

TOWN OF NEEDHAM



SPECIAL TOWN MEETING WARRANT

MONDAY, OCTOBER 20, 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 TWENTIETH DAY OF OCTOBER 2025

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

HUMAN RESOURCES ARTICLES

**ARTICLE 1: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM
POLICE SUPERIOR OFFICERS ASSOCIATION**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Superior Officers Association by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement for fiscal year 2026; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article Be Adopted

HUMAN RESOURCES ADVISORY COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Town and the Police Superior Officers Union have agreed on a one-year contract extension for fiscal year 2026. The Agreement provides for a general wage increase of 3% in fiscal year 2026 and a change in the detail rate. The contract brings the Police Superior Officers Union current. The parties will continue to meet to reach agreement on a successor agreement for fiscal year 2027 and beyond.

**ARTICLE 2: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM
POLICE UNION**

To see if the Town will vote to fund the cost of items contained in a collective bargaining agreement between the Town and the Needham Police Union by authorizing the Town Manager to transfer a sum necessary to fund the cost items contained in the agreement for fiscal year 2026; or take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article Be Adopted

HUMAN RESOURCES ADVISORY COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: The Town and the Police Union have agreed on a one-year contract extension for fiscal year 2026. The Agreement provides for a general wage increase of 3% in fiscal year 2026 and a change in the detail rate. The contract brings the Police Union current. The parties will continue to meet to reach agreement on a successor agreement for fiscal year 2027 and beyond.

FINANCE ARTICLES

ARTICLE 3: **APPROPRIATE FOR INFILTRATION AND INFLOW**

To see if the Town will vote to raise and/or transfer and appropriate \$132,000 for infiltration and inflow improvements, to be spent under the direction of the Town Manager, and to meet this appropriation that said sum be raised from Sewer Enterprise Fund receipts; 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 Project Special Permit to Children's Hospital for its development at 360 First Avenue, which included a condition requiring Children's Hospital to remove an amount of inflow and infiltration of wastewater into the Town's sewer system equal to four times the net increased sewage flow due to the development of the Pediatric Medical Facility. Children's opted to meet this requirement by paying a fee to the Town's Inflow and Infiltration Program at a rate of \$8.00 per gallon required to be removed. This article applies the \$132,000 required payment from Children's Hospital to the Town's Inflow and Infiltration program, which funds investigation studies and subsequent sewer repairs including but not limited to the rehabilitation of the Town's interceptor sewer along Route 128.

ARTICLE 4: **APPROPRIATE FOR INTERSECTION IMPROVEMENT ANALYSES**

To see if the Town will vote to raise and/or transfer and appropriate \$25,000 for intersection improvement analyses, 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: Select Board

FINANCE COMMITTEE RECOMMENDS THAT: Article Be Adopted

Article Information: The Planning Board issued a Major Project Special Permit to Children's Hospital for its development at 360 First Avenue with a required payment of \$25,000 for the traffic signal warrant analysis and roadway safety audit of the Kendrick Street and 4th Avenue intersection. Safety and operational issues have been identified at this intersection. A signal warrant includes a collection of traffic counts representing typical traffic to determine if conditions are met to justify the installation of a traffic signal. If appropriated, these funds will be used by the Department of Public Works to complete the signal warrant analysis at Kendrick and 4th.

ARTICLE 5: **APPROPRIATE FOR STEPHEN PALMER LEASE EXPIRATION**

To see if the Town will vote to raise and/or transfer and appropriate a sum for the purpose of funding efforts to manage the return of the Stephen Palmer Building to the Town at the expiration of the existing

ground lease, with said funds to be expended 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: Select Board

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

Article Information: At the time of the printing of the Warrant, the parties had not reached an agreement.

ARTICLE 6: AMEND THE FY2026 OPERATING BUDGET

To see if the Town will vote to amend and thereby supersede certain parts of the fiscal year 2026 Operating Budget adopted under Article 13 of the 2025 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>
10	Reserve Fund	1,784,395	TBD
12B	Town Clerk Expenses	136,635	148,235

And to meet this appropriation that \$11,600 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 purpose of this article is to amend the fiscal year 2026 operating budget.

Line Item 10: At the time of the printing of the Warrant, the parties had not reached an agreement. The reduction in this line item would fund Article 5, if adopted.

Line Item 12B: The Town Clerk's Office has requested an automated envelope opening and date stamping machine to handle the opening and date stamping of the voluminous mail received by the office. Automating the opening and date stamping of envelopes is anticipated to reduce labor expenses and free staff for other tasks. The Town Clerk's Office receives a minimum of 25,000 pieces of mail per year. During years when there is more than one election, the quantity can exceed 60,000 pieces of mail. Funding is requested now so that the equipment will be in place before the next election. The use of the equipment will be shared with other departments.

ARTICLE 7: AMEND THE FY2026 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and thereby supersede certain parts of the fiscal year 2026 Sewer Enterprise Fund Budget adopted under Article 14 of the 2025 Annual Town Meeting by increasing the amount under the following line item, and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
201D	MWRA Assessment	\$7,445,411	\$7,763,087

And to meet this appropriation that \$317,676 be raised from Sewer Enterprise Fund receipts; or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article Be Adopted

Article Information: This article is to provide funding for the increase in the MWRA sewer assessment that was approved at the May 5, 2025 Annual Town Meeting in the amount of \$317,676. The Town received the final assessment after the adoption of the Sewer Enterprise Fund budget. The MWRA budget line was level funded in May. The net change in the MWRA assessment from last year is 4.3%.

ARTICLE 8: AMEND THE FY2026 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and thereby supersede certain parts of the fiscal year 2026 Water Enterprise Fund Budget adopted under Article 15 of the 2025 Annual Town Meeting by increasing the amount under the following line item, and appropriating the new amounts as follows:

<u>Line Item</u>	<u>Appropriation</u>	<u>Changing From</u>	<u>Changing To</u>
301D	MWRA Assessment	\$1,212,985	\$1,776,283

And to meet this appropriation that \$563,298 be raised from Water Enterprise Fund receipts; or take any other action relative thereto.

INSERTED BY: Select Board & Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article Be Adopted

Article Information: Similarly to the Sewer Enterprise Fund Budget article, this article is to provide funding for the increase in the MWRA water assessment that was approved at the May 5, 2025 Annual Town Meeting in the amount of \$563,298. The Town received the final assessment after the adoption of the Water Enterprise Fund budget. The MWRA budget line was level funded in May. The net change in the MWRA assessment from last year is 46.4%. This is reflective of the increased amount of MWRA water used by Needham during calendar year 2024.

ARTICLE 9: APPROPRIATE FOR PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) PROGRAMMING

To see if the Town will vote to raise and/or transfer and appropriate \$268,220 for the purpose of funding and supporting public, educational, and government (PEG) programming provided by the Needham Channel, said sum 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.

GENERAL ARTICLES

ARTICLE 10: AMEND GENERAL BY-LAWS – DOG AND KENNEL LICENSING

To see if the Town will vote to amend the General By-Laws as follows:

1. By deleting Section 3.7.9 (Vaccination Requirement) in its entirety, and inserting in its place the following:

3.7.9 Vaccination Requirement. Whoever is the owner of a pet (dog or cat or ferret) six months of age or older shall cause such pet (dog or cat or ferret) to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health. Such owner shall produce a veterinarian's certificate that such pet (dog or cat or ferret) has been so vaccinated setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued. An exemption from such vaccine may be declared by the Board of Health only upon presentation of a veterinarian's certificate stating that because of an infirmity, other physical condition or regimen of therapy, such inoculation is considered inadvisable for a specified period of time, the pet is in transit, or was brought into the Commonwealth temporarily for the sole purpose of display in a show or for exhibition as provided in MGL Chapter 140 s.145B.

3.7.9.1 Unvaccinated pets (dogs or cats or ferrets) acquired or brought into the Town shall be vaccinated within thirty days after acquisition or entry into the Town or upon reaching the age of six months, whichever comes later.

3.7.9.2 Pets (dogs or cats or ferrets) shall be re-vaccinated in accordance with rules and regulations adopted and promulgated by the Massachusetts Department of Agricultural Resources.

2. By deleting Section 4.1 (Dog Licenses) in its entirety, and inserting in its place the following:

SECTION 4.1 DOG AND KENNEL LICENSING

4.1.1 Licenses. As required by M.G.L. Chapter 140, any owner or keeper of a dog which is six (6) months of age or older and is located in the Town of Needham shall obtain a license from the Town Clerk

for that dog which shall be valid for a period beginning on January 1 of each year through December 31. Any person who, during any license period, becomes the owner or keeper of a dog who is not licensed in the Town of Needham, shall license the dog for the remainder of the licensing year.

4.1.2 Application. When applying for a license, the applicant must show proof that the dog has received a veterinarian certificate for rabies vaccination or present a veterinarian's certificate that the rabies vaccination is considered inadvisable and the Board of Health has declared the dog exempt, as required by M.G.L. Chapter 140, Section 145B. No fee shall be charged for a license for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.

4.1.3 Refund. No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the Town of Needham or the Commonwealth or any other disposal of said dog.

4.1.4 Fees. The fees for registering and licensing dogs of all types in the Town shall be established from time to time by the Town Clerk provided that no fee shall be increased without a majority vote of Town Meeting. The Town Clerk may issue late fees in an amount not to exceed the amount of the licensing fee.

4.1.5 Failure to License. In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog not licensed on or before April 30th in any year shall be subject to fines as stated in Section 8.

4.1.6 Kennel Licenses. A person maintaining a kennel shall obtain a kennel license. A kennel is defined as set forth in M.G.L. Chapter 140, Section 136A. Kennels can be private (more than four (4) dogs, three (3) months old or older owned or kept on a single premise) or commercial, including a commercial boarding or training kennel (an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal), commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel. A person maintaining a kennel shall obtain a kennel license from the Town Clerk. The Town Clerk shall issue, suspend, renew and revoke kennel licenses as provided in M.G.L. Chapter 140, Section 137A and any regulations promulgated by the Massachusetts Department of Agricultural Resources. In the case of an applicant for initial licensure or license renewal, the Town Clerk shall deny a kennel license until the kennel has passed inspection by an Animal Control Officer.

The kennel license shall be valid for a period of one year, beginning January 1 of each year through December 31. The fee for the issuance and renewal of a kennel license shall be established from time to time by the Town Clerk; provided, however, that in determining the amount of the license fee for a kennel, a dog under the age of three (3) months shall not be counted in the number of dogs kept in the kennel. Kennel license fees shall not be required for domestic charitable corporations that are incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.

The Town Clerk shall specify on the license the type of kennel and the maximum number of animals that may be maintained by the licensee. Such number shall be determined by the Town Clerk and the Animal Control Officer following the required annual inspection of all kennels by the Animal Control Officer.

Failure to license a kennel as required by M.G.L. Chapter 140, Section 137A shall result in a fine as stated in Article 8.

3. By amending Section 8.2.2 (Non-Criminal Disposition) to add the Town Clerk as an enforcement entity for Section 3.7.9, so that this row in the table reads as follows:

Section	Description	Penalty	Frequency	Enforcement Entity
3.7.9	Vaccination Requirement	\$100	Per Offense	Any Sworn Police Officer or the Town Clerk

4. By amending Section 8.2.2 (Non-Criminal Disposition) to revise the existing row for Section 4.1.4 (Failure to License) to renumber it as Section 4.1.5 and to add the Town Clerk as an enforcement entity, so that this row in the table reads as follows:

Section	Description	Penalty	Frequency	Enforcement Entity
4.1.5	Failure to License	\$100	Per Offense	Any Sworn Police Officer or the Town Clerk

5. By amending Section 8.2.2 (Non-Criminal Disposition) to insert in numerical order a new row for Section 4.1.6 to read as follows:

Section	Description	Penalty	Frequency	Enforcement Entity
4.1.6	Requirements applicable to kennels	\$500 – 1 st offense \$1,000 each subsequent offense	Per Offense	Any Sworn Police Officer or the Town Clerk

or take any other action relative thereto.

INSERTED BY: Select Board

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

Article Information: The Town Clerk has requested changes to the Rabies Vaccination and Dog Licensing By-Laws, primarily to update them to reflect recent changes to Massachusetts General Law. Other changes are for clarification of language and for alignment of duties with responsible authorities.

Proposed By-Law Changes - Article 3

The proposed changes to Article 3 are housekeeping changes to align the language of Needham's By-Law to current Massachusetts General Law language.

Proposed By-Law Changes - Article 4

Article 4.1.1, 4.1.4, and 4.1.5 proposed changes clarify the period of time that a dog license is effective. Dog license renewal in Needham has taken place from January 1 through April 30, with fines for failure to license if the dog is not licensed by April 30. This results in some dogs having expired licenses for multiple months. The new By-Law would clarify that the licensing period is January 1 through December 31 in line with the licensing period for kennels. This would mean that the Town Clerk's office would begin the renewal

process on December 1 with renewals of licenses due by January 1 of the license year. The Town Clerk would have authority to implement late fees. Currently, there are no late fees, because the renewal period runs for four months after expiration of the dog license after which time, fines are issued through the Police Department. Under the proposed By-Law, fines for dogs not licensed by April 30 would remain the same.

Article 4.1.2 aligns the language of Needham's By-Law to current Massachusetts General Law regarding service animals.

Article 4.1.6 is new and implements Ollie's Law. The purpose of Ollie's Law is to ensure that municipalities provide oversight to any location that offers commercial kennel services or has a private kennel. All persons maintaining a kennel must obtain a kennel license. A kennel is any pack or collection of dogs on a single premise, including training, breeder, charitable, personal, or veterinary kennels. The minimum number of dogs to qualify as a personal kennel is five. There is no longer an option to obtain a private kennel license rather than individual dog licenses for owners of fewer than five dogs with no other dogs on the premises. All dogs in a private kennel must have individual dog tags. Ollie's Law removed the option of dogs having a kennel tag. Having individual tags allows for better control of compliance with rabies vaccination requirements and knowledge of individual dogs being kept. Commercial, training, and breeder kennels are clearly defined. Commercial and training kennels are establishments used for boarding, holding, day care, and overnight stays or training of animals that are not the property of the owner of the establishment, in exchange for consideration and in the absence of the owner of the animal. Breeder kennels are establishments, other than personal kennels, engaged in the business of breeding animals in return for consideration.

All kennels must receive and pass an inspection of the premises prior to being issued a kennel license. The Animal Control Officer (ACO) conducts the inspection. The ACO and the licensing authority determine the type of kennel licenses (personal, commercial, training, breeder, charitable, or veterinary) and the maximum number of dogs that the establishment is licensed for. After the initial inspection and licensing, kennels must be inspected at least annually. The ACO inspects for such minimum conditions as: adequate shelter, fresh food and clean water, appropriate management of waste, adequate ventilation, adequate temperature, cages, enclosures or other housing in good repair, no sharp edges, and functional latches. Municipalities are free to further define required conditions of inspection.

Proposed By-Law Changes – Article 8

Fines for violations are proposed to be updated to add the Town Clerk as an enforcement agent. The Town Clerk is the office with the information regarding rabies vaccination and licensing. The issuance of fines through the Police Department on behalf of the Town Clerk results in unnecessary administrative work. The Town Clerk issues the fines and mails them on behalf of the police. The Police Department then fields calls intended for the Town Clerk and that need to be referred to the Town Clerk. The ability to levy late fees as proposed in the changes to Article 4 before fines are issued would allow the magnitude of the fee to be more commensurate with the cost of the license and would streamline the administrative work both in the Town Clerk's Office and the Police Department.

The statutory fine for failure to license a kennel has been added to the list of fines. Fines for a kennel violation are set by statute at \$500 for the first offense and not more than \$1,000 for a second and subsequent offenses. These amounts are required by the law and therefore override the \$300 maximum fine that ordinarily applies to other local by-law violations. Ollie's Law provides that the licensing authority or the ACO may enforce the kennel law.

ARTICLE 11: AMEND GENERAL BY-LAW – STORMWATER

To see if the Town will vote to amend the General By-Laws by deleting Article 7 (Stormwater) in its entirety and inserting in its place the following:

ARTICLE 7

STORMWATER

SECTION 7.1 GENERAL

7.1.1 Purpose

The purpose of this by-law is to protect, maintain, and enhance the public health, safety, environment, and general welfare of the Town of Needham. It supports compliance with State and Federal statutes and regulations related to stormwater discharges, including the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit. This is accomplished by establishing minimum requirements and procedures to address the adverse impacts of soil erosion, sedimentation, construction site runoff, post-development stormwater runoff, and nonpoint source pollution associated with new development and redevelopment projects.

Quality

The U.S. Environmental Protection Agency (EPA) has identified sedimentation from land disturbance activities and polluted runoff from land development and redevelopment as significant sources of water pollution, affecting drinking water supplies, natural habitats, and recreational resources. Regulating activities that disturb land and generate runoff is essential to protect water bodies and groundwater resources, safeguard public health, safety, and welfare, and preserve wetlands and other natural resources.

Quantity

The Town of Needham has identified stormwater management as a critical component to help mitigate flooding occurrences and severity by setting standards that minimize runoff from public and private properties. Properties that are altered by activities such as new construction, increased impervious surfaces or other alterations of surface grades may strain capacity within the townwide drain system and may result in increased/adverse runoff to neighboring properties. The Stormwater By-Law also seeks to avoid potential damage to public property, private property, and infrastructure.

7.1.2 Objective

The purpose of this by-law shall be achieved through the following objectives:

General

- a) Establish the legal authority necessary to ensure compliance with the provisions of this by-law through permitting, inspection, monitoring, and enforcement.
- b) Promote infiltration and recharge of groundwater.
- c) Authorize the Town to monitor and enforce the efficacy of infiltration infrastructure.
- d) Prevent pollution of Needham's wetlands and surface waters from uncontrolled stormwater runoff and illicit discharges.
- e) Promote best practices and foster public participation through education and increased awareness of stormwater management.

Quality

- a) Ensure compliance with state and federal statutes and regulations relating to stormwater discharges, including the NPDES MS4 Permit issued by the EPA, the Massachusetts Stormwater Standards—regardless of a property's proximity to wetlands or other resource areas—and the 1996 Memorandum of Understanding (MOU) between the Town of Needham and the EPA.
- b) Prevent and correct illicit connections and discharges.
- c) Support the administration of the Stormwater Assessment Fee.

Quantity

- a) Address stormwater capacity challenges affecting the Needham community.
- b) Support the preservation of trees/tree canopy subsequent to land disturbance activity.
- c) Review and approval of Stormwater Control Measures (SCMs) designed to mitigate or prevent runoff to abutting properties and resource areas, prevent soil erosion and sedimentation resulting from construction site stormwater runoff and manage soil grading activities.

SECTION 7.2 DEFINITIONS

For purposes of this by-law, the following terms shall have the following definitions, unless the context clearly states otherwise.

Alter Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site (including tree and vegetation removal).

Applicant Any person or entity requesting a Permit.

Application Standard form for application as issued by the Permitting Authority and any other documentation, which shall include, but shall not be limited to, plans, charts, drawings, specifications, narratives, or any other documents or pieces of information required by applicable federal, state or local laws, rules and/or regulations, submitted in connection with a permit, as applicable, and as defined in the regulations promulgated by the Department of Public Works in support of this by-law.

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.

Clearing Any activity that removes the vegetative surface cover.

Designated Agent Any person or entity designated by the DPW Director to assist in the administration, implementation or enforcement of this by-law and its regulations.

Development Any construction or activity that disturbs or alters a parcel of land.

Erosion The wearing away of the ground surface by natural or artificial forces and the subsequent detachment and transportation of soil.

Erosion/Sediment Control The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff. Erosion/sediment 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.

Existing Lawn Grass area which has been maintained or mowed in the previous two years.

Grading Changing the level or shape of the ground surface.

Grubbing The act of clearing ground surface by digging or grinding up roots and stumps.

Illicit Connection A surface or subsurface drain or conveyance that allows an illicit discharge into the MS4 that is not entirely composed of stormwater or groundwater, including but not limited to 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 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/Cover An area within a parcel which prevents or significantly impedes the infiltration of stormwater into the soil. Common impervious areas include, but are not limited to, buildings, driveways (including paving, concrete, stone, gravel and dirt), parking lots, paved walkways, pools, patios, sports courts, and other similar non-porous areas.

Infiltration The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

Land-Disturbing Activity or Land Disturbance Any activity, including, without limitation, clearing, grubbing, grading, digging, cutting, removal of vegetation or trees, excavation, placement of fill, or resurfacing and construction that causes a change in the position or location of soil or a change in the pattern of drainage and/or infiltration of water. This may include the demolition of existing structures and site features, along with any site preparation required for new construction.

Lot A single parcel of land held in identical ownership throughout and defined by metes, bounds, or boundary lines in a recorded deed or on a recorded plan.

Low Impact Development (LID) A comprehensive land planning and engineering design strategy that seeks to maintain a Site's pre-development ecological and hydrological function through the protection, enhancement, or mimicry of natural processes. LID systems and practices emphasize reduction of effective imperviousness and conservation, and use of existing natural Site features integrated with distributed small-scale Stormwater Controls to result in the treatment, infiltration, evapotranspiration, and/or use of Stormwater close to its source.

Low Permeability Soil Low Permeability Soil refers to how easily water or other liquids can flow through a soil. It's a key factor in how well a soil drains and how easily it allows water to pass through. Examples include, but are not limited to clay, silt, ledge, or hardpan.

Massachusetts Stormwater Management Standards The Standards issued by the Department of Environmental Protection, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act M.G.L. c. 131 §40 and the Massachusetts Clean Waters Act M.G.L. c. 21, §§ 23-56, and any successor statutory provision.

Municipal Storm Drain System or Municipal Separate Storm Sewer System (MS4) The system of conveyances designed or used for collecting or conveying Stormwater, including, without limitation, 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, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town.

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

New Construction Refer to the Needham Zoning By-Law or the Needham Wetlands Protection Regulations as applicable.

Normal Maintenance Activities that are regularly scheduled to maintain the health and condition of a landscaped area. Examples include removal of weeds or invasive species, pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.

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.

Owner A person or entity with a legal or equitable interest in property.

Permittee The person or entity who holds a permit.

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

Plot Plan A plot plan (also known as a site plan) is a scaled drawing that shows the layout of a property, including the location of existing and proposed structures, property lines, setbacks, easements, driveways, walkways, utilities, topography, and drainage features.

Point Source Any discernible, confined, and discrete means of conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

Pollutant A pollutant is any substance or material that, when introduced into the environment, particularly air, water, or soil, can cause harm to ecosystems, human health, or the natural balance of the environment. Pollutants may be chemical, biological, or physical in nature and can originate from both natural sources and human activities. Common examples of pollutants include sediment, nutrients such as nitrogen and phosphorus, heavy metals, oils and grease, pesticides and herbicides, bacteria and viruses, trash and debris, light and even excess heat, which is considered thermal pollution.

Pre-Construction All activity in preparation for construction.

Pre-Development The conditions that exist prior to the proposed disturbance activity. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

Post-Development The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post-

development refers to the phase of a new development or redevelopment project after completion and does not refer to the construction phase of a project.

Qualified Soil Evaluator A professional who can demonstrate to the permitting authority, the necessary experience/credentials or a Massachusetts Registered Professional Engineer with expertise in soils to perform soil evaluations specifically for stormwater management purposes, including infiltration feasibility.

Recharge The process by which water from precipitation, surface water, or other sources infiltrates into the ground and replenishes underground aquifers or groundwater supplies.

Reconstruction The process of rebuilding or significantly restoring a structure, feature, or area that has been damaged, removed, or deteriorated. This typically involves replacing or reconfiguring existing elements to match or improve upon the original condition.

Redevelopment The process of altering, improving, or repurposing previously developed land or property. It typically involves the demolition, renovation, or replacement of existing structures and infrastructure to accommodate new uses or to bring the property into compliance with current standards and regulations.

Runoff The portion of water from precipitation, such as rain or melting snow, or from human activities like irrigation, that flows over the land surface instead of soaking into the ground. This occurs when the soil is saturated, the surface is impervious (such as pavement or rooftops), or the water is applied faster than it can infiltrate.

Sediment Solid particles of soil, sand, silt, or clay that are eroded from the land and transported by wind, water, or ice.

Sedimentation The process by which sediment is transported by water, wind, or ice and eventually settles out of suspension, accumulating in a new location. Runoff carries eroded materials into waterways, detention basins, or storm drains, where the particles settle to the bottom.

Site Any lot or parcel of land or area of property where Land-Disturbing Activities are, were, or will be performed.

Soil A natural, unconsolidated mixture of mineral particles, organic matter, air, and water that forms the upper layer of the Earth's surface. The composition of soil can vary widely based on location, climate, and organic content, affecting its texture (sand, silt, clay), fertility, permeability, and drainage capacity.

Stormwater Water that originates from precipitation events, such as rain, snow, or hail, which flows over the ground surface and into natural or man-made drainage systems.

Stormwater Control Measure (SCM) Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" SCMs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Non-structural" SCMs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

Stormwater Management The use of SCMs designed to control or reduce the quantity, rate, and quality of stormwater runoff; to promote groundwater recharge; to prevent erosion and sedimentation; to protect water

quality; and to minimize impacts on adjacent properties, infrastructure, and natural resources. Stormwater Management includes planning, designing, implementing, and maintaining measures to manage runoff from precipitation events, including rain and snowmelt.

Stormwater Regulations Policies and rules that govern the design, implementation, and maintenance of systems and practices to control stormwater runoff and its impacts on water quality, flooding, and infrastructure.

Waters of the Commonwealth All waters within the jurisdiction of the Commonwealth of Massachusetts under the Wetlands Protection Act (M.G.L. c. 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 By-Law (Article 6) and implementing regulations, including rivers, streams, lakes, ponds, springs, impoundments, wetlands and vernal pools.

Wetlands Freshwater wetland, marsh, bog, wet meadow, and swamp as defined in M.G.L. c. 131, §40, the Town of Needham Wetland Protection By-Law, or any successor statutory provision.

SECTION 7.3 AUTHORITY

The Stormwater By-Law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and the regulations of the Federal Clean Water Act (found at 40 CFR 122.34 published in the Federal Register on December 8, 1999, as amended). No change to the aforementioned regulations should affect the validity of this by-law.

7.3.1 Permitting Authority

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

7.3.2 Emergency Suspension of Storm Drain System Access

The DPW Director or authorized 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 public health, safety, welfare or the environment. In the event that any person or property fails to comply with an emergency suspension order issued pursuant to this section, the DPW Director or authorized designee may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

SECTION 7.4 APPLICABILITY

7.4.1 Activities Subject to the Stormwater By-Law

Anyone proposing construction or land work that meets any of the following thresholds must comply with this by-law:

- a) New construction or project that increases existing impervious surface (see Stormwater Regulations for applicability parameters).
- b) Construction or alteration of drainage systems.
- c) Change in grading or existing water flow resulting in additional surface water being shed onto other properties, public infrastructure, or natural resources.

- d) New construction or addition that increases existing impervious surfaces and requires approval under one or more of the following:
 - (i) Needham Wetland Protection By-Law (Conservation Commission)
 - (ii) Zoning By-Law (Board of Appeals)
 - (iii) Subdivision Regulations (Planning Board)
 - (iv) Other permitting authorities identified in this by-law.

No construction or land disturbance activities that meet one or more of these thresholds may commence prior to obtaining approval pursuant to this by-law.

7.4.2 Stormwater Management and Erosion Control

Activities subject to the Stormwater By-Law shall not be segmented or phased to avoid compliance. All land disturbances, including those not requiring a permit, must incorporate Stormwater Management and Erosion Control measures to ensure that the activity does not increase stormwater runoff or introduce pollutants to roadways or adjacent properties.

The relevant permitting authority, with guidance from the Department of Public Works (DPW), shall review each project for compliance with this by-law. Any permits issued must include a statement confirming that the project meets the requirements of this by-law. This does not limit the authority of any permitting board to enforce more stringent standards under its own by-laws, rules, or regulations.

The DPW Director, or their designee, shall participate in the review process and may provide recommendations to the permitting authority as needed. Projects involving only façade treatments, interior renovations, or changes in use are exempt from the requirement to submit a Stormwater Management and Erosion Control Plan.

7.4.3 Modification of Stormwater Plan

The applicant, or an agent thereof, shall obtain the approval of the permitting authority prior to any change or modification of an activity associated with the Stormwater Management and Erosion Control provisions of the permit. Applicant shall request in writing a change or modification to the original submission. Once the permitting authority has acknowledged receipt of the request in writing, approval or rejection of the requested change or modification will be noted on the plot plan within thirty (30) calendar days.

In circumstances where Planning Board, Zoning Board of Appeals, and/or Conservation Commission approval is required prior to the issuance of a permit, approval by the respective board or commission is required prior to any 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.

7.4.4 No Approval Required

For activities listed below, provided erosion control measures are used, and the activity will not result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land and entering a traveled way or adjacent properties.

- a) Repair, replacement or reconstruction of an existing driveway, patio, pool, and other improvements so long as it does not increase impervious square footage and remains in the same location.
- b) Restoration of existing lawn areas without lot grading.
- c) Approved temporary structures.

SECTION 7.5 ADMINISTRATION

The Stormwater By-Law is administered and enforced by the DPW Director. When work is subject to this by-law and applicants are seeking a related permit or approval from the DPW, Building Department, Conservation Commission, Planning Board, or Zoning Board of Appeals, they must demonstrate compliance with the by-law and its regulations to the applicable permitting authority.

If a proposed activity is subject to the Stormwater By-Law but is not otherwise subject to review by the DPW, Building Department, Conservation Commission, Planning Board, or Zoning Board of Appeals, the applicant must submit the project for review through a Street Permit application prior to beginning any work. This process ensures that activities such as grading or other land disturbances—especially those that may not involve traditional construction—are reviewed for compliance with the Stormwater By-Law and its regulations.

The applicable permitting authority may accept the application as compliant, accept it with conditions, or reject it—based on input from the DPW Engineering Department or in accordance with applicable state or federal laws and regulations. If the application is rejected, the applicant may submit a revised plan demonstrating compliance.

The DPW Director may take action to enforce the provisions of this by-law, as may the Building Commissioner or Conservation Agent if requested by the DPW Director.

SECTION 7.6 REGULATIONS

The Select Board 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.

7.6.1 Purpose

The purpose of accompanying regulations is to provide detailed guidance for the implementation and administration of this by-law. The regulations establish specific standards, procedures, definitions, and technical requirements necessary to achieve the objectives of the Stormwater By-Law, including but not limited to performance standards, design criteria, review processes, and compliance measures.

7.6.2 Massachusetts Stormwater Handbook

The DPW Director and/or their designee will utilize the criteria, specifications and standards of the most recent edition of the Massachusetts Stormwater Handbook to execute the provisions of this by-law. Unless otherwise specified in the Stormwater Regulations, SCMs that are designed, constructed, and maintained in accordance with the design and sizing criteria in the Massachusetts Stormwater Handbook will be presumed to be protective of Massachusetts water quality standards.

SECTION 7.7 STORMWATER ASSESSMENT

The Town of Needham is subject to a federal requirement to reduce the amount of pollution from stormwater runoff discharging to local waterways, including substantial phosphorous reduction requirements of runoff into the Charles River. As a result, to meet federal and state permit obligations, the Town must increase its investment in stormwater infrastructure management. In May 2023, the Needham Select Board approved a Stormwater Mitigation Assessment Fee Program, charged through water/sewer billing, which is designed to spread the cost of this public service through a formula based on impervious cover on each property resulting in a tiered fee structure that reflects the potential contribution to stormwater runoff.

7.7.1 Stormwater Mitigation Assessment

The Department of Public Works (DPW) has long been responsible for operating, maintaining, and improving the Town's drainage system, which includes miles of pipeline and thousands of catch basins, manholes, and water quality treatment practices. A well-functioning drainage system keeps roads passable and protects public health and private property. Stormwater management has expanded to include water quality considerations under the Clean Water Act. Stormwater management activities in Needham have historically been funded primarily through the General Fund (tax revenue).

A Stormwater Mitigation Assessment that generates revenue through fees is a more equitable way to support funding for this necessary work. Revenue is collected from all properties (including tax-exempt) and is dedicated to stormwater-specific costs.

7.7.2 Municipal Authority

Massachusetts municipalities are authorized under Massachusetts General Laws to establish a stormwater management authority, empowering them to charge fees to property owners, just as traditional utilities are allowed to charge fees for electricity, drinking water, and sewer services (MGL Chapter 40 Section 1A, Chapter 40A Section 5, Chapter 44 Section 53F-1/2, and Chapter 83 Section 16).

SECTION 7.8 ILLICIT DISCHARGE, DETECTION & ELIMINATION (IDDE)

The DPW Director and/or their designee shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges. No person or entity 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.

7.8.1 Regulated Activities

In order to protect the Town of Needham's water resources and comply with the requirements of the NPDES program, the following activities are regulated to prevent and eliminate illicit discharges to the MS4 and ensure proper connection to municipal infrastructure.

7.8.1.1 Illicit Connections

No person or entity shall connect any pipe, swale, drain, or other appurtenance to the Town of Needham's Sanitary Sewer System or MS4, or perform any modification, repair, rehabilitation, or replacement work on either system, without first obtaining an approved Sewer Connection Permit or Drainage Connection Permit from the Department of Public Works.

7.8.1.2 Illicit Discharges

No person or entity shall discharge, or allow to be discharged, any pollutant or non-stormwater substance to the MS4 or any part of the stormwater system, either directly or indirectly. No person or entity shall allow any pipe, swale, or other point source to discharge directly, prior to filtration, onto a public way unless prior authorization is obtained through the Department of Public Works.

7.8.1.3 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 DPW Director.

7.8.2 Allowable Non-Stormwater Discharges

The following non-stormwater discharges are exempt from the prohibition, provided that the source is not a significant contributor of a pollutant to the MS4 drain system or the waters of the Commonwealth:

- a) Water line flushing
- b) Landscape irrigation
- c) Foundation and footing drains
- d) Air conditioning condensation
- e) Water from crawl space pumps
- f) Lawn watering
- g) Individual residential car washing
- h) Dechlorinated swimming pool discharges
- i) Street and sidewalk wash water
- j) Discharges from firefighting activities
- k) Flows from wetland resource areas
- l) Rising ground waters
- m) Uncontaminated ground water (groundwater that is free of pollutants)
- n) Discharges from potable water sources
- o) Discharges necessary to protect public health, safety, welfare, or the environment.

7.8.3 Detection and Elimination

Upon identification of an illicit discharge or illegal connection, the responsible party shall be notified and required to eliminate the discharge or connection in a timely manner as directed by the Permitting Authority.

If the responsible party fails to act, the Town may take necessary enforcement actions, including but not limited to fines, cease and desist orders, or performing corrective work at the property owner's expense.

SECTION 7.9 PERMITS

7.9.1 Applications

All activities subject to the Stormwater By-Law must include Stormwater Management and Erosion Control provisions.

The applicable permitting authority shall review and approve the Stormwater Management and Erosion Control Plan prior to issuing any permit. The DPW Director, or their designee, shall participate in the review process and may provide recommendations to the permitting authority as needed.

Projects that involve only façade treatments, interior renovations, or changes in use are exempt from the requirement to submit a Stormwater Management and Erosion Control Plan.

7.9.2 Fees

Fees may be established by the Select Board to pay for expenses if it is determined that an outsourced professional or expert consultation is necessary to adequately evaluate a proposed project. This may include retaining a registered professional engineer or other qualified consultant to advise the permitting authority on one or more aspects of the submitted plans.

If such consultation is required, the applicant may be required to pay the associated review fees in advance. The applicant may also be responsible for ongoing consultant costs, if necessary for the

duration of the project, through an account established in accordance with M.G.L. c. 44, §53G, or any successor statutory provision.

7.9.3 Permit Amendments

If the permitting authority determines that material changes or alterations to an approved project plan are significant, the applicant may be required to submit a new application. Minor adjustments, such as those made to address field conditions or similar non-substantial changes, generally do not require a new application. The applicant may revise and resubmit an application as needed to meet the objectives and comply with the requirements of this by-law.

7.9.4 Non-Compliance

Any person who fails to comply with the conditions of an issued permit, including an approved Erosion and Sedimentation Control Plan, Operations and Maintenance Plan, or any order issued under the Stormwater By-Law, shall be considered in violation and subject to enforcement action.

SECTION 7.10 STORMWATER MANAGEMENT AND EROSION CONTROL PLAN REQUIREMENTS

7.10.1 Low Impact Development (LID)

The Town of Needham supports, encourages, and anticipates the use of Low Impact Development (LID) practices wherever possible or practicable, as a preferred approach to managing stormwater and preserving site-specific ecological and hydrological functions. Applicants are expected to incorporate LID principles into their site planning process.

7.10.2 Regulated Activities

Any construction or land disturbance activity regulated under this by-law shall require the preparation and submission of a Stormwater Management and Erosion Control Plan. The purpose of the Plan is to ensure that adequate measures are in place to manage stormwater runoff, minimize erosion, and prevent sedimentation both during and after construction. The Plan must demonstrate that the proposed activity will not result in adverse impacts to abutting properties, public infrastructure, or natural resources, and that it complies with the performance standards and design criteria outlined in the Stormwater Regulations. The permitting authority shall review all submitted plans for completeness and conformance with the requirements of the Stormwater By-Law prior to approval.

7.10.3 Exempt Activities

The following activities shall be exempt from the requirement to submit a Stormwater Management and Erosion Control Plan under this by-law:

- a) Emergency activities necessary to protect public health or safety as determined by the authority having jurisdiction;
- b) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this by-law.

7.10.4 General Requirements

If authorized by the Owner or other party in control of the property, the permitting authority, its designee, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as deemed reasonably necessary to determine compliance with the permit.

7.10.4.1 Pre-Construction

A Stormwater Management and Erosion Control Plan along with soil testing results from a qualified soil evaluator shall be submitted as part of a Plot Plan or independently with an application for a Building Permit, Street Permit, Planning Board application, Zoning Board of Appeals application, Conservation Commission application, and/or prior to any activity subject to this by-law.

7.10.4.2 Construction

The Stormwater Management and Erosion Control Plan shall include construction-period measures such as a dewatering plan during and after construction to prevent the discharge of silt or sediment to the MS4, roadway, wetland resources or abutting properties. The permitting authority or its designee may perform inspections as necessary at various stages of the project to verify and document compliance with the issued permit.

7.10.4.3 Post-Construction

For all projects subject to this by-law, the Stormwater Management and Erosion Control Plan shall include post-construction measures designed to provide a minimum combined volumetric capacity to recharge at least one and a half inches (1.5") of rainfall over the total impervious area of the site, including all buildings and other impervious surfaces.

Projects subject to this by-law that require approval from the Conservation Commission, Planning Board, or Zoning Board of Appeals must include stormwater runoff quality controls in their plans. These controls must incorporate structural and/or non-structural Stormwater Control Measures (SCMs) that are designed to remove pollutants from stormwater prior to infiltration into the ground, in accordance with the Massachusetts Stormwater Handbook.

The purpose of these post-construction measures is to minimize or prevent increases in stormwater volume and peak flow to the MS4, and to reduce the pollutant load entering the MS4 and receiving waters.

7.10.4.4 Low-Permeability Soils

In cases where low-permeability soils are present, the DPW Director may, in consultation with the Engineering Division and Permitting Authority, authorize modifications that are consistent with the intent of this by-law. The applicant must conduct and submit soil testing results that describe soil types and groundwater elevations.

7.10.4.5 Operation and Maintenance Plan

An Operation and Maintenance (O&M) Plan shall be submitted with any application for a Building Permit, Street Permit, or application to the Planning Board, Board of Appeals, or Conservation Commission pursuant to this by-law. The O&M Plan must be designed to ensure year-round compliance with this by-law and remain effective throughout the life of the system. The Plan must be recorded with the Registry of Deeds, and proof of recording must be submitted to the permitting authority. Annual inspection and maintenance records for all stormwater control measures (SCMs) shall be made available to the DPW and Permitting Authority upon request.

7.10.4.6 As-Built Drawing

At the completion of any project subject to the Stormwater By-Law, as-built drawings must be submitted and shall include all stormwater management systems as constructed. These drawings must be prepared, signed, and stamped by a Massachusetts Registered Professional Engineer. The as-built drawings shall accurately reflect the final configuration, elevations, dimensions, and materials of all stormwater infrastructure, including but not limited to infiltration systems, drainage pipes, manholes, catch basins, and outfalls.

The as-built drawings must accompany the certified as-built Plot Plan, which is required to be stamped by a Massachusetts Registered Land Surveyor. Together, these documents provide verification that the stormwater management systems have been constructed in accordance with the approved plans and comply with the requirements of this by-law and associated regulations.

7.10.4.7 Design Criteria

Infiltration and other stormwater management systems shall be designed in accordance with SCMs as outlined in the Massachusetts Stormwater Handbook and the Stormwater Regulations. For building additions that increase the existing impervious footprint by 25% to 50%, infiltration is required for the newly constructed area. For additions that increase the impervious footprint by more than 50%, infiltration is required for the entire impervious area, including both the addition and the existing structure.

For properties containing 4,000 square feet or less of impervious surface post-construction, infiltration systems must be designed to collect and infiltrate a minimum of one and a half inches (1.5”) of rainfall. Impervious surfaces beyond the roof—such as driveways, decks, and patios—may be directed to the same infiltration system or managed separately using other acceptable methods such as rain gardens, drainage trenches or swales, detention basins, or other SCMs.

For projects resulting in more than 4,000 square feet of impervious surface post-construction, infiltration systems must be designed to collect and infiltrate a minimum of one and a half inches (1.5”) of rainfall over the total impervious area, including roofs, driveways, patios, decks, and other hardscapes. In addition, the applicant must demonstrate compliance with the Massachusetts Stormwater Standards, specifically Standard 2 (Peak Rate Attenuation) and Standard 3 (Recharge). Projects shall be subject to any tree planting requirements detailed in the Town of Needham’s Stormwater Regulations and any Town tree preservation by-law, as applicable.

Projects subject to this by-law requiring approval by the Conservation Commission, Zoning Board of Appeals, and/or Planning Board must also comply with the applicable requirements and approvals of the relevant Permitting Authority. Applicants must demonstrate compliance with the Massachusetts Stormwater Standards for Stormwater Management and Erosion Control measures.

Erosion and sediment controls must be designed to prevent adverse impacts caused by the discharge of silt or sediment to municipal and/or abutting properties during and after land disturbance or construction activities.

There shall be no change to the existing conditions of abutting properties or public ways from any increase in volume or peak rate of stormwater runoff or from erosion, silting, flooding, displacement, sedimentation or impacts to wetlands and other resource areas as defined in the Massachusetts Wetlands Protection Act and/or Needham Wetlands Protection By-Law.

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

SECTION 7.11 ENFORCEMENT

The DPW Director and/or their designee is authorized to oversee and review all matters relating to stormwater management within the Town of Needham. The DPW Director, or their designee, shall

administer and enforce the Stormwater By-Law and Stormwater Regulations, including orders, violation notices, and enforcement orders. The Director may pursue all applicable civil and criminal remedies and penalties including without limitation non-criminal disposition as provided in Section 8.

7.11.1 Written Order

The DPW Director and/or their designee 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, the following:

- a) A requirement to cease and desist until there is compliance with the Stormwater By-Law;
- b) Elimination of illicit connections or discharges to the MS4;
- c) Maintenance, installation or performance of additional Erosion and Sedimentation control measures;
- d) Monitoring, analyses, and reporting; and/or
- e) Remediation of contamination, erosion and/or sedimentation resulting directly or indirectly from the permitted activity.

7.11.2 Appeal of Determination

Any person or entity aggrieved by a decision of the DPW Director and/or their designee under a provision of this Stormwater By-Law may submit a letter of appeal to the Select Board which 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.

7.11.3 Injunctive Relief

If a person violates the provisions of this by-law, or any regulation, permit, notice, or order issued thereunder, the DPW Director or their designee, with the approval of the Select Board, 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.

or take any other action relative thereto.

INSERTED BY: Select Board

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

Article Information: This article proposes amendments to the existing Stormwater By-Law to strengthen the management of stormwater runoff through water quality and quantity controls. The updates are intended to reduce pollution from stormwater runoff into the Charles River, help manage the quantity of water flow from subjected activities, promote the long-term maintenance of stormwater systems, and ensure compliance with State and Federal water quality requirements, including the Town's National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act and Municipal Separate Storm Sewer System (MS4). The proposed amendment covers several primary topics:

Applicability: The Town's existing Stormwater By-Law applies to new construction, additions that expand the building footprint by more than 25%, and projects that require approval by the Planning Board, Zoning Board of Appeals, and Conservation Commission. Under this article, the updated Stormwater By-Law would apply to all existing activities and would add these additional activities: construction or alteration of drainage systems, projects that increase the amount of impervious surface on a property, and changes in grading that result in additional surface water being shed onto other properties, public infrastructure, or natural resources. This article adds language to prohibit the phasing of projects to avoid compliance with this by-law. It exempts certain activities if erosion control measures are in place, such as lawn restoration, approval of temporary structures, and the repair, replacement or reconstruction of driveways,

patios, and pools, if there is no change in impervious surface. Existing properties that are not proposing any applicable activity or connection to the Town's drain system have no requirements under this Stormwater By-Law.

Stormwater Controls: The proposed update requires subjected activities to meet higher standards for stormwater management. This amendment (1) increases recharge standards by increasing standard runoff capture from 1 inch to 1.5 inches, (2) explicitly defines required design standards for systems that capture and treat stormwater to prevent runoff onto neighboring properties, (3) reaffirms compliance with the Massachusetts Stormwater Handbook, (4) provides revised guidelines for managing erosion and sediment during construction, and (5) further defines requirements for properties with low-permeable soil to reduce additional connections into the Town's drainage system.

Property Owner Responsibilities: The updated by-law would require long-term maintenance of stormwater management systems. Permit applicants would be required to record the existence of stormwater management systems and their operation and maintenance plans with the Registry of Deeds for the knowledge of future property owners. Property owners would be responsible for regularly inspecting and maintaining these systems to ensure continued proper function and to prevent future stormwater issues. This proposed update clarifies the list of allowable and prohibited (illicit) water discharges into the municipal stormwater drain system.

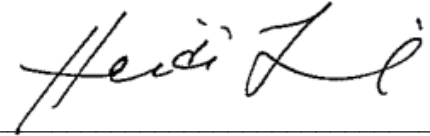
Enforcement: This article clarifies the roles of the Select Board to adopt regulations and the Department of Public Works to perform oversight and enforcement, respectively. This proposed update increases the ability of the Department of Public Works to inspect and require elimination of discharges. It expands the enforcement tools available under the by-law to include penalties, compliance measures, and other legal mechanisms. If this article is adopted, the Select Board shall adopt and may periodically amend companion Stormwater Regulations to provide further guidance for implementation.

Administrative and Technical Changes: This article includes updates to terminology and definitions in the Stormwater By-Law, along with changes in structure, for improved readability.

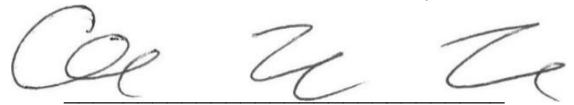
And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least fourteen (14) days before said meeting.

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.

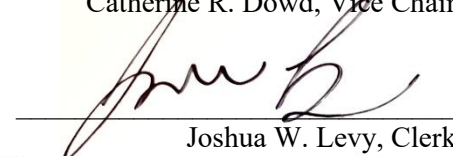
Given into our hands at Needham aforesaid this 9th day of September, 2025.



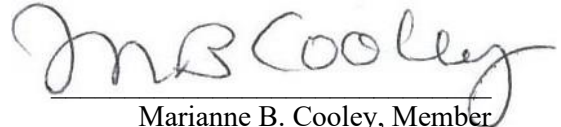
Heidi Frail, Chair



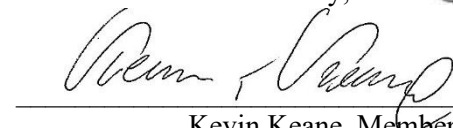
Catherine R. Dowd, Vice Chair



Joshua W. Levy, Clerk



Marianne B. Cooley, Member



Kevin Keane, Member

SELECT BOARD OF NEEDHAM

A TRUE COPY

Attest:

Constable: