place the following:

3.3.3 Special Permit Required for all Proposed Development in Flood Plain District

A special permit from the Board of Appeals is required for:

- (a) All proposed construction or other development in the Flood Plain District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- (b) Any driveway and walkway ancillary to uses otherwise permitted by this section.
- (c) Tennis courts or other uses requiring a similarly prepared surface.
- (d) Water and sewer pumping stations.
- (e) Any use not expressly permitted or prohibited.
- (f) Swimming pools, together with structures, walkways, mechanical systems accessory thereto, and fences.
- (g) Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the Flood Plain District is found by the Board of Appeals not, in fact, to be subject to flooding. The Board of Appeals shall refer each question on this matter to the Planning Board, Conservation Commission, Board of Health, and Department of Public Works, and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report has been received.

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6. Delete the introductory paragraph of Section 3.3.4 Special Permit Criteria and replace it with the following:

The Town's special permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the Flood Plain District. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

In addition, in granting a special permit, the Board of Appeals shall consider, among other factors, the following:

7. [Amend the date of the Norfolk County Flood Insurance Rate Map \(FIRM\) in Section 3.3.5\(c\) from July 17, 2012 to July 8, 2025, so that this section reads as follows:](#)

(c) Base flood elevation data shall be provided for subdivision proposals or other developments of greater than 50 lots or 5 acres, within unnumbered A zones, as shown on the Norfolk County Flood Insurance Rate Map (FIRM) dated July 8, 2025.

8. Amend the date of the Norfolk County Flood Insurance Rate Map (FIRM), Floodway Map, and Flood Insurance Study in Section 3.3.5(d) from July 17, 2012 to July 8, 2025, so that this section reads as follows:

(d) Within areas designated Zone A, AH, and AE, along watercourses that have not had a regulatory floodway designated, as shown on the Norfolk County Flood Insurance Rate Map (FIRM), Floodway Map, and Flood Insurance Study, dated July 8, 2025, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

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9. Insert in Section 3.3.5 General Provisions Relating to Flood Plain District the following new subsections to read as follows:

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(f) In A Zones, in the absence of FEMA BFE data and floodway data, the Building Department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

(g) In A, AE and AH Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

(h) If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation

- NFIP Program Specialist
Federal Emergency Management Agency, Region I

(i) The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to any variance, and will maintain this record in its files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a Town official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the Flood Plain District.

108. Amend the date of the Norfolk County Flood Insurance Rate Map (FIRM) and Flood Insurance Study in the first paragraph of Section 3.3.6 from July 17, 2012 to July 8, 2025, so that this paragraph reads as follows:

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Reference is hereby made to the Norfolk County Flood Insurance Rate Map (FIRM) and Flood Insurance Study dated July 8, 2025—both of which are on file in the office of the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Department. In granting special permits authorized above under Subsections 3.3.3 and 3.3.4, the Board of Appeals shall, as appropriate, require the following as conditions of approval:

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11. Delete Section 3.3.6(c) and insert in its place the following:

(c) In a riverine situation, the Town Engineer shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor, Boston, MA 02114
- NFIP Program Specialist
Federal Emergency Management Agency, Region I

129. Insert new Section 3.3.7 to read as follows:

3.3.7 Variances

A variance from this Flood Plain District Bylaw must meet all requirements set out by Massachusetts law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

1340. Insert a new Section 3.3.8. to read as follows:

3.3.8 Disclaimer

The degree of flood protection required by this Bylaw is considered reasonable but does not imply total flood protection.

1444. Re-number all sections within Section 3.3 in appropriate numerical order to account for the insertion of new Sections 3.3.1 and 3.3.2 as provided for above.

or take any other action relative thereto.

INSERTED BY:

FINANCE COMMITTEE RECOMMENDS:

ARTICLE 1: **AMEND ZONING BY-LAW – FLOOD PLAIN DISTRICT**

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

1. Delete Section 2.3.1 in its entirety and replace it with the following:

2.3.1

All special flood hazard areas within the Town of Needham designated as Zone A, AE, or AH on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Needham are panel numbers 25021C0016F, 25021C0017F, 25021C0018F, 25021C0019F, 25021C0028F, 25021C0036F, 25021C0037F, 25021C0038F and 25021C0039F dated July 8, 2025. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Division.

2. Delete Section 3.3 Uses in the Flood Plain District in its entirety and replace it with the following:

3.3 Uses in the Flood Plain District

The purpose of the Flood Plain District is to:

- (a) Protect the streams, rivers, and other watercourses in the Town and their adjoining lands;
- (b) Protect the health and safety of persons and property against the hazards of flooding;
- (c) Preserve and maintain the ground water table for water supply purposes;
- (d) Protect the community against detrimental use and development of lands adjoining such water courses;
- (e) Conserve the watershed areas of the Town for the health, safety, welfare of the public;
- (f) Preserve the balance of the components of the ecosystem of the watercourses and adjoining land;
- (g) Ensure public safety through reducing the threats to life and personal injury;
- (h) Eliminate new hazards to emergency response officials;
- (i) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- (j) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- (k) Eliminate costs associated with the response and cleanup of flooding Conditions; and
- (l) Reduce damage to public and private property resulting from flooding waters.

The Flood Plain District shall be considered as overlying other use districts established by this By-Law. Within the Flood Plain District, the requirements of the underlying district continue to apply insofar as they comply with the provisions of this section. In the event there is a conflict or difference between the provisions of the overlying and underlying district the more restrictive shall apply. Compliance with these provisions shall not be construed as satisfying the provisions of Massachusetts General Laws Chapter 131. The flood plain management regulations found in this Flood Plain District section shall take precedence over any less restrictive conflicting local laws, rules or regulations.

3. Insert a new Section 3.3.1 to read as follows:

3.3.1 Designation of Town Floodplain Administrator

The Town hereby designates the position of Town Engineer to be the official floodplain administrator of the Town.

4. Insert a new Section 3.3.2 to read as follows:

3.3.2 Definitions Applicable in Flood Plain District

The following definitions shall be applicable in the Flood Plain District.

Development – means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Floodway – the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use – means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

New Construction – Structures for which the start of construction commenced on or after the effective date of the first flood plain management bylaw adopted by the Town, including any

subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.*

Recreational Vehicle – means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area – the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

Start of Construction – the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Repair of a Foundation – when work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

Variance – means a grant of relief by the Town from the terms of a flood plain management regulation.

Violation – means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in US Code of Federal Regulations, Title 44, §60.3 is presumed to be in violation until such time as that documentation is provided.

5. Delete Section 3.3.3 Uses Requiring A Special Permit and insert in its place the following:

3.3.3 Special Permit Required for all Proposed Development in Flood Plain District

A special permit from the Board of Appeals is required for:

- (a) All proposed construction or other development in the Flood Plain District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
 - (b) Any driveway and walkway ancillary to uses otherwise permitted by this section.
 - (c) Tennis courts or other uses requiring a similarly prepared surface.
 - (d) Water and sewer pumping stations.
 - (e) Any use not expressly permitted or prohibited.
 - (f) Swimming pools, together with structures, walkways, mechanical systems accessory thereto, and fences.
 - (g) Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the Flood Plain District is found by the Board of Appeals not, in fact, to be subject to flooding. The Board of Appeals shall refer each question on this matter to the Planning Board, Conservation Commission, Board of Health, and Department of Public Works, and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report has been received.
6. Delete the introductory paragraph of Section 3.3.4 Special Permit Criteria and replace it with the following:
- The Town's special permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the Flood Plain District. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.
- In addition, in granting a special permit, the Board of Appeals shall consider, among other factors, the following:
7. Amend the date of the Norfolk County Flood Insurance Rate Map (FIRM) in Section 3.3.5(c) from July 17, 2012 to July 8, 2025, so that this section reads as follows:
- (c) Base flood elevation data shall be provided for subdivision proposals or other developments of greater than 50 lots or 5 acres, within unnumbered A zones, as shown on the Norfolk County Flood Insurance Rate Map (FIRM) dated July 8, 2025.

8. Amend the date of the Norfolk County Flood Insurance Rate Map (FIRM), Floodway Map, and Flood Insurance Study in Section 3.3.5(d) from July 17, 2012 to July 8, 2025, so that this section reads as follows:
 - (d) Within areas designated Zone A, AH, and AE, along watercourses that have not had a regulatory floodway designated, as shown on the Norfolk County Flood Insurance Rate Map (FIRM), Floodway Map, and Flood Insurance Study, dated July 8, 2025, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
9. Insert in Section 3.3.5 General Provisions Relating to Flood Plain District the following new subsections to read as follows:
 - (f) In A Zones, in the absence of FEMA BFE data and floodway data, the Building Department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.
 - (g) In A, AE and AH Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
 - (h) If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:
 - NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
 - NFIP Program Specialist
Federal Emergency Management Agency, Region I
 - (i) The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to any variance, and will maintain this record in its files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a Town official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the Flood Plain District.
10. Amend the date of the Norfolk County Flood Insurance Rate Map (FIRM) and Flood Insurance Study in the first paragraph of Section 3.3.6 from July 17, 2012 to July 8, 2025, so that this paragraph reads as follows:

Reference is hereby made to the Norfolk County Flood Insurance Rate Map (FIRM) and Flood Insurance Study dated July 8, 2025—both of which are on file in the office of the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Department. In granting special permits authorized above under Subsections 3.3.3 and 3.3.4, the Board of Appeals shall, as appropriate, require the following as conditions of approval:

11. Delete Section 3.3.6(c) and insert in its place the following:
 - (c) In a riverine situation, the Town Engineer shall notify the following of any alteration or relocation of a watercourse:
 - Adjacent Communities, especially upstream and downstream
 - Bordering States, if affected
 - NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
 - NFIP Program Specialist
Federal Emergency Management Agency, Region I

12. Insert new Section 3.3.7 to read as follows:

3.3.7 Variances

A variance from this Flood Plain District Bylaw must meet all requirements set out by Massachusetts law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

13. Insert a new Section 3.3.8. to read as follows:

3.3.8 Disclaimer

The degree of flood protection required by this Bylaw is considered reasonable but does not imply total flood protection.

14. Re-number all sections within Section 3.3 in appropriate numerical order to account for the insertion of new Sections 3.3.1 and 3.3.2 as provided for above.

or take any other action relative thereto.

INSERTED BY:

FINANCE COMMITTEE RECOMMENDS:

2.2 Description of Flood Plain Districts

The Floodplain District is herein established as an overlay district. The areas included in the Flood Plain Districts are defined as follows:

2.3.1

~~_____ All special flood hazard areas within the Town of Needham designated as Zone A, AE, or AH on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Needham are panel numbers 25021C0016E, 25021C0017E, 25021C0018E, 25021C0019E, 25021C0028E, 25021C0036E, 25021C0037E, 25021C0038E, and 25021C0039E dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Department.~~

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3.3 Uses in Flood Plain District

~~_____ The purpose of the Flood Plain District is to protect the streams, rivers, and other watercourses in the Town and their adjoining lands; to protect the health and safety of persons and property against the hazards of flooding; to preserve and maintain the ground water table for water supply purposes; to protect the community against detrimental use and development of lands adjoining such water courses; to conserve the watershed areas of the Town for the health, safety, welfare of the public; and to preserve the balance of the components of the ecosystem of the watercourses and adjoining land.~~

The Flood Plain District shall be considered as overlying other use districts established by this By-Law. Within the Flood Plain District, the requirements of the underlying district continue to apply insofar as they comply with the provisions of this section. In the event there is a conflict or difference between the provisions of the overlying and underlying district the more restrictive shall apply. Compliance with these provisions shall not be construed as satisfying the provisions of Massachusetts General Laws Chapter 131. The purpose of the Flood Plain District is to:

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- (b) Protect the health and safety of persons and property against the hazards of flooding;
- (c) Preserve and maintain the ground water table for water supply purposes;
- (d) Protect the community against detrimental use and development of lands adjoining such water courses;
- (e) Conserve the watershed areas of the Town for the health, safety, welfare of the public;

- (f) Preserve the balance of the components of the ecosystem of the watercourses and adjoining land;
- (g) Ensure public safety through reducing the threats to life and personal injury;
- (h) Eliminate new hazards to emergency response officials;
- (i) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- (j) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- (k) Eliminate costs associated with the response and cleanup of flooding Conditions; and
- (l) Reduce damage to public and private property resulting from flooding waters.

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3.3.1 Designation of Town Floodplain Administrator

The Town hereby designates the position of Town Engineer to be the official floodplain administrator of the Town.

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3.3.2 Definitions Applicable in Flood Plain District

The following definitions shall be applicable in the Flood Plain District.

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Floodway – the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use – means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

New Construction – Structures for which the start of construction commenced on or after the effective date of the first flood plain management bylaw adopted by the Town, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.*

Recreational Vehicle – means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area – the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

Start of Construction – the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Repair of a Foundation – when work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or

repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

Variance – means a grant of relief by the Town from the terms of a flood plain management regulation.

Violation – means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in US Code of Federal Regulations, Title 44, §60.3 is presumed to be in violation until such time as that documentation is provided.

3.3.13.3.3 Prohibited Uses

The following uses are prohibited, regardless of other requirements:

- (a) Manufacture, use, transport, storage or disposal of toxic or hazardous materials.
- (b) Sanitary landfill; junkyard; salvage yard; and other solid waste disposal.
- (c) Encroachments including fill, replacement of soil with impervious material, new construction, substantial improvements (the cost of which exceeds 50 percent of the market value of the structure), or other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels in the Town during the occurrence of a 100-year flood.

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3.3.23.3.4 Permitted Uses

- (a) Uses directly related to the conservation of water, plants, and wildlife.
- (b) Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted which do not require removal or transfer of earth.
- (c) Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any watercourse.
- (d) Grazing and farming, including truck gardening and harvesting of crops.
- (e) Forestry and nurseries.
- (f) Removal from a watercourse of silt and other accumulated debris which tends to interfere with the natural flow patterns of the watercourse.
- (g) Dwellings for sustained human habitation lawfully existing which shall not hereafter be enlarged or extended to increase ground coverage.

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3.3.33.3.5 Special Permit Required for all Proposed Development in the Flood Plain District
Requiring a Special Permit

A special permit from the Board of Appeals is required for:

- (a) All proposed construction or other development in the Flood Plain District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- (b) Any driveway and walkway ancillary to uses otherwise permitted by this section.
- (c) Tennis courts or other uses requiring a similarly prepared surface.
- (d) Water and sewer pumping stations.
- (e) Any use not expressly permitted or prohibited.
- (f) Swimming pools, together with structures, walkways, mechanical systems accessory thereto, and fences.
- (g) Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the Flood Plain District is found by the Board of Appeals not, in fact, to be subject to flooding. The Board of Appeals shall refer each question on this matter to the Planning Board, Conservation Commission, Board of Health, and Department of Public Works, and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report has been received.

The Board of Appeals may grant a Special Permit for the following:

- (a) All new construction and substantial improvements (the cost of which exceeds 50 percent of the market value of the structure before the improvements) of residential structures which have the lowest floor, including basement or cellar, elevated to or above the flood plain elevation defined on the Norfolk County Flood Insurance Rate Maps (the 100 year flood plain elevation) and the Town of Needham Zoning Map. No new construction or substantial improvement shall be permitted unless it can be demonstrated by the applicant that the cumulative effect of the proposed development will not increase the water surface elevation of the 100-year flood.
- (b) All new construction and substantial improvements (the cost of which exceeds 50 percent of the market value of the structure before the improvement) of non-residential structures which have the lowest floor, including basement or cellar, elevated to or above the flood plain elevation defined on the Norfolk County Flood Insurance Rate Maps (the 100 year flood elevation) and the Town of Needham Zoning Map or are flood proofed and watertight to the applicable flood elevation. In the case where watertight flood proofing is permitted, a registered professional engineer or architect shall certify to the Building Commissioner that the methods used are adequate to withstand flood depth pressures and velocities impact and the uplift of forces and other factors associated with the 100-year flood. No new construction or substantial improvement shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development will not increase the water surface elevation of the 100-year flood.

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- ~~(c) Small non-residential structures of less than 100 square feet of floor area used in connection with recreation or the growing, harvesting, storage, or sale of crops raised on the premises.~~
- ~~(d) Any driveway and walkway ancillary to uses otherwise permitted by this section.~~
- ~~(e) Tennis courts or other uses requiring a similarly prepared surface.~~
- ~~(f) Water and sewer pumping stations.~~
- ~~(g) Any use not expressly permitted or prohibited.~~
- ~~(h) Swimming pools, together with structures, walkways, mechanical systems accessory thereto, and fences.~~
- ~~(i) Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the Flood Plain District is found by the Board of Appeals not, in fact, to be subject to flooding. The Board of Appeals shall refer each question on this matter to the Planning Board, Conservation Commission, Board of Health, and Department of Public Works, and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report has been received.~~

3.3.43.3.6 Special Permit Criteria

~~In granting a special permit, the Board of Appeals shall consider, among other factors, the following: The Town's special permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the Flood Plain District. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.~~

~~In addition, in granting a special permit, the Board of Appeals shall consider, among other factors, the following:~~

- ~~(a) Geographic location of proposed building and security of driveway or walkway access during flooding.~~
- ~~(b) Foundation elevations of proposed building and security of foundation during flooding, including assurance that foundations would not be undermined and that the proposed building would not be floated off, swept away, or battered during flooding.~~
- ~~(c) Disposal of sewage from the proposed building and containment of sewage during flooding.~~
- ~~(d) Safety of water, sewage, gas, electric and fuel utilities from breaking, igniting, electrocution or other dangers during flooding.~~
- ~~(e) Soil structure and the general character of development in the neighborhood.~~
- ~~(f) The preservation of the natural water channel passage of flood flows.~~
- ~~(g) The retention of existing flood water storage capacity.~~

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3.3.53.3.7 General Provisions Relating to Flood Plain District

- (a) All development in the Flood Plain District, including structural and non-structural activities, whether permitted by right or by special permit shall be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following: (i) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR); (ii) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00); (iii) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and (iv) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5). Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.
- (b) All subdivision proposals in the Flood Plain District shall be reviewed to assure that: (i) such proposals minimize flood damage; (ii) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and (iii) adequate drainage is provided to reduce exposure to flood hazards.
- (c) Base flood elevation data shall be provided for subdivision proposals or other developments of greater than 50 lots or 5 acres, within unnumbered A zones, as shown on the Norfolk County Flood Insurance Rate Map (FIRM) dated July 847, 202542.
- (d) Within areas designated Zone A, AH, and AE, along watercourses that have not had a regulatory floodway designated, as shown on the Norfolk County Flood Insurance Rate Map (FIRM), Floodway Map, and Flood Insurance Study, dated July 847, 2042, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- ~~(e) (e)-~~ Within Zone AH on the FIRM, adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- ~~(f) In A Zones, in the absence of FEMA BFE data and floodway data, the Building Department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.~~
- ~~(g) In A, AE and AH Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.~~
- ~~(h) If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:~~

• NFIP State Coordinator
Massachusetts Department of Conservation and Recreation

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• NFIP Program Specialist
Federal Emergency Management Agency, Region I

- (i) The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to any variance, and will maintain this record in its files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a Town official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the Flood Plain District.

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3.3.63.3.8 National Flood Insurance Program (NFIP) Requirements

Reference is hereby made to the Norfolk County Flood Insurance Rate Map (FIRM) and Flood Insurance Study dated July 8+7, 2025+2 – both of which are on file in the office of the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Department. In granting special permits authorized above under Subsections 3.3.53 and 3.3.64, the Board of Appeals shall, as appropriate, require the following as conditions of approval:

- (a) Require that new and replacement water supply and sanitary sewerage systems be designed to minimize or eliminate infiltration of flood waters into said systems, as well as discharges from said systems into flood waters;
- (b) Require that new adequate drainage is provided to reduce exposure to flood hazards in flood-prone areas, and more specifically, require adequate drainage around proposed structures on slopes to guide flood waters around and away from such structures; and

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(b)

- ~~(c) Require that adjacent communities, the site coordination office and the NFIP State Coordinator at the Massachusetts Department of Conservation and Recreation be notified prior to any alteration or relocation of a water course, and that a copy of such notification be submitted to the Federal Emergency Management Agency (FEMA) Administrator.~~

- (c) In a riverine situation, the Town Engineer shall notify the following of any alteration or relocation of a watercourse:

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- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
- Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist
- Federal Emergency Management Agency, Region I

3.3.9 Variances

A variance from this Flood Plain District Bylaw must meet all requirements set out by Massachusetts law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

3.3.10 Disclaimer

The degree of flood protection required by this Bylaw is considered reasonable but does not imply total flood protection.

2.2 Description of Flood Plain Districts

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3.3 Uses in Flood Plain District

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3.3.3 Prohibited Uses

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- (a) Manufacture, use, transport, storage or disposal of toxic or hazardous materials.
- (b) Sanitary landfill; junkyard; salvage yard; and other solid waste disposal.

- (c) Encroachments including fill, replacement of soil with impervious material, new construction, substantial improvements (the cost of which exceeds 50 percent of the market value of the structure), or other development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels in the Town during the occurrence of a 100-year flood.

3.3.4 Permitted Uses

- (a) Uses directly related to the conservation of water, plants, and wildlife.
- (b) Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted which do not require removal or transfer of earth.
- (c) Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any watercourse.
- (d) Grazing and farming, including truck gardening and harvesting of crops.
- (e) Forestry and nurseries.
- (f) Removal from a watercourse of silt and other accumulated debris which tends to interfere with the natural flow patterns of the watercourse.
- (g) Dwellings for sustained human habitation lawfully existing which shall not hereafter be enlarged or extended to increase ground coverage.

3.3.5 Special Permit Required for all Proposed Development in the Flood Plain District

A special permit from the Board of Appeals is required for:

- (a) All proposed construction or other development in the Flood Plain District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- (b) Any driveway and walkway ancillary to uses otherwise permitted by this section.
- (c) Tennis courts or other uses requiring a similarly prepared surface.
- (d) Water and sewer pumping stations.
- (e) Any use not expressly permitted or prohibited.
- (f) Swimming pools, together with structures, walkways, mechanical systems accessory thereto, and fences.
- (g) Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the Flood Plain District is found by the Board of Appeals not, in fact, to be

subject to flooding. The Board of Appeals shall refer each question on this matter to the Planning Board, Conservation Commission, Board of Health, and Department of Public Works, and shall not act until these agencies have reported their recommendations or 45 days have elapsed after such referral and no report has been received.

3.3.6 Special Permit Criteria

The Town's special permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the Flood Plain District. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

In addition, in granting a special permit, the Board of Appeals shall consider, among other factors, the following:

- (a) Geographic location of proposed building and security of driveway or walkway access during flooding.
- (b) Foundation elevations of proposed building and security of foundation during flooding, including assurance that foundations would not be undermined and that the proposed building would not be floated off, swept away, or battered during flooding.
- (c) Disposal of sewage from the proposed building and containment of sewage during flooding.
- (d) Safety of water, sewage, gas, electric and fuel utilities from breaking, igniting, electrocution or other dangers during flooding.
- (e) Soil structure and the general character of development in the neighborhood.
- (f) The preservation of the natural water channel passage of flood flows.
- (g) The retention of existing flood water storage capacity.

3.3.7 General Provisions Relating to Flood Plain District

- (a) All development in the Flood Plain District, including structural and non-structural activities, whether permitted by right or by special permit shall be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following: (i) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR); (ii) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00); (iii) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and (iv) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5). Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.
- (b) All subdivision proposals in the Flood Plain District shall be reviewed to assure that: (i) such proposals minimize flood damage; (ii) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and (iii) adequate drainage is provided to reduce exposure to flood hazards.

- (c) Base flood elevation data shall be provided for subdivision proposals or other developments of greater than 50 lots or 5 acres, within unnumbered A zones, as shown on the Norfolk County Flood Insurance Rate Map (FIRM) dated July 8, 2025.
- (d) Within areas designated Zone A, AH, and AE, along watercourses that have not had a regulatory floodway designated, as shown on the Norfolk County Flood Insurance Rate Map (FIRM), Floodway Map, and Flood Insurance Study, dated July 8, 20, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (e) Within Zone AH on the FIRM, adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- (f) In A Zones, in the absence of FEMA BFE data and floodway data, the Building Department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.
- (g) In A, AE and AH Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
- (h) If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:
 - NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
 - NFIP Program Specialist
Federal Emergency Management Agency, Region I
- (i) The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to any variance, and will maintain this record in its files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a Town official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the Flood Plain District.

3.3.8 National Flood Insurance Program (NFIP) Requirements

Reference is hereby made to the Norfolk County Flood Insurance Rate Map (FIRM) and Flood Insurance Study dated July 8, 2025 – both of which are on file in the office of the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Department. In granting special

permits authorized above under Subsections 3.3.5 and 3.3.6, the Board of Appeals shall, as appropriate, require the following as conditions of approval:

- (a) Require that new and replacement water supply and sanitary sewerage systems be designed to minimize or eliminate infiltration of flood waters into said systems, as well as discharges from said systems into flood waters;
- (b) Require that new adequate drainage is provided to reduce exposure to flood hazards in flood-prone areas, and more specifically, require adequate drainage around proposed structures on slopes to guide flood waters around and away from such structures; and
- (c) In a riverine situation, the Town Engineer shall notify the following of any alteration or relocation of a watercourse:
 - Adjacent Communities, especially upstream and downstream
 - Bordering States, if affected
 - NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
 - NFIP Program Specialist
Federal Emergency Management Agency, Region I

3.3.9 Variances

A variance from this Flood Plain District Bylaw must meet all requirements set out by Massachusetts law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

3.3.10 Disclaimer

The degree of flood protection required by this Bylaw is considered reasonable but does not imply total flood protection.

From: [Myles Tucker](#)
To: [Kevin Keane](#); [N. Espada](#); mfachetti@verizon.net; [Colleen Schaller](#); [Christopher J. Gerstel](#)
Cc: [Kate Fitzpatrick](#); [Katie King](#); [Lee Newman](#); [Alexandra Clee](#); [Molly Pollard](#); [Latanya Steele](#); [Stacey Mulroy](#); [Carol Hintz](#); [Dave Davison](#)
Subject: Stephen Palmer Reuse Development Committee - Committee Member/Designee Request
Date: Thursday, February 27, 2025 4:40:36 PM
Attachments: [Stephen Palmer Reuse Development Committee_v3.docx](#)
[image001.png](#)

Good Afternoon,

As you may know, the Select Board voted on Tuesday to establish the Stephen Palmer Reuse Development Committee. Your committees are each asked to submit a member or a designee to serve as a member of this new committee. Below is the full list of committees asked to send a member or designee:

- Select Board
- Planning Board
- Finance Committee
- Council on Aging
- Park and Recreation Commission

The committee, alongside a consultant, will engage the Needham community to envision the future of this site. The Committee will provide feedback to the consultant hired by the Town to make recommendations to the Town as to the options for reuse of the site. The full charge is attached.

Please let me know at your earliest convenience who will be the member/designee from your committee.

Meeting dates/times will be decided once the committee is fully populated in order to find times that work for all members. Please let me know if you have any questions.



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He/Him/His
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Town of Needham

Stephen Palmer Development Review Committee Charge

Type:	Ad hoc
Legal Reference:	Select Board Goals
Appointing Authority:	Select Board
Number of Voting Members:	Seven (7)
Term of Appointment	Three (3) Years
Special Municipal Employee	Yes*
Staff Support	Planning & Community Development Staff

Composition: Seven (7) voting members:

- One (1) member or designee of the Select Board*
- One (1) member or designee of the Planning Board
- One (1) member or designee of the Finance Committee
- One (1) member or a designee of the Council on Aging
- One (1) member or a designee of the Park & Recreation Commission
- Two (2) members at large, one of whom has experience in housing development and one of whom has experience in real estate development (ideally with public land development and/or public private partnerships)

Purpose:

The Stephen Palmer building is a former public elementary school constructed in 1914 that currently houses 28 apartments. The Town entered into a fifty-year ground lease with the developer and sold the building to the developer. Upon expiration of the lease on May 2, 2027 the property and any and all improvements revert to the Town.

The Committee, with the consultant, will engage the Needham community to envision the future of this site. The Committee will provide feedback to the consultant hired by the Town to make recommendations to the Town as to the options for reuse of the site.

Charge:

In conjunction with the selected development planning consultant, the Committee will:

- Engage the community and all relevant stakeholders in a robust citizen participation process to envision the future of the property. With the support of municipal staff, the Committee shall meet with the Consultant monthly plus at least two public hearings at which the Consultant will present its findings and seek public input.

- Work with the development planning consultant and staff to establish the exact scope of the Existing Conditions Assessment (structure and architectural analysis, code analysis, legal issues, etc.) and the implications of razing or renovating the building relative costs, limitations on uses, etc.)
- Based on the Existing Conditions Assessment and community input, work with the consultant to develop and explore three land use scenarios in terms of relative costs and benefits, opportunities and constraints, impacts on the neighborhood and town, and feasibility and timeliness of each scenario.
- Provide guidance to the consultant in developing implementation strategies including exploring the viability of different development entities, disposition mechanisms (sale, lease, joint, etc.) and potential funding sources including grant programs and public private partnership options.
- Provide guidance to the consultant in developing recommendations to the Select Board.

Charge Adopted: February 25, 2025
SME Status Voted: February 25, 2025

Charge Revised:

* Regular municipal employees serving on the Committee remain regular municipal employees, even though the committee members are designated as special municipal employees