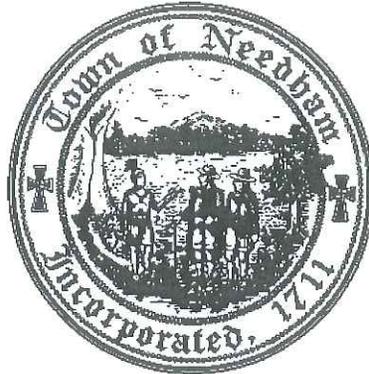


TOWN OF NEEDHAM

Office of the Town Clerk

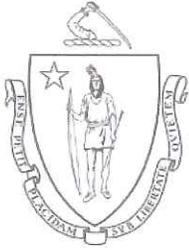


BY-LAWS

Approved By the Attorney General

Annual Town Meeting  
May 7, 2018

August 22, 2018



RECEIVED TOWN CLERK  
NEEDHAM  
2018 AUG 22 PM 3:55

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

MAURA HEALEY  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 fax  
www.mass.gov/ago

August 21, 2018

Theodora K. Eaton, Town Clerk  
Town of Needham  
1471 Highland Street  
Needham, MA 02492

**RE: Needham Annual Town Meeting of May 7, 2018 - Case # 9045**  
**Warrant Articles # 23 and 24 (Zoning)**  
**Warrant Articles # 20, 44, 46, 47, 48, and 52 (General)**

Dear Ms. Eaton:

Articles 23 and 24 - We approve Articles 23 and 24, and the map pertaining to Articles 24, from the May 7, 2018, Needham Annual Town Meeting. We will send the approved map to you by regular mail.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,  
MAURA HEALEY  
ATTORNEY GENERAL

*Kelli E. Gunagan*

By: Kelli. E. Gunagan  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600

cc: Town Counsel David S. Tobin

RECEIVED  
2018

1  
TOWN CLERK  
August 22, 2018

NEEDHAM  
3:55 P.M.



Theodora K. Eaton, MMC  
*Town Clerk*

# TOWN OF NEEDHAM

*Office of the Town Clerk*

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: teaton@town.needham.ma.us

## AT THE ANNUAL TOWN MEETING

HELD ON MONDAY, MAY 7, 2018

### UNDER ARTICLE 23

It was

VOTED: That the Town vote to amend the Needham Zoning By-Law, as follows:

- (1) Amend Section 3.2.3 Uses in the Neighborhood Business District, Subsection 3.2.3.2, Uses Permitted by Special Permit, by inserting a new paragraph (p) to read as follows:

“(p) Apartment or multi-family dwelling use above the first floor provided the first floor is used for a nonresidential use allowed in Section 3.2.3.1 or Section 3.2.3.2 and further provided that the proposed apartment or multi-family dwelling complies with the lot area per unit requirements for apartments in the A-1 district as detailed in Section 4.3. This provision applies only to Neighborhood Business Districts any portion of which is located within 150 feet of the Route 128 boundary.”

- (2) Amend Section 4.4 Dimensional Requirements for Commercial Districts, by adding the following new Subsection at the end thereof:

**“4.4.12 Dimensional Relief by Special Permit**

Notwithstanding the foregoing to the contrary and subject to all other requirements of the district, the Planning Board acting as a special permit granting authority may issue a special permit for mixed use buildings allowed by special permit under Subsection 3.2.3.2 (p) in the Neighborhood Business District to:

- (a) increase the maximum floor area ratio to 0.7 and the building height to three (3) stories and forty (40) feet; and
- (b) reduce the minimum side and/or rear setback adjoining a residential district to twenty (20) feet provided said strip is suitably landscaped in accordance with the specifications in Section 4.4.8.5.”

- (3) Amend Section 6 Special Regulations, by adding the following new Subsection at the end thereof:

**“6.12 Affordable Housing**

Any mixed-use building in the Neighborhood Business (NB) District with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) At least twelve and one-half percent (12.5%) shall be affordable units. For purposes of calculating the number of affordable units required in a proposed development, any fractional unit of  $\frac{1}{2}$  or greater shall be deemed to constitute a whole unit.
- (b) To facilitate the objectives of this Section 6.12 the minimum lot area per dwelling unit normally required in the A-1 zoning district (as applicable to the Neighborhood Business District), shall be reduced by that amount necessary to permit up to two additional units (one affordable unit and one market unit) on the lot over the number required in section 6.12(a) above. The

additional floor area permitted herein shall be counted toward the maximum floor area ratio allowed by special permit in the NB district.

- (c) In a home-ownership project the affordable unit(s) shall be sold to households with incomes at or below eighty (80) percent of area median income. In a rental project the affordable rental units must be provided to households with incomes at or below 80% of area median income. However, if the applicant provides at least one-half of the affordable units for households with incomes at or below fifty (50) percent of area median income, the remaining affordable units may be rented to households with incomes up to 100 percent of area median income even if the latter units are not eligible for the Subsidized Housing Inventory, regardless of any requirements to the contrary set forth in Section 1.3.
- (d) Affordable units shall be dispersed within the building and not concentrated in one area or on one floor. They shall generally be comparable in size and energy efficiency to the development's market-rate units.
- (e) The affordable units shall be constructed in proportion to the number of market-rate units in the development. Proportionality shall be determined by the number of building permits or certificates of occupancy issued for the affordable units and market-rate units, as applicable, or otherwise in accordance with a schedule set by the Planning Board in conditions imposed on the Special Permit.
- (f) The selection of eligible homebuyers or renters for the affordable units shall be in accordance with a marketing plan approved by the Needham Planning Board prior to the issuance of any building permits for the development.
- (g) The affordable units shall be subject to an affordable housing restriction as defined in Section 1.3 of this By-Law with limitations on use, occupancy, resale prices or rents, as applicable, and which provides for periodic monitoring for compliance with the requirements of said restriction.
- (h) For affordable units with not more than one bedroom, the minimum number of parking spaces under Section 5.1 shall be reduced to one space per unit.
- (i) The SPGA may authorize that an alternative method of compliance be used, in accordance with the following:

(1) Cash Payment: The SPGA may grant a special permit to provide affordable housing through a cash payment to the Needham Affordable Housing Trust Fund, in lieu of providing one or more of the affordable units required under this Section. The cash payment shall be equal to the most current Total Development Costs set forth in the MA Department of VOTED: That the Town vote to amend the Needham Zoning By-Law, as follows:

- (1) Amend Section 3.2.3 Uses in the Neighborhood Business District, Subsection 3.2.3.2, Uses Permitted by Special Permit, by inserting a new paragraph (p) to read as follows:

“(p) Apartment or multi-family dwelling use above the first floor provided the first floor is used for a nonresidential use allowed in Section 3.2.3.1 or Section 3.2.3.2 and further provided that the proposed apartment or multi-family dwelling complies with the lot area per unit requirements for apartments in the A-1 district as detailed in Section 4.3. This provision applies only to Neighborhood Business Districts any portion of which is located within 150 feet of the Route 128 boundary.”

- (2) Amend Section 4.4 Dimensional Requirements for Commercial Districts, by adding the following new Subsection at the end thereof:

**“4.4.12 Dimensional Relief by Special Permit**

Notwithstanding the foregoing to the contrary and subject to all other requirements of the district, the Planning Board acting as a special permit granting authority may issue a special permit for mixed use buildings allowed by special permit under Subsection 3.2.3.2 (p) in the Neighborhood Business District to:

- (c) increase the maximum floor area ratio to 0.7 and the building height to three (3) stories and forty (40) feet; and
- (d) reduce the minimum side and/or rear setback adjoining a residential district to twenty (20) feet provided said strip is suitably landscaped in accordance with the specifications in Section 4.4.8.5.”

- (3) Amend Section 6 Special Regulations, by adding the following new Subsection at the end thereof:

**“6.12 Affordable Housing**

Any mixed-use building in the Neighborhood Business (NB) District with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (d) At least twelve and one-half percent (12.5%) shall be affordable units. For purposes of calculating the number of affordable units required in a proposed development, any fractional unit of ½ or greater shall be deemed to constitute a whole unit.

- (e) To facilitate the objectives of this Section 6.12 the minimum lot area per dwelling unit normally required in the A-1 zoning district (as applicable to the Neighborhood Business District), shall be reduced by that amount necessary to permit up to two additional units (one affordable unit and one market unit) on the lot over the number required in section 6.12(a) above. The additional floor area permitted herein shall be counted toward the maximum floor area ratio allowed by special permit in the NB district.
- (f) In a home-ownership project the affordable unit(s) shall be sold to households with incomes at or below eighty (80) percent of area median income. In a rental project the affordable rental units must be provided to households with incomes at or below 80% of area median income. However, if the applicant provides at least one-half of the affordable units for households with incomes at or below fifty (50) percent of area median income, the remaining affordable units may be rented to households with incomes up to 100 percent of area median income even if the latter units are not eligible for the Subsidized Housing Inventory, regardless of any requirements to the contrary set forth in Section 1.3.
- (d) Affordable units shall be dispersed within the building and not concentrated in one area or on one floor. They shall generally be comparable in size and energy efficiency to the development's market-rate units.
- (e) The affordable units shall be constructed in proportion to the number of market-rate units in the development. Proportionality shall be determined by the number of building permits or certificates of occupancy issued for the affordable units and market-rate units, as applicable, or otherwise in accordance with a schedule set by the Planning Board in conditions imposed on the Special Permit.
- (f) The selection of eligible homebuyers or renters for the affordable units shall be in accordance with a marketing plan approved by the Needham Planning Board prior to the issuance of any building permits for the development.
- (g) The affordable units shall be subject to an affordable housing restriction as defined in Section 1.3 of this By-Law with limitations on use, occupancy, resale prices or rents, as applicable, and which provides for periodic monitoring for compliance with the requirements of said restriction.
- (h) For affordable units with not more than one bedroom, the minimum number of parking spaces under Section 5.1 shall be reduced to one space per unit.
- (i) The SPGA may authorize that an alternative method of compliance be used, in accordance with the following:
  - (1) Cash Payment: The SPGA may grant a special permit to provide affordable housing through a cash payment to the Needham Affordable Housing Trust Fund, in lieu of providing one or more of the affordable units required under this Section. The cash payment shall be equal to the most current Total Development Costs set forth in the MA Department of Housing & Community Development's Qualified Allocation Plan in its Low Income Housing Tax Credit Program, for the areas described as within Metro Boston/Suburban Area, adjusted for the type of project and number of units. The cash payments shall also be in accordance with a schedule of affordable housing payments as outlined hereafter in §6.12(i)(2) and guidelines adopted and amended from time to time by the SPGA, following a public hearing, in consultation with the Needham Department of Planning and Community Development (DPCP);
  - (2) For a covered development having 10 units or less that provides affordable housing through a cash payment in lieu of affordable units, the cash payment shall be made as a pro-rated percentage (%) of the Total Development Cost referenced in §6.12(i)(1), based on the total number units in the project and the following percentages: 10 units - 100%; 9 units- 90%; 8 units - 80%; 7 units - 70% and 6 units - 60%. The DPCD shall not sign off on Certificate(s) of Occupancy until the Petitioner pays 100% of the required cash in lieu payment.”  
Housing & Community Development's Qualified Allocation Plan in its Low Income Housing Tax Credit Program, for the areas described as within Metro Boston/Suburban Area, adjusted for the type of project and number of units. The cash payments shall also be in accordance with a schedule of affordable housing payments as outlined hereafter in §6.12(i)(2) and guidelines adopted and amended from time to time by the SPGA, following a public hearing, in consultation with the Needham Department of Planning and Community Development (DPCP);
  - (2) For a covered development having 10 units or less that provides affordable housing through a cash payment in lieu of affordable units, the cash payment shall be made as a pro-rated percentage (%) of the Total Development Cost referenced in §6.12(i)(1), based on the total number units in the project and the following percentages: 10 units - 100%; 9 units- 90%; 8 units - 80%; 7 units - 70% and 6 units - 60%. The DPCD shall not sign off on Certificate(s) of Occupancy until the Petitioner pays 100% of the required cash in lieu payment.”

MAJORITY VOTE DECLARED BY THE MODERATOR  
ON A VOICE VOTE

A true copy  
ATTEST:

  
Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC  
*Town Clerk*

# TOWN OF NEEDHAM

*Office of the Town Clerk*

1471 Highland Avenue, Needham, MA 02492-0909

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## AT THE ADJOURNED ANNUAL TOWN MEETING

HELD ON WEDNESDAY, MAY 9, 2018

### UNDER ARTICLE 24

**It was**

VOTED: That the Town vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

Place in the Neighborhood Business District a portion of land now zoned Industrial and lying between the Charles River, Reservoir Street, and 100-foot distant from the Central Avenue Layout.

Said land is bounded and described as follows:

Beginning at a point 100-foot distant from the Central Avenue Right of Way southerly layout line and at the intersection now or formally of the Single Residence B District, Industrial District, and Neighborhood Business District on the property line identified as Parcel II recorded at the Norfolk Registry of Deed Book 11216 page 659. Thence running along the northern property line of said Parcel II in the southeasterly direction for a distance of 56-feet more or less to a point of intersection with the rear lot corner of said parcel. Thence turning and running in a southwesterly direction along said rear property line of Parcel II, and of Parcel I described in said deed for a total of 262-feet more or less to a point of intersection of the Reservoir Street Right of Way easterly layout line. Thence turning and running in a northwesterly direction along the easterly Reservoir Street Right of Way line to a point of intersection of the now or formally zoned Neighborhood Business District and Industrial District and located 100-foot distant from the Central Avenue southerly layout line. Thence turning and running in a northeasterly direction along the now or formally intersecting line of the Industrial District and Neighborhood Business District and parallel to the Central Avenue southern layout line to the point of beginning.

TWO-THIRDS VOTE DECLARED BY THE MODERATOR  
ON A VOICE VOTE

A true copy  
ATTEST:

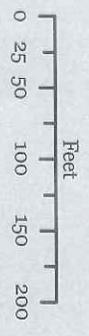
  
Theodora K. Eaton, MMC, Town Clerk

# Article 24: NBD

A True Copy  
Attest:  
*[Signature]*  
Town Clerk of Needham, MA

## Legend

-  Existing NBD
-  Article 24 Land to be Rezoned NBD
-  Parcel Lines



All data is for display and planning purposes only and should not be considered accurate, current or complete. The Town of Needham assumes no liability for misuse or alteration of this data.

Aerial photo captured April 2017.

NBD\_Art24\_May2018TownMeeting.mxd  
05/03/2018 b.w.a



APPROVED

Attorney General's Office

By: *[Signature]*

Date: *05/08/2018*

Town Meeting Date: *05/08/18*