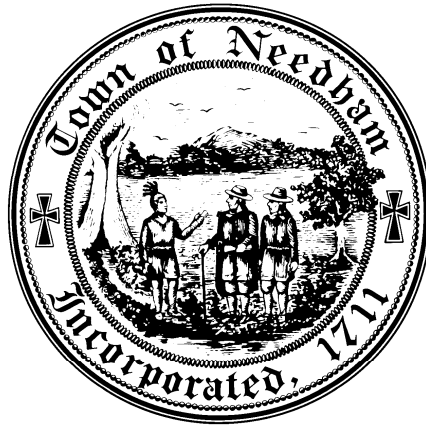


SPECIAL TOWN MEETING

WARRANT



TOWN OF NEEDHAM

MONDAY, OCTOBER 27, 2008

7:30 P. M.

NEWMAN ELEMENTARY SCHOOL

CENTRAL AVENUE

NEEDHAM

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

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

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Needham qualified to vote in elections and in Town affairs to meet at the Newman Elementary School:

MONDAY, THE TWENTY SEVENTH OF OCTOBER, 2008

at seven-thirty in the afternoon, then and there to act upon the following articles, viz:

ARTICLE 1: AMEND ZONING BY-LAW – MAP CHANGE TO CENTER BUSINESS DISTRICT

To see if the Town will vote to revise the Zoning Map as follows:

Place in the Center Business District all that land now zoned Single Residence B lying northerly of Great Plain Avenue, easterly of Chapel Street, and westerly of Highland Avenue. Said land comprising Parcels 1 and 81 on Town of Needham Assessor's Map No. 51, and being bounded and described as follows:

Beginning at the point of intersection of the centerlines of Great Plain Avenue and Chapel Street; thence running northerly by the centerline of Chapel Street a distance of approximately 406 feet to the end of the 1884 Town Layout of Chapel Street; thence turning and running easterly approximately 190 feet from the centerline of Chapel Street along a line coinciding with the northerly property line of land owned by the Town of Needham to a point at the intersection of said property line and the centerline of Highland Avenue; thence turning and running southerly along the centerline of Highland Avenue to the point of intersection of the centerline of Highland Avenue and the centerline of Great Plain Avenue; thence turning and running westerly along the centerline of Great Plain Avenue to the point of beginning.

Be any of said measurements, more or less.

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: The purpose of this article is to facilitate the renovation of the Town Hall. The geographical area between Great Plain Avenue, Chapel Street and Highland Avenue is proposed to be changed from a Single Residence B District to a Center Business District. The Town Hall and Common property are affected by this rezoning. Current setback and dimensional requirements in the Single Residence B district require a minimum front yard setback of 25 feet by right with a waiver by special permit to 20 feet for an institutional use in this district. As the Town hall fronts three separate streets, it effectively has three front yards. Rezoning of the Town Hall and Common Property to the Center Business District will permit a front yard setback of 3 feet or the average of the abutting properties (whichever is smaller) at this locale consist with its abutting Center Business District neighbors.

**ARTICLE 2: AMEND ZONING BY-LAW – STORY, HEIGHT AND OCCUPANCY
LIMITATIONS EXCEPTION FOR MUNICIPAL BUILDING IN CENTER
BUSINESS DISTRICT**

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

1. In Section 4.4, Dimensional Requirements for Commercial Districts, Subsection 4.4.3 Height Limitation, by adding the following new language at the end of the first paragraph so that it shall read as follows (new language underlined):

“4.4.3 Height Limitation

In a Business District, the limit of height of a building or structure shall be three (3) stories not to exceed forty (40) feet, provided that in no event shall any building contain more than three floors used for occupancy; in the Center Business District, the limit of height of a building or structure shall be two and one-half (2 ½) stories not to exceed thirty-five (35) feet, provided that in no event shall any building contain more than two floors used for non-residential occupancy other than storage, residential occupancy being permitted on the second floor and in the half-story directly above the second floor consistent with the use and density requirements of Section 3.2.2. Notwithstanding the foregoing story, height and occupancy limitations, and subject to all other requirements of the district, the Planning Board acting as a special permit granting authority may issue a special permit in the Center Business District to permit a municipal building of 3 stories, to permit an increase in the height of a municipal building to a height not to exceed fifty (50) feet and to permit four (4) floors of a municipal building to be used for non-residential occupancy. Such a special permit may be granted only after it is demonstrated by the applicant that: (i) the proposed increased building height and number of stories will not create a significant detrimental impact on existing buildings and uses in the vicinity; and (ii) the proposed building and its occupancy contributes to, and does not detract from, a pedestrian-friendly streetscape.

Or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article proposes to amend the section of the Zoning By-Law that limits the story, height and non-residential occupancy limitations of a municipal building in the Center Business District. The amendment is offered by the Board of Selectmen in an effort to guide the planned renovation and expansion of the Needham Town Hall. The amendment would allow the Planning Board, acting as a special permit granting authority, to issue a special permit in the Center Business District to permit a municipal building of three (3) stories, to permit an increase in the height of a municipal building to a height not to exceed fifty (50) feet, and to permit four (4) floors of a municipal building to be used for non-residential occupancy. Such a special permit could only be granted after it was demonstrated by the applicant that: (i) the proposed increased building height and number of stories would not create a significant detrimental impact on existing buildings and uses in the vicinity; and (ii) the proposed building and its occupancy contribute to, and do not detract from, a pedestrian-friendly streetscape. Currently in the Center Business District, the height limit of a municipal building is two and one-half (2 ½) stories not to exceed thirty-five (35) feet with a non-residential occupancy limitation of no more than two (2) floors.

**ARTICLE 3: FUND COLLECTIVE BARGAINING AGREEMENT –
AFSCME/CUSTODIANS AND TRADES**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and AFSCME Council 93, Local 335 (Public Facilities employees), and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2009; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

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

Article Explanation: At the time of the printing of the Warrant, the parties had not reached agreement on this contract.

ARTICLE 4: AMEND THE FY2009 OPERATING BUDGET

To see if the Town will vote to Amend and supersede certain parts of the fiscal year 2009 Operating Budget adopted under Article 17 of the 2008 Annual 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>
10	Reserve Fund	\$ 1,199,851	No Change
20A	Police Department – Salaries	\$ 4,502,553	\$4,518,785
24	Needham Public Schools	\$42,651,716	\$42,635,484
28B	Department of Public Facilities		
	Purchase of Services & Expenses	\$ 4,307,460	No Change

or take any other action relative thereto.

INSERTED BY: Finance Committee

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: This article transfers \$16,232 from the Needham Public Schools budget to the Police Department to fund three additional traffic supervisors (crossing guards) that the Public Schools agreed to fund when they eliminated certain bus routes in the FY09 budget. The "No change" lines were originally inserted to fund the ongoing extraordinary maintenance efforts at the Newman School, but these transfers are being deferred until a subsequent Town Meeting when all Newman remediation costs have been tallied.

ARTICLE 5: APPROPRIATE FOR PUBLIC SERVICES ADMINISTRATION BUILDING

To see if the Town will vote to raise and/or transfer and appropriate a sum for the architectural design, engineering, construction and equipping of an administration building at the Department of Public Works complex on Dedham Avenue, to be spent under the direction of the Permanent Public Building Committee/Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of

Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44 Section 7; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article Information: The 2008 Annual Town Meeting appropriated \$500,000 for the design of a Public Services Administration building at the DPW complex on Dedham Avenue. The building will house administrative offices for current DPW administrative functions, the Building Department, Planning, Zoning and Conservation, Public Facilities, and Park and Recreation. Under the direction of the PPBC, the Town engaged the services of Winter Street Architects for the design process. Winter Street is completing the schematic designs, and in this article the Selectmen request approval of construction funding.

Construction is planned to begin early this winter, and the building is intended to be completed in time for it to be used as temporary relocation space during the renovation of Town Hall, for a projected savings of approximately \$1 million. Final occupancy for Public Services use is expected in 2011. Additional information is posted on the Town's website at www.needhamm.gov under "Publications" and final cost estimates are to be forwarded to Town Meeting Members prior to October 27th.

ARTICLE 6: TOWN HALL HISTORIC PRESERVATION

To see if the Town will vote to approve the concept of renovating and expanding the Town Hall including the construction of an addition along the full length of the rear exterior wall and the restoration of the second floor hall.

INSERTED BY: Board of Selectmen

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

Article Information: The 2008 Annual Town Meeting appropriated \$1,000,000 in CPA funds for the architectural design of the historic preservation and renovation of Town Hall. At Town Meeting, the Board of Selectmen committed to an additional review of the proposed renovation options, and to report back to Town Meeting after also consulting with the Community Preservation Committee and the Finance Committee. The Board sponsored a "Town Hall Summit" in June, 2008 which was well attended and included representatives of a wide variety of boards, committees, civic groups, and the general public. Over the summer, the Board continued to evaluate options, and participated in the Town Hall Study Committee process.

Working with the Permanent Public Building Committee and architects McGinley, Kalsow and Associates (MKA), the staff developed and recommended a proposal referred to as "Alternative 4." This option provides for renovation of Town Hall and includes construction of an addition along the length of the rear wall of the current building. The design is intended to be consistent with the historic nature of the property, allow for a more efficient operation and greater public convenience, provide multiple small and medium-sized meeting spaces for public meetings, preserve historic features, restore the second floor meeting hall, provide flexibility for future growth, and fit within the Town's long-term financial plan.

The total projected cost of the project is estimated at \$18.5 million (including the previously appropriated \$1,000,000 for design), of which approximately 80% may be eligible for Community Preservation funding. The Board of Selectmen voted unanimously to endorse Alternative 4, and have consulted with the CPC and Finance Committee about that endorsement. The Selectmen expect to request CPC and Town Meeting approval of the funding of the construction portion of the project at the 2009 Annual Town Meeting.

MKA has been engaged in design development of portions of the project that are unaffected by the selection of a specific option. Under the present plan, MKA is to proceed from here to full design. Through this warrant article, the Board is seeking an approval in principle by Town Meeting of the Alternative 4 concept. Further information about Alternative 4 is to be provided to Town Meeting Members prior to October 27th and materials are currently available on the Town Website at www.needhamma.gov under "Publications."

ARTICLE 7: APPROPRIATE FOR FACILITY REPAIRS/NEWMAN SCHOOL

To see if the Town will vote to raise and/or transfer and appropriate a sum for architectural design and engineering for the renovation of the Newman School, to be spent under the direction of the Permanent Public Building Committee and Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under M.G.L. Chapter 44 Section 7; MGL Section 70B or any other enabling authority; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

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

Article Information: At the May, 2008 Special Town Meeting, \$350,000 was appropriated for a feasibility study relating to the heating and ventilation system at the Newman School. During the past summer, extensive HVAC and related remediation work was completed at the school. The study funded by Town Meeting is on-going, as is planning and review for long-term options for the building. This article has been included in the warrant as a "place holder" in the event that there is a need for further requested action by Town Meeting this fall. Additional information is posted at the Needham Public Schools website. Updated information about the work performed at the Newman School since May, 2008 will be provided to Town Meeting Members at the Special Town Meeting.

ARTICLE 8: APPROPRIATE TO CAPITAL IMPROVEMENT FUND

To see if the Town will vote to raise, and/or transfer and appropriate \$46,273 to the Capital Improvement Fund, as provided under M.G.L., Ch. 40, Sec. 5B as recently amended by Section 14 of Chapter 46 of the Acts of 2003 and Section 19 of Chapter 140 of the Acts of 2003, said sum to be raised from the tax levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS THAT: Article be Adopted

Article Information: Under Article 58 of the May 2004 Annual Town Meeting, the Town voted to establish the General Fund Cash Capital Equipment and Facility Improvement Fund for the purpose of setting aside funds for future capital investment. Over time, as the fund grows, 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 is as of September 30, 2008 was \$423,889.

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 under our hands at Needham aforesaid this 23rd day of September 2008.

James G. Healy, Chairman
Daniel P. Matthews, Vice Chairman
John A. Bulian, Clerk
Denise Garlick
Gerald A. Wasserman

Selectmen of Needham

A TRUE COPY

Attest:

Constable:

**Town Clerk's Office
Needham, MA 02492**

**First Class Mail
U.S. Postage Paid
Needham, MA
Permit No. 58224**

ATTN: SPECIAL TOWN MEETING WARRANT