

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

MONDAY, OCTOBER 27, 2014

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 and warn the inhabitants of the Town of Needham qualified to vote in elections and in Town affairs to meet at the Town Hall:

MONDAY, THE TWENTY-SEVENTH DAY OF OCTOBER, 2014

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

ARTICLE 1: APPROVE THE ITWA COLLECTIVE BARGAINING AGREEMENT

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 2015 and fiscal year 2016; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

PERSONNEL BOARD RECOMMENDS THAT: Article be Adopted

Article Information: The Town and the Independent Town Workers Association have reached agreement on two collective bargaining agreements – one for fiscal year 2015 and one for fiscal years 2016 through 2018. The Agreements provide for a wage restructuring (in light of the fact that the wages for these positions has fallen behind similar positions in comparable communities). The Agreements also provide for general wage increases of 2.5% in fiscal years 2016 through 2018. The total four year Agreement is consistent with the Town’s sustainability initiative.

ARTICLE 2: APPROPRIATE FOR MATCHING GRANT

To see if the Town will vote to raise and/or transfer and appropriate \$5,000 for the purposes of matching a Federal grant for economic development initiatives in Needham and Newton, to be spent under the direction of the Town Manager and raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Town of Needham and the City of Newton have collaborated to create the N² Economic Development initiative, the goal of which is to strengthen and market the region

through business attraction and support of innovation in the Highland Avenue/Needham Street corridor. As part of this initiative, the Newton/Needham Chamber of Commerce is preparing a grant application to the U.S. Economic Development Agency for a grant to support a \$100,000 study. The requested funds include \$50,000 from the U.S. government, \$38,000 from businesses in the N² corridor, and matching funds from the City of Newton and the Town of Needham. The current plan is for the Town of Needham to contribute \$5,000 and the City of Newton to contribute \$7,000. The City of Newton is pursuing participation by the Commonwealth as well, which, if successful, will lower the contributions required by the two communities. The project will include findings, and a strategic plan for implementing the recommendations in the next several years.

ARTICLE 3: AMEND THE FY2015 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2015 Operating Budget adopted under Article 11 of the May 2014 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

Line Item	Appropriation	Changing From	Changing To
9	Classification, Performance, Settlements	\$119,000	\$169,167
10	Reserve Fund	\$1,464,490	\$1,489,657
25A	Department of Public Works, Salary & Wages	\$3,251,531	\$3,256,531
25B	Department of Public Works, Expenses	\$1,480,421	\$1,485,421
29A	Health Department Salary & Wages	\$424,583	\$476,341

said sum to be raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This purpose of this article is fourfold. First, the Classification, Performance, Settlements line would be increased to provide sufficient funding for the DPW/NIPEA collective bargaining agreement approved last spring, and the Independent Town Workers Association Agreement proposed under Article 1 of this Warrant. Second, the article allocates \$10,000 in dog license fees to DPW salary and expense lines to support the new off-leash dog area at the NIKE site. At the recommendation of the Town Clerk, the Board of Selectmen voted to increase the dog license fees last year, in part for this purpose. Third, the article will fund the Substance Abuse Coordinator position in the Health Department for ³/₄ of fiscal year 2015. At the time of the 2014 Annual Town Meeting, it was not yet certain whether the Town would continue to receive grant funding for this position. The Town was recently notified that the Federal funding for the position will not continue. Finally, the article proposes to increase the Reserve Fund by \$25,167 after an updated revenue projection for the fiscal year was completed.

ARTICLE 4: AMEND THE FY2015 RTS ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2015 RTS Enterprise Fund Budget adopted under Article 12 of the May 2014 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

Line Item	Appropriation	Changing From	Changing To
101A	Salary & Wages	\$710,556	\$731,026

said sum to be raised from RTS Enterprise Fund Receipts; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this article is to allocate funding for the DPW employees collective bargaining agreement approved at the 2014 Annual Town Meeting.

ARTICLE 5: AMEND THE FY2015 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2015 Sewer Enterprise Fund Budget adopted under Article 13 of the May 2014 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

Line Item	Appropriation	Changing From	Changing To
201A	Salary & Wages	\$939,465	\$962,166
201D	MWRA Assessment	\$5,468,475	\$5,466,144

said sum to be raised from Sewer Enterprise Fund Receipts; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this Article is to allocate funding for the DPW employees collective bargaining agreement, approved at the 2014 Annual Town Meeting, and to reduce the budget based on the Town's final MWRA Assessment.

ARTICLE 6: AMEND THE FY2015 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2015 Water Enterprise Fund Budget adopted under Article 14 of the May 2014 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

Line Item	Appropriation	Changing From	Changing To
301A	Salary & Wages	\$1,053,177	\$1,077,972
301D	MWRA Assessment	\$1,194,022	\$1,193,697

said sum to be raise from Water Enterprise Fund Receipts; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this Article is to allocate funding for the DPW employees collective bargaining agreement, approved at the 2014 Annual Town Meeting, and to reduce the budget based on the Town’s final MWRA Assessment.

ARTICLE 7: AMEND ZONING BY-LAW – OUTDOOR SEATING

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

1. In Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial and Industrial 1 Districts, by adding to Accessory Uses “Seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter” Y# in Industrial and Industrial-1.
2. In Section 3.2.4 Uses in the New England Business Center District, Subsection 3.2.4.1 (k) Permitted Uses by adding to thereto the following: “Further provided, accessory uses for seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Board of Selectmen in accordance with Section 6.9.”
3. In Section 3.2.5 Uses in the Highland Commercial-128 District, Subsection 3.2.5.1 (i) Permitted Uses by adding to thereto the following: “Further provided, accessory uses for seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are

necessary to demonstrate compliance with Section 6.9 by the Planning Board or Board of Selectmen in accordance with Section 6.9.”

4. In Section 3.2.6 Uses in the Mixed Use-128 District, Subsection 3.2.6.1 (n) Permitted Uses by adding thereto the following: “Further provided, accessory uses for seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Board of Selectmen in accordance with Section 6.9.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article would allow the Planning Board to permit on private property, upon minor site plan review, seasonal temporary outdoor seating at restaurants and allow the Board of Selectmen to permit on a public way or other public property, again subject to minor site plan review, seasonal temporary outdoor seating at restaurants in Industrial and Industrial 1, New England Business Center, Highland Commercial-128, and Mixed Use-128 zoning districts. Town Meeting previously approved seasonal temporary outdoor seating for restaurants in the Business, Chestnut Street Business, Center Business and Avery Square Business zoning districts. This article extends these amenities to other districts which have restaurants. The Zoning By-Law under Section 6.9 currently imposes conditions upon such uses. As noted before, any approval from the Board of Selectmen would also require a separate license or lease of the public land and compliance, if applicable, with the Board’s Alcohol Regulations.

ARTICLE 8: AMEND ZONING BY-LAW – PERSONAL FITNESS ESTABLISHMENT IN INDUSTRIAL-1

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

1. In Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial and Industrial-1 Districts, by changing the table from “N” to “Y” for “Personal fitness service establishment; provided, all required off-street parking is provided on-site for all land uses located on the subject site and in adherence with the requirements of Section 5.1.2, Required Parking, absent any waivers from the provisions of Subsections 5.1.1.5 and 5.1.1.6” under Industrial-1.

2. In Section 3.2, Schedule of Use Regulations, Subsection 3.2.1, Uses in Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial and Industrial-1 Districts, by changing the table from “N” to “SP” for “Personal fitness service establishment; where there is

insufficient off-street parking on-site to serve all land uses located thereon in adherence with the requirements of Section 5.1.2, but where it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower total will provide adequately for all uses or activities served by the parking lot” under Industrial-1.

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article would authorize personal fitness service establishments in the Industrial-1 district either by right or by special permit. Presently the use is permitted in Needham’s Business, Chestnut Street Business, Center Business, Avery Square Business, Hillside Avenue Business and Industrial districts.

Under the proposed amendment, personal fitness service establishments would be permitted as-of-right in the Industrial-1 district where the number of off-street parking spaces required to service the fitness use and all other land uses located on the property are provided in accordance with zoning by-law requirements. Personal fitness service establishments having insufficient off-street parking would be permitted by special permit in the Industrial-1 district where it can be demonstrated that the hours, or days, of peak parking for the uses are sufficiently different that a lower parking total would provide adequately for all uses or activities served by the parking lot. Personal fitness service establishments are defined within the zoning by-law as businesses which involve instructional and/or directed exercise and fitness activities, including, but not limited to, personal training, yoga, spinning, pilates, exercise and fitness classes and lessons, and related activities; having at least one instructor or supervisor for every 15 clients; a maximum class size of 15 clients; a maximum occupancy at any one time of 20 persons; and a maximum total area of 2,500 square feet.

ARTICLE 9: AMEND ZONING BY-LAW – FLOOD PLAIN DISTRICT

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

1. In Section 3.3, Uses in Flood Plain District, Subsection 3.3.1, Prohibited Uses, by deleting the words “(d) Swimming pools”.
2. In Section 3.3, Uses in Flood Plain District, Subsection 3.3.3, Uses Requiring a Special Permit, by adding a new paragraph (h) after the existing paragraph (g) that states “Swimming pools, together with structures, walkways, mechanical systems accessory thereto, and fences.”
3. In Section 3.3, Uses in Flood Plain District, Subsection 3.3.3, Uses Requiring a Special Permit, by designating the existing paragraph (h) as paragraph (i).

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT: No position taken

Article Information: This article would authorize swimming pools and improvements accessory thereto by special permit in the Flood Plain Overlay District provided such installations retain existing flood water storage capacity. Presently swimming pools are a prohibited use within the Flood Plain Overlay District.

Section 3.3 of the Zoning By-Law establishes the purpose of the Flood Plain Overlay District which was largely congruent with the purpose of flood plain protection in the Massachusetts Wetlands Protection Act and Regulations (310 CMR 10.00 et. seq.) and the Needham Wetlands Protection By-Law. The majority of these purposes are to protect natural resources (surface and ground water, water courses, water sheds, ecosystem balance) but also include purposes more appropriate to zoning, specifically to protect the health and safety of persons and property against the hazards of flooding and to protect the community against detrimental use of land adjoining water courses. There are presently four prohibited uses in the Flood Plain Overlay District (Section 3.3.1). Uses (a) and (b), the Manufacturing, Transport, Storage or Disposal of Toxic or Hazardous Materials, and Sanitary Landfills, Junkyards, Salvage Yards, etc. clearly are uses that, in a flood plain, would release hazardous materials that would be detrimental to the health and safety of persons and natural resources. Prohibited Use (c) prohibits encroachments into the flood plain, including fill and structures, unless a Registered Professional Engineer demonstrates that the encroachment would not result in any increase in flood elevations. Prohibited Use (d) is simply "Swimming Pools". No rationale is provided as to why a swimming pool would be detrimental to human health or property, detrimental to natural resources in the event of a flood or would decrease flood storage and increase flood elevations.

Accordingly, the noted amendment is offered to authorize swimming pools and improvements accessory thereto by special permit in the Flood Plain Overlay District where it is demonstrated that such installation will retain existing flood water storage capacity. Congruent review and approval by the Conservation Commission pursuant to the Massachusetts Wetlands Protection Act and Regulations and the Needham Wetlands Protection By-Law would still be required.

ARTICLE 10: APPROPRIATE FOR HIGH SCHOOL RENOVATION

To see if the Town will vote to raise and/or transfer and appropriate \$200,000 for engineering, design and construction for renovation and repairs at Needham High School, to be spent under the direction of the Town Manager and raised from the tax levy; or take any other action relative thereto.

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

Article Information: Needham High School was constructed for a student population of 1,450. The population for school year 2014/2015 is 1,631, or 181 students in excess of the school's design capacity. According to the Future School Needs Committee (FSNC), the projected student population will exceed 1,700 students in school year 2015/2016 and remain at

or above 1,700 students through school year 2024/2025. As a result of the current and anticipated student enrollment, there is a need for additional classroom space at Needham High. This request is for funds to reconfigure two large classroom spaces into four smaller classrooms. The rooms that will be reconfigured are Room 707 (language lab) and Room 728 (all-purpose room.) Additional renovations to Needham High School to expand the number of classrooms and enlarge the cafeteria will be discussed during the fiscal year 2016 – 2020 capital improvement planning process.

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 23rd day of September 2014.

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

Selectmen of Needham

A TRUE COPY

Attest:

Constable: