

ARTICLE 1: AMEND ZONING BY-LAW – DIMENSIONAL REGULATIONS

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

- (a) In Section 1.4, Non-Conformance, Subsection 1.4.7, Single-Family and Two-Family Dwellings, Subparagraph 1.4.7.2, Alteration of Single-Family and Two-Family Dwellings, by revising the first and third sentences of the paragraph so that the entire subsection shall now read as follows (new language underlined):

“A lawful pre-existing non-conforming single-family or two-family dwelling which is non-conforming because of front, side and rear setback, build factor, area and/or frontage requirements of this By-Law may be altered, extended or structurally changed (but not reconstructed) as of right and without a special permit or finding by the Board as required in the preceding section provided that such alteration, extension or structural change complies with all front, side and rear setback, lot coverage, floor area ratio, building height, and building story requirements of the current By-Law including but not limited to the provisions of Section 4.2.1 (a)(b)(c)(d)(e)(f)(g)(h)(i)(j) of this By-Law. Such alteration, extension or structural change shall not be considered an increase in the non-conforming nature of the dwelling. For purposes of this section, the extension of an exterior wall within a required setback area shall be deemed to create a new non-conformity and shall require the grant of a variance by the Board of Appeals except as otherwise provided under Section 4.2.1 footnote b and footnote e of this By-Law.”

- (b) In Section 1.4, Non-Conformance, Subsection 1.4.7, Single-Family and Two-Family Dwellings, Subparagraph 1.4.7.4, Reconstruction of Two-Family Dwellings in a Single Residence A, Single Residence B or Rural-Residence Conservation District Where the Use is Prohibited, Subparagraph (d) by revising the paragraph, so that the entire subsection shall now read as follows (new language underlined):

“(d) Reconstruction of a non-conforming two-family dwelling on a lot where the building as reconstructed would not comply with all front, side, and rear setbacks, lot coverage, floor area ratio, building height, and building story requirements of the current By-Law including but not limited to the provisions of Section 4.2.1(a)(b)(c)(d)(e)(f)(g)(h)(i)(j) of this By-Law; and”

- (c) In Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, by replacing Section 4.2.1, Table of Regulations with new sections 4.2.1, 4.2.2, 4.2.3 and 4.2.4, so that the entire section shall now read as follows:

“4.2.1 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts

Except as otherwise provided in Section 4.2.2 for public, semi-public and institutional uses, no building or structure shall be constructed, altered, or relocated on any lot except in conformance with these regulations:

District	Min. Lot Area (sf)	Min. Frontage (ft)	Front Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Max. Floor Area Ratio (F.A.R.)	Max. % Lot Coverage	Max. Stories	Max. Height (ft)
Rural Residence Conservation	43,560	150	50	25	25	NR	15%	2-1/2 (h)	35
Single Residence A	43,560	150	30	25 (c)	15 (c)	NR	NR	2-1/2 (h)	35
Single Residence B	10,000	80	25 (a)(b)	14 (d)(e)	20	.32-.38 (f)	28%	2-1/2 (h)	35 (i)(j)
General Residence	10,000	80	25 (a)(b)	14 (d)(e)	20	NR	30%-35% (g)	2-1/2 (h)	35 (i)(j)

The terms used in the Table of Regulations above are as defined in Section 1.3 of the By-Law except as otherwise noted below.

Front Yard Setback - the minimum horizontal distance from a front lot line of a lot to the nearest portion of a building or structure. The following elements are permitted in the front yard setback: (i) uncovered steps; (ii) roof overhangs projecting not more than 2 feet from the wall of a building; (iii) first floor bay windows that do not have a foundation nor create any floor area nor project more than 2 feet from the wall of a building, provided that the width of a single bay window is limited to 8 feet, total overall area of a bay or bays is limited to 25% of the first floor wall area where the bay or bays are installed, and roofs on bay windows may project an additional 6 inches into the setback; and (iv) unenclosed, covered or uncovered landings or entrance porches located on the first floor and having no habitable space directly above, provided that no more than a maximum of 50 square feet of said landing or porch is allowed in the front setback and the maximum porch or landing projection into the front setback is limited to 5 feet.

Side Yard Setback - the minimum horizontal distance from a side line of a lot to the nearest portion of a building or structure. The following elements are permitted in the side yard setback: (i) uncovered steps; (ii) roof overhangs projecting not more than 2 feet from the wall of a building; (iii) unenclosed, covered or uncovered landings which neither exceed a total area of 25 square feet nor project more than 4 feet from the face of a building; (iv) first floor bay windows that do not have a foundation nor create any floor area nor project more than 2 feet from the wall of a building, provided that the width of a single bay window is limited to 8 feet, total overall area of a bay or bays is limited to 25% of the first floor wall area where the bay or bays are installed, and roofs on bay windows may project an additional 6 inches into the setback; (v) attached chimneys and fireplace enclosures projecting not more than 2 feet from the wall of a building; and (vi) covered basement entrances (bulkheads) which neither exceed a total area of 40 square feet nor a maximum height of 3.5 feet nor project more than 7.5 feet from the wall of a building.

Rear Yard Setback - the minimum horizontal distance from the rear line of a lot to the nearest portion of a building or structure. The following elements are permitted in the rear yard setback: (i) uncovered steps; (ii) roof overhangs projecting not more than 2 feet from the wall of a building; (iii) unenclosed, covered and uncovered landings which neither exceed a total area of 25 square feet nor project more than 4 feet from the face of a building; (iv) first floor bay windows that do not have a foundation nor create any floor area nor project more than 2 feet from the wall of a building, provided that the width of a single bay window is limited to 8 feet, total overall area of a bay or bays is limited to 25% of the first floor wall area where the bay or bays are installed, and roofs on bay windows may project an additional 6 inches into the setback; (v) attached chimneys and fireplace enclosures projecting not more than 2 feet from the wall of a building; and (vi) covered basement entrances (bulkheads) which neither exceed a total area of 40 square feet nor a maximum height of 3.5 feet nor project more than 7.5 feet from the wall of a building.

Lot Coverage - that portion of a lot that is covered or occupied by any building or structure, but excluding unenclosed, covered or uncovered landings or porches (unless such covered landings or porches have habitable space directly above), steps, roof overhangs, bay windows, chimneys and bulkheads as permitted in required setbacks as provided above, as well as outdoor fireplaces, decks, patios and pools.

Floor Area Ratio: The floor area divided by the lot area. Floor area shall be the sum of the horizontal areas of the several floors of each building on a lot, as measured from the exterior faces of the exterior walls, but excluding basements, attics, half-stories located directly above the second floor, unenclosed porches and up to 600 square feet of floor space in accessory buildings or structures or in main buildings or structures intended and designed for the parking of automobiles.

Height- Height shall be measured using one of the following two alternative methods: (1) the vertical distance from average original grade or finished grade, whichever is lower, of the land surrounding the footprint of the structure to the highest point of a structure or roof of a building. The average height shall be measured starting at one corner of the structure measuring the height of the structure to the highest point above grade every 10 lineal feet. The height limit under this method is 35 feet. For purposes of this alternative, original grade shall be defined as the grade of the lot before any regrading, demolition or development begins. If an existing structure is to be demolished, the original grade shall be the grade determined prior to demolition of the structure. If there is no existing structure on the property, the natural grade of the property, prior to any modification, shall be considered the original grade; except in new subdivisions where the original grade shall mean the approved and recorded grade; (2) the height of the structure measured from a single point in the street centerline which is the average of the highest 1/3 of the property's street frontage. The height limit under this method is 32 feet.

The symbol "NR" means no requirements.

- (a) A first story or basement story attached 2 car garage with a front setback between 25 and 30 feet is limited to a height of 1 ½ stories. A full second story above such a garage must have a front setback of a minimum of 30 feet. For corner lots the increased setback is required only on the garage wall facing the designated front of the structure.*
- (b) In a Single Residence B or a General Residence District, additions to existing single or two-family structures nonconforming for front yard setback and constructed prior to May 1, 2017, may be extended within a front yard setback of 20 feet, provided any demolition of the existing structure does not exceed 50% exclusive of demolition of a single story attached garage and further provided that the front yard setback does not exceed the farthest extent of the setback of*

the existing structure. For existing single or two-family structures non-conforming for front setback where demolition exceeds 50%, the structure may be extended within a front yard setback of 20 feet upon receipt of a special permit from the Board of Appeals under Section 7.5.2 of the Zoning By-Law, provided: (1) the new construction meets all other requirements of the Zoning By-Law; (2) the front yard setback as permitted by special permit does not exceed the farthest extent of the setback of the existing structure; (3) the Board determines that such change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

- (c) Buildings or structures on lots created by deed or plan, endorsed or recorded before January 9, 1986, shall have a minimum side or rear yard setback of 15 feet in the Single Residence A District. Notwithstanding the foregoing, in the Single Residence A District, a change in the area, frontage or configuration of an existing improved lot created by deed or plan, endorsed or recorded before January 9, 1986, which includes a conforming structure or building shall not change the minimum side or rear line setback requirement of 15 feet provided that (i) no other dimensional violations of the By-Law are created as a result of such change in the area, frontage or configuration of such existing improved lot, (ii) such lot otherwise continues to be a conforming lot in terms of minimum lot area, frontage and build factor following such change in the area, frontage or configuration of such existing improved lot, and (iii) such change in the area, frontage or configuration of such existing improved lot does not result in the creation of any additional building lot. The deed conveying land by reference to a plan showing such change in the area, frontage or configuration of such existing improved lot shall contain a restriction affecting the land of both the grantor and the grantee prohibiting the creation of an additional building lot as a result of such conveyance.*
- (d) In the Single Residence B and General Residence districts the minimum side yard setback is 14 feet, and a maximum of 32 linear feet of structure may be built at the minimum setback line, as measured parallel to the side lot line, at the first floor plane, provided that the remaining length of structure along the side yard setback must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot in a Single Residence B District or General Residence District which contains less than 80 feet of frontage shall be 12 feet, and a maximum of 32 linear feet of structure may be built at the minimum setback distance, as measured parallel to the side lot line, at the first floor plane, provided that the remaining length of structure along the side yard setback must be offset an additional 2 feet.*
- (e) In a Single Residence B or a General Residence District, additions to existing single family or two-family structures non-conforming for side yard setback and constructed prior to May 1, 2017, may be extended to the following setbacks provided any demolition of the existing structure does not exceed 50% exclusive of demolition of a single story attached garage and further provided that the side yard setback does not exceed the farthest extent of the setback of the existing structure. Structures built prior to July 1, 1999 may be extended within a side yard setback of 10 feet. Structures built between July 1, 1999 and May 1, 2017 may be extended within a side yard setback of 12.5 feet. For existing structures non-conforming for side setback where demolition exceeds 50%, the structure may be extended within a side yard setback of 10 feet or 12.5 feet, depending on original construction date, upon receipt of a special permit from the Board of Appeals under Section 7.5.2 of the Zoning By-Law, provided: (1) the new construction meets all other requirements of the Zoning By-Law; (2) the side yard setback as permitted by the special permit does not exceed the farthest extent of the setback of the existing structure; (3) the Board determines that such change, extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.*

- (f) *In a Single Residence B or General Residence District, the maximum floor area ratio shall be as follows: For lots containing less than 11,000 square feet – .38; For lots containing at least 11,000 square feet but less than 12,000 square feet – .36; For lots containing at least 12,000 square feet but less than 13,000 square feet – .35; For lots containing at least 13,000 square feet but less than 14,000 square feet – .34; For lots containing at least 14,000 square feet but less than 15,000 square feet –.33; and For lots containing 15,000 square feet and greater – .32.*

Lot Size in Square Feet	FAR
Lot size < 11,000	.38
11,000 ≤ Lot size < 12,000	.36
12,000 ≤ Lot size < 13,000	.35
13,000 ≤ Lot size < 14,000	.34
14,000 ≤ Lot size < 15,000	.33
Lot size ≥ 15,000	.32

- (g) *In the General Residence District, buildings and structures shall not result in lot coverage exceeding the following specified maximum percentages of the area of such lot: For lots containing less than 7,000 square feet – 35%; For lots containing at least 7,000 square feet but less than 7,500 square feet – 34%; For lots containing at least 7,500 square feet but less than 8,000 square feet – 33%; For lots containing at least 8,000 square feet but less than 8,500 square feet – 32%; For lots containing at least 8,500 square feet but less than 9,000 square feet – 31%; For lots containing at least 9,000 square feet – 30%.*

Lot Size in Square Feet	Lot Coverage
Lot size < 7,000	35%
7,000 ≤ Lot size < 7,500	34%
7,500 ≤ Lot size < 8,000	33%
8,000 ≤ Lot size < 8,500	32%
8,500 ≤ Lot size < 9,000	31%
Lot size ≥ 9,000	30%

- (h) *See the definition of Half-story, under Story in the Definitions section.*

- (i) *In a Single Residence B or General Residence District the maximum height at any point of any building or structure shall not exceed 41 feet above the lower of original or finished grade.*

(j) *In a Single Residence B or General Residence District if all or a portion of a basement wall is exposed for the full length of the wall, dormers in the one-half story shall not be permitted.*

4.2.2 Table of Regulations for Public, Semi-Public and Institutional Uses in the Rural Residence Conservation, Single Residence A, Single Residence B and General Residence Districts and for the Institutional District

No building or structure for public, semi-public or institutional use, as listed in Section 3.2 Schedule of Use Regulations, shall be constructed, altered, or relocated on any lot except in conformance with these regulations:

District	Min. Lot Area (sf)	Min. Frontage (ft)	Front Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Max. Floor Area Ration (F.A.R.)	Max. % Lot Coverage	Max. Stories	Max. Height (ft)
Rural Residence Conservation	43,560	150	50	25	25	.30	15%	2-1/2 (g)	35
Single Residence A	43,560	150	35 (a)	25	25 (d)	.30	15%	2-1/2 (g)	35
Single Residence B	10,000	80	25 (b)	25 (c)	25 (d)	.30	15%	2-1/2 (g)	35
General Residence	10,000	80	25 (b)	25 (c)	25 (d)	.30	15%	2-1/2 (g)	35
Institutional	43,560	150	30	25 (e)	15	NR	15%	2-1/2 (f)	35 (f)

The terms used in the Table of Regulations above are as defined in Section 1.3 of the By-Laws.

(a) *Buildings and structures on any lot in a Single Residence A District devoted to a public, semi-public or institutional use shall have a minimum front yard setback of thirty-five (35) feet. The setback area shall be kept open and landscaped with grass or other plant materials; such area shall be unpaved except for walks and driveways. The Board of Appeals may grant a special permit reducing the minimum front yard setback required by this footnote to no less than thirty (30) feet. (See Section 4.2.7)*

(b) *Buildings and structures on any lot in a Single Residence B or General Residence District devoted to a public, semi-public or institutional use shall have a minimum front yard setback of twenty-five (25) feet. The setback area shall be kept open and landscaped with grass or other plant materials; such area shall be unpaved except for walks and driveways. The Board of Appeals may grant a special permit reducing the minimum front yard setback required by this footnote to no less than twenty (20) feet. (See Section 4.2.7)*

- (c) *Buildings and structures on any lot in a Single Residence B or General Residence District devoted to a public, semi-public or institutional use shall have a minimum side yard setback of twenty-five (25) feet. The Board of Appeals may grant a special permit reducing the minimum side yard setback required by this footnote to no less than twenty (20) feet. (See Section 4.2.7)*
- (d) *Buildings and structures on any lot in a Single Residence A, Single Residence B or General Residence District devoted to a public, semi-public or institutional use shall have a minimum rear yard setback of twenty-five (25) feet. The Board of Appeals may grant a special permit reducing the minimum rear yard setback required by this footnote in a Single Residence A District to no less than fifteen (15) feet and the minimum rear yard setback required by this footnote in Single Residence B and General Residence Districts to no less than fifteen (15) feet. (See Section 4.2.7)*
- (e) *Buildings or structures on lots created by deed or plan, endorsed or recorded before January 9, 1986, shall have a minimum side line setback of 15 feet in the Institutional Districts.*
- (f) *Buildings and structures located in an Institutional District devoted to educational uses and uses accessory thereto and located at least 800 feet from any public way in the Town of Needham in existence as of September 1, 1998, shall have a maximum height in accordance with the following limitation:*

<u>Roof Type</u>	<u>Average Height (feet)</u>	<u>Maximum Height at any single point (feet)</u>
<i>Flat Roof</i>	63*	68*
<i>Sloping Roof Top of Roof</i>	85	90
<i>Wall, cornice or eave line</i>	63*	68*
<i>Gabled endwalls</i>	63*	68*

There shall be no limit on the number of stories of such buildings. The foregoing limitations are not intended to supercede any of the requirements of the Massachusetts State Building Code.

**The Board of Appeals may grant a Special Permit to allow the average height of a structure to increase as much as an additional seven (7) feet above the average height listed.*

- (g) *See the definition of Half-story, under Story in the Definitions section.*

4.2.3 Build Factor Formula

In order to limit the degree to which a lot may have an irregular shape, the following **build factor formula** shall be used:

$$\frac{\text{Lot Perimeter Squared}}{\text{Actual Lot Area}} \text{ Divided By}$$

Actual Lot Area

Required Lot Area

Lots recorded or endorsed after August 22, 1985 shall be subject to a maximum Build Factor of 20 in Single Residence B and General Residence Districts and 30 in Single Residence A and Institutional Districts. Lots recorded or endorsed prior to August 22, 1985 may not be modified such that the Build Factor of the modified lot exceeds 20 in SRB and General Residence Districts or 30 in SRA and Institutional Districts. Lots recorded or endorsed after February 16, 1995 shall be subject to a maximum Build Factor of 30 in a Rural Residence Conservation District. Lots recorded or endorsed prior to February 16, 1995 may not be modified such that the Build Factor of the modified lot exceeds 30 in a Rural Residence Conservation District.

No portion of a lot which is covered by a water body shall be counted in calculating the area of a lot for purposes of determining the respective minimum lot areas as listed in the table above. Not more than a combined total of thirty (30) percent of: (a) land located in a Flood Plain District; (b) land area subject to the Wetlands Protection Act and the Inlands Wetlands Act, M.G.L., Ch. 131, S. 40 and 40A (but not including any area defined as a buffer area under said statutes); and (c) land subject to federal flood storage restrictions included within the Charles River Valley Storage Project shall be counted in calculating the area of a lot for purposes of determining the respective minimum lot areas in Single Residence A, Single Residence B, General Residence and Institutional Districts. The provisions of the second sentence of this paragraph (a) shall apply in Single Residence A, Single Residence B and General Residence Districts to any lot created after May 8, 1989.

Not more than a combined total of ten (10) percent of: (a) land located in a Flood Plain District; (b) land areas subject to the Wetlands Protection Act and the Inland Wetlands Act, M.G.L., Ch. 131, S. 40 and 40A (but not including any area defined as a buffer area under said statutes); and (c) land subject to federal flood storage restrictions included within the Charles River Valley Storage Project shall be counted in calculating the area of a lot for purposes of determining the minimum lot area as listed in the table above in a Rural Residence-Conservation District.

4.2.4 Special Regulations for Rural Residence – Conservation District

- (a) Lot Coverage No building or structure, or addition to any building or structure, but not including accessory buildings or structures, shall be erected or placed on a lot which will result in the covering by buildings or structures of more than fifteen percent (15%) of the lot area in a Rural Residence-Conservation District.
- (b) Vegetative Buffer In a Rural Residence-Conservation District, the first thirty-five (35) feet of the required minimum front setback of fifty (50) feet, as measured from Chestnut Street and from the designated Scenic Roads of South Street and Charles River Street, shall remain as a natural vegetative buffer not to be cut or cleared except for normal maintenance and vehicular access, including private driveways and subdivision roadways.”
- (d) In Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, by renumbering Section 4.2.2 as 4.2.5, Section 4.2.3 as 4.2.6, Section 4.2.4 as 4.2.7, Section 4.2.5 as 4.2.8, Section 4.2.6 as 4.2.9, Section 4.2.7 as 4.2.10, and 4.2.8 as 4.2.11.

Or take any other action relative thereto.