

BOARD OF SELECTMEN

September 25, 2018

Needham Town Hall

Agenda

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

	6:45	Informal Meeting with Citizens <i>One or more members of the Board of Selectmen will be available between 6:45 and 7:00 p.m. for informal discussion with citizens. While not required, citizens are encouraged to call the Selectmen's Office at (781) 455-7500 extension 204 in advance to arrange for an appointment. This enables the Board to better assure opportunities for participation and respond to citizen concerns.</i>
1.	7:00	Recognize Jeff Friedman & The Needham Farmers Market
2.	7:05	Needham 2025 Project Update • Marianne Cooley
3.	7:10	Stormwater By-Law Update • Matt Borrelli
4.	7:15	Assistant Town Manager • Sewer Rate Relief • Public Safety Project Financing Update • Positions on Warrant Articles
5.	7:30	Board Discussion • Committee Reports
6.	7:45	Executive Session Exception 3- Potential Litigation

APPOINTMENTS

	None	
--	------	--

CONSENT AGENDA *=Backup attached

1.	Approve the Notice of Experimental Traffic Regulation in accordance with the Needham Traffic Rules and Regulations Section 3-6 for A Street, Food Vendor Parking Only, East sideline of A street 80 foot section across from 40 A Street- Tuesday – Friday from 9:00 a.m. to 3:00 p.m.; and for 4 th Avenue Food Vendor Parking Only, West sideline of 4 th Avenue 50 foot section in front of 115-117 4 th Avenue- Tuesday – Friday from 9:00 a.m. to 3:00 p.m. for the period September 25, 2018 to October 24, 2018.
2.	Approve a temporary use of the Kimball Lot by Beth Israel Deaconess Hospital for valet parking for hospital patients on a non-exclusive basis through October 17, 2018.
3.*	Water and Sewer Abatement Order #1261
4.*	Approve and sign updated Selectmen Policy BOS-PRO-004 Procedure for Designer Selection by Town Agencies. Policy has been updated to reflect the changes which raise the threshold amounts in the designer selection law, which were part of Chapter 113 of the

	Acts of 2018, <i>An Act Providing for Capital Facility Repairs and Improvements for the Commonwealth</i> that was signed by Governor Baker on June 15 2018.																																																												
5.*	In accordance with Section 20B of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, adopt a classification and compensation plan for fiscal year 2019 (corrected K Schedule).																																																												
6.*	Approve and sign an updated 2018 Common Victualler license for The Rice Barn, who has started serving lunch on Saturdays and Sundays.																																																												
7.*	Approve a Special One Day Wines and Malt Beverages License for Susan Shaver, of the Needham Community Farm to host its Needham Community Farm Annual Harvest Celebration & Auction event on Sunday, October 14, 2018 from 6:00 p.m. to 9:00 p.m. The event will be held in Powers Hall, 1471 Highland Avenue, Needham.																																																												
8.*	Sign the Warrant for the State Election to be held on Tuesday, November 6, 2018.																																																												
9.	Grant permission for the following residents to hold block parties:																																																												
	<table><tr><th>Name</th><th>Address</th><th>Party Location</th><th>Party Date</th><th>Party Rain Date</th><th>Party Time</th></tr><tr><td>Ratify - Kim Stone</td><td>45 Greendale Ave</td><td>Park Ave & Greendale Ave</td><td>9/22/18</td><td>9/23/18</td><td>3pm-6pm</td></tr><tr><td>Ratify - Alyssa Kence</td><td>59 Coolidge Ave</td><td>Coolidge Ave</td><td>9/22/18</td><td>9/23/18</td><td>4pm-9pm</td></tr><tr><td>Ratify - Amy Hurley</td><td>154 South St.</td><td>Needhamdale St.</td><td>9/23/18</td><td>9/30/18</td><td>3:30pm-8pm</td></tr><tr><td>Richard Myers</td><td>78 Warren Street</td><td>Warren St. btwn May St & Great Plain Ave.</td><td>9/29/18</td><td>9/30/18</td><td>3:30pm-8:30pm</td></tr><tr><td>Sharon Ellis</td><td>192 Maple Street</td><td>Maple St. Cul de sac</td><td>10/6/18</td><td>N/A</td><td>3pm-9pm</td></tr><tr><td>Elizabeth Berkman</td><td>113 Melrose Ave</td><td>Hatfield Park – Melrose Ave / Ellicott St</td><td>10/13/18</td><td>10/14/18</td><td>3pm-6pm</td></tr><tr><td>Kevin Keane</td><td>88 Lexington Ave</td><td>Burnside Rd. btwn Lexington & Concord</td><td>10/20/18</td><td>N/A</td><td>6pm-9pm</td></tr><tr><td>Nicole Maffeo</td><td>111 Hawthorn Ave</td><td>Hawthorn Avenue</td><td>10/20/18</td><td>N/A</td><td>4pm-8pm</td></tr><tr><td>Kelly Allen</td><td>103 Sylvan Road</td><td>Sylvan/Harding</td><td>10/28/18</td><td>N/A</td><td>2pm-6pm</td></tr></table>	Name	Address	Party Location	Party Date	Party Rain Date	Party Time	Ratify - Kim Stone	45 Greendale Ave	Park Ave & Greendale Ave	9/22/18	9/23/18	3pm-6pm	Ratify - Alyssa Kence	59 Coolidge Ave	Coolidge Ave	9/22/18	9/23/18	4pm-9pm	Ratify - Amy Hurley	154 South St.	Needhamdale St.	9/23/18	9/30/18	3:30pm-8pm	Richard Myers	78 Warren Street	Warren St. btwn May St & Great Plain Ave.	9/29/18	9/30/18	3:30pm-8:30pm	Sharon Ellis	192 Maple Street	Maple St. Cul de sac	10/6/18	N/A	3pm-9pm	Elizabeth Berkman	113 Melrose Ave	Hatfield Park – Melrose Ave / Ellicott St	10/13/18	10/14/18	3pm-6pm	Kevin Keane	88 Lexington Ave	Burnside Rd. btwn Lexington & Concord	10/20/18	N/A	6pm-9pm	Nicole Maffeo	111 Hawthorn Ave	Hawthorn Avenue	10/20/18	N/A	4pm-8pm	Kelly Allen	103 Sylvan Road	Sylvan/Harding	10/28/18	N/A	2pm-6pm
Name	Address	Party Location	Party Date	Party Rain Date	Party Time																																																								
Ratify - Kim Stone	45 Greendale Ave	Park Ave & Greendale Ave	9/22/18	9/23/18	3pm-6pm																																																								
Ratify - Alyssa Kence	59 Coolidge Ave	Coolidge Ave	9/22/18	9/23/18	4pm-9pm																																																								
Ratify - Amy Hurley	154 South St.	Needhamdale St.	9/23/18	9/30/18	3:30pm-8pm																																																								
Richard Myers	78 Warren Street	Warren St. btwn May St & Great Plain Ave.	9/29/18	9/30/18	3:30pm-8:30pm																																																								
Sharon Ellis	192 Maple Street	Maple St. Cul de sac	10/6/18	N/A	3pm-9pm																																																								
Elizabeth Berkman	113 Melrose Ave	Hatfield Park – Melrose Ave / Ellicott St	10/13/18	10/14/18	3pm-6pm																																																								
Kevin Keane	88 Lexington Ave	Burnside Rd. btwn Lexington & Concord	10/20/18	N/A	6pm-9pm																																																								
Nicole Maffeo	111 Hawthorn Ave	Hawthorn Avenue	10/20/18	N/A	4pm-8pm																																																								
Kelly Allen	103 Sylvan Road	Sylvan/Harding	10/28/18	N/A	2pm-6pm																																																								

Certificate Of Appreciation

From The
Town of Needham, Massachusetts
Board of Selectmen

Awarded to:

JEFF FRIEDMAN

In recognition of ten years of tireless pursuit and dedication in creating the Needham Farmers Market. From its first market day held on the First Parish Church common to its present locale in front of Town Hall, the NFM has become a vibrant gathering place for the community while offering fresh and local products, live music and artists each week. Congratulations!

Signed this 25th day of September, 2018



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

MEETING DATE: 9/25/2018

Agenda Item	Needham 2025 project Update
Presenter(s)	Marianne Cooley, Board of Selectmen

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Ms. Cooley will update the Board on the progress of the Needham 2025 Working Group and the proposed warrant article for the October 10, 2018 Special Town Meeting.
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
	<i>Discussion Only.</i>
3.	BACK UP INFORMATION ATTACHED
	a. Needham 2025 Proposed Scope of Work

Needham 2025 Proposed Scope of Work

The goal of the N25 project is to gain a better understanding of the impact of commercial and residential growth on the Town's infrastructure, including but not limited to: traffic, transportation, water, sewer, drains, roads and bridges, and school facilities; and to identify options for managing that impact.

Over the years, the Town has conducted facility master plans, demographic analyses for future school needs planning, and build-out analyses for special projects and zoning initiatives. The N25 project will provide a more complete Town-wide overview – identifying the reasonably anticipated range of commercial and residential growth by 2025, and the associated impact/pressure that may be placed on existing, planned, or prospective infrastructure by this growth and other regional trends.

The review will identify the improvements made to Town infrastructure over the past ten years, and planned capital investment (such as the Mitchell School, the Pollard School, the School Administration Building, and the DPW Complex).

Expert advice will be sought to identify gaps that may exist in our existing and planned infrastructure investment because of reasonably anticipated commercial and residential growth.

Population

Questions for Consultants

- What population figure for the Town of Needham is relevant for this planning effort?
- What is the projected population estimate based on known development?
- What population trends should the Town be concerned about?
- What will be the impact of population growth on capital facilities and horizontal infrastructure including water, sewer, roads, and utilities? What will be the impact on traffic and parking?

Housing Development

Questions for Town Discussion

- Is there a target population that the Town would like to achieve/maintain?
- If residential housing development is desired, where should it occur?

Questions for Consultants

- What amount of residential housing development will trigger the need for new/upgraded infrastructure?
- Is it possible to create housing for people who would like to downsize in Needham?
- How can the Town create housing for this niche without hitting the tipping point for a new school?

- What parcels exist that could be consolidated or redeveloped by developers that would create a significant increase in the number of housing units in the Town?
- What must the Town do in order to maintain its 10% threshold of affordable housing?
- What would be the impact of allowing accessory dwelling units?

Economic Development

Questions for Town Discussion

- What will be the impact on the sense of community of increased commercial development?
- What level of the tax levy is the target for commercial value? Is the 20% historic target appropriate and/or realistic?
- How can the Town shift more of the tax base back toward the commercial sector?

Questions for Consultants

- What is the impact of commercial development that is in place or permitted?
- How can the Town incent new and desirable construction?
- What transportation options are available to incent commercial development?
- In what sector is commercial growth occurring?
- How does the Town of Needham make itself attractive in that market?
- The goal of the Needham Crossing up-zoning was to develop 2.5 million s.f. of new commercial space. How will that be achieved? Is it achievable? What will be the impact on infrastructure if this build-out occurs?

Enrollment/Demographics

Questions for Consultants

- What are the enrollment trends?
- How will planned development impact those trends?
- What demographic trends will impact enrollment?
- What is the impact of housing stock turnover on enrollment?

School Infrastructure

Questions for Town Discussion

- Are there any reasonable options for accommodating significant enrollment growth at the secondary level?
- What implication does the MSBA process and timeline have on the proposed construction/reconstruction of new schools?

Questions for Consultants

- What amount of new residential development and/or housing stock turnover will necessitate the construction of new or increased capacity of existing school buildings?
- What would be the impact of a downturn in the economy on school age children returning to public school from private school?

- What does the data reveal about prior downturns?
- What is the tipping point for the need for a new school(s)?

The Wider Community

- Are the types of questions Needham is asking indicative of the situation in other communities?
- What has been the experience in other towns?

Municipal Finance

- The Town has had an extraordinary period of revenue growth that will eventually end.
- The proposed debt to revenue peaking at or around 12% should be a caution sign.
- What will be the impact of ecommerce and the growth of the sharing economy (e.g. autonomous vehicles) on municipal revenue, infrastructure and the built environment?



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

MEETING DATE: 9/25/2018

Agenda Item	Stormwater By-Law Update
Presenter(s)	Matt Borrelli, Board of Selectmen

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Mr. Borrelli will update the Board on proposed revisions to the Stormwater By-Law since the Board's public hearing on September 11, 2018. The Board will hold a public hearing on the associated Stormwater Regulations after the Special Town Meeting.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
<i>Discussion Only.</i>	
3.	BACK UP INFORMATION ATTACHED
a. Revised Stormwater By-Law b. Draft Stormwater Regulations	

ARTICLE 7

STORMWATER

SECTION 7.1 PURPOSE

The purpose of this By-Law is:

- (a) To prevent pollution of Needham's wetlands and surface waters from uncontrolled stormwater runoff and illicit discharges.
- (b) To prevent pollutants from entering the Town of Needham's Municipal Separate Storm Sewer System (MS4).
- (c) To prohibit illicit connections and unauthorized discharges to the MS4 and to require the removal of all such illicit connections.
- (d) To comply with state and federal statutes and regulations relating to stormwater discharges, including the NPDES MS4 Permit issued by the U.S. Environmental Protection Agency (EPA), the Massachusetts Stormwater Standards, regardless of the location of the subject property relative to wetlands or other resource areas, and the Memorandum of Understanding (MOU) issued to the Town of Needham by the EPA in 1996.
- (e) To establish the legal authority to ensure compliance with the provisions of this By-Law through permitting, inspection, monitoring, and enforcement.
- (f) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff.
- (g) To promote infiltration and the recharge of groundwater.
- (h) To protect, maintain and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff.
- (i) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

SECTION 7.2 DEFINITIONS

For the purposes of this By-Law, the following definitions shall apply:

Alteration Any activity that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to, construction of new structures, excavation, earthmoving, or paving.

Best Management Practices (BMPs) Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment.

Clean Water Act The Federal *Water Pollution Control Act* (33 U.S.C. §§ 1251 *et seq.*) as it may hereafter be amended, and the Massachusetts Clean Water Act and Regulations.

Commercial The term commercial shall include municipal, industrial, and multi-family projects.

Construction Site Any site where activity is proposed or occurs that involves the alteration of land and involves a permit required by the Town.

Development The alteration of land requiring an application for a building permit; or for a permit from the Planning Board, Zoning Board of Appeals (ZBA), or Conservation Commission.

Erosion Control The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff. Erosion control is typically achieved through the installation of straw bales, silt fence, silt socks, or by surface coverings such as jute mesh, erosion control blankets, or by the establishment of surface vegetation.

Dry Well A subsurface structure that infiltrates stormwater runoff.

Green Citizen Certificate A certificate issued by the Board of Selectmen conferring recognition to environmentally conscious citizens who install infiltration/recharge systems, rain gardens, or similar stormwater quality improvements that are not required by the Stormwater By-Law or these promulgated regulations.

Illicit Connection A surface or subsurface drain or conveyance that allows a discharge into the MS4 that is not entirely composed of stormwater or clean groundwater, including any connection from an indoor drain, sink, toilet, or laundry facility.

Illicit Discharge Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater or clean groundwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

Impervious Surface Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, rooftops and swimming pools.

Large Residential Project A residential project (new construction or reconstruction) of a residential building with larger than 4,000 square feet (s.f) of ground coverage.

Low Impact Development (LID) Stormwater management systems and practices that mimic natural hydrologic processes resulting in infiltration, evapotranspiration or use of stormwater. LID techniques manage stormwater as close to the source as possible. LID practices frequently use cost-effective landscape features located at the lot level.

Massachusetts Stormwater Handbook (MSH) A document published in 1997 and revised and updated in 2008 by MassDEP as guidance on the 1996 Stormwater Policy.

MS4 (Municipal Separate Storm Sewer System) The system of conveyances, owned or operated by the Town of Needham, that is designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit

A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

New Construction Construction or replacement of a structure, house or building which requires a Building Permit or construction/reconstruction of a parking lot, or construction of a subdivision roadway requiring Planning Board or Board of Appeals approval.

Non-point Source Pollution Rainfall or snowmelt that picks up pollutants as it moves across the ground.

Non-stormwater Discharge A discharge that is not composed entirely of stormwater, such as sanitary waste or process water.

Operation and Maintenance (O&M) Plan A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

Person An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Plot Plan The plan that accompanies an application for a Building Permit.

Point Source Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

Pollutant Any element or characteristic of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into Needham's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

- (a) Paints, varnishes, and solvents;
- (b) Oil and other automotive fluids;
- (c) Non-hazardous liquid and solid wastes and yard wastes;

- (d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
- (e) Excess pesticides, herbicides, and fertilizers;
- (f) Hazardous materials and wastes;
- (g) Sewage, fecal coliform and pathogens;
- (h) Dissolved and particulate metals or nonmetals, including phosphorus;
- (i) Animal wastes;
- (j) Rock, sand, salt, silt, soils;
- (k) Construction wastes and residues; and
- (l) Noxious or offensive matter of any kind.

Permitting Authority The municipal board, committee or department with authority for issuing permits for construction. These include the Planning Board, Conservation Commission, Department of Public Works, Building Department, and Zoning Board of Appeals.

Recharge The process by which groundwater and the underlying aquifer is replenished by the absorption of water.

Redevelopment Replacement, rehabilitation, or expansion of existing structures, improvement of existing roads or reuse of degraded or previously developed areas. Redevelopment is defined to include the following projects:

- (a) Maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and
- (b) Development, rehabilitation, expansion and phased projects on previously developed sites provided the redevelopment results in no net increase in impervious area.

Runoff The water from rain, snowmelt or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

Sanitary Sewer System A separate underground conveyance system specifically for transporting sanitary waste operated separately and independently from the MS4, to which storm, surface, and ground waters are not lawfully admitted.

Small Diameter Drain Program A Town of Needham Program allowing the extension of the Town's drainage system (MS4) by a series of 6-inch, 8-inch and 10-inch drain pipes used to collect roof drains and clean sump pump discharges.

Stormwater Water originating from rainfall and snow/ice melt.

Stormwater Management The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

Vegetation Trees, shrubs, bushes and ground cover, including grass.

Watershed Management Plan The plan developed for the Town of Needham subdividing watershed areas within the Town and depicting drainable soil areas appropriate for infiltration/recharge.

Waters of the Commonwealth All waters within the jurisdiction of the Commonwealth of Massachusetts under the Wetlands Protection Act (M.G.L ch. 131 section 40 and regulations at 310 CMR 10.00) and regulations at 314 CMR 9.00, Water Quality Certification, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, wetlands, and vernal pools.

Waters of Needham All waters within the jurisdiction of the Town of Needham under the Wetlands Protection Bylaw (Article 6) and implementing regulations, including rivers, streams, lakes, ponds, springs, impoundments, wetlands and vernal pools.

SECTION 7.3 ADMINISTRATION

- 7.3.1 The Board of Selectmen shall adopt, and may periodically amend, Stormwater Regulations to effectuate the purposes of this By-law, after conducting a public hearing to receive Public comment.
- 7.3.2 The Director of Public Works shall be responsible for the day-to-day administration of this By-Law and its Regulations except as provided in Section 7.3.3 below. The Director may designate a person or persons to carry out any of his/her duties under this Stormwater By-Law.
- 7.3.3 The issuing authorities for permits (Building Department, Planning Board, Zoning Board of Appeals, and Conservation Commission) are responsible for determining compliance with this By-law for any application to these authorities. The Director of Public Works/designee shall review permit applications and provide an advisory opinion to the issuing authorities.
- 7.3.4 The Director of Public Works/designee shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges.

SECTION 7.4 APPLICABILITY

7.4.1 Permits and Approvals

All persons required to obtain a Building Permit for new construction and/or additions greater than 25% of the existing building footprint shall be subject to the requirements of this By-Law.

All persons also required to obtain Planning Board Site Plan approval pursuant to the Zoning By-Law, Planning Board approval for a Subdivision, and/or a Board of Appeals Decision (for new construction and/or additions greater than 25% of the existing building footprint) are subject to the requirements of this By-Law.

7.4.2 Stormwater Management and Erosion Control

Except as listed below, all applications for new construction or redevelopment subject to the provisions of this By-law, whether or not the issuance of a Building Permit is required, shall include Stormwater Management and Erosion Control provisions.

The relevant permitting authority (Building Department, Planning Board, Zoning Board of Appeals, or Conservation Commission) shall review and approve the Stormwater Management and Erosion Control Plan prior to the issuance of a permit.

The Director of Public Works/designee shall participate in the review process and make recommendations to the permitting authority as needed. Applications involving facade treatments, interior renovations, and/or changes in use are exempt from the requirement for a Stormwater Management and Erosion Control Plan.

The following applications do not require a Stormwater Management and Erosion Control Plan when proposed in an area not subject to jurisdiction of the Conservation Commission:

- Applications for addition to a commercial structure, parking lot, or roadway that is less than 1,500 square feet.

7.4.3 Modification of Building Permits

The applicant, or an agent thereof, shall obtain the approval of the Director of Public Works prior to any change or modification of an activity associated with the Stormwater Management and Erosion Control provisions of the Building Permit. The Director of Public Works shall approve or reject the change or modification in writing on the plot plan submitted within two (2) weeks of the receipt of such change or modification. If no action is taken within the said two-week period, the change or modification shall be deemed to have been approved.

7.4.4 Modification Requiring Planning Board, Zoning Board of Appeals, and/or Conservation Commission Approval

In circumstances where Planning Board, Zoning Board of Appeals, and/or Conservation Commission approval is required prior to the issuance of a Building Permit, approval by the respective board or commission is required prior to any significant change or modification of an activity associated with an approved Stormwater Management and Erosion Control Plan. Additional stormwater runoff and erosion control measures may be required prior to approval of the change or modification.

SECTION 7.5 **ILLICIT DISCHARGE, DETECTION & ELIMINATION (IDDE)**

7.5.1 Prohibited Activities

7.5.1.1 **Illicit Discharges** No person shall cause or allow an illicit discharge into the MS4 or into the Waters of the Commonwealth. This By-Law shall not exempt stormwater discharges from regulations under the National Pollutant Discharge Elimination System (NPDES) stormwater program where applicable.

7.5.1.2 **Illicit Connections** No person shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

7.5.1.3 **Obstruction of Municipal Storm Drain System** No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the Director of Public Works.

7.5.2 Regulated Activities

7.5.2.1 No person shall connect a pipe or other appurtenance to the Town of Needham Sanitary Sewer System or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without receiving an approved Sewer Connection Permit or Drainage Connection Permit from the Department of Public Works.

7.5.2.2 No person shall allow a pipe, swale or other point source to discharge onto a Public Way.

7.5.3 Exemptions

The following are exempt from the requirements of this By-Law:

- (a) Water line flushing;
- (b) Landscape irrigation;
- (c) Diverted stream flows;
- (d) Rising ground waters;
- (e) Uncontaminated ground water (groundwater that is free of pollutants);
- (f) Discharges from potable water sources;
- (g) Air conditioning condensation;
- (h) Lawn watering;
- (i) Flows from wetland resource areas;
- (j) Discharges or flows from firefighting activities; and
- (k) Discharges necessary to protect public health, safety, welfare or the environment.

SECTION 7.6 EMERGENCY SUSPENSION OF STORM DRAIN SYSTEM ACCESS

The Director of Public Works/designee may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event that any person fails to comply with an emergency suspension order issued pursuant to this section, the Director of Public Works/designee may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 7.7 STORMWATER MANAGEMENT AND EROSION CONTROL

7.7.1 Regulated Activities

A Stormwater Management and Erosion Control plan shall be required for any construction activity as set forth under Section 7.4 of this By-Law.

7.7.2 Exempt Activities

The following activities shall be exempt from this By-Law:

- (a) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this By-Law;
- (b) Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the *Zoning Act, M.G.L. c. 40A, § 3*;
- (c) Customary cemetery management;
- (d) Normal maintenance of Town-owned public land, ways, public utilities and appurtenances; and
- (e) Emergency activities necessary to protect public health or safety.

7.7.3 General Requirements

7.7.3.1 Pre-Construction

A Stormwater Management and Erosion Control plan shall be submitted as part of a Building Plot Plan or independently with an application for a Building Permit, Planning Board application, Zoning Board of Appeals application, Conservation Commission application, and/or prior to any development activity.

7.7.3.2 Construction

The Stormwater Management and Erosion Control plan shall include construction period measures to prevent the discharge of silt or sediment to the MS4 and/or abutting properties.

7.7.3.3 Post-Construction

For both commercial and residential projects, the Stormwater Management and Erosion Control Plan shall include provisions for post-construction measures to provide a minimum combined volumetric capacity to recharge a minimum of one (1) inch of rainfall depth over the total impervious area of the property (buildings and impervious surfaces). For commercial projects, the Stormwater Management and Erosion Control Plan shall include stormwater runoff quality controls and other structural and non-structural Best Management Practices (BMPs) to remove pollutants from stormwater prior to recharge to the groundwater in accordance with the Massachusetts Stormwater Handbook. The purpose of this plan is to prevent or minimize increases in stormwater volumes and flows to the MS4 and to reduce pollutant loading to the MS4 and receiving waters.

7.7.3.4 Standard Infiltration Method

As one option to satisfy Sections 7.7.3.1 and 7.7.3.2 and 7.7.3.3, for residential and commercial development subject to this By-Law with 4,000 square feet of impervious surface or less on the property, a Standard Infiltration Method (SIM) may be utilized consisting of the installation of drywells at one or more corners of the main dwelling/building to collect the roof runoff from the structure. Building projects involving additions greater than 25% of the existing building footprint but less than 50% of the existing building footprint shall collect the entire runoff from the roof of the addition plus runoff from the roof on the side of the existing structure that contains the addition. Building projects involving additions that are 50% or greater than the existing building footprint shall capture the stormwater runoff from the entire roof. The as-built (certified) Plot Plan showing the improvements to the property shall be stamped by a Massachusetts Registered Land Surveyor.

7.7.3.5 Poor Soils

Properties located within an area of poor soils as identified on the Town's Watershed Management Plan or due to shallow depth to groundwater or other reason as determined by the Director of Public Works/designee, a small diameter drain shall be extended from the Town's stormwater drainage system (MS4) down gradient of the property to the property to collect the roof runoff from the main dwelling. If there is no portion of a drainage system within 100 feet of the property, the property owner shall contribute to a fund for the Town to construct a communal infiltration system on Town property. The contribution shall be an

amount as determined by the Board of Selectmen per cubic foot of stormwater required to be recharged as described above.

7.7.3.6 Operation and Maintenance Plan

An Operation and Maintenance Plan (O&M Plan) shall be submitted with the application for a Building Permit, Planning Board application, Board of Appeals application, or Conservation Commission application pursuant to this By-Law. The Operation and Maintenance Plan shall be designed to ensure compliance with this By-Law in all seasons and throughout the life of the system. The O&M Plan shall be signed by the property owner. For residential and commercial development with 4,000 square feet of impervious surface or less, the O&M Plan shall consist of an annual inspection of the drywells, and removal of sediment, leaves or debris as needed.

7.7.3.7 As-Built Drawing

Except as provided for in Section 7.7.3.4, as-built drawings stamped by a Massachusetts Registered Professional Engineer showing all stormwater management systems shall accompany the as-built Plot Plan at the completion of a project.

7.7.4 Design Criteria

7.7.4.1 Residential development and commercial development with 4,000 square feet or less of impervious surface constructed using the Standard Infiltration Method (SIM) will be deemed compliant with the design criteria of this By-law.

7.7.4.2 All developments subject to this By-Law shall satisfy the following design criteria:

- (a) Stormwater Management and Erosion Control measures must, in the opinion of the Building Department, Planning Board, Zoning Board of Appeals, or Conservation Commission, as the case may be, be in compliance with all applicable provisions of the Massachusetts Stormwater Standards issued in 1996 as amended, regardless of the proximity of the development to resource areas or their buffer zones, as defined by the *Wetlands Protection Act, M.G.L. c. 131, § 40* and its implementing regulations.
- (b) Erosion and sediment controls must be implemented to prevent adverse impacts caused by the discharge of silt or sediment to municipal and/or abutting properties during and after land disturbance and construction activities.
- (c) There shall be no change to the existing conditions of abutting properties from any increase in volume or peak rate of stormwater runoff or from erosion,

silting, flooding, sedimentation or impacts to wetlands and other resource areas as defined in the Massachusetts Wetlands Protection Act and/or Needham Wetlands Protection Bylaw.

- (d) When any proposed discharge may have an impact upon streams, wetlands and/or the MS4 or its conveyance system (storm sewers), the Director of Public Works/designee may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity.

SECTION 7.8 MAINTENANCE OF STORMWATER FACILITIES

[Reserved]

SECTION 7.9 SEVERABILITY

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof.

SECTION 7.10 ENFORCEMENT

The Director of Public Works/designee shall enforce this By-Law, and any regulations, orders, violation notices, and enforcement orders made pursuant to this By-Law as follows:

- 7.10.1 The Director of Public Works may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include (but are not limited to) an order to:
 - (a) eliminate illicit connections or discharges to the MS4;
 - (b) perform monitoring, analyses, and reporting;
 - (c) cease and desist unlawful discharges, practices, or operations; and
 - (d) remediate contamination in connection therewith.
- 7.10.2 If the Director of Public Works/designee determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, it shall be a violation of this By-Law and the Director of Public Works/designee may, at his or her option, authorize such work.
- 7.10.3 Any person or entity aggrieved by a decision of the Director of Public Works/designee under this provision of this Stormwater By-Law may submit a letter of appeal to the Board of Selectmen who may affirm, amend, or overrule that decision after a public meeting held not more than 45 days after the submission of a letter of appeal.

7.10.4 If a person violates the provisions of this By-Law, or any regulation, permit, notice, or order issued thereunder, the Director of Public Works/designee, with the approval of the Board of Selectmen, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

7.10.5 The remedies set forth in this Section are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.

SECTION 7.11 WAIVER

The permit granting authority may waive strict compliance with any requirement of this By-Law when (a) such action would serve a substantial public interest, (b) such action is required for compliance with the Massachusetts Contingency Plan (MCP), or (c) strict compliance would result in severe economic hardship greater in magnitude than the public interest to be served.

STORMWATER REGULATIONS

SECTION 1 GENERAL PROVISIONS

These stormwater regulations are promulgated by the Needham Board of Selectmen pursuant to the authority granted under Section 7 of the General By-Laws of the Town of Needham ("Stormwater By-Law").

The purpose of these regulations is to provide guidance in the implementation of the Stormwater By-Law, and to promote the removal of pollutants from stormwater, to encourage recharging of stormwater, to develop methods to maintain functional operation of stormwater, to utilize best management practices, to improve stormwater quality prior to discharging to a water body, and to education property owners. These regulations are intended to enable the Town of Needham to meet or exceed the minimum standards stipulated in the Stormwater By-Law, the Memorandum of Understanding (MOU) between the Town of Needham and the Environmental Protection Agency (EPA) (dated June 1996), the Massachusetts Stormwater Standards, and the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) requirements issued by the EPA.

These regulations may be revised periodically in order to remain consistent with other State, Federal, or local Laws, regulations, or policies.

SECTION 2 DEFINITIONS

For the purposes of these Regulations, refer to the definitions contained in the Stormwater By-Law.

SECTION 3 ADMINISTRATION AND SUBMISSION REQUIREMENTS

All applications for Building Permits for new construction and additions greater than 25% of the existing building footprint as set forth under Section 7.4.1 of the Stormwater By-Law shall be reviewed by the Director of Public Works/designee for compliance with the Stormwater By-Law and these Regulations. The Plot Plan accompanying the Building Permit application shall include:

- The total amount of impervious area (existing and proposed) on the property including building roofs and driveways;
- The size and location of stormwater improvements, including drywells;
- Erosion control methods proposed for during and after site development work; and
- Operation and maintenance procedures for the stormwater practices.

All applications for a Planning Board Decision and/or a Board of Appeals Decision for new construction and additions greater than 25% of the existing building footprint, as set forth in Section 7.4.2 of the Stormwater By-Law shall be reviewed by the Director of Public Works/designee for compliance with the Stormwater By-Law and these Regulations.

In instances where a Planning Board Decision, Zoning Board of Appeals Decision, and/or Conservation Commission permit is required, preconstruction and post construction stormwater

management and erosion controls that meet the requirements of the Stormwater By-Law and these Regulations shall be shown on plans accompanying those applications for Decisions and/or permits.

SECTION 4 STORMWATER RECHARGE REQUIREMENTS

- 4.1 Increases in stormwater volumes and flows to the MS4 and pollutant loading to the MS4 and receiving waters shall be prevented or minimized through the recharging of stormwater.
- 4.2 A minimum combined volumetric capacity to recharge a minimum of one (1) inch of rainfall depth over the total proposed impervious area of the property (buildings and impervious surfaces) shall be provided. Calculations and a design shall be provided to demonstrate compliance, except when the option described in 4.6 below is used.
- 4.3 For commercial projects and large residential projects, the Stormwater Management Plan and Erosion Control Plan shall include stormwater runoff quality controls and other structural and non-structural Best Management Practices to increase groundwater recharge and remove pollutants from stormwater.
- 4.4 Stormwater runoff collected from a rooftop may be recharged directly into the ground without pretreatment.
- 4.5 Stormwater runoff from paved areas subjected to motor vehicles or other potential sources of contamination shall be pretreated to remove sediment, suspended solids, oils, volatile organic compounds (VOCs) that can migrate into groundwater, and other contaminants prior to being infiltrated or recharged.
- 4.6 As an option to meet the stormwater recharge requirements a Standard Infiltration Method (SIM) for Developments with 4,000 s.f. of impervious area or less may be used.
 - 4.6.1 To satisfy the stormwater recharge requirement, for residential and commercial development with 4,000 s.f. of impervious area or less, a SIM may be utilized consisting of the installation of drywells at one or more corners of the main dwelling/building to collect the roof runoff from the structure.
 - 4.6.2 Drywells may be placed at one or more corners of the building. The total storage of all drywells shall be 300 cu. ft. A single drywell – four (4) feet wide by four (4) feet long by three (3) feet deep with two (2) feet of crushed stone around it results in 75 cu. ft of storage (assuming 25% voids). Drywells may be linked together, if desired, to reduce the number of drywells to one or more corners of the building.
 - 4.6.3 Building projects involving additions greater than 25% of the existing building footprint but less than 50% of the existing building footprint shall collect the entire runoff from the roof of the addition plus runoff from the roof on the side of the existing structure that contains the addition. The total storage of the drywells shall be 300 cu. ft. for properties with 4,000 s.f. of impervious area or less.

- 4.6.4 Building projects involving additions that are 50% or greater than the existing building footprint shall capture the stormwater runoff from the entire roof.
- 4.6.5 If the SIM method is used, no drainage calculations are required and only the roof runoff, or portion thereof, need be collected.
- 4.6.6 If the SIM method is used, the property must be located within an area of suitable soils as designated on the Watershed Management Plan or documented by on-site soil test pits.
- 4.6.7 An As-Built drawing showing all stormwater management systems shall be submitted to the Department of Public Works on the Building Department's as-built (certified) Plot Plan prior to the issuance of an Occupancy Permit.
- 4.6.8 The as-built (certified) Plot Plan showing the improvements to the property shall be stamped by a Massachusetts Registered Land Surveyor.

SECTION 5 STORMWATER MANAGEMENT AND EROSION CONTROL

5.1 Regulated Activities

A Stormwater Management Plan and an Erosion Control Plan, stamped by a MA registered Professional Engineer, as well as an Operation and Maintenance (O&M) Plan signed by the property owner shall be submitted as part of the Building Permit Plot Plan prior to any land disturbance that involves:

- a. Construction of a new building or reconstruction of an existing building,
- b. Construction of an addition greater than 25% of the existing building footprint,
- c. Developments that require Planning Board approval or Zoning Board of Appeals approval for parking lots, and
- d. Developments that require an Order of Conditions from the Conservation Commission.

5.2 General Requirements

5.2.1. Stormwater Management Plan

5.2.1.1 Projects on properties that contain 4,000 s.f. or less of impervious area and recharge a minimum of 1-inch of stormwater meet the Stormwater Management requirements listed below.

5.2.1.2 The Stormwater Management Plan shall fully describe the projects in drawings, narrative, and calculations. A complete narrative detailing how the Stormwater Management Plan complies with the applicable MassDEP stormwater management standards shall be provided.

5.2.1.3 Design and Performance Criteria: At a minimum, all regulated activities regardless of the proximity to wetlands shall comply with the performance standards of the most recent version of MassDEP's Stormwater Management Standards and accompanying Massachusetts Stormwater Handbook (MSH), as well as the criteria contained herein.

- a. The design of the project shall, to the maximum extent feasible, employ environmentally sensitive site design as outlined in the MSH and shall reproduce natural hydrologic conditions with respect to ground and surface waters to the maximum extent practicable.
- b. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable. Guidance on these practices is provided in the MSH.
- c. The Stormwater Management Plan shall incorporate source controls of contaminants and employ Best Management Practices (BMPs) to minimize stormwater pollution.
- d. The design of treatment and infiltration practices should follow the guidance in Volume 2 of the MSH, as amended, or other federally or State approved BMP design guidance accepted by the Department of Public Works.
- e. The water quality volume for sizing of BMPs shall be based on a minimum of 1-inch of runoff over the tributary impervious area.
- f. Hydrologic analyses using TR-55/TR-20 methodology shall be performed on the entire project site and include any off site areas that drain to or through the project site.
- g. For purposes of computing runoff, all pervious lands on the site shall be assumed to be in good condition prior to development, regardless of the conditions existing at the time.
- h. The analyses shall be analyzed for the 1-inch, and the 2-, 10-, 25-, and 100-year design storms under pre-development and post-development conditions. The 24-hour rainfall amounts for the 2-, 10-, 25-, and 100-year storms are to be based on the NOAA Atlas 14 Point Precipitation Frequency Estimates for Needham, the 24 hour rainfall amounts are as follows (rounded to the nearest one-tenth of an inch):

2 yr, 24 hr event = 3.3 inches
10 yr, 24 hr event = 5.2 inches
25 yr, 24 hr event = 6.4 inches
100 yr, 24 hr event = 8.2 inches

- i. The analysis is to be performed on a pre and post sub-watershed basis with designated control points at each location where runoff leaves the site.
- j. The post-development peak discharge rate shall be equal to or less than the pre-development peak discharge rate (based on a 2-, 10-, 25-, and 100-year 24-hour storm event).
- k. The same land area shall be used in the analysis to facilitate comparison of existing and proposed conditions.
- l. The total volume of discharge as well as peak rate shall be evaluated at each control point.
- m. For new construction, the stormwater management system must be designed to remove 90% of the average annual load of Total Suspended Solids (TSS), generated from the post-construction impervious area. In addition, in accordance with the MS4 General Permit, projects must be designed to remove 60% of the average annual load of Total Phosphorous (TP) generated from the post-construction impervious surface areas and remove pathogens.
- n. Redevelopment Standards: Projects involving redevelopment of existing sites shall be designed in accordance with the redevelopment checklist provided in the latest MSH. All redevelopment projects must provide a net improvement to stormwater conditions at the site, either in the area of disturbance or to other areas on the site. Redevelopment projects shall be designed to remove 80% TSS and 50% TP and pathogens. Improvements may be made to areas outside of the area of disturbance where known problems exist and reasonable solutions are available. Such opportunities might include:
 - Reduce impervious surfaces;
 - Implement source controls of potential stormwater pollutants on the entire site;
 - Reroute drainage to maximize treatment efficiencies;
 - Segregate roof runoff for direct infiltration or capture and re-use; and/or
 - Update Operation and Maintenance plans and procedures for the entire site.
- o. Stormwater discharges from developments shall not exceed the water quality limits for the receiving waters that they discharge to as shown on the Town of Needham Watershed Management Plan.

5.2.2 Closed Drainage System

Where closed drainage networks are proposed, calculations shall be provided in accordance with the following requirements:

- a. The proposed closed drainage system shall be designed to accommodate a 25-year design storm. Bridges and culverts shall be designed for a 50-year design storm, with consideration being given to avoiding damage during a 100-year design storm.
- b. The Rational Method shall be used to determine peak flows of runoff for the design of the closed drainage system. The Rational Method cannot be used to determine runoff volumes. The Manning Formula shall be used for the sizing of drain pipes and other drainage conveyance swales. A worksheet similar to that provided in Exhibit 8-49 of the Massachusetts Highway Department (MHD) Project Development and Design Guide (2006 edition) shall be provided for the design of each closed drainage network.
- c. Catch basins shall be required on both sides of roadways at intervals of not more than 400 feet, at all low points in grade, near the corners of roadways at intersecting streets, and at all other locations as required by the Director of Public Works/designee. Catch basins are not allowed in front of driveway openings. Catch basin-to-catch basin connections are not allowed (unless specifically allowed by the Director of Public Works/designee). Each catch basin shall be connected to a manhole. All catch basins shall have a minimum four-foot sump and a floatables control hood on the outlet pipe. All grate openings shall be of a design and placement that will not trap or divert bicycle wheels. Catch basins shall be designed such that the grate capacity of each is not exceeded; double catch basin grates and curb inlets may be used as needed. No catch basin which collects runoff from roadways shall be designed to infiltrate stormwater runoff without providing pre-treatment in accordance with the Massachusetts Stormwater Management Standards.
- d. All drain pipes shall be laid in a straight line and grade. A manhole shall be provided at every change in pipe size, material, direction, and/or grade. In no case shall drain manholes be spaced at a distance greater than 400 feet. Pipes shall be designed to operate without building up hydraulic pressure head under design flow conditions. The minimum design flow pipe velocity shall be 2 feet per second (fps) or as acceptable to the Director of Public Works/designee. The maximum allowable full flow pipe velocity shall be 10 fps or as acceptable to the Director of Public Works/designee.
- e. Drain pipes shall be either reinforced concrete pipe (RCP) (minimum 2 feet of cover) or high-density polyethylene pipe / polyvinyl chloride (HDPE/PVC) (minimum 3 feet of cover). Ductile iron pipe shall be used in areas with less than two feet of cover.
- f. Pipe inlets or outfalls with a diameter of 15 inches or greater shall be fitted with a protective barrier, suitable in the opinion of the Director of Public

Works/designee, to prevent access by children. Said barrier shall be removable for maintenance purposes. Masonry headwalls and flared end-sections shall be installed, as approved by the Director of Public Works/designee, to prevent erosion. Ground surfaces at all drainage outfalls shall be stabilized with rip-rap or other means to prevent erosion from stormwater flows up to the design capacity of the discharging conveyance. Design calculations for rip-rap splash pads or other proposed outfall protection may be required at the discretion of the Director of Public Works/designee.

5.2.3 Stormwater Infiltration System

5.2.3.1 This section is not intended to replace the requirements outlined in Section 4 Stormwater Recharge Requirements.

5.2.3.2 For proposed large residential or commercial properties with greater than 4,000 s.f of impervious area and include infiltration systems as part of the stormwater management design the stormwater infiltration systems shall be designed in accordance with the design standards listed in Volume 3 of the Massachusetts Stormwater Handbook (MSH), with the following additional criteria:

- a. For all projects proposing infiltration BMPs, the Applicant shall provide documentation of the soil conditions and seasonal high groundwater conditions at the proposed site of the infiltration facility or facilities. At a minimum, existing Estimated Seasonal High Groundwater (ESHGW) elevation shall be documented at each location where an infiltration-type stormwater management practice is proposed. The soils on-site shall be classified according to the NRCS Hydrologic Soil Groups (HSG), and a soil textural analysis consistent with USDA methodologies shall be conducted where the HSG classification is inconclusive. Seasonal high groundwater shall be estimated based on redoximorphic features in the soil.
- b. The static, simple dynamic, or dynamic field methods shall be used to estimate storage volume sizing. The use of the Rational Method to size infiltration systems is strictly prohibited.
- c. When the static or simple dynamic methods are used, the infiltration rate for each system shall be estimated based on the rates specified by Rawls et al. 1982. For the "dynamic field" method, saturated hydraulic conductivity rates shall be determined at the actual location and soil layer (i.e., elevation) where infiltration is proposed. A Title 5 percolation test does not provide an acceptable estimate of the infiltration rate on the site using any of the three design methods. The Applicant shall identify the depth to bedrock or other restrictive layer in the vicinity of proposed infiltration

systems. Compaction of soils in designated infiltration areas shall be minimized during and after construction.

- d. The bottom of stormwater infiltration systems shall be a minimum of 2 feet above the estimated seasonal high groundwater elevation.
- e. Where a project proposes to attenuate the peak discharge from a 10-year, 24-hour design storm or higher, the bottom of the infiltration system shall be a minimum of 4 feet above the estimated seasonal high groundwater elevation.
- f. A groundwater mounding analysis may be required, at the discretion of the Director of Public Works/designee, to ensure that the infiltration system will not cause groundwater to break out above land surface, seep into basements of nearby buildings, or cause other problems. All infiltration systems shall be designed to drain within 72 hours.
- g. Detention/retention basins shall be designed to have a minimum of 1 foot of freeboard during the 100-year design storm. The volume of sediment forebays (if applicable) shall not be counted towards the storage volume of the detention/retention basin. For design purposes, it shall be assumed that there will be no infiltration of stormwater within the drainage basin unless the basin is designed as an infiltration basin in accordance with the MSH. Detention/retention basins and associated forebays shall be required to drain within 72 hours. Basins shall be designed with an emergency overflow device, such as a weir, to safely pass the 100-year design storm to prevent overtopping and potential erosion of the berm, assuming the primary outlet is not functioning. The bottom of any sediment forebay shall be constructed of concrete or grass that may be mowed, for ease of maintenance. Depending on the depth and size of the basin, the Director of Public Works/designee may require fencing or other effective measures to be installed to prevent unauthorized persons and vehicles from entering the basin.
- h. Place inlets and outlets to maximize the flow path through the basin.
- i. Low flow outlets shall be designed to prevent clogging.
- j. At the discretion of the Permitting Authority, these requirements may be waived or modified.

5.2.4 Erosion and Sediment Control (ESC) Plan

- 5.2.4.1 An Erosion and Sediment Control (ESC) Plan shall be submitted with the application for a Building Permit, Planning Board application, Board of Appeals application, or Conservation Commission application pursuant to the Stormwater By-Law and these Regulations. If applicable, the ESC shall be in

compliance with the NPDES General Permit for Discharges from Construction Activities. In addition, the plan shall ensure that the Massachusetts Surface Water Quality Standards (314 CMR 4.00) are met in all seasons.

5.2.4.2 If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the NPDES General Permit for Discharges from Construction Activities, then the permittee is required to submit a complete copy of the SWPPP as part of its application for a building permit. If the SWPPP meets the requirements of the NPDES General Permit, it will be considered equivalent to the ESC Plan described in this Section.

5.2.4.3 The ESC Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed below.

5.2.4.4 For larger developments where construction phasing occurs, the ESC Plan shall be updated as needed based on changing conditions at the site.

5.2.4.5 The ESC Plan shall be designed to meet the following criteria and guidelines.

- a. Minimize total area of disturbance and minimize unnecessary clearing and grading from all construction sites. Clearing and grading shall only be performed within areas needed to build the project, including structures, utilities, roads, recreational amenities, post-construction stormwater management facilities, and related infrastructure.
- b. Prior to any land disturbance activities commencing on the site, the developer shall physically mark limits of no land disturbance on the site with tape, signs, or orange construction fence, so that workers can see the areas to be protected. The physical markers shall be inspected weekly.
- c. ESC measures shall be installed and maintained in accordance with the manufacturer's specifications and good engineering practices to ensure they perform as intended.
- d. ESC measures used shall be chosen based on the goal of minimizing site disturbance from installation of such measures, such as the use of filter mits where appropriate.
- e. Keep stormwater runoff velocities as low as possible. The removal of existing vegetative cover during development and the resulting increase in impermeable surface area after development will increase both the volume and velocity of runoff. These increases must be taken into account when providing for erosion control.

- f. Protect disturbed areas from stormwater runoff. Best management practices (BMPs) can be utilized to prevent water from entering and running over the disturbed area. Diversions and other control practices intercept runoff from higher watershed areas, store or divert it away from vulnerable areas, and direct it toward stabilized outlets.
- g. Sediment trapping and settling devices shall be employed to trap and/or retain suspended sediments and allow time for them to settle out in cases where perimeter sediment controls (e.g., silt fence and straw bales) are deemed to be ineffective in trapping suspended sediments on-site. Sediment basins shall also be used to minimize peak rate of runoff in accordance with the MSH.
- h. BMPs to be used for infiltration after construction shall not be used as BMPs during construction unless otherwise approved by the Director of Public Works/designee. Most infiltration technologies are not designed to handle the high concentrations of sediments typically found in construction runoff, and thus must be protected from construction related sediment loadings.
- i. Sediment shall be removed once the volume reaches $\frac{1}{4}$ to $\frac{1}{2}$ the height of a straw bale or silt sock. Sediment shall be removed from a silt fence prior to reaching $\frac{1}{4}$ to $\frac{1}{2}$ the height.
- j. Sediment from sediment traps or sedimentation ponds shall be removed when capacity has been reduced by 50 percent.
- k. On and off-site material storage areas, including construction and waste materials, shall be properly protected and managed.
- l. Soil stockpiles must be stabilized or covered at the end of each workday. Stockpile side slopes shall not be greater than 2:1. All stockpiles shall be surrounded by sediment controls.
- m. Projects must comply with applicable Federal, State, and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust and debris control;
- n. Applicants must include control of demolition debris, litter, and sanitary waste as part of the ESC Plan.
- o. A tracking pad shall be constructed at all entrance/exist points of the site to reduce the amount of soil carried onto roadways and off the site.
- p. Permanent seeding shall be undertaken in the spring from March through May, and in late summer and early fall from August to October 15. During

the peak summer months and in the fall after October 15, when seeding is found to be impractical, appropriate temporary mulch shall be applied. Permanent seeding may be undertaken during the summer if plans provide for adequate mulching and watering.

- q. Slopes (steeper than 3:1) shall be protected from erosion by limiting clearing of these areas in the first place or, where grading is unavoidable, by providing special techniques to prevent upland runoff from flowing down a steep slope and through immediate stabilization to prevent gullying. Offsite runoff shall be diverted from highly erodible soils and steep slopes to stable areas.
- r. Interim and permanent stabilization measures shall be instituted on a disturbed area immediately after construction activity has temporarily or permanently ceased on that portion of the site. Two methods are available for stabilizing disturbed areas: mechanical (or structural) methods and vegetative methods. In some cases, both are combined in order to retard erosion.
- s. Temporary sediment trapping devices must not be removed until permanent stabilization is established in all contributory drainage areas.
- t. All temporary ESC measures shall be removed after final site stabilization. Disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days of removal.

5.2.5 Construction Inspections

5.2.5.1 To ensure that erosion control practices are functioning in accord with the ESC Plan, inspections shall be conducted by the applicant or its authorized representative at least once every week and within 24 hours of the end of a storm event of 0.5 inches or greater, from the start of construction until the site is permanently stabilized. Inspection frequency may be reduced to at least once a month if the site is temporarily stabilized, runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or if construction is occurring during seasonal dry periods. The Applicant shall request approval from the Director of Public Works/designee for any change in inspection frequency, including termination of inspections due to site stabilization).

5.2.5.2 Inspections by the applicant or its authorized representative must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the stormwater conveyance system. Sedimentation and erosion control measures identified in the ESC Plan must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to the MS4 or receiving waters

bodies. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.

5.2.5.3 The applicant or its authorized representative must complete an inspection form for each inspection required, the following information, shall be included at a minimum:

- a. The inspection date;
- b. Names, titles, and qualifications of personnel making the inspection;
- c. Weather information and a description of any discharges occurring at the time of the inspection;
- d. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
- e. Location(s) of discharges of sediment or other pollutants from the site;
- f. Location(s) of BMPs that need to be maintained;
- g. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
- h. Location(s) where additional BMPs are needed that did not exist at the time of inspection;
- i. Photographs documenting site conditions at the time of inspection; and
- j. Corrective action required including any changes to the ESC or SWPPP necessary and implementation dates.

5.2.5.4 All erosion and sediment control measures and other protective measures identified in the ESC Plan must be maintained in effective operating condition until final site stabilization is achieved. If site inspections identify BMPs that are not operating effectively, maintenance must be performed as soon as possible and before the next storm event whenever practicable to maintain the continued effectiveness of storm water controls

5.2.5.5 A record of each inspection and of any actions taken must be provided to the Permitting Authority with any application for an Occupancy Permit, Certificate of Compliance, or other document certifying that construction has been satisfactorily completed. The inspection reports must identify any

incidents of non-compliance with the permit conditions. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the construction project or site is in compliance with these Regulations.

5.2.6 Operation and Maintenance (O&M) Plan

5.2.6.1 An Operation and Maintenance Plan (O&M Plan) shall be submitted with the application for a Building Permit, Planning Board application, Board of Appeals application, or Conservation Commission application pursuant to the By-Law and these Regulations. The O&M Plan shall be designed to ensure compliance in all seasons and throughout the life of the system.

5.2.6.2 For residential and commercial development with 4,000 s.f. of impervious area or less, the O&M Plan shall consist of an annual inspection of the drywells, and removal of sediment, leaves and/or debris as needed.

5.2.6.3 The O&M Plan shall be a stand-alone document, shall remain on file with the Director of Public Works/designee, and shall be an ongoing requirement. To ensure that all BMPs continue to function as designed a final O&M Plan shall be submitted prior to issuance of an Occupancy Permit or Certificate of Compliance, shall be signed by the property owner, and shall reflect any modifications made during construction to the location or type of stormwater management practices.

5.2.6.4 The O&M Plan for commercial developments with greater than 4,000 s.f. of impervious area shall include, at a minimum:

- a. The name(s) of the owner(s) for all components of the system.
- b. The signature(s) of the owner(s).
- c. The names and addresses of the person(s) responsible for operation and maintenance; if responsibility is contracted to a third party, a copy of the maintenance agreement(s) must be provided.
- d. A plan or map showing the location of the systems and facilities including easements, catch basins, manholes/access lids, main, and stormwater devices.
- e. An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed.
- f. A list of easements with the purpose and location of each. Easements shall be recorded with the Norfolk Registry of Deeds prior to issuance of a Certificate of Occupancy from the Department of Public Works.

- g. Provisions for the Director of Public Works/designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection.
- h. Any other information required by the Director of Public Works/designee.

5.2.6.5 The following criteria shall apply to commercial developments with greater than 4,000 s.f. of impervious area:

- a. O&M Plan shall apply to the entire project site, not just area the most recently permitted area.
- b. At a minimum, inspections shall occur during the first year of operation and in accordance with the O&M plan.
- c. The owner of the property shall maintain a log of all operation and maintenance activities, including without limitation, inspections, repairs, replacement and disposal (for disposal, the log shall indicate the type of material and the disposal location). This log shall be made available to the MassDEP and Director of Public Works/designee upon request.
- d. Inspection reports shall be submitted to the Director of Public Works/designee for all stormwater management systems.
- e. The owner(s) of the stormwater management system must notify the Director of Public Works/designee of changes in ownership.
- f. Depending on the complexity of the stormwater management system installed, the Director of Public Works/designee may require recording of the O&M Plan.

5.2.7 Properties with Poor Soils

5.2.7.1 Stormwater management for single family, multi-family and commercial properties with 4,000 s.f. or less of total impervious area that are located within an area of poor soils as designated on the Watershed Management Plan, or where test pits confirm that the on-site soils are not suitable for infiltration.

- a. If the property is located within 100 feet of the Town's drainage system, a small diameter Schedule 40 PVC drain at least 6 inches in diameter shall be constructed from the Town's drainage system to the property to collect the roof drains from the dwelling, building and/or out buildings. The small diameter drain shall be connected to a catch basin, another small diameter drain, or a drain manhole located adjacent to the edge of pavement or curb and shall be designed so that it can be extended to adjacent properties. See

the Construction Detail Plan – Typical Small Diameter Drain Construction for more information.

- b. If the property is located beyond 100 feet from the Town's drainage system, a one-time stormwater fee of \$12 per cubic foot of stormwater required (minimum one inch of rainfall depth over total impervious area) to be recharged shall be contributed to a stormwater fund for the Town to construct a communal infiltration system. Extension of a small diameter Schedule 40 PVC drain at least 6 inches in diameter may be constructed from the Town's drainage system to the property to collect the roof drains from the dwelling, building and/or out buildings in lieu of the stormwater fee, if desired.

- 5.2.8 Except as provided in Subsection 4.6.8 above, as-built drawings stamped by a Massachusetts Registered Professional Engineer Surveyor showing all stormwater management systems shall accompany the as-built Plot Plan and request for an Occupancy Permit.

SECTION 6 ILLICIT DISCHARGE, DETECTION & ELIMINATION (IDDE)

6.1 General

Section 7.5 of the Stormwater By-Law sets forth the prohibited activities, regulated activities, and exemptions associated with compliance with the IDDE Program. The IDDE program is intended to prevent sanitary wastes from entering the stormwater drain system. Discharges to the stormwater drain system are not treated and are released directly into the surrounding neighborhood in the vicinity of the discharge. Sanitary wastes are a health hazard to people and animals and can cause sickness and disease in both. Likewise, discharges of stormwater, groundwater, and runoff into the sanitary sewer system are prohibited and can cause the sanitary sewer system to overflow into the stormwater system, or directly into the environment where people may be exposed to it.

- 6.1.1 The applicant shall identify all sanitary sewer connections from the subject property and confirm that they are not connected to any stormwater drain system. The applicant shall also identify and confirm that all connections from the property to the stormwater drain system are free from pollutants, or consists of clean sump pump discharges.
- 6.1.2 Any connections to the stormwater system found to not meet these requirements shall be eliminated and disconnected from the stormwater drain system by the applicant within 30 calendar days.
- 6.1.3 The applicant shall provide an Illicit Discharge Compliance Statement verifying that there are no illicit discharges existing on the site and all illicit discharges shall be prevented from entering the stormwater management system, including wastewater discharges and discharges of stormwater contaminated by contact with process wastes, raw materials, toxic pollutants, hazardous substances, oil, or

grease. This statement shall be consistent with the statement required per Standard 10 of MassDEP stormwater management standards.

- 6.1.4. The Illicit Discharge Compliance Statement shall be provided with the application for a Building Permit.

SECTION 7 EMERGENCY SUSPENSION OF STORM DRAIN SYSTEM ACCESS

In accordance with Section 7.6 of the Stormwater By-Law, the Director of Public Works/designee may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment.

SECTION 8 GREEN CITIZEN CERTIFICATE

Residents who undertake water quality improvements on their property on their own volition in an effort to improve the environment without being required to do so will be recognized by the Board of Selectmen and issued a Green Citizen Certificate. Each recipient's accomplishments will also be included in the Town's annual report to the EPA and posted on the Town's website.

SECTION 9 ENFORCEMENT

The Director of Public Works/designee shall enforce the Stormwater By-Law and these regulations, and may pursue all civil and criminal remedies to address violations.

- 9.1 The Director of Public Works/designee may issue a written order to enforce the provisions of this By-Law or the regulations hereunder, which may include (but are not limited to) an order to:
- (a) eliminate illicit connections or discharges to the MS4;
 - (b) perform monitoring, analyses, and reporting;
 - (c) cease and desist unlawful discharges, practices, or operations; and
 - (d) remediate contamination in connection therewith.
- 9.2 If the Director of Public Works/designee determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Department of Public Works may, at its option, authorize such work, and the expenses thereof shall be charged to the violator in an amount not exceeding the penalty specified in paragraph (e) below.

- 9.3 If the Department of Public Works performs the work described in paragraph (b) above, the violator and the property owner shall be notified of the costs incurred by the Department of Public Works, including administrative costs, within thirty (30) days after completing all measures necessary for the abatement or remediation. Within thirty (30) days of receipt of such notification, the violator or property owner may file with the Town Manager a written protest objecting to the amount or basis of the costs incurred. Upon receipt of such a protest, the Town Manager may adjust the amount of the costs to be charged to the violator.
- 9.4 If a person violates the provisions of this By-Law, or any regulation, permit, notice, or order issued hereunder, the Director of Public Works/designee, with the approval of the Board of Selectmen, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.
- 9.5 As an alternative to criminal remedies set forth in this Section, the Director of Public Works/designee may elect to utilize non-criminal disposition procedures set forth in *M.G.L. c.40, § 21D*. The penalty for the first violation shall be \$0 and shall include a requirement to cure the violation within 15 days of the notice of the first violation. If there is a violation, the notice of the first offense shall coincide with the issuance of the Building Permit or thereafter. The penalty for the second violation shall be \$50 and shall include a requirement to cure the violation within 15 days of the notice of the second violation. Each day or part thereof that the violation is not remedied shall constitute a separate offense. The penalty for the third and subsequent violations shall be \$100.00. Each day or part thereof that the violation is not remedied shall constitute a separate offense until the violation is remedied.
- 9.6 To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department of Public Works, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this By-Law and promulgated Regulations, and may make or cause to be made such examinations, surveys or sampling as the Director of Public Works/designee deems reasonably necessary.
- 9.7 The remedies set forth in this Section are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.

Issued by the Board of Selectmen

DATE

TRUE COPY ATTEST: _____
Theodora K. Eaton, Town Clerk



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

MEETING DATE: 09/25/2018

Agenda Item	Sewer Rate Relief
Presenter(s)	David Davison, Assistant Town Manager/Director of Finance Evelyn Poness, Town Treasurer/Collector

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED		
At the January 23, 2018 meeting, the Board approved the application to apply for sewer rate relief from the Commonwealth of Massachusetts. The rate relief is offered to communities that have made sewer infrastructure improvements which were financed by debt. The State has distributed \$1,342 to the Town of Needham for this purpose. Our recommendation is a flat per account credit. The credit would be applied on the first bill that each account receives during the second quarter of FY2019. The Commonwealth has also opened the application period for FY2019 sewer rate relief requests. Every year that the program has been offered, the Town has filed an application. The application requires the Town Manager and Board of Selectmen signatures in order to submit.			
2.	VOTE REQUIRED BY BOARD OF SELECTMEN	YES	
<i>There are two suggested motions:</i> 1) <i>Move that Board approve a one-time flat sewer rate credit of \$_____ per account billed during the second quarter of FY2019 to reflect the State sewer rate relief money received from the Commonwealth.</i> 2) <i>Move that the Board support and sign the sewer rate relief application to be filed with the Commonwealth and that the Board approves applying the proceeds of the grant, if any, as a credit against the sewer bill.</i>			
3.	BACK UP INFORMATION ATTACHED	YES	
a. Sewer Rate Relief Application for FY2019			

Division of Local Services
Massachusetts Department of Revenue

COMMONWEALTH SEWER RATE RELIEF FUND

APPLICATION FOR FY2019 DISTRIBUTION

Needham

City/Town/District/Authority

A. RECORD OF ELIGIBLE INDEBTEDNESS:

List permanent debt issued for more than five years (i.e., do not list bond anticipation notes) on or after January 1, 1990 wholly or in substantial part to finance or refinance the costs of planning, design, or construction of any water pollution control project or part thereof required to meet the provisions of the Federal Water Pollution Control Act (33 USC, §§ 1251 et seq.) and M.G.L. c. 21, §§ 26-53 or any wastewater collection or transportation project related thereto. Attach additional sheets if needed.

Any project for which state grants were received is ineligible.

Projects financed through the Mass. Clean Water Trust are also ineligible unless the total debt issued through MWPAT exceeded \$50,000,000 on June 30, 1995.

Project Number	Project Name	Issue Date	Original Amount*	FY2019 Debt Service*	Grants Received
1.	West St. Pump Sta. Art#58	06/15/99	\$1,939,000	\$147,680	
2.	West St. Force Main Art#59	06/15/99	881,800	67,600	
3.	Sewer Main Rehab. Art#9	06/15/07	2,000,000	109,100	
4.	Sewer Pump Sta. Art#49	06/01/09	500,000	52,000	
5.	Sewer Pump Sta. Art#45	12/15/09	550,000	40,437.50	
6.	Sewer Main Rehab. Art#9	12/15/09	320,000	21,131.25	
7.	Sewer Main Rehab. Art#9	06/15/10	145,000	15,525	
8.					
9.					
10.					

Total FY2019 Debt Service \$ 453,473.75

*A legible debt service schedule for the life of the bonds must be attached for all projects (this includes schedules submitted in prior years). Every refunding issue must be tied in to the initial borrowing.

C. USE OF AWARD PROCEEDS:

Describe briefly how the award, if any, will be used to reduce rates in the current or future years, or finance capital projects which would otherwise be financed through borrowing. Example Use of Award Proceeds statements have been provided at the end of this application.

The funds will be used to provide a credit to sewer customers. The amount awarded the Town will offset the debt service for the year by the actual relief received.

D. CERTIFICATION:

We certify that the above listed debt was issued on or after January 1, 1990 for a term greater than five years to finance or refinance the costs of planning, design or construction of a water pollution control project or part thereof required to meet the provisions of the Federal Water Pollution Control Act (33 USC, §§ 1251 et seq.) and M.G.L. c. 21, §§ 26-53.

Mayor	<u>N/A</u>	Exec. Director	<u>N/A</u>
Manager	<u></u>	Commissioners	<u>N/A</u>
Selectmen	<u></u>		<u>N/A</u>
	<u></u>		<u>N/A</u>
	<u></u>	Treasurer	<u></u>
	<u></u>	Phone	<u>781-455-7500 ext 208</u>
	<u></u>	Fax	<u>781-449-4569</u>

E. Return by Friday, October 19, 2018 by e-mail (preferable), mail, or fax:

coleg@dor.state.ma.us

Division of Local Services

Attn: Gerry Cole, Public Finance Section

P.O. Box 9569

Boston, Mass. 02114-9569

Fax (617) 660-3986



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

MEETING DATE: 9/25/2018

Agenda Item	Public Safety Financing Update
Presenter(s)	David Davison, Assistant Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Mr. Davison will update the Board on the current estimate of probable cost for the Public Safety Project. The project consists of the reconstruction of the Police Station, Fire Station #1, and Fire Station #2, as well as temporary quarters for both Police and Fire and replacement of the Town's public safety communications network.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
Discussion Only.	
3.	BACK UP INFORMATION ATTACHED
a. CD Level Opinion of Probable Cost b. Public Safety Buildings Average Single Family Tax Impact	



Needham Combined Public Safety Projects

CD Level Opinion of Probable Cost

September 18, 2018

KAESTLE BOOS
associates, inc

Description	Subtotal	Totals	Comments
Headquarters			
Abatement	\$417,000		
Demolition	\$581,000		
Sitework (incl. Cruiserport + Tower Base)	\$3,346,000		
HQ Building	\$22,560,000		
Subtotal:	\$26,904,000		
Fire Station 2			
Abatement	\$160,000		
Demolition	\$253,000		
Sitework	\$1,297,000		
FS2 Building	\$8,864,000		
Subtotal:	\$10,574,000		
Temporary Facilities, etc.			
Sitework @ Hillside	\$408,000		
Hillside Renovation	\$891,000		
Tower Base at Hillside	\$110,000		
Subtotal:	\$1,409,000		
Equipment by CMr			
Firing Range Equipment (4 lane)	\$500,000		
Security (CCTV / Access Control)	\$830,000		
Station Alerting System (+ PA- Fire Dept)	\$277,000		
Communication Towers + Base Camps	\$850,000		
Subtotal:	\$2,457,000		
Design & Pricing Contingency	2.0%	\$827,000	Adjusted down from 3%
SDI (Subcontractors' Bonds)	1.40%	\$590,000	
SubTotal:		\$42,761,000	Bottom line affected
CMr Mark-ups:			
CMr's Contingency	3.0%	\$1,283,000	
General Requirements		\$2,582,000	
General Requirements for Towers		\$250,000	
CMr Reimbursables		\$414,000	
CMr General Conditions (Staff)		\$3,668,000	
Builder's Risk Insurance		\$85,000	
General Liability	1.40%	\$768,000	
Building Permit		\$0	
Performance & Payment Bond		\$291,000	
Subtotal:		\$52,102,000	Bottom line affected
CMr Fee	2.20%	\$1,146,000	
Escalation (to Jan 2019 Bid)	2.00%	\$1,042,000	Adjusted down from 3%
Probable Total Direct Construction Cost:		\$54,290,000	
Owner Equipment Costs			
Firematic Loose Equipment (by Owner only)	\$483,000		
Telecommunications System (PBX+Handsets)	\$233,000		
FD2 Temp Facilities Rental (inc.generator)	\$907,000		
Emergency Communications System	\$2,127,000		Motorola Quote less \$617K
Communications Consoles (6)	\$175,000		
Furnishings, Furniture	\$950,000		Lowered by KBA from \$970K
Fitness Equipment	\$0		Moved to Capital Budget
IT Equipment	\$550,000		Reduced from \$750K
Audio/Visual Systems/Equipment	\$516,000		
Escalation (to Jan, 2020)	4.50%	\$216,000	Except on ECSys integration
Probable Total Equipment Costs:		\$6,157,000	Bottom line affected
Owner's Indirect Costs			
Arch. & Eng. Basic Fee	\$3,995,000		
Reimbursables/Add Service Allowance	\$395,000		
Structural Peer Review	\$8,000		
Project Management	\$300,000		Reduced to \$200K+\$100K (Cx)
CMr Pre-Construction Fee	\$142,000		
Moving Costs	\$130,000		
Utility Backcharges	\$150,000		
Legal / Advertising / Reproduction	\$45,000		
Material Testing	\$150,000		
Borrowing Costs	\$278,000		Reduced to minimum
Owner's Project Contingency (6% of All Costs)	\$3,955,000		8% to 6% + further by \$8K
Probable Total Owner's Indirect Costs:		\$9,548,000	Bottom line affected
Probable Total Project Cost:		\$69,995,000	

Updated September 19, 2018

Public Safety Buildings

ASFH Tax Impact

Fiscal Year	Estimated Debt Service	Revised Estimate	Prior Estimate	Change
2020	\$2,289,295	\$210	\$193	\$17
2021	\$5,175,000	\$474	\$470	\$4
2022	\$5,195,200	\$476	\$472	\$4
2023	\$7,092,720	\$649	\$646	\$3
2024	\$6,909,600	\$632	\$623	\$9
2025	\$6,726,200	\$616	\$607	\$9
2026	\$6,542,800	\$599	\$590	\$9
2027	\$6,359,400	\$582	\$574	\$8
2028	\$6,176,000	\$565	\$557	\$8
2029	\$5,992,600	\$548	\$540	\$8
2030	\$5,809,200	\$532	\$524	\$8
2031	\$5,625,800	\$515	\$507	\$8
2032	\$5,442,400	\$498	\$491	\$7
2033	\$5,259,000	\$481	\$474	\$7
2034	\$5,075,600	\$465	\$458	\$7
2035	\$4,892,200	\$448	\$441	\$7
2036	\$4,708,800	\$431	\$425	\$6
2037	\$4,525,400	\$414	\$408	\$6
2038	\$4,342,000	\$397	\$392	\$5
2039	\$4,158,600	\$381	\$375	\$6
2040	\$3,975,200	\$364	\$359	\$5
2041	\$3,791,800	\$347	\$342	\$5
2042	\$3,608,400	\$330	\$326	\$4
2043	\$3,425,000	\$313	\$309	\$4
2044	\$3,181,600	\$291	\$287	\$4
2045	\$3,002,400	\$275	\$271	\$4
2046	\$2,143,200	\$196	\$196	
2047	\$2,011,600	\$184	\$184	
Total	\$133,437,015	\$12,213	\$12,041	\$172
Annual Average		\$436	\$430	\$6

Special Town Meeting
October 10, 2018
Warrant Article 10

Appropriate for Public Safety Buildings Construction

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$66,245,000 in order to pay costs of engineering and design services for the reconstruction and/or construction of the Public Safety Building and Fire Station #2, as well as the costs of reconstructing and/or constructing each of such facilities, including the costs of temporary relocation and all other costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

Article Information: *This article will fund the construction phase of the public safety building project.*

The Public Safety Building, located at the intersection of Chestnut Street and School Street, opened in 1931, and was renovated in 1988-1989. Fire Station #2, located at the intersection of Highland Avenue and Webster Street, opened in 1949 and was also renovated in 1988-1989. The amount of space that was originally allocated within both buildings for the Police and Fire Departments is no longer sufficient to accommodate changes in operations, changing personnel needs, technology upgrades, and security improvements, and neither station is fully accessible for individuals with limited mobility.

In 1950, 19 years after the station opened, the Police Department had 25 sworn officers and responded to 1,774 calls. By 2015, the number of sworn officers was 49 and call volume had increased to 31,610. The proposed program meets many deficiencies identified in the Police Department, including the lack of adequate locker facilities for female officers, evidence and property storage, interview rooms, and interview recording technology, public meeting space, records storage, dispatch areas, patrol and administrative office space, and report writing space. The prisoner holding cells are outdated and inadequate, and the current prisoner booking area is unsafe due to its size and configuration. The building lacks the ability to handle technology improvements due to space constraints, while the roof continues to leak into the records/server room on the second floor. The current climate control only works sporadically throughout the building creating numerous temperature variations.

In 1950, the Fire Department had 27 firefighters. Call volume data is not available for 1950, but the Department responded to 600 calls in 1960. By 2015, the number of sworn firefighters was 64 and the Department responded to 3,915 calls. The proposed program meets many deficiencies identified in the Fire Department, including apparatus bays that are too small for modern fire trucks, insufficient area for performing equipment maintenance and repair, lack of facilities for storing and cleaning turnout gear, minimal existing office space, inadequate facilities for firefighter support such as bunkrooms, toilets and showers, and insufficient storage space for files and equipment.

The estimated average single family home (ASFH) annual tax bill would be increased by an average of \$436 per year to pay the annual debt service for the proposed excluded debt. These calculations are based on the FY2018 ASFH assessment of \$904,828. This calculation is based on a single tax rate. On an annual basis, the Board of Selectmen determines whether the Town will have a single tax rate or a split tax rate. The effect of a split tax rate, which the Town has had since 1988, is a subsidy to the residential taxpayers by the business community. All indications are that the Town will continue this practice. On a historic basis, the split tax rate would reduce the tax impact to the average single family homeowner by 11% - resulting in an average annual cost of \$388.

The November 2, 2015 and February 10, 2016 Special Town Meetings and the 2017 Annual Town Meeting approved funding for feasibility studies and schematic design, and the October 2, 2017 Special Town Meeting appropriated \$3.75 million for the design phase of the project. The project has been included on the ballot for the November 6, 2018 State election for debt exclusion funding.



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

MEETING DATE: 9/25/2018

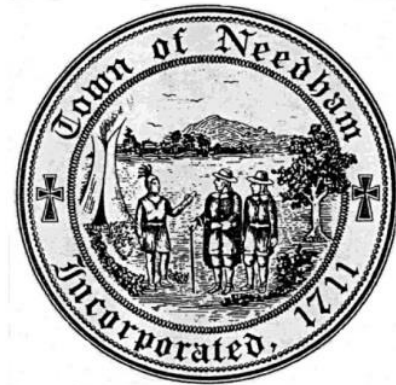
Agenda Item	Positions on Warrant Articles
Presenter(s)	David Davison, Assistant Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Board will review articles contained in the Special Town Meeting Warrant.	
2.	VOTE REQUIRED BY BOARD OF SELECTMEN
<i>Suggested Motion:</i> That the Board vote to support (not to support) article _____ in the Special Town Meeting Warrant.	
3.	BACK UP INFORMATION ATTACHED
a. Status of Articles (9.21.18) b. October 10, 2018 Special Town Meeting Warrant	

Status of Articles 9.21.2018

#	Article	Status	BOS Position	FC Position	BOS	FC	CPC	Planning
1	Fund Collective Bargaining Agreement – BCTIA				Dan			
2	Fund Collective Bargaining Agreement – DPW/NIPEA				Dan			
3	Fund Collective Bargaining Agreement – ITWA				Dan			
4	Amend the FY2019 Operating Budget				Marianne			
5	Amend the FY2019 RTS Enterprise Fund Budget				John			
6	Amend the FY2019 Sewer Enterprise Fund Budget				John			
7	Amend the FY2019 Water Enterprise Fund Budget				John			
8	Appropriate for Consulting Assistance N2025				Marianne			
9	Amend Zoning By-Law – Wireless Communications Facilities				Dan			
10	Appropriate for Public Safety Buildings Construction				Dan			
11	Appropriate for Emery Grover Feasibility				Moe			
12	Appropriate for Mitchell School Modular Classrooms			Adopt	John			
13	Rescind Debt Authorization				Marianne			
14	Accept Grant of Access Easement/700 Greendale Avenue				Moe			
15	Amend General By-Law – Stormwater By-Law				Matt			
16	Amend General By-Law/Non-Criminal Disposition				Matt			

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

WEDNESDAY, OCTOBER 10, 2018

7:30 P.M.

JAMES HUGH POWERS HALL, NEEDHAM TOWN HALL

1471 HIGHLAND AVENUE

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

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

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

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

WEDNESDAY, THE TENTH DAY OF OCTOBER, 2018

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

HUMAN RESOURCE ARTICLES

ARTICLE 1: FUND COLLECTIVE BARGAINING AGREEMENT – BUILDING CUSTODIAN/TRADES INDEPENDENT ASSOCIATION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Building Custodian/Trades Independent Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019 and fiscal year 2020; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting
PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: At the time of the printing of the warrant, the parties had not finalized this contract. The proposed agreement between the Town and BCTIA is for two contracts – FY2019 and FY2020 – FY2022. Town Meeting approval is required for the first year of any collective bargaining agreement, so both contracts are referenced in this article.

ARTICLE 2: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM INDEPENDENT PUBLIC EMPLOYEE ASSOCIATION/DPW

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Independent Public Employee Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting
PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: At the time of the printing of the warrant, the parties had not finalized this contract. The proposed agreement between the Town and the Union is for FY2019 – FY2021. Town Meeting approval is required for the first year of any collective bargaining agreement.

**ARTICLE 3: FUND COLLECTIVE BARGAINING AGREEMENT –
INDEPENDENT TOWN WORKERS' ASSOCIATION**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Independent Town Workers' Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2019; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

PERSONNEL BOARD RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: At the time of the printing of the warrant, the parties had not finalized this contract. The proposed agreement between the Town and the Union is for FY2019 – FY2021. Town Meeting approval is required for the first year of any collective bargaining agreement.

FINANCE ARTICLES

ARTICLE 4: AMEND THE FY2019 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 Operating Budget adopted under Article 16 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
29B	Park & Recreation Expenses	\$84,600	\$100,715

and to meet this appropriation that \$16,115 be raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The proposed appropriation will support an increase in the cost of contract cleaning for public bathrooms at parks and playing fields as a result of a new contract that began in FY2019.

ARTICLE 5: AMEND THE FY2019 RTS ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 RTS Enterprise Fund adopted under Article 17 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
101A	Salary & Wages	\$801,914	\$814,461

and to meet this appropriation that \$12,547 be raised from RTS Enterprise Fund receipts; or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The proposed appropriation of \$12,547 reflects the expected cost of the tentative agreement between the Town and NIPEA for bargaining unit employees at the RTS.

ARTICLE 6: AMEND THE FY2019 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 Sewer Enterprise Fund adopted under Article 18 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
<u>201A</u>	Salary & Wages	\$961,327	\$978,169
201D	MWRA Assessment	\$6,227,150	6,173,219

and that Sewer Enterprise Fund receipts be reduced by \$37,089; or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The proposed appropriation for salary and wages in the amount of \$16,842 reflects the expected cost of the tentative agreement between the Town and NIPEA for bargaining unit employees in the Sewer Enterprise Fund. The final MWRA Assessment is

\$53,931 lower than the estimate used to set the FY2019 budget, resulting in a net decrease in the Enterprise Fund budget of \$37,089.

ARTICLE 7: AMEND THE FY2019 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2019 Water Enterprise Fund adopted under Article 19 of the 2018 Annual Town Meeting by deleting the amounts of money appropriated under some of the line items and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
301A	Salary & Wages	\$1,252,990	\$1,272,879
301D	MWRA Assessment	\$862,262	\$856,049

and to meet this appropriation that \$13,676 be raised from Water Enterprise Fund receipts; or take any other action relative thereto.

INSERTED BY: Board of Selectmen & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The proposed appropriation for salary and wages in the amount of \$19,889 reflects the expected cost of the tentative agreements between the Town and ITWA and NIPEA for bargaining unit employees in the Water Enterprise Fund. The final MWRA Assessment is \$6,213 lower than the estimate used to set the FY2019 budget, resulting in a net increase in the Enterprise Fund budget of \$13,676.

ARTICLE 8: APPROPRIATE FOR CONSULTING ASSISTANCE NEEDHAM 2025

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$75,000 for the purpose of funding consulting assistance for the Needham 2025 Project, said sum to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The goal of the N2025 project is to gain a better understanding of the impact of commercial and residential growth on the Town's infrastructure, including but not limited to: traffic, transportation, water, sewer, drains, roads and bridges, technology, and school facilities; and to identify options for managing that impact. Over the years, the Town has conducted facility master plans, demographic analyses for future school needs planning, and build-out analyses for special projects and zoning initiatives. The N2025 project will provide a

more complete Town-wide overview – identifying the reasonably anticipated range of commercial and residential growth by 2025, and the associated impact/pressure that may be placed on existing, planned, or prospective infrastructure by this growth and other regional trends. The review will have a baseline which includes the improvements made to Town infrastructure over the past ten years, and planned capital investment (such as the Mitchell School, the Pollard School, the School Administration Building, and the DPW Complex). Expert advice will be sought to identify gaps that may exist in our existing and planned infrastructure investment because of reasonably anticipated commercial and residential growth.

PUBLIC SAFETY ARTICLES

ARTICLE 9: **AMEND ZONING BY-LAW – WIRELESS COMMUNICATIONS FACILITIES**

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

- (1) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (i), to read as follows:

 “(i) Wireless Communication Equipment serving the Town of Needham’s public safety communication purposes, located on a preexisting and lawfully permitted free standing monopole or lattice tower, and ground based equipment accessory thereto.”
- (2) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (j), to read as follows:

 “(j) Free standing monopole owned and operated by the Town of Needham for public safety communication purposes exclusively, and wireless communication equipment accessory thereto, where such monopole and equipment are located on the site of the Town of Needham’s Police and Fire Department Headquarters, as shown on the “Lot Consolidation Plan of Land 70 & 88 Chestnut Street, 89 & 99 School Street, and 43 Lincoln Street Prepared for the Town of Needham, Massachusetts” dated July 23, 2018 and to be recorded with the Norfolk County Registry of Deeds, and do not exceed 130 feet in height.”
- (3) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.3.3, Special Permit, by inserting a new paragraph (k), to read as follows:

 “(k) Free standing monopole or free-standing lattice tower, owned and operated by the Town of Needham for public safety communication purposes, and wireless communication equipment accessory thereto, where such monopole, lattice tower, and equipment are located on the site of the Town of Needham’s Recycling and Transfer Station, shown of record as the lot containing 71.667 +/- acres on the “Plan of Land in Needham, Mass. Showing Property of the Town of Needham”

dated February 11, 1991 and recorded with the Norfolk County Registry of Deeds in Plan Book 619 at Page 36 and Lot 2 on Land Court Subdivision Plan 21906-C, all of said land being within the Wireless Communications Facilities Tower Overlay District, and do not exceed 199 feet in height.”

- (4) In Section 6.7, Wireless Communications Facilities, Subsection 6.7.2, Definitions, by revising the definition of the term “Wireless Communication Equipment” so that it shall read as follows (new language underlined):

“Wireless Communication Equipment – any device or other apparatus, fixed at a location, for transmission and reception of telecommunication that performs the function of antennas, together with any supporting structures, equipment and facilities ancillary and/or accessory thereto, including, but not limited to panel antennas, whip antennas, free-standing monopoles (not lattice shaped towers except as allowed in sections 6.7.3.1 (b), 6.7.3.1 (c), 6.7.3.3 (h) and 6.7.3.3 (k) below), dish and cone shaped antennas, satellite earth station antennas, personal wireless communication systems facilities, paging service facilities, cellular telephone service facilities, commercial mobile radio service facilities and related equipment boxes serving personal wireless services exclusively or, for purposes of this section 6.7, serving municipal public safety communication purposes.”

- (5) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.3.3, Special Permit, by revising paragraph (h) to read as follows (new language underlined):

“(h) Free standing monopoles and free-standing lattice towers serving personal wireless services located in the Wireless Communications Facilities Tower Overlay District which meet the criteria outlined in section 3.7.3.2(b).”

- (6) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.3.2, Prohibited, by revising the first paragraph so that it shall read as follows (new language underlined):

“Lattice style towers, guyed towers, and facilities requiring three or more legs and/or guy wires for support shall not be allowed except for those uses set forth in 6.7.3.1 (b), 6.7.3.1 (c), 6.7.3.3 (h), and 6.7.3.3 (k). Lattice style towers, guyed towers, and facilities requiring three or more legs and/or guy wires existing or approved on the effective date of this by-law may be used for wireless communications equipment, subject to section 6.7.3.3 (f).”

- (7) In Section 6.7, Wireless Communication Facilities, Subsection 6.7.5, Decision Criteria, by inserting a new paragraph (q), to read as follows:

“(q) Free standing monopoles and free-standing lattice towers, owned and operated by the Town of Needham for public safety communication purposes that are located within the Wireless Communications Facilities Tower Overlay District shall be subject to Section 3.7.3.2(b)(2) and 3.7.3.2(b)(4).”

- (8) In Section 3.7, Wireless Communications Facilities Towers Overlay District, Subsection 3.7.3.2, Special Permit Uses, by revising paragraph (b) to read as follows (new language underlined):

“(b) Free-standing monopoles and free-standing lattice towers serving personal wireless services which meet the following criteria.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Town is currently designing a new public safety communications system to replace the existing system that has significant gaps in coverage, is unreliable, and is failing. This is the system that both Police and Fire use to communicate between the dispatch center and personnel in the field. As currently planned, this new system involves a new 120 foot radio antenna monopole at the Police and Fire Station on Chestnut, Lincoln and School Streets, and a new 199 foot tower located at the Recycling and Transfer Station. The Town is also working to secure an antenna location on an existing commercial wireless communication tower near Cabot Street, and a site for a new communication tower on Commonwealth-owned land located next to the Norfolk County Sheriff's Office at 200 West Street in Dedham.

The Zoning By-Law does not currently allow municipal public safety communications facilities anywhere in Town. Accordingly, the purpose of this zoning amendment is to allow by special permit, the three kinds of public safety communications facilities that would be proposed within the Town.

Section 6.7.3.3 of the Zoning By-Law lists various kinds of wireless communication equipment that may be allowed by special permit. This zoning amendment would add three new kinds of wireless communication equipment to this section as follows:

(1) Wireless Communication Equipment serving the Town of Needham's public safety communication purposes, located on a preexisting and lawfully permitted free standing monopole or lattice tower, and ground based equipment accessory thereto. The purpose of this addition is to allow the Town's public safety communications antennae to co-locate on existing towers, and also for the Town to build the ground-based equipment cabinets that are necessary to support the placement of these antennae on existing towers.

(2) Free standing monopole owned and operated by the Town of Needham for public safety communication purposes exclusively, and wireless communication equipment accessory thereto, where such monopole and equipment are located on the site of the Town of Needham's Police and Fire Department Headquarters. The purpose of this addition is to allow (by special permit) one public safety monopole at the new Police and Fire Department Headquarters bounded by Chestnut, Lincoln and School Streets. The zoning amendment would allow this monopole to be up to 130 feet in height. The Town's current design calls for the Headquarters monopole to be

120 feet in height. The zoning amendment allows a 10 foot margin above the current design in case unanticipated modifications to the system are necessary.

(3) Free standing monopole or free-standing lattice tower, owned and operated by the Town of Needham for public safety communication purposes, and wireless communication equipment accessory thereto, where such monopole, lattice tower, and equipment are located on the site of the Town of Needham's Recycling and Transfer Station. The purpose of this addition is to allow (by special permit) the Town to apply for a 199 foot tower at the Recycling and Transfer Station which is located within the Wireless Communications Facilities Tower Overlay District. This tower is planned to be 199 feet in height, which is the maximum height otherwise allowed for commercial towers within the district.

Finally the article proposes an amendment to the definition of "Wireless Communication Equipment" in Section 7.7.2. The purpose of this amendment is to make clear that "Wireless Communication Equipment" can include equipment that serves "municipal public safety communication purposes." In its current form, this definition only applies to personal wireless services, which does not include municipal equipment.

ARTICLE 10: APPROPRIATE FOR PUBLIC SAFETY BUILDINGS CONSTRUCTION

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$66,245,000 in order to pay costs of engineering and design services for the reconstruction and/or construction of the Public Safety Building and Fire Station #2, as well as the costs of reconstructing and/or constructing each of such facilities, including the costs of temporary relocation and all other costs incidental or related thereto, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Law Chapter 44, Section 7; and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Law Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: This article will fund the construction phase of the public safety building project.

The Public Safety Building, located at the intersection of Chestnut Street and School Street, opened in 1931, and was renovated in 1988-1989. Fire Station #2, located at the intersection of Highland Avenue and Webster Street, opened in 1949 and was also renovated in 1988-1989. The amount of space that was originally allocated within both buildings for the Police and Fire Departments is no longer sufficient to accommodate changes in operations, changing personnel

needs, technology upgrades, and security improvements, and neither station is fully accessible for individuals with limited mobility.

In 1950, 19 years after the station opened, the Police Department had 25 sworn officers and responded to 1,774 calls. By 2015, the number of sworn officers was 49 and call volume had increased to 31,610. The proposed program meets many deficiencies identified in the Police Department, including the lack of adequate locker facilities for female officers, evidence and property storage, interview rooms and interview recording technology, public meeting space, records storage, dispatch areas, patrol and administrative office space, and report writing space. The prisoner holding cells are outdated and inadequate, and the current prisoner booking area is unsafe due to its size and configuration. The building lacks the ability to handle technology improvements due to space constraints, while the roof continues to leak into the records/server room on the second floor. The current climate control only works sporadically throughout the building creating numerous temperature variations.

In 1950, the Fire Department had 27 firefighters. Call volume data is not available for 1950, but the Department responded to 600 calls in 1960. By 2015, the number of sworn firefighters was 64 and the Department responded to 3,915 calls. The proposed program meets many deficiencies identified in the Fire Department, including apparatus bays that are too small for modern fire trucks, insufficient area for performing equipment maintenance and repair, lack of facilities for storing and cleaning turnout gear, minimal existing office space, inadequate facilities for firefighter support such as bunkrooms, toilets and showers, and insufficient storage space for files and equipment.

The estimated average single family home (ASFH) annual tax bill would be increased by an average of \$436 per year to pay the annual debt service for the proposed excluded debt. These calculations are based on the FY2018 ASFH assessment of \$904,828. This calculation is based on a single tax rate. On an annual basis, the Board of Selectmen determines whether the Town will have a single tax rate or a split tax rate. The effect of a split tax rate, which the Town has had since 1988, is a subsidy to the residential taxpayers by the business community. All indications are that the Town will continue this practice. On a historic basis, the split tax rate would reduce the tax impact to the average single family homeowner by 11% - resulting in an average annual cost of \$388.

The November 2, 2015 and February 10, 2016 Special Town Meetings and the 2017 Annual Town Meeting approved funding for feasibility studies and schematic design, and the October 2, 2017 Special Town Meeting appropriated \$3.75 million for the design phase of the project. The project has been included on the ballot for the November 6, 2018 State election for debt exclusion funding.

CAPITAL ARTICLES

ARTICLE 11: APPROPRIATE FOR EMERY GROVER FEASIBILITY

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$130,000 for a feasibility study of the Emery Grover Building, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that said sum be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: Numerous Facilities Master Plans have indicated that the Emery Grover School Administration Building, which is on the National Register of Historic Buildings, is in need of additional office and storage space, as well as extensive repair and modernization to meet the needs of the School Department. The desired renovations would allow for a more efficient use of space, would permit handicapped accessibility and the full utilization of all four floors, and would make needed building repairs, including: replacing deteriorating HVAC, electrical, plumbing and window systems; and removing lead paint and asbestos.

This request is to evaluate the various alternatives for renovating/reconstructing the Emery Grover building. The alternatives that would be evaluated with regard to functionality, schedule, and cost are: 1) full renovation and addition; 2) complete demolition and new construction; 3) preservation of one or more facades with new construction behind; and 4) the sale and relocation of School District administration to leased/purchased space. The study will determine suitability for school needs, and provide recommendations, with regard to any programmatic or zoning needs and will address temporary relocation requirements and cost. It will also identify how each alternative is categorized with regard to CPA funding and define implications and approvals (local, state and national) necessary to move each of these options forward.

ARTICLE 12: APPROPRIATE FOR MITCHELL SCHOOL MODULAR CLASSROOMS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$1,350,000 for construction of modular classrooms and any associated work at the Mitchell Elementary School, said sum to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation that \$42,000 be transferred from Article 47 of the 2003 Annual Town Meeting, that \$6,700 be transferred from Article 50 of the 2009 Annual Town Meeting, that \$59,700 be transferred from Article 37 of the 2014 Annual Town Meeting, that \$74,000 be transferred from Article 39 of the 2015 Annual Town Meeting, that \$26,900 be transferred from Article 41 of the 2015 Annual Town Meeting, that \$9,700 be transferred from Article 10 of the October 27, 2014 Special Town Meeting, and that \$1,131,000 be raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: To prepare for the anticipated implementation of Full-Day Kindergarten in September 2019, the Needham Public Schools commissioned a space study to determine how best to implement the new program, given the District's existing inventory of classroom spaces.

Based on the results of that study, the School Committee recommends that two additional modular classrooms be erected at the Mitchell Elementary School. The modular classrooms would supplement the school's 22 existing classroom spaces to provide the 24 classroom spaces deemed necessary in the first year of Full-Day Kindergarten. Starting September, 2019, the four Kindergarten classrooms will be housed in the existing modular classrooms, that were installed on the Mitchell School site in 2014. The use of the existing modulars for Kindergarten, however, will displace Music and Art from their classroom spaces, and will require that two new classrooms be added at the school.

This request is to provide funding to purchase and install two modular classrooms near the main entrance to the building. The new classrooms will provide space for Music and Art. The proposed location of these modular classrooms will provide easy access/visibility to the front door of the school and will represent the best option for before and after school programs. The new modular classrooms will be constructed of the same materials as the existing modular classrooms, to achieve a harmonious look and feel of the existing buildings on site. If funding is approved, the modular classrooms would be bid in the winter, built off site in the spring, and installed during the summer of 2019.

ARTICLE 13: RESCIND DEBT AUTHORIZATION

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

Project	Town Meeting	Article	Authorized	Rescind
Sewer System Rehabilitation Work	2007 ATM	45	\$1,806,800	\$20
St Mary's Pumping Station Construction	2013 ATM	47	\$5,565,100	\$135,000
Central Avenue/Elliot Street Bridge Design	2014 ATM	39	\$900,000	\$425,000
Central Avenue/Elliot Street Bridge Construction	2015 ATM	43	\$2,000,000	\$120,000
RTS Fleet Replacement (Front-End Loader)	2016 ATM	46	\$269,000	\$1,000
Property Acquisition 609 Central Avenue	2016 May STM	7	\$762,500	\$32,500
Total				\$713,520

or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: When a project is financed by borrowing, the project has been completed, and the bills have been paid, the balance of the authorization that was not borrowed and not reserved for other project obligations may be rescinded. A Town Meeting vote to rescind prevents the Town from borrowing the amount rescinded, and frees up borrowing capacity. In

some cases, the full appropriation for a project is not required, due to changes in scope, cost-saving measures, and/or favorable bids.

GENERAL ARTICLES

ARTICLE 14: ACCEPT GRANT OF ACCESS EASEMENT/700 GREENDALE AVENUE

To see if the Town will vote to authorize the Selectmen to accept a grant of pedestrian access easement by MCREF NEEDHAM LLC to the Town of Needham as shown on a plan entitled “700 Greendale Avenue Needham Massachusetts Pedestrian Easement Plan” on file with the Zoning Board of Appeals; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: As a condition of approval of Comprehensive Permit for the Modera project on Greendale Avenue, the Zoning Board of Appeals required that the Developer grant the Town a pedestrian access easement along the rear of the property, connecting the existing trails on the Northeast and Northwest boundaries of the parcel. The access easement allows for passive recreation, normal maintenance, and public safety access. Town Meeting approval of such easements is required in order for them to be effective.

ARTICLE 15: AMEND GENERAL BY-LAW – STORMWATER BY-LAW

To see if the Town will vote to amend the General By-Laws by inserting a new Article 7 as follows:

“ARTICLE 7

STORMWATER

SECTION 7.1 PURPOSE

The purpose of this By-Law is:

- (a) To prevent pollution of Needham’s wetlands and surface waters from uncontrolled stormwater runoff and illicit discharges.
- (b) To prevent pollutants from entering the Town of Needham’s Municipal Separate Storm Sewer System (MS4).
- (c) To prohibit illicit connections and unauthorized discharges to the MS4 and to require the removal of all such illicit connections.
- (d) To comply with state and federal statutes and regulations relating to stormwater discharges, including the NPDES MS4 Permit issued by the U.S. Environmental

Protection Agency (EPA), the Massachusetts Stormwater Standards, regardless of the location of the subject property relative to wetlands or other resource areas, and the Memorandum of Understanding (MOU) issued to the Town of Needham by the EPA in 1996.

- (e) To establish the legal authority to ensure compliance with the provisions of this By-Law through permitting, inspection, monitoring, and enforcement.
- (f) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff.
- (g) To promote infiltration and the recharge of groundwater.
- (h) To protect, maintain and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff.
- (i) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

SECTION 7.2 DEFINITIONS

For the purposes of this By-Law, the following definitions shall apply:

Alteration Any activity that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to, construction of new structures, excavation, earthmoving, or paving.

Best Management Practices (BMPs) Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in stormwater volumes and flows, reduce point source and non-point source pollution, and promote stormwater quality and protection of the environment.

Clean Water Act The Federal *Water Pollution Control Act* (33 U.S.C. §§ 1251 *et seq.*) as it may hereafter be amended, and the Massachusetts Clean Water Act and Regulations.

Commercial The term commercial shall include municipal, industrial, and multi-family projects.

Construction Site Any site where activity is proposed or occurs that involves the alteration of land and involves a permit required by the Town.

Development The alteration of land requiring an application for a building permit; or for a permit from the Planning Board, Zoning Board of Appeals (ZBA), or Conservation Commission.

Erosion Control The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff. Erosion control is typically achieved through the installation of straw bales, silt fence, silt socks, or by surface coverings such as jute mesh, erosion control blankets, or by the establishment of surface vegetation.

Dry Well A subsurface structure that infiltrates stormwater runoff.

Green Citizen Certificate A certificate issued by the Board of Selectmen conferring recognition to environmentally conscious citizens who install infiltration/recharge systems, rain gardens, or similar stormwater quality improvements that are not required by the Stormwater By-Law or these promulgated regulations.

Illicit Connection A surface or subsurface drain or conveyance that allows a discharge into the MS4 that is not entirely composed of stormwater or clean groundwater, including any connection from an indoor drain, sink, toilet, or laundry facility.

Illicit Discharge Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater or clean groundwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

Impervious Surface Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, rooftops and swimming pools.

Large Residential Project A residential project (new construction or reconstruction) of a residential building with larger than 4,000 square feet (s.f.) of ground coverage.

Low Impact Development (LID) Stormwater management systems and practices that mimic natural hydrologic processes resulting in infiltration, evapotranspiration or use of stormwater. LID techniques manage stormwater as close to the source as possible. LID practices frequently use cost-effective landscape features located at the lot level.

Massachusetts Stormwater Handbook (MSH) A document published in 1997 and revised and updated in 2008 by MassDEP as guidance on the 1996 Stormwater Policy.

MS4 (Municipal Separate Storm Sewer System) The system of conveyances, owned or operated by the Town of Needham, that is designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit
A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

New Construction Construction or replacement of a structure, house or building which requires a Building Permit or construction/reconstruction of a parking lot, or construction of a subdivision roadway requiring Planning Board or Board of Appeals approval.

Non-point Source Pollution Rainfall or snowmelt that picks up pollutants as it moves across the ground.

Non-stormwater Discharge A discharge that is not composed entirely of stormwater, such as sanitary waste or process water.

Operation and Maintenance (O&M) Plan A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

Person An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

Plot Plan The plan that accompanies an application for a Building Permit.

Point Source Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

Pollutant Any element or characteristic of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into Needham's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

- (a) Paints, varnishes, and solvents;
- (b) Oil and other automotive fluids;
- (c) Non-hazardous liquid and solid wastes and yard wastes;
- (d) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables;
- (e) Excess pesticides, herbicides, and fertilizers;
- (f) Hazardous materials and wastes;
- (g) Sewage, fecal coliform and pathogens;
- (h) Dissolved and particulate metals or nonmetals, including phosphorus;
- (i) Animal wastes;
- (j) Rock, sand, salt, silt, soils;
- (k) Construction wastes and residues; and
- (l) Noxious or offensive matter of any kind.

Permitting Authority The municipal board, committee or department with authority for issuing permits for construction. These include the Planning Board, Conservation Commission, Department of Public Works, Building Department, and Zoning Board of Appeals.

Recharge The process by which groundwater and the underlying aquifer is replenished by the absorption of water.

Redevelopment Replacement, rehabilitation, or expansion of existing structures, improvement of existing roads or reuse of degraded or previously developed areas. Redevelopment is defined to include the following projects:

- (a) Maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving; and
- (b) Development, rehabilitation, expansion and phased projects on previously developed sites provided the redevelopment results in no net increase in impervious area.

Runoff The water from rain, snowmelt or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

Sanitary Sewer System A separate underground conveyance system specifically for transporting sanitary waste operated separately and independently from the MS4, to which storm, surface, and ground waters are not lawfully admitted.

Small Diameter Drain Program A Town of Needham Program allowing the extension of the Town's drainage system (MS4) by a series of 6-inch, 8-inch and 10-inch drain pipes used to collect roof drains and clean sump pump discharges.

Stormwater Water originating from rainfall and snow/ice melt.

Stormwater Management The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

Vegetation Trees, shrubs, bushes and ground cover, including grass.

Watershed Management Plan The plan developed for the Town of Needham subdividing watershed areas within the Town and depicting drainable soil areas appropriate for infiltration/recharge.

Waters of the Commonwealth All waters within the jurisdiction of the Commonwealth of Massachusetts under the Wetlands Protection Act (M.G.L. ch. 131 section 40 and regulations at 310 CMR 10.00) and regulations at 314 CMR 9.00, Water Quality Certification, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, wetlands, and vernal pools.

Waters of Needham All waters within the jurisdiction of the Town of Needham under the Wetlands Protection Bylaw (Article 6) and implementing regulations, including rivers, streams, lakes, ponds, springs, impoundments, wetlands and vernal pools.

SECTION 7.3 ADMINISTRATION

- 7.3.1 The Board of Selectmen shall adopt, and may periodically amend, Stormwater Regulations to effectuate the purposes of this By-law, after conducting a public hearing to receive Public comment.
- 7.3.2 The Director of Public Works shall be responsible for the day-to-day administration of this By-Law and its Regulations except as provided in Section 7.3.3 below. The Director may designate a person or persons to carry out any of his/her duties under this Stormwater By-Law.
- 7.3.3 The issuing authorities for permits (Building Department, Planning Board, Zoning Board of Appeals, and Conservation Commission) are responsible for determining compliance with this By-law for any application to these authorities. The Director of Public Works/designee shall review permit applications and provide an advisory opinion to the issuing authorities.
- 7.3.4 The Director of Public Works/designee shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges.

SECTION 7.4 APPLICABILITY

7.4.1 Permits and Approvals

All persons required to obtain a Building Permit for new construction and/or additions greater than 25% of the existing building footprint shall be subject to the requirements of this By-Law.

All persons also required to obtain Planning Board Site Plan approval pursuant to the Zoning By-Law, Planning Board approval for a Subdivision, and/or a Board of Appeals Decision (for new construction and/or additions greater than 25% of the existing building footprint) are subject to the requirements of this By-Law.

7.4.2 Stormwater Management and Erosion Control

Except as listed below, all applications for new construction or redevelopment subject to the provisions of this By-law, whether or not the issuance of a Building Permit is required, shall include Stormwater Management and Erosion Control provisions.

The relevant permitting authority (Building Department, Planning Board, Zoning Board of Appeals, or Conservation Commission) shall review and approve the Stormwater Management and Erosion Control Plan prior to the issuance of a permit.

The Director of Public Works/designee shall participate in the review process and make recommendations to the permitting authority as needed. Applications involving facade

treatments, interior renovations, and/or changes in use are exempt from the requirement for a Stormwater Management and Erosion Control Plan.

The following applications do not require a Stormwater Management and Erosion Control Plan when proposed in an area not subject to jurisdiction of the Conservation Commission:

- Applications for addition to a commercial structure, parking lot, or roadway that is less than 1,500 square feet.

7.4.3 Modification of Building Permits

The applicant, or an agent thereof, shall obtain the approval of the Director of Public Works prior to any change or modification of an activity associated with the Stormwater Management and Erosion Control provisions of the Building Permit. The Director of Public Works shall approve or reject the change or modification in writing on the plot plan submitted within two (2) weeks of the receipt of such change or modification. If no action is taken within the said two-week period, the change or modification shall be deemed to have been approved.

7.4.4 Modification Requiring Planning Board, Zoning Board of Appeals, and/or Conservation Commission Approval

In circumstances where Planning Board, Zoning Board of Appeals, and/or Conservation Commission approval is required prior to the issuance of a Building Permit, approval by the respective board or commission is required prior to any significant change or modification of an activity associated with an approved Stormwater Management and Erosion Control Plan. Additional stormwater runoff and erosion control measures may be required prior to approval of the change or modification.

SECTION 7.5 **ILLICIT DISCHARGE, DETECTION & ELIMINATION (IDDE)**

7.5.1 Prohibited Activities

7.5.1.1 Illicit Discharges No person shall cause or allow an illicit discharge into the MS4 or into the Waters of the Commonwealth. This By-Law shall not exempt stormwater discharges from regulations under the National Pollutant Discharge Elimination System (NPDES) stormwater program where applicable.

7.5.1.2 Illicit Connections No person shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

7.5.1.3 Obstruction of Municipal Storm Drain System No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior written approval from the Director of Public Works.

7.5.2 Regulated Activities

7.5.2.1 No person shall connect a pipe or other appurtenance to the Town of Needham Sanitary Sewer System or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without receiving an approved Sewer Connection Permit or Drainage Connection Permit from the Department of Public Works.

7.5.2.2 No person shall allow a pipe, swale or other point source to discharge onto a Public Way.

7.5.3 Exemptions

The following are exempt from the requirements of this By-Law:

- (a) Water line flushing;
- (b) Landscape irrigation;
- (c) Diverted stream flows;
- (d) Rising ground waters,
- (e) Uncontaminated ground water (groundwater that is free of pollutants);
- (f) Discharges from potable water sources;
- (g) Air conditioning condensation;
- (h) Lawn watering;
- (i) Flows from wetland resource areas;
- (j) Discharges or flows from firefighting activities; and
- (k) Discharges necessary to protect public health, safety, welfare or the environment.

SECTION 7.6 EMERGENCY SUSPENSION OF STORM DRAIN SYSTEM ACCESS

The Director of Public Works/designee may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event that any person fails to comply with an emergency suspension order issued pursuant to this section, the Director of Public Works/designee may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 7.7 STORMWATER MANAGEMENT AND EROSION CONTROL

7.7.1 Regulated Activities

A Stormwater Management and Erosion Control plan shall be required for any construction activity as set forth under Section 7.4 of this By-Law.

7.7.2 Exempt Activities

The following activities shall be exempt from this By-Law:

- (a) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this By-Law;
- (b) Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the *Zoning Act*, M.G.L. c. 40A, § 3;
- (c) Customary cemetery management;
- (d) Normal maintenance of Town-owned public land, ways, public utilities and appurtenances; and
- (e) Emergency activities necessary to protect public health or safety.

7.7.3 General Requirements

7.7.3.1 **Pre-Construction**

A Stormwater Management and Erosion Control plan shall be submitted as part of a Building Plot Plan or independently with an application for a Building Permit, Planning Board application, Zoning Board of Appeals application, Conservation Commission application, and/or prior to any development activity.

7.7.3.2 **Construction**

The Stormwater Management and Erosion Control plan shall include construction period measures to prevent the discharge of silt or sediment to the MS4 and/or abutting properties.

7.7.3.3 **Post-Construction**

For both commercial and residential projects, the Stormwater Management and Erosion Control Plan shall include provisions for post-construction measures to provide a minimum combined volumetric capacity to recharge a minimum of one (1) inch of rainfall depth over the total impervious area of the property (buildings and impervious surfaces). For commercial projects, the Stormwater Management and Erosion Control Plan shall include stormwater runoff quality controls and other structural and non-structural Best Management Practices (BMPs) to remove pollutants from stormwater prior to recharge to the groundwater in accordance with the Massachusetts Stormwater Handbook. The purpose of this plan is to prevent or minimize increases in stormwater volumes and flows to the MS4 and to reduce pollutant loading to the MS4 and receiving waters.

7.7.3.4 Standard Infiltration Method

As one option to satisfy Sections 7.7.3.1 and 7.7.3.2 and 7.7.3.3, for residential and commercial development subject to this By-Law with 4,000 square feet of impervious surface or less on the property, a Standard Infiltration Method (SIM) may be utilized consisting of the installation of drywells at one or more corners of the main dwelling/building to collect the roof runoff from the structure. Building projects involving additions greater than 25% of the existing building footprint but less than 50% of the existing building footprint shall collect the entire runoff from the roof of the addition plus runoff from the roof on the side of the existing structure that contains the addition. Building projects involving additions that are 50% or greater than the existing building footprint shall capture the stormwater runoff from the entire roof. The as-built (certified) Plot Plan showing the improvements to the property shall be stamped by a Massachusetts Registered Land Surveyor.

7.7.3.5 Poor Soils

Properties located within an area of poor soils as identified on the Town's Watershed Management Plan or due to shallow depth to groundwater or other reason as determined by the Director of Public Works/designee, a small diameter drain shall be extended from the Town's stormwater drainage system (MS4) down gradient of the property to the property to collect the roof runoff from the main dwelling. If there is no portion of a drainage system within 100 feet of the property, the property owner shall contribute to a fund for the Town to construct a communal infiltration system on Town property. The contribution shall be an amount as determined by the Board of Selectmen per cubic foot of stormwater required to be recharged as described above.

7.7.3.6 Operation and Maintenance Plan

An Operation and Maintenance Plan (O&M Plan) shall be submitted with the application for a Building Permit, Planning Board application, Board of Appeals application, or Conservation Commission application pursuant to this By-Law. The Operation and Maintenance Plan shall be designed to ensure compliance with this By-Law in all seasons and throughout the life of the system. The O&M Plan shall be signed by the property owner. For residential and commercial development with 4,000 square feet of impervious surface or less, the O&M Plan shall consist of an annual inspection of the drywells, and removal of sediment, leaves or debris as needed.

7.7.3.7 As-Built Drawing

Except as provided for in Section 7.7.3.4, as-built drawings stamped by a Massachusetts Registered Professional Engineer showing all stormwater

management systems shall accompany the as-built Plot Plan at the completion of a project.

7.7.4 Design Criteria

7.7.4.1 Residential development and commercial development with 4,000 square feet or less of impervious surface constructed using the Standard Infiltration Method (SIM) will be deemed compliant with the design criteria of this By-law.

7.7.4.2 All developments subject to this By-Law shall satisfy the following design criteria:

- (a) Stormwater Management and Erosion Control measures must, in the opinion of the Building Department, Planning Board, Zoning Board of Appeals, or Conservation Commission, as the case may be, be in compliance with all applicable provisions of the Massachusetts Stormwater Standards issued in 1996 as amended, regardless of the proximity of the development to resource areas or their buffer zones, as defined by the *Wetlands Protection Act, M.G.L. c. 131, § 40* and its implementing regulations.
- (b) Erosion and sediment controls must be implemented to prevent adverse impacts caused by the discharge of silt or sediment to municipal and/or abutting properties during and after land disturbance and construction activities.
- (c) There shall be no change to the existing conditions of abutting properties from any increase in volume or peak rate of stormwater runoff or from erosion, silting, flooding, sedimentation or impacts to wetlands and other resource areas as defined in the Massachusetts Wetlands Protection Act and/or Needham Wetlands Protection Bylaw.
- (d) When any proposed discharge may have an impact upon streams, wetlands and/or the MS4 or its conveyance system (storm sewers), the Director of Public Works/designee may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity.

SECTION 7.8 MAINTENANCE OF STORMWATER FACILITIES

[Reserved]

SECTION 7.9 SEVERABILITY

If any provision of this Article shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Article shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof.

SECTION 7.10 ENFORCEMENT

The Director of Public Works/designee shall enforce this By-Law, and any regulations, orders, violation notices, and enforcement orders made pursuant to this By-Law as follows:

7.10.1 The Director of Public Works may issue a written order to enforce the provisions of this By-Law or the regulations thereunder, which may include (but are not limited to) an order to:

- (a) eliminate illicit connections or discharges to the MS4;
- (b) perform monitoring, analyses, and reporting;
- (c) cease and desist unlawful discharges, practices, or operations; and
- (d) remediate contamination in connection therewith.

7.10.2 If the Director of Public Works/designee determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, it shall be a violation of this By-Law and the Director of Public Works/designee may, at his or her option, authorize such work.

7.10.3 Any person or entity aggrieved by a decision of the Director of Public Works/designee under this provision of this Stormwater By-Law may submit a letter of appeal to the Board of Selectmen who may affirm, amend, or overrule that decision after a public meeting held not more than 45 days after the submission of a letter of appeal.

7.10.4 If a person violates the provisions of this By-Law, or any regulation, permit, notice, or order issued thereunder, the Director of Public Works/designee, with the approval of the Board of Selectmen, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

7.10.5 The remedies set forth in this Section are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.

SECTION 7.11 WAIVER

The permit granting authority may waive strict compliance with any requirement of this By-Law when (a) such action would serve a substantial public interest, (b) such action is required for compliance with the Massachusetts Contingency Plan (MCP), or (c) strict compliance would result in severe economic hardship greater in magnitude than the public interest to be served.”

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: In June 1996, the Town of Needham entered into a Memorandum of Understanding (MOU) with the Environmental Protection Agency (EPA) agreeing to undertake

a cleanup of its stormwater discharges into the Charles River. In May 2000, the Town agreed to incorporate the comments from the EPA and its consultant, the Center for Watershed Protection, into its Stormwater Management Plan. The Center for Watershed Protection recommended that all building permits receive approval from the DPW to ensure proper handling of stormwater and that the Town adopt stormwater regulations, similar to DEP Stormwater Regulations, to improve water quality throughout the Town.

In July 2003, the Environmental Protection Agency (EPA) finalized its National Pollutant Discharge Elimination System (NPDES) Phase II regulations for stormwater. The regulations required municipalities with separate storm sewer systems (MS4s) to improve stormwater quality within all urbanized areas to the Maximum Extent Practicable (MEP). It also required municipalities to obtain a permit from the EPA (administered in conjunction with the Massachusetts DEP) to allow stormwater discharges into the “Waters of the Commonwealth.” The 2003 regulations specified that a By-Law or other regulatory mechanism be adopted by the Town to provide the authority to enforce the 2003 regulations. For the initial five (5) year permit period, the Town elected to utilize existing regulatory mechanisms that had already been established and routinely exercised.

In 2016, the EPA revised the NPDES Phase II regulations for stormwater. The new 2016 regulations require municipalities to undertake substantial efforts to further clean stormwater prior to its discharge into wetlands, streams, ponds, and other resource areas by meeting certain Water Quality Standards (WQS) and Total Maximum Daily Loads (TMDLs). One of the requirements in the 2016 regulations mandates that municipalities create a Stormwater By-Law that, at a minimum, addresses the following areas of concern (termed “minimum control measures”): Illicit Discharge, Detection and Elimination, Construction/Erosion and Sediment Control, and Post-Construction Stormwater Management.

The Illicit Discharge, Detection and Elimination minimum control measure involves searching, documenting and removing sanitary sewer connections to the Town’s stormwater drainage system. This is an ongoing monitoring program of investigation through the use of closed circuit television cameras and stormwater sampling to detect, document and remove sanitary sewage from the stormwater discharging into resource areas in Needham.

The Construction/Erosion and Sediment Control minimum control measure involves the creation of a set of requirements to ensure that construction sites are well-maintained and are kept in a neat and clean manner. It also involves requirements designed to prevent, minimize, or eliminate sediments from leaving the construction area, and stipulates minimum inspection criteria and documentation standards.

The Post-Construction Stormwater Management minimum control measure involves the creation of a set of requirements to reduce the discharge of pollutants found in stormwater through the retention or treatment of stormwater after construction on new or redeveloped sites.

The 2016 NPDES Regulations also identified Needham as one of the communities required to meet phosphorus and pathogen TMDLs within 20 years of the regulation’s effective date (July 1, 2018). The requirement mandates that the Town reduce its phosphorus load by forty-five

percent (45%). A Phosphorus Control Plan is required to be submitted in three phases over a fifteen year period with the first phase due within five years of the effective date. The Department of Public Works and its consultant have determined that the 20 year control plan and implementation period is not “practicable” and have instead proposed a 40 year implementation plan based on the current rate of building permit applications meeting certain construction criteria. In order to implement the plan, drywells will need to be included in plans for certain building permit applications.

The proposed Phosphorus Control Plan will allow the Town to reduce its phosphorus discharges at the pace of development, and will substantially reduce the cost of implementation. The drywell method selected will also reduce pathogens and will have the consequential effect of substantially reducing the volume of stormwater entering the Town’s drainage system, thereby reducing flooding on Town streets.

The Stormwater By-Law will be implemented by way of regulations to be issued by the Board of Selectmen, after public hearing.

ARTICLE 16: AMEND GENERAL BY-LAW / NON-CRIMINAL DISPOSITION

To see if the Town will vote to amend the General By-Laws by inserting a new Section 8.2.2.9 Stormwater Regulation (Article 7) as follows:

“ **8.2.2.9 Stormwater Regulation (Article 7)**

Enforcement Agent: Director of Public Works, Town Engineer

Fine Schedule

First Offense – Written Warning

Second Offense – failure to cure offense within 15 days’ of notice of first offense
- \$50 - each day being a separate offense.

Subsequent Offenses – failure to cure offense within 15 days’ notice of second offense - \$100 - each day being a separate offense.”

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: This article will amend the non-criminal disposition schedule to include stormwater regulations in the event that Town Meeting approves the General By-Law revisions contained in Article 15 of this warrant.

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

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

Given into our hands at Needham aforesaid this 11th day of September, 2018.

Daniel P. Matthews, Chair
John A. Bulian, Vice Chair
Maurice P. Handel, Clerk
Matthew D. Borrelli, Member
Marianne B. Cooley, Member

Selectmen of Needham

A TRUE COPY

Attest:

Constable:



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

MEETING DATE: 09/25/2018

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

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

Town of Needham
Water Sewer Billing System
Adjustment Form

DEPARTMENT OF PUBLIC WORKS

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

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

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

Water Sales:	-\$24.45
Water Irrigation:	\$0.00
Water Admin Fees	\$0.00
Sewer Sales:	-\$21.63
Transfer Station Charges:	\$0.00
Total Abatement:	-\$46.08

Order #: 1261

Read and Approved:

Assistant Director of Public Works

Director of Public Works

For the Board of Selectmen

9/25/18

Town of Needham
Water Sewer Billing System
Adjustment Form

Prepared By:	Last Name	First Name	Customer ID#	Location ID#	Street Number	Street Name	Irrigation Water	Domestic Water	Sewer	Total	Reason	Corrected Last Read Y/N
DB	Licata	Arthur	31175	13512	66	Pilgrim Road	\$0.00	-\$24.45	-\$21.63	-\$46.08	ACC	N

Total: -\$46.08

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

Legend:

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

Board of Selectmen

Policy Number:	BOS-PRO-004
Policy:	Procedure for Designer Selection by Town Agencies
Date Approved:	10/28/2003
Date Revised:	10/24/2006; 03/27/2012; 06/13/2017; <u>9/25/2018</u>
Approved:	_____ Chair, Board of Selectmen

Policy:

These procedures govern the selection of designers for any municipal building project subject to the state designer selection law, M.G.L. Chapter 7C, Sections 44 through 57. Any other local law governing the procurement of services will be inapplicable to these procurements.

I. DEFINITIONS

"Awarding Authority" means a board, committee, commission, or town official that has been authorized to expend money and award a contract(s) for the study, design or construction of a building project, or procure on call related services:

"Designer" means an individual, corporation, partnership, sole proprietorship, joint venture, joint stock company or other entity engaged in the practice of architecture, landscape architecture, engineering or other professional services, which satisfies any of the following:

- i. If an individual, the individual is a registered architect, landscape architect, engineer, or qualified professional;
- ii. If a partnership, a majority of all the partners are persons who are registered architects, landscape architects, engineers or other qualified professionals;
- iii. If a corporation, sole proprietorship, joint stock company or other entity, the majority of the directors or a majority of the stock ownership and the chief executive officer are persons who are registered architects, or engineers, and the person to have the project in his or her charge is registered in the discipline for the project;
- iv. If a joint venture, each joint venture satisfies the requirements of this section.

"Design Services" means any of the following services provided by any designer, programmer, or construction manager in connection with any public building project:

- i. Preparation of master plans, studies, surveys, soil tests, cost estimates or programs;

- ii. Preparation of drawings, plans or specifications including but not limited to schematic drawings, preliminary plans and specifications, working plans and specifications or other administration of construction contracts documents;
- iii. Supervision or administration of a construction contract; and
- iv. Construction management or scheduling.

"Building Project" means a capital facility project undertaken for the planning, acquisition design, construction, installation, repair or maintenance of any building and appurtenant structures, facilities and utilities, including initial equipment and furnishings thereof; provided, however, that appurtenant buildings or structures which are required to be constructed as integral parts of the development of sewer, water, and highway systems shall not be subject these procedures.

"Committee" means the appointees of the awarding authority, made up of at least three members, to act as a designer selection board for selection of finalists to provide design services for a town building project in accordance with the intent of M.G.L. Chapter 7C, Sections 44 through 57. The committee shall include one or more members who are residents of the Town and one or more architects or engineers who may be in-house or outside people.

"Extended Services" means a designer or interior designer who has been appointed to provide design services for a project to act as designer or interior designer for work to be done on another project not originally included in that designer's or interior designer's contract.

II. PROCEDURES

- A. The procedure for designer selection by town agencies as required under the provisions of M.G.L. Chapter 7C, 44 through 57 is to apply to the selection of designers for designer services by all municipal agencies for building projects, including construction, renovation, alteration, remodeling and repair projects, if both the estimated cost is ~~three- one~~ hundred thousand dollars or more - and the design fee under the contract is ~~ten- thirty~~ thousand dollars or more. These procedures do not apply to the selection of designers for projects requesting funding from the Massachusetts School Building Authority. These procedures do not apply to the selection of designers for the fabrication or construction of modular buildings procured under the provisions of M.G.L., Chapter 149, Section 44E. These procedures do not apply to the selection of designers for public works projects bid under the provisions of Chapter 30, Section 39M and projects, including building projects, that are integral parts of the development of sewer, water and highway systems.
- B.
 - 1. The awarding authority will determine the nature and extent of the design services required for the project and will develop the project criteria required under paragraph II, subparagraph 3 below.
 - 2. A Request for Proposals (RFP) will be publicly advertised in a newspaper of general circulation in the area of the project and in the Central Register at least two weeks prior to the deadline for submitting proposals.

3. The RFP will provide the following detailed information:
 - i. A description of the project, the specific designer services sought, estimated construction costs, and the time allotted for completion;
 - ii. When and where the program prepared for the project will be available for inspection by applicants, or a statement that there is no program beyond the information in (a) above.
 - iii. The qualifications required of applicants for the project;
 - iv. The categories of designer consultants, if any, for which applicants must list consultants they intend to use;
 - v. Whether the fee has been set or will be negotiated. If the fee has been set, its amount must be stated as a total dollar amount, not a percentage. If the fee is to be negotiated, the awarding authority shall set a not-to-exceed amount but this amount need not be published in the RFP.
 - vi. The deadline for submission of proposals;
 - vii. When and where a briefing session (if any) will be held;
 - viii. Any other pertinent information.
4. A committee of at least three members will be appointed by the awarding authority to evaluate proposals and select the finalists.
5. The Committee shall select at least three finalists, if there are three or more applicants. If less than three apply, each applicant shall be a finalist. The evaluation and selection of the proposals shall be based on the following criteria:
 - i. prior similar experience;
 - ii. past performance on public and private projects;
 - iii. financial stability;
 - iv. identity and qualifications of the consultants who will work with applicant on the project; and
 - v. any other criteria that the committee considers relevant for the project.
6. Applicants or finalists may be required to:
 - i. appear for an interview before the committee;
 - ii. present a written proposal to the committee; or

- iii. participate in a design competition held by the committee.
 - iv. provide additional information to the committee, as the committee shall determine, provided all other applicants or finalists are afforded an equal opportunity to do so.
7. When the committee has required the applicants to list consultants which they intend to use, any changes in, or addition to, consultants named in the application must be approved by the awarding authority and reported to the committee with a written statement by the designer or construction manager of the reasons for the change. In no event may a consultant be used who is debarred pursuant to Chapter 149, Section 44C or disqualified pursuant to Chapter 7C, Section 48.
8. The committee will select at least three finalists from among all applicants and transmit the list to the awarding authority. The list will rank the finalists in order of qualifications, provide a record of the final vote of the committee on the selection, and include a written statement explaining the committee's reasons for its choice and its ranking of the finalists. The list will be a public record and maintained in the contract file. The Committee shall transmit to the awarding authority all material made or received relating to the recommendation. In no event may a designer be used who is debarred pursuant to Chapter 149, Section 44C or disqualified pursuant to Chapter 7C, Section 48.
- 9.
- i. If the fee for design services has been set by the awarding authority prior to the selection process, the awarding authority will select the designer or construction manager to be awarded the contract from the list submitted by the committee. If the list ranks the designers in order of qualification and a designer or construction manager other than the one ranked first is selected, the awarding authority shall file a written justification with the committee and with the Town Clerk.
 - ii. If the fee is to be negotiated, the awarding authority shall review the list transmitted by the committee, and may exclude any designer or construction manager from the list if a written explanation of the exclusion is filed with the Committee and maintained with the contract file. The awarding authority shall then appoint a designer based on successful fee negotiation among the remaining finalists in order of rank.
 - iii. If the awarding authority is unable to negotiate a satisfactory fee with any of the finalists, the awarding authority shall request the Committee to select additional finalists.
10. The awarding authority may allow a designer who conducted a feasibility study to continue with the design of the project, provided the awarding authority subsequently procures the services for such design in accordance with these designer selection procedures and Chapter 7C of the General Laws. However, the awarding authority may commission, at its discretion, an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility of the designer's

work to insure its reasonableness and its adequacy before allowing the designer to continue on the project.

11. The awarding authority may appoint a designer or interior designer to perform extended services if the following conditions are met:
 - i. a written statement is filed with the Town Manager explaining the reasons for the continuation or extension of services;
 - ii. and the Town Manager approves the appointment of the designer or interior designer for extended services and states the reason therefor.

C.

1. For smaller design service tasks, including study or design for certain repair or renovation projects, the Awarding Authority may select a list of "on-call" or "house doctor" services, as those terms are used by the State Designer Selection Board.
2. These consultants would be on call to perform tasks as needed after selection, but on a not-to-exceed total contract amount, which amount must be identified in the advertisement for services.
3. Such services may include but are not limited to the commissioning, energy modeling, cost estimating, structural consultants and mechanical consultants

III. DESIGN CONTRACT

- A. The design contract shall state the fee for such services as a total dollar amount. The contract may provide for equitable adjustments in the event of changes in scope or services. However, neither the designer, nor any of its consultants, shall be compensated for any services involved in preparing changes that are required for additional work that should have been anticipated by the designer in the preparation of the bid documents, as reasonably determined by the awarding authority.
- B. Every contract awarded for design services shall include:
 1. a certification that the designer or construction manager has not given, offered or agreed to give any gift, contribution or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
 2. a certification that no consultant to or subcontractor for the designer or construction manager has given, offered or agreed to give any gift, contribution or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with the award to the consultant or subcontractor of a contract by the designer or construction manager;
 3. a certification that no person, corporation or other entity, other than a bona fide full time employee of the designer or construction manager, has been retained or hired to solicit for or in any way assist the designer or construction manager in

obtaining the contract for design services upon an agreement or understanding that such person, corporation or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer;

4. a certification with respect to design contracts which exceed ten thousand dollars and which are for the design of a building for which the budgeted or estimated construction costs exceed one hundred thousand dollars, that the designer has internal accounting controls as required by Chapter 30, Section 39R, and that the designer will:
 - i. maintain accurate and detailed accounts for a six year period after the final payment;
 - ii. file regular statements of management concerning internal auditing controls;
 - iii. file an annual audited financial statement; and
 - iv. submit a statement from an independent certified public accountant that such CPA has examined management's internal auditing controls and expresses an opinion as to their consistency with management's statements in (2) above and whether such statements are reasonable with respect to transactions and assets that are substantial in relation to designer's financial statements. M.G. L., Chapter 7C, Section 51; and
 5. a requirement that the designer at his/her own expense obtain and maintain a professional liability insurance policy covering negligent errors, omissions and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of such contracts for design services. The awarding authority may require a consultant employed by the designer subject to this subparagraph to obtain and maintain a similar liability insurance policy. The total amount of such insurance shall at a minimum equal the lesser of one million dollars or ten percent of the project's estimated cost of construction, or such larger amounts as the public agency may require, and shall cover the applicable period of limitations. A designer required to obtain all or a portion of such insurance coverage at his own expense shall furnish a certificate or certificates of insurance coverage to the awarding authority prior to the award of the contract.
- C. The awarding authority may request a copy of the Division of Capital Asset Management's (DCAM) Standard Design Contract to use as is, or to modify. Contracts for design services may include a requirement that the designer be responsible for overseeing the construction phase of the contract.
- D. The awarding authority shall incorporate current applicable minority-owned business enterprise (MBE) and women-owned business enterprise (WBE) participation goals, as determined by DCAM, into any design contract where funding is provided by the Commonwealth, in whole or in part (such as reimbursements, grants and the like).

Reductions or waivers of these goals may be permitted where the size, nature or location of the project makes achieving such levels of MBE or WBE participation unfeasible.

IV. RECORDS

- A. In the selection of applicants to perform design services the awarding authority will keep the following records:
 - 1. all information supplied by or obtained about each applicant;
 - 2. all actions taken by the committee relating to any project;
 - 3. all actions taken by the awarding authority relating to any project;
 - 4. any other records related to designer selection.
- B. All records will be available for inspection by the State Designer Selection Board.

V. CONFLICT OF INTEREST

No member of a committee shall participate in the selection of a designer as a finalist for any project if the member or any member of his or her immediate family:

- A. has a direct or indirect financial interest in the award of the design contract to any applicant;
- B. is currently employed by, or is a consultant to or under contract to an applicant;
- C. is negotiating or has an arrangement concerning future employment or contracting with any applicant;
- D. has an ownership interest in, or is an officer or director of, any applicant.

VI. EMERGENCY PROCEDURES

When an emergency situation exists, the Town may utilize the following:

EXPEDITED PROCEDURE FOR SELECTION OF DESIGNERS WHEN AN EMERGENCY SITUATION EXISTS

- A. Scope and Purpose These regulations establish a speedy procedure by which the Local Awarding Authority can select a designer, programmer or construction manager, when an emergency situation exists.
- B. Declaration of Emergency
 - 1. The declaration will be made by the Awarding Authority, based upon one of the following criteria:

- a. Danger to health or safety of any persons because of the time required for selection of a designer by the regular statutory process.
 - b. Deadline for action on a project set by a court or federal agency which cannot be met if the regular statutory process is followed.
2. The Awarding Authority will file a memorandum with the committee stating the reasons for the emergency declaration, listing proposed scope of work, estimated cost of construction, the established lump sum fee for designers' services, and any other relevant information.
3. Upon receipt of the memorandum from the Awarding Authority the Committee may elect to follow the expedited procedures set forth below.

C. Studies, Programs and Design and Administration of Construction Projects

1. If the scope of work involves a study, program or design and administration of a construction project, finalists may be selected from the existing standing list of consultants who have previously applied to the Town for projects of this nature which have been advertised, or from applicants who have filed a master file brochure with the Town, without public advertising.
2. The Chairman of the Committee, upon receipt of the declaration by the Local Awarding authority that an emergency exists, will select at least 3 semi-finalists as described above.

D. Voting by Committee Members for Selection in an Emergency Situation

1. The Chairman of the Committee shall compile the above information into a package for distribution and action by all Committee members. Material shall be mailed if time permits. When possible, selection shall be made at the next scheduled meeting. When time or other circumstances do not permit, members may respond by mail.
2. In those cases where the Chairman determines that immediate action is required on the basis of an immediate threat to health *or* safety, that person shall nominate at least 6 semi-finalists for the specific project to be acted on. The Chairman may cause to have polled all available Committee members by phone and record their vote, tabulate the results, and forward the names of the 3 or more finalists to the Awarding Authority for its appointment in accordance with Chapter 7C, Sections 49 and 50.
3. The tabulation of the vote by committee members for the 3 or more finalists to be submitted to the Awarding Authority shall be accomplished by crediting the designated point count of each member's vote to the firm so selected by each respective member. Every firm ranked 1st will be credited with 3 points, the 2nd ranked firm will be credited with 2 points and the 3rd ranked finalist will obtain point. The firm obtaining the highest cumulative total of points will be ranked

1st, the next highest total will be ranked 2nd and the 3rd highest total point count will be ranked 3rd.

4. In the case of an equal total point count, the Committee shall be re-polled to determine the final ranking of the 3 or more finalists.

VII. GENERAL

- A. The recommended procedures above may be amended or modified so long as the procedure adopted satisfies the purpose and intent of M.G.L. Chapter 7C, 44 through 57 and requires newspaper and central register advertising, a uniform application form and uniform application procedure.
- B. All meetings of a government body shall be open to the public and any person shall be permitted to attend any meeting except as provided by M.G. L., Chapter 30A Sections 20 and 21.

VIII. REGULATORY AUTHORITY

Guidelines developed for designer selection procedures for cities and towns by the Designer Selection Board of the Executive Office for Administration and Finance of the Commonwealth of Massachusetts, pursuant to the provisions of M.G. L. Chapter 7C, Section 54 and following the procedures outlined in 811 CMR 3.00.

Management Schedule Effective October 1, 2018

Grade	Minimum	Mid-Point	Maximum
K-29	\$131,736	\$147,528	\$163,344
K-28	\$124,152	\$139,056	\$153,936
K-27	\$116,568	\$130,560	\$144,552
K-26	\$109,032	\$122,112	\$135,192
K-25	\$101,448	\$113,616	\$125,808
K-24	\$93,864	\$105,144	\$116,400
K-23	\$86,304	\$96,648	\$107,016
K-22	\$78,720	\$88,176	\$97,608
K-21	\$68,592	\$76,824	\$85,032



RECEIVED
TOWN OF NEEDHAM
SEP 18 P 4:20

For Calendar Year: 2018

TOWN OF NEEDHAM

APPLICATION/ RENEWAL FOR A COMMON VICTUALLER LICENSE

The undersigned hereby applies for a Common Victualler License in accordance with the provisions of the Statutes relating thereto:

Name of Corporation: ZUCCHINI GOLD, LLC

Name of Establishment (d/b/a): THE RICE BARN

If business is a Corporation / Corporate Name and Officers: _____

If business is not a Corporation, Name of Owner: CHALERMPOL INTHA

Email Address: _____

Address of Establishment: 1037 GREAT PLAIN AVE

Contact Person (name who will receive notices under this license): CHALERMPOL INTHA

Mailing Address (of contact person), if different from Establishment: 72 MANCHESTER ROAD
NEWTON, MA 02461

Establishment's Days of Operation: SUN, MON, TUE, WED, THU, FRI & SAT

Establishment's Hours of Operation: 11:30 AM - 2:30 PM; 5:00 PM - 9:00 PM (9:30 PM THU, FRI & SAT)

Manager: CHALERMPOL INTHA # of Staff: 8-12 # of Seats: 102

Telephone Number: 781-449-8300 Fax Number: 781-449-8303

Signature of Owner: [Signature] Date: 9/10/2018

(If corporation, signature of a duly authorized agent of the corporation)

A certificate of insurance showing evidence that the applicant has workers' compensation insurance must be included with this completed application.

If you currently hold an alcoholic beverages license, you must provide a copy of a certificate of liquor liability insurance in the minimum amount of \$100,000/person/\$1,000,000 aggregate for personal injury and \$100,000 per occurrence for property damage before your alcoholic beverages license will be renewed.

Pursuant to MGL Ch. 62C, Sec. 49A:

I certify under the penalties of perjury that I, to my best knowledge and belief, have read and am in compliance with the contents of M.G.L. Chapter 62C, Section 49A (on reverse side of this application).

Signature of Applicant (Mandatory)

30-0766818

Either a Social Security Number

Or Federal Identification Number Must Be Supplied

By Corporate Officer (if applicable)

9/10/2018

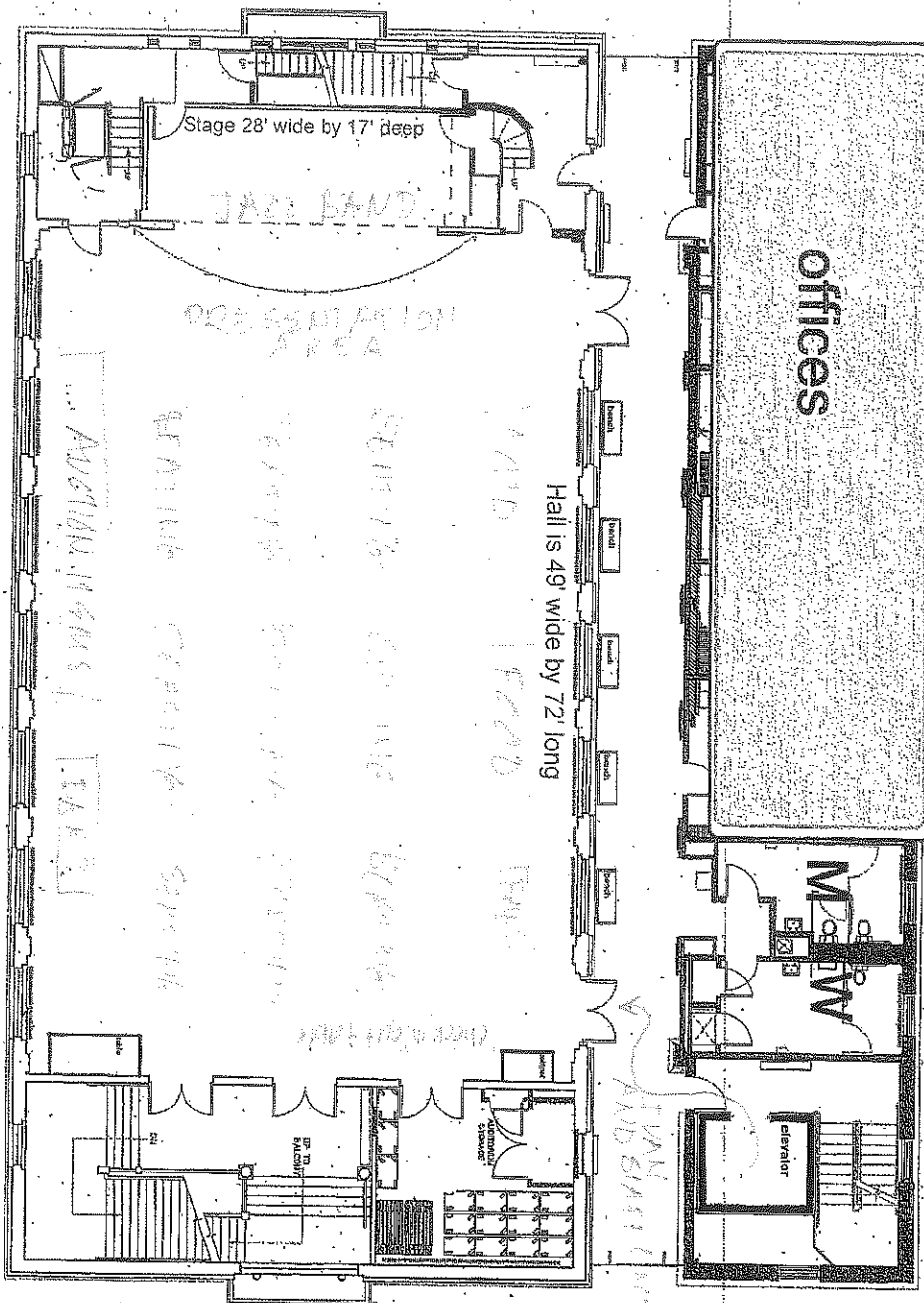
Date (required)

Adding
lunch
service
to
Sat & Sun.

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

Event Manager Name (Name that will appear on license)	Susan Shaver		
Event Manager Address	58 Bradford St NDM, MA 02492		
Event Manager Phone Number	(C) 781-789-6060		
Organization Representing (if applicable)	Needham Community Farm		
Is the organization (if applicable) you are representing non-profit? If so, please attach proof of non-profit status.	☒ Non-profit ☐ For profit ☐ Proof of non-profit status is attached Form of Proof: <u>TAX ID - 113 822 708</u>		
Name of Event	NDM Community Farm Annual Harvest Celebration + Auction		
Date of Event	Sunday, Oct 14, 2018 6pm-9pm		
License is for Sale of:			
☒ Wines & Malt Beverages Only ☐ All Alcoholic Beverages (for non-profit groups only)			
Requested Time for Liquor License	FROM:	6pm	TO: 9pm
Are tickets being sold in advance for this event?	☒ YES	\$ 42/per ticket	☐ NO
Is there an admission fee for this event?	☒ YES	\$ 42/per ticket	☐ NO
Are you using dues collected to purchase alcohol for this event?	☒ YES	☐ NO	
How many people are you expecting at this event?	100 +		
Name & address of event location. Please attach proof of permission to use this facility.			
James Hugh Powers Hall 1471 Highland Ave NDM, MA			
Who will be serving the alcohol to your guests?			
Hearth Pizzeria Staff			
Bartenders and/or servers of alcohol, beer and/or wine must have completed in the past three years an appropriate Massachusetts alcoholic beverages server-training program. Please state below who will be serving alcohol, beer and/or wine and attach proof of their training (certificate).			
Alyandara Gomez - certificate attached			
Please use the space below to describe the manner in which alcohol will be served to your guests. (For example, will guests be served alcohol or will they need to purchase it from the bar?) Please attach floorplan (can be hand drawn) of the event facility with liquor delivery plan.			
Cash bar - beer, wine, soda, juice			
☒ I understand that the alcohol purchased for this event must be purchased from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder and that I have received a current list of wholesalers. (A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04))			
Event Manager Signature:			Date:
[Signature]			9/13/2018

James Hugh Powers Hall Needham Town Hall



Furniture
Available:
(24) 60"x30" tables
(11) 72"x30"
folding tables
(8) 96"x30"
tables
350 audience chair

Chairs:
Hall floor can
accommodate
330 chairs
with center
aisle.

Balcony:
seats 90
not available
for events with
alcohol.

**Dimensions for
hall and stage
contained in
online
regulations.**

Drawing
scale will only be
accurate when printed on
11"x17" paper at 100%.

NEEDHAM TOWN HALL
Needham, Massachusetts

SKF-2

Drawing Plate:

Scale: 1/8"=1'-0"

**WARRANT FOR THE
STATE ELECTION**
The Commonwealth of Massachusetts
TUESDAY, NOVEMBER 6, 2018

Norfolk, ss.

To either of the Constables of the Town of Needham

GREETING:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in the State Election to vote at their respective voting places in said Town, namely:

PRECINCT A – Center at the Heights - 300 Hillside
PRECINCT B – Center at the Heights - 300 Hillside
PRECINCT C – Newman School - Gymnasium
PRECINCT D – Newman School - Gymnasium
PRECINCT E – Broadmeadow School - Perform. Ctr

PRECINCT F – Needham High School - Gymnasium
PRECINCT G – Needham High School - Gymnasium
PRECINCT H – Broadmeadow School - Perform. Ctr
PRECINCT I – Wm. Mitchell School – Gymnasium
PRECINCT J – Wm. Mitchell School - Gymnasium

**ON TUESDAY, THE SIXTH DAY
OF NOVEMBER, 2018**

From 7:00 A.M. to 8:00 P.M. for the following purposes:

To cast their votes in the State Election for the candidates for the following offices and questions:

SENATOR IN CONGRESS FOR THIS COMMONWEALTH
GOVERNOR and LIEUTENANT GOVERNOR. FOR THIS COMMONWEALTH
LIEUTENANT GOVERNOR. FOR THIS COMMONWEALTH
ATTORNEY GENERAL. FOR THIS COMMONWEALTH
SECRETARY OF STATE. FOR THIS COMMONWEALTH
TREASURER AND RECEIVER GENERAL FOR THIS COMMONWEALTH
AUDITOR. FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS. FOURTH DISTRICT
COUNCILLOR. SECOND DISTRICT
SENATOR IN GENERAL COURT NORFOLK, BRISTOL & MIDDLESEX DISTRICT
(Precincts A, B, C, I, and J)
SENATOR IN GENERAL COURT NORFOLK & SUFFOLK DISTRICT
(Precincts D, E, F, G, and H)
REPRESENTATIVE IN GENERAL COURT THIRTEENTH NORFOLK DISTRICT
DISTRICT ATTORNEY NORFOLK DISTRICT
CLERK OF COURTS. NORFOLK COUNTY
REGISTER OF DEEDS. NORFOLK DISTRICT
COUNTY COMMISSIONERS NORFOLK COUNTY
COUNTY TREASURER (to fill vacancy) NORFOLK COUNTY

**QUESTION 1: LAW PROPOSED BY INITIATIVE
PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 2, 2018?

SUMMARY

This proposed law would limit how many patients could be assigned to each registered nurse in Massachusetts hospitals and certain other health care facilities. The maximum number of patients per registered nurse would vary by type of unit and level of care, as follows:

- In units with step-down/intermediate care patients: 3 patients per nurse;

- In units with post-anesthesia care or operating room patients: 1 patient under anesthesia per nurse; 2 patients post-anesthesia per nurse;
- In the emergency services department: 1 critical or intensive care patient per nurse (or 2 if the nurse has assessed each patient's condition as stable); 2 urgent non-stable patients per nurse; 3 urgent stable patients per nurse; or 5 non-urgent stable patients per nurse;
- In units with maternity patients: (a) active labor patients: 1 patient per nurse; (b) during birth and for up to two hours immediately postpartum: 1 mother per nurse and 1 baby per nurse; (c) when the condition of the mother and baby are determined to be stable: 1 mother and her baby or babies per nurse; (d) postpartum: 6 patients per nurse; (e) intermediate care or continuing care babies: 2 babies per nurse; (f) well-babies: 6 babies per nurse;
- In units with pediatric, medical, surgical, telemetry, or observational/outpatient treatment patients, or any other unit: 4 patients per nurse; and
- In units with psychiatric or rehabilitation patients: 5 patients per nurse.

The proposed law would require a covered facility to comply with the patient assignment limits without reducing its level of nursing, service, maintenance, clerical, professional, and other staff.

The proposed law would also require every covered facility to develop a written patient acuity tool for each unit to evaluate the condition of each patient. This tool would be used by nurses in deciding whether patient limits should be lower than the limits of the proposed law at any given time.

The proposed law would not override any contract in effect on January 1, 2019 that set higher patient limits. The proposed law's limits would take effect after any such contract expired.

The state Health Policy Commission would be required to promulgate regulations to implement the proposed law. The Commission could conduct inspections to ensure compliance with the law. Any facility receiving written notice from the Commission of a complaint or a violation would be required to submit a written compliance plan to the Commission. The Commission could report violations to the state Attorney General, who could file suit to obtain a civil penalty of up to \$25,000 per violation as well as up to \$25,000 for each day a violation continued after the Commission notified the covered facility of the violation. The Health Policy Commission would be required to establish a toll-free telephone number for complaints and a website where complaints, compliance plans, and violations would appear.

The proposed law would prohibit discipline or retaliation against any employee for complying with the patient assignment limits of the law. The proposed law would require every covered facility to post within each unit, patient room,

and waiting area a notice explaining the patient limits and how to report violations. Each day of a facility's non-compliance with the posting requirement would be punishable by a civil penalty between \$250 and \$2,500.

The proposed law's requirements would be suspended during a state or nationally declared public health emergency.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect. The proposed law would take effect on January 1, 2019.

A YES VOTE would limit the number of patients that could be assigned to one registered nurse in hospitals and certain other health care facilities.

A NO VOTE would make no change in current laws relative to patient-to-nurse limits.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 2, 2018?

SUMMARY

This proposed law would create a citizens commission to consider and recommend potential amendments to the United States Constitution to establish that corporations do not have the same Constitutional rights as human beings and that campaign contributions and expenditures may be regulated.

Any resident of Massachusetts who is a United States citizen would be able to apply for appointment to the 15-member commission, and members would serve without compensation. The Governor, the Secretary of the Commonwealth, the state Attorney General, the Speaker of the state House of Representatives, and the President of the state Senate would each appoint three members of the commission and, in making these appointments, would seek to ensure that the commission reflects a range of geographic, political, and demographic backgrounds.

The commission would be required to research and take testimony, and then issue a report regarding (1) the impact of political spending in Massachusetts; (2) any limitations on the state's ability to regulate corporations and other entities in light of Supreme Court decisions that allow corporations to assert certain constitutional rights; (3) recommendations for constitutional amendments; (4) an analysis of constitutional amendments introduced to Congress; and (5) recommendations for advancing proposed amendments to the United States Constitution.

The commission would be subject to the state Open Meeting Law and Public Records Law. The commission's first report would be due December 31, 2019, and the Secretary of the Commonwealth would be required to deliver the

commission's report to the state Legislature, the United States Congress, and the President of the United States.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect. The proposed law would take effect on January 1, 2019.

A **YES VOTE** would create a citizens commission to advance an amendment to the United States Constitution to limit the influence of money in elections and establish that corporations do not have the same rights as human beings.

A **NO VOTE** would not create this commission.

QUESTION 3: REFERENDUM ON AN EXISTING LAW

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on July 7, 2016?

SUMMARY

This law adds gender identity to the list of prohibited grounds for discrimination in places of public accommodation, resort, or amusement. Such grounds also include race, color, religious creed, national origin, sex, disability, and ancestry. A "place of public accommodation, resort or amusement" is defined in existing law as any place that is open to and accepts or solicits the patronage of the general public, such as hotels, stores, restaurants, theaters, sports facilities, and hospitals. "Gender identity" is defined as a person's sincerely held gender-related identity, appearance, or behavior, whether or not it is different from that traditionally associated with the person's physiology or assigned sex at birth.

This law prohibits discrimination based on gender identity in a person's admission to or treatment in any place of public accommodation. The law requires any such place that has separate areas for males and females (such as restrooms) to allow access to and full use of those areas consistent with a

person's gender identity. The law also prohibits the owner or manager of a place of public accommodation from using advertising or signage that discriminates on the basis of gender identity.

This law directs the state Commission Against Discrimination to adopt rules or policies and make recommendations to carry out this law. The law also directs the state Attorney General to issue regulations or guidance on referring for legal action any person who asserts gender identity for an improper purpose.

The provisions of this law governing access to places of public accommodation are effective as of October 1, 2016. The remaining provisions are effective as of July 8, 2016.

A **YES VOTE** would keep in place the current law, which prohibits discrimination on the basis of gender identity in places of public accommodation.

A **NO VOTE** would repeal this provision of the public accommodation law.

QUESTION 4:

Shall the Town of Needham be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to pay costs of engineering and design services for the reconstruction and/or construction of the Public Safety Building and Fire Station #2, as well as the costs of reconstructing and/or constructing each of such facilities, including the costs of temporary relocation and all other costs incidental or related thereto?

YES: _____

No: _____

**The Polls Will Be Open From
7:00 A.M. to 8:00 P.M.**

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.
Given under our hands this 25th day of September, 2018.

Daniel P. Matthews, *Chair*

John A. Bulian, *Vice Chair*

Maurice P. Handel, *Clerk*

Matthew D. Borrelli

Marianne B. Cooley

Selectmen of Needham

A true copy,
ATTEST _____

Constable

(month and day)

, 2018.

Warrant must be posted by **November 1, 2016**, (at least *seven days* prior to the **November 6, 2018** State Election).