

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>
201A	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 servicing 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 servicing 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: