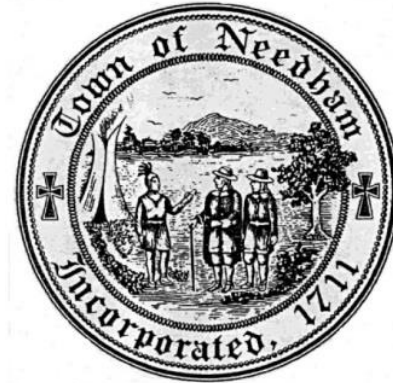


TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

MONDAY, MAY 12, 2025

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:

MONDAY, THE TWELFTH DAY OF MAY 2025

At seven thirty o'clock in the afternoon, then and there to act upon the following articles, viz.:

FINANCE ARTICLES

ARTICLE 1: APPROPRIATE FOR PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) PROGRAMMING

To see if the Town will vote to raise and/or transfer and appropriate \$195,516 for the purpose of funding and supporting public, educational, and government (PEG) programming provided by the Needham Channel, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from the PEG Access and Cable Related Fund; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this article is to appropriate funds to make payments to the Needham Channel during the year. Included in every cable bill from the cable operators is a line item to provide for the costs of local cable television services. These monies are retained in a special revenue account (Public, Educational, and Governmental (PEG) Access and Cable Related Fund) created pursuant to the provisions of Massachusetts General Laws Chapter 44, section 53F¾ and approved at the May 8, 2023 Special Town Meeting under Article 10, and are to be used to support local cable programming for the Town's PEG channels. These funds will be used to continue these informational and educational services, which may include, but are not limited to, equipment purchases, contracted services, construction services, and labor expenses.

ARTICLE 2: APPROPRIATE FOR INTERSECTION IMPROVEMENTS

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$30,000 for the purpose of funding intersection improvements at Kendrick Street and Fourth Avenue, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The Planning Board issued a Major Site Plan Special Permit to Boston Children's Hospital for its development at 380 First Avenue. A condition contained in the permit requires a payment

of \$30,000 for the purposes of traffic mitigation as related to the construction of the project. The Department of Public Works identified a traffic issue to be remedied between Kendrick Avenue, Third Avenue, and the 128/I95 ramp. An article to address this issue was proposed at the October 30, 2023 Special Town Meeting, but was withdrawn. The reason for withdrawal was that the Department of Transportation (MassDOT), which has jurisdiction over that portion of the Kendrick Street roadway, did not approve the Town's proposal to change the pavement markings. An alternate project was identified which would restripe a section of Kendrick Street to make the intersection at 128/I95 clearer, but MassDOT decided to perform the marking improvements themselves and completed this work. The new proposal is to apply the \$30,000 payment from Children's Hospital to the design of a traffic signal to be installed at Kendrick Street and Fourth Avenue. Under the terms of the Special Permit, Children's Hospital has funded a feasibility study for the proposed signal with full design to be included in the Town's infrastructure program.

ARTICLE 3: AMEND THE FY2025 SEWER ENTERPRISE BUDGET

To see if the Town will vote to amend certain parts of the fiscal year 2025 Sewer Enterprise Fund Budget adopted under Article 14 of the May 2024 Annual Town Meeting, as amended under Article 4 of the October 21, 2024, Special Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
201A	Salary & Wages	\$1,218,870	\$1,122,870
201B	Expenses	\$ 866,539	\$ 962,539

or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article is to amend the current year Sewer Enterprise Fund budget by reducing the salary and wages appropriation by \$96,000 and increasing the expenses appropriation by \$96,000 for no net change to the overall budget. During the year, there were several vacancies in department which reduced the personnel expenses, but consequently the department needed to hire additional contractors to respond to emergency repairs and other standard services to which the staff could not respond. The transfer provides the funding to meet those expenses. The Sewer Department is now fully staffed.

ARTICLE 4: AMEND THE FY2025 WATER ENTERPRISE BUDGET

To see if the Town will vote to amend certain parts of the fiscal year 2025 Water Enterprise Fund Budget adopted under Article 15 of the May 2024 Annual Town Meeting, as amended under Article 5 of the October 21, 2024, Special Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
301A	Salary & Wages	\$1,672,073	\$1,557,073
301B	Expenses	\$1,689,997	\$1,804,997

or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

***Article Information:** Similarly to the Sewer Enterprise Fund Budget article, this article is to amend the current year Water Enterprise Fund budget by reducing the salary and wages appropriation by \$115,000 and increasing the expenses appropriation by \$115,000 for no net change to the overall budget. There were several vacancies in department during the year and there are currently two new vacancies. The department hired additional contractors to respond to emergency repairs and to assist with other maintenance during the vacancies. The Department currently has a need for outside assistance to conduct backflow inspection work. The transfer provides the funding to meet those expenses for the balance of the fiscal year.*

ZONING ARTICLES

ARTICLE 5: AMEND ZONING BY-LAW – FLOOD PLAIN DISTRICT

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

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

2.3.1

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

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

3.3 Uses in the Flood Plain District

The purpose of the Flood Plain District is to:

- (a) Protect the streams, rivers, and other watercourses in the Town and their adjoining lands;

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

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

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

3.3.1 Designation of Town Floodplain Administrator

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

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

3.3.2 Definitions Applicable in Flood Plain District

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

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

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

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

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

Historic Structure – means any structure that is:

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

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

Recreational Vehicle – means a vehicle which is:

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

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

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

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as

garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by

submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation

- NFIP Program Specialist
Federal Emergency Management Agency, Region I

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

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

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

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

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

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

12. Insert new Section 3.3.7 to read as follows:

3.3.7 Variances

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

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

3.3.8 Disclaimer

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

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

or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Article Information: This article amends the flood plain district to reference the new Norfolk County Flood Insurance Rate Maps which become effective July 8, 2025. Additionally, the article updates Needham's flood plain zoning regulations to assure compliance with mandatory National Flood Insurance Program (NFIP) requirements. The NFIP requirements contained in this article are not new and have been in place under the NFIP for decades. However, for various reasons, Massachusetts communities have not previously been required to adopt all the NFIP requirements; so this is a sort of "catching up" to bring all of Massachusetts communities into compliance. Moving forward the Federal Emergency Management Agency (FEMA) will no longer accept local by-laws that are lacking these mandatory NFIP requirements. The specific provisions FEMA has required as contained in this article are as follow: (1) A statement of program purpose; (2) The designation of a Community Flood Plain Administer; (3) Inclusion of the required National Flood Insurance Program definitions;(4)A special permit requirement for all proposed construction in the flood plain district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties;(5) Establishment of floodway encroachment standards along watercourses that have not had a regulatory floodway designation; (6) Elevation and anchorage standards for recreational vehicles to be placed on a site for 180 days or more; (7) An assurance statement that all state and federal permits required for a project have been obtained; (8) Town submittal of new technical data to FEMA, within 6 months, of changes in the base flood elevation so insurance and floodplain management can be updated to current data; (9) Notification requirements for variances to building code floodplain standards so that the affected property owner understands the associated increased insurance rate; (10) Notification requirements for watercourse alterations or relocations in the riverine area so that affected parties have advance notice of flood plain alterations and potential flood risk; (11) Establishment of required local flood plain zoning by-law variance standards to maintain NFIP compliance; and (12) Inclusion of a disclaimer of liability statement so that it is clear the degree of flood protection required by the by-law does not imply total flood protection.

For residents of a community to be eligible to receive flood insurance, the community must agree to abide by the National Flood Insurance Program's minimum requirements for flood plain management. These modifications have been prepared to ensure compliance with the requirements of that program. Failure to adopt these revisions will result in Needham's suspension from the National Flood Insurance Program.

ARTICLE 6: AMEND ZONING BY-LAW – MAP CHANGE TO FLOOD PLAIN DISTRICT

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

- (a) All special flood hazard areas within the Town of Needham designated as Zone A, AE, or AH on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Needham are panel numbers 25021C0016F, 25021C0017F, 25021C0018F, 25021C0019F, 25021C0028F, 25021C0036F, 25021C0037F, 25021C0038F, and 25021C0039F dated July 8, 2025. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 8, 2025.
- (b) All that land along or sloping toward that portion of Rosemary Brook between Rosemary Lake and Central Avenue that is at or below the following elevations: (i) Ninety (90) feet above mean sea level upstream of West Street; and (ii) Eighty-eight (88) feet above mean sea level between West Street and Central Avenue.
- (c) All that land along or sloping toward that portion of Rosemary Brook between Central Avenue and the Needham-Wellesley town line that is at or below an elevation of eighty-five (85) feet above mean sea level.

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Article Information: This article describes the geographical boundary of the Town's flood plain zoning district as it will be reflected on a revised zoning map. Said area comprises the geographical area that the Federal Emergency Management Agency (FEMA) has defined as having a 1% chance of flooding in a given year. The exact boundaries of the District are defined by the 100-year base flood elevations shown on the Norfolk County Flood Insurance Rate Map (FIRM) and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 8, 2025.

GENERAL ARTICLES

ARTICLE 7: TOWN HALL SATURDAY HOURS

To see if the Town will vote to rescind its vote under Article 36 of the May 1, 2023 Annual Town Meeting that Town Hall remain closed on Saturdays; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Article Information: The 2023 Annual Town Meeting voted pursuant to Massachusetts General Law Chapter 41, Section 110A that Town Hall would be deemed closed on Saturdays, which had the effect of

moving the last day of voter registration for Town elections from a Saturday to a Friday. Since the Town is required to remain open on Saturday for State and Federal elections, the Town Clerk has determined that allowing voter registration for Town elections on Saturday as appropriate will reduce potential confusion.

**ARTICLE 8: ACCEPT THE PROVISIONS OF M.G.L. CHAPTER 59 SECTION 5K –
PROPERTY TAX PROGRAM FOR PEOPLE OVER THE AGE OF 60**

To see if the Town will vote to accept the provisions of M.G.L. Chapter 59, Section 5K, to allow the Select Board to establish a program for persons over 60 to volunteer to provide services to the Town in exchange for a reduction of their real property tax obligations; to allow, for qualifying persons physically unable to provide such services, that an approved representative may provide the services in their stead; to allow for the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year; and to provide that this program will first be available in FY2026; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article would establish a property tax work-off program for residents over sixty years of age as authorized by Massachusetts General Law Chapter 59, Section 5K. This program would replace the current Senior Corps program and be administered as a functionally unified program with the veterans property tax work-off program proposed under Article 9. The two proposed programs will offer the same level of benefits to their respective qualifying residents.

**ARTICLE 9: ACCEPT THE PROVISIONS OF M.G.L. CHAPTER 59 SECTION 5N –
PROPERTY TAX PROGRAM FOR VETERANS**

To see if the Town will vote to adjust the exemption provided for in M.G.L. Chapter 59, Section 5N, which allows the Select Board to establish a program for veterans and spouses of veterans that are deceased or have service-connected disabilities to volunteer to provide services to the Town in exchange for a reduction of their real property tax obligations, to allow for persons physically unable to provide such services to have an approved representative provide the services in their stead; to allow for the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year; and to provide that said the program with these adjustments will first be available in FY2026; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article would amend a previously approved, but to-date unlaunched, property tax work-off program for veterans as authorized by of Massachusetts General Law Chapter 59, Section 5N. Certain provisions of Massachusetts General Law Chapter 59, Section 5N were adopted by the 2014 Annual Town Meeting. Since adoption, the law has been amended by the General Court to raise the amount of benefits provided by the statute. Town Meeting must approve said expansion. The proposed program would match the benefits of the proposed property tax work off program for those over sixty years old noted under Article 8 and would be administered as a functionally unified program.

ARTICLE 10: **AMEND GENERAL BY-LAWS – REVOLVING FUNDS**

To see if the Town will vote to amend the General Bylaws by inserting a new Section 2.2.7.5.12 – Energy Efficiency and Clean Energy Capital Program Revolving Fund as follows:

“2.2.7.5.12 Energy Efficiency and Clean Energy Capital Program Revolving Fund

Fund Name: There shall be a separate fund called the Energy Efficiency and Clean Energy Capital Program Revolving Fund authorized for use by the Department of Public Works.

Revenues: The Town Accountant shall establish the Energy Efficiency and Clean Energy Capital Program Revolving Fund as a separate account and credit to the fund all of the receipts from State, Federal, and utility energy efficiency, renewable energy and electrification rebates, incentives, and tax credits.

Purposes and Expenditures: The Town Manager may expend on an annual basis and up to the spending limit authorized by Town Meeting for the purposes of funding capital projects related to energy efficiency, renewable energy, and electrification.

Fiscal Years: The Energy Efficiency and Clean Energy Capital Program Revolving Fund shall operate for fiscal years that begin on or after July 1, 2026.”

INSERTED BY: Select Board

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

Article Information: Massachusetts General Law Chapter 44 §53E ½ allows the Town to establish municipal revolving funds. A revolving fund separately accounts for specific revenues and earmarks them for expenditure for particular purposes to support the activity, program, or service that generated the revenues. The objective of the proposed revolving fund is to allow the Town to use funds received from state, federal, and utility programs for completing qualifying energy efficiency and clean energy capital projects to help pay for future energy efficiency and clean energy capital projects. The Town of Needham’s Climate Action Roadmap established a goal for the Town to achieve net zero emissions by 2050, which will require investments in infrastructure that will result in energy and emissions reductions. These projects are expected to qualify for payments from state, federal, and utility programs, and the Town may use these payments to reinvest in the completion of future energy efficiency and clean energy capital projects. This will help ensure capital is available for future energy efficiency and clean energy projects and enable the Town to continue to benefit from long-term cost savings from these projects.

ARTICLE 11: **AMEND GENERAL BY-LAWS – PLASTIC FOOD AND BEVERAGE SERVICEWARE AND SINGLE-USE ITEMS**

To see if the Town will vote to amend the General By-laws by:

1. Adding a new Section 3.13 to read as follows:

SECTION 3.13 PROHIBITED USE AND DISTRIBUTION OF CERTAIN FOOD AND BEVERAGE SERVICEWARE AND SINGLE-USE ITEMS (AKA SKIP-THE-STUFF)

3.13.1 Definitions.

- a) “Accessories” means any food and beverage serviceware items that are not dishware and containers. The term “accessories” as used in this section includes, but is not limited to, straws, forks, spoons, knives, chopsticks, stirrers, splash guards, cocktail sticks, toothpicks, condiment packages, and napkins.
- b) “Condiment” means a single-use packet containing relishes, spices, sauces, confections, or seasonings, that requires no additional preparation, and that is used with food or beverages, including, but not limited to, ketchup, mustard, mayonnaise, soy sauce, sauerkraut, salsa, syrup, jam, jelly, butter, salad dressings, salt, sugar, sugar substitutes, pepper, and chili pepper.
- c) “Food or Beverage Establishment” means an operation that stores, prepares, packages, serves, vends, distributes, or otherwise provides food or beverages for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the Massachusetts Retail Food Code, 105 CMR 590, as it may be amended from time to time.
- d) “Food and Beverage Serviceware” means all containers, bowls, plates, trays, cartons, cups, lids, on or in which prepared foods and beverages are packaged or directly placed. It also includes forks, knives, spoons, and other utensils that are used to serve or eat prepared foods or beverages.
- e) “Full Service Food Establishment” means a food establishment where customers are seated at a table either by waitstaff or by themselves, and where orders are taken and served by waitstaff at the table.
- f) “Online Food Ordering Platform” means the digital technology provided on a website or mobile application through which a consumer can place an order for pick-up or delivery of Prepared Food. Such platforms include those operated directly by a Food Establishment, by companies that provide delivery of Prepared Meals to consumers, and by online food ordering systems that connect consumers to a Food Establishment directly.
- g) "Retail Sales Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit in the Town of Needham including, but not limited to retail stores, wholesale suppliers, restaurants, pharmacies, food or ice cream trucks, private membership clubs, convenience stores, grocery stores, supermarkets, liquor stores, seasonal and temporary businesses.
- h) “Reusable” refers to food and beverage service ware that will be used multiple times in the same form by a food establishment. Such products are intended to be washed multiple times in a commercial dishwasher and to retain their form and function over multiple usage and washing cycles.
- i) “Single Item Dispenser” means bulk dispensers that only dispense one item at a time.
- j) “Single-use” means food and beverage serviceware that
 - 1) is not reusable,
 - 2) is designed to be used once and then discarded, or
 - 3) is not designed for repeated use and sanitizing.

3.13.2 Regulated Conduct.

1. Food, Beverage, or Retail Sales Establishments may not automatically provide Single-use Accessories, including in takeout orders, whether orders are placed online, via phone, or in person.

Single-use Accessories may be provided only upon the request of the consumer either directly or in response to an inquiry by the food establishment. Single-use Accessories, including plastic forks, spoons and knives, may not be wrapped in plastic or offered as bundled sets. Food, Beverage or Retail Sales Establishments may have Single-use Accessories available at self-service stations. The self-service station may include a Single Item Dispenser.

2. Online Food Ordering Platforms must provide Food, Beverage or Retail Sales Establishments with a method to list each Single-Use Accessory and Condiment that is offered by the Food, Beverage, or Retail Sales Establishment, such that customers can specifically request the Single-Use Accessories and Condiments that they wish to have included with their order.

If Online Food Ordering Platforms are unable to provide Food, Beverage or Retail Sales Establishments with a method to list each Single-Use Accessory and Condiment that is offered by the Food, Beverage or Retail Establishment such that customers can specifically request the Single-Use Accessory and Condiment that they wish to have included with their order, then the default will be set to exclude all Single-Use Accessories and Condiments from the order. Customers may request Single-Use Accessories and Condiments at the time of pick-up, or Food, Beverage or Retail Sales Establishments may provide self-service stations.

3. Full Service Food Establishments shall utilize only Reusable Food and Beverage Serviceware for dine-in customers.

3.13.3 Effective Date. This by-law shall take effect on January 1, 2026.

3.13.4 Regulations. The Needham Public Health Department may adopt and amend rules and regulations to effectuate the purposes of this by-law.

3.13.5 Severability. Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by the Attorney General or a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

and

2. Amending Section 8.2.2 (Non-Criminal Disposition) by inserting a new row in the table, in appropriate numerical order, to read as follows:

3.13	Prohibited Use and Distribution of Certain Food and Beverage Serviceware and Single-use Plastic Items (AKA Skip-the-Stuff)	\$100	Per Day	Director of Health and Human Services or Designee
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or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article would prohibit food, beverage, or retail sales establishments from automatically providing single-use accessories, including in takeout orders.

ARTICLE 12: AMEND GENERAL BY-LAWS – BLACK PLASTIC KITCHENWARE

To see if the Town will vote to amend the General By-laws by:

1. Adding a new Section 3.14 to read as follows:

SECTION 3.14 BLACK PLASTIC KITCHENWARE

3.14.1 Definitions.

- a) “Dishware and Containers” means all containers, bowls, plates, trays, cartons, cups, condiments/sauce cups, lids, film wrap and other items on or in which prepared foods and beverages are packaged or directly placed.
- b) "Flatware" refers to forks, spoons, knives, and serving utensils. This includes, but is not limited to, larger spoons, forks, and tongs that retailers or consumers may use to serve prepared foods.
- c) “Food or Beverage Establishment” means an operation that stores, prepares, packages, serves, vends, distributes, or otherwise provides food or beverages for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the Massachusetts Retail Food Code, 105 CMR 590, as it may be amended from time to time.
- d) “Prepared Food” means any food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises where the food or beverages are to be served, sold or otherwise provided to a consumer. For the purposes of this bylaw, prepared food does not include food packaged outside of the Town of Needham.
- e) “Plastic” means material made from or comprising organic polymers from plant extracts or fossil fuels, whether the material is processed, reprocessed, re-used, recycled or recovered. Polymers are any of various complex organic compounds produced by polymerization—a process in which small molecules combine to make a very large chainlike molecule. Polymers can be molded, extruded, cast into various shapes and films, or drawn into filaments and then used as textile fibers.
- f) "Retail Sales Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit in the Town of Needham including, but not limited to retail stores, wholesale suppliers, restaurants, pharmacies, food or ice cream trucks, private membership clubs, convenience stores, grocery stores, supermarkets, liquor stores, seasonal and temporary businesses.
- g) “Single-use” means food and beverage serviceware that
 - 1) is not reusable,
 - 2) is designed to be used once and then discarded,
 - 3) is not designed for repeated use and sanitizing.

3.14.2 Regulated Conduct.

- (a) Food, Beverage and Retail Sales Establishments are prohibited from dispensing Prepared Food, condiments, sauces, or beverages to any person in Single-use Dishware and Containers made from black plastic.
- (b) Food, Beverage and Retail Sales Establishments are prohibited from providing Single-use Flatware made from black plastic to any person.
- (c) The Town of Needham is prohibited from dispensing Prepared Food, condiments, sauces, or beverages to any person in Single-use Dishware and Containers made from black plastic.
- (d) The Town of Needham is prohibited from providing Single-use Flatware made from black plastic to any person.

3.14.3 Effective Date. This by-law shall take effect on January 1, 2026.

3.14.4 Regulations. The Needham Public Health Department may adopt and amend rules and regulations to effectuate the purposes of this by-law.

3.14.5 Severability. Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by the Attorney General or a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

and

- 2. Amending Section 8.2.2 (Non-Criminal Disposition) by inserting a new row in the table, in appropriate numerical order, to read as follows:

3.14	Black Plastic Kitchenware	\$100	Per Day	Director of Health and Human Services or Designee
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INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: No Position Taken

Article Information: This article would prohibit food, beverage and retail sales establishments from dispensing prepared food, condiments, sauces, or beverages to any person in single-use dishware and containers made from black plastic.

RESERVE ARTICLES

ARTICLE 13: APPROPRIATE TO CAPITAL EQUIPMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate the sum of \$161,128 to the Capital Equipment Fund, as provided under the provisions of Massachusetts General Law Chapter 40, Section 5B, and to meet this appropriation that said sum be transferred from Free Cash; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Massachusetts General Law Chapter 40, Section 5B, allows the Town to create one or more stabilization funds for different purposes. A stabilization fund is a special reserve fund into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Monies accumulated in a stabilization fund carry forward from one fiscal year to another. Interest earned from the investment of monies in the stabilization fund remains with that fund. The 2004 Annual Town Meeting under Article 58 approved the creation of Capital Improvement Stabilization Fund for the purpose of setting aside funds for time-sensitive and critical capital items at times when ordinary funding sources are limited or not available. This fund was repurposed and redesigned as the Capital Equipment Fund (CEF) under Article 14 of the October 21, 2024 Special Town Meeting. The purpose of the CEF is to allow the Town to reserve funds to use for capital equipment when ordinary funding sources are unavailable, but when purchases should not be delayed. Over time, as the fund grows and is supported, it will be one of the tools in the overall financial plan of the Town. Maintaining and supporting such funds is looked upon favorably by the credit rating industry. The balance in the fund as of January 1, 2025 was \$1,705,752.

ARTICLE 14: AMEND SPECIAL STABILIZATION FUND

To see if the Town will vote to amend the special stabilization fund adopted under Article 39 of the 2012 Annual Town Meeting called the Athletic Facility Improvement Fund. The purpose of this Fund is to allow the Town, from time to time, to reserve funds for future appropriation for design, maintenance, renovation, reconstruction or construction of athletic facilities, including Town playing fields and the Rosemary Pool; and further in accordance with the fourth paragraph of M.G.L. Chapter 40, Section 5B which allows the dedication, without further appropriation, 40% of the Rosemary Pool use fees collected be credited to the fund for Rosemary Pool related improvements, effective for FY2026 beginning on July 1, 2025; or take any other action relative thereto.

INSERTED BY: Select Board

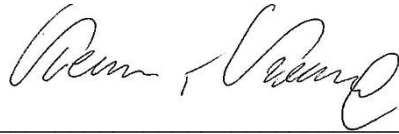
FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this article is to provide another funding source for Athletic Facility Improvement Fund. This fund was originally created in 2012 as a reserve which was to set aside funds for future capital expenses particularly expenses that are anticipated in order to continue to use the facilities such as the replacement of the synthetic turf fields at Memorial and DeFazio fields. The Rosemary Pool has equipment, pumps, and structures that are needed to operate the pool and for the enjoyment of the public, which will need to be replaced from time to time. Positive action on this article will dedicate 40% of the fees collected for the use of the pool to be put into the fund so that there are monies available to help fund those expenses. Based on a five year average, approximately \$97,000 would be added to the fund annually. Some of the capital expenses that are likely to be incurred for the support of the pool which have been identified by Park and Recreation are estimated to be \$325 to \$425K within the next five years. The funds may be used only upon appropriation by Town Meeting.

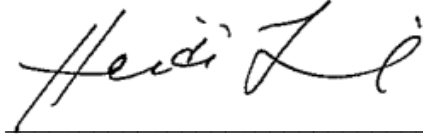
And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least fourteen (14) days before said meeting.

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.

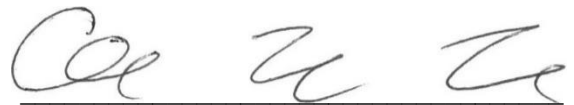
Given into our hands at Needham aforesaid this 25th day of March 2025.



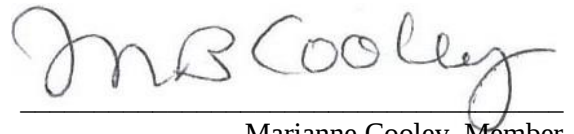
Kevin Keane, Chair



Heidi Frail, Vice Chair



Catherine Dowd, Clerk



Marianne Cooley, Member



Joshua Levy, Member

SELECT BOARD OF NEEDHAM

A TRUE COPY

Attest:

Constable: