

**LEGAL NOTICE**  
**Planning Board**  
**TOWN OF NEEDHAM**  
**NOTICE OF HEARING**

In accordance with the provisions of M.G.L., Chapter 40A, S.5, the Needham Planning Board will hold a public hearing on Tuesday, January 29, 2019 at 8:00 p.m. in the Needham Town Hall, Powers Hall, 1471 Highland Avenue, Needham, Massachusetts, regarding certain proposed amendments to the Needham Zoning By-Law to be considered by the May 2019 Annual Town Meeting. Persons interested are encouraged to call the Planning Board office (781-455-7550) for more information. A copy of the text of the proposed article will be mailed on request. Copies of the text and any plans referred to may also be examined in the offices of the Planning Board, 500 Dedham Avenue, Needham, Massachusetts.

If inclement weather necessitates canceling the public hearing, then the public hearing will be continued to a “snow date” of Thursday, January 31, 2019 starting at 8:00 p.m. in the Needham Town Hall, Powers Hall, 1471 Highland Avenue, Needham, Massachusetts. A notice shall be posted on the front door of Town Hall announcing the meeting cancellation on January 29<sup>th</sup> and the continued meeting date on January 31<sup>st</sup>.

The proposed amendment is identified below in terms of subject matter. The article designation given has been assigned by the Planning Board for identification purposes only. An article number will subsequently be established by the Selectmen for the Warrant.

**ARTICLE 4:**      **AMEND ZONING BY-LAW – DIMENSIONAL AND USE REGULATIONS FOR THE TRANSIT ORIENTED DEVELOPMENT SUB-DISTRICT OF THE LOWER CHESTNUT STREET OVERLAY DISTRICT**

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

1. Amend Section 3.9.3.2, Special Permit Uses, by adding the following language: “(e) within the Transit Oriented Development Sub-District (“TODD”), Multi-Family Dwelling development with dwelling units on the ground floor.”
2. By adding to the end of Section 3.9.4.1, Lot Area, Frontage and Setback Requirements, the following language:

“The following lot area, frontage, and setback requirements shall apply only to development in the TODD of the Lower Chestnut Street Overlay District:

- (a) Minimum Lot Area: 15,000 square feet.
- (b) Minimum Lot Frontage: 50 feet.
- (c) Minimum Front Setback: The lesser of 5 feet from the front property line or the average setback of abutting buildings within 100 feet on the same side of the street as the proposed development.

(d) Maximum Front Setback. 150 feet from the front property line.

(e) Minimum Side and Rear Setback for Non-Multi-Family Dwelling-Only Developments:

- (1) For lots abutting a residential district, fifty (50) feet from the lot line abutting the residential district; for all other lots, no minimum yard setback shall apply. Where side and rear yard setbacks of fifty (50) feet are required, the twenty-five (25) feet closest to the district boundary and all other requirements of Sections 4.4.8.2 and 4.4.8.5 shall apply. The remaining twenty-five (25) feet may be used for an accessory use, not including a building or structure. By special permit from the Planning Board, however, an underground parking structure may be permitted within the fifty (50) foot side and rear yard setbacks provided that the garage structure shall be located entirely below the grade of the existing lot and set back at least ten (10) feet from the district boundary or ten (10) feet from the lot line, whichever is greater, and the twenty-five (25) feet closest to the district boundary shall be suitably landscaped over the surface of the garage structure in accordance with Section 4.4.8.5.
- (2) For lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of twenty-five (25) feet from the lot line abutting the MBTA right-of-way, and the first ten (10) feet of the setback shall be suitably landscaped and not used for any other purpose, including an accessory use, except that within said ten (10) feet the Planning Board may grant a special permit for surface parking, provided that the parking area is suitably landscaped. The remaining fifteen (15) feet may be used for an accessory use, not including a building or structure, except that within said fifteen (15) feet an underground parking structure is permitted if located entirely below the grade of the existing lot.

(f) Multi-Family Dwelling-Only Development – Minimum Side and Rear Setback:

- (1) For Multi-Family Dwelling-only development on lots abutting a residential district, five (5) feet from the lot line abutting the residential district; for all other lots, no minimum yard setback shall apply.
- (2) For Multi-Family Dwelling-only development on lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of five (5) feet from the lot line abutting the MBTA right-of-way, which area shall be suitably landscaped and not used for any other purpose.”

3. By adding to the end of Section 3.9.4.2, Building Height Requirements, the following language:

“The maximum building height in the TODD of Lower Chestnut Street Overlay District shall be two and one-half stories and thirty-five feet as of right. For lots having the required minimum frontage on Chestnut Street, the Planning Board may grant a Special Permit for a maximum building height of six (6) stories and eighty (80) feet, provided that the sixth story is located under a pitched roof or recessed from the face of the building, as shown in the Design Guidelines under Section 3.9.8 below.

Buildings in the TODD of the Lower Chestnut Street Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.”

4. Amend Section 3.9.4.3, Building Bulk and Other Requirements, by adding at the end of the section the following language: “The provisions of subsection (b) (2) shall not apply to development within the TODD of the Lower Chestnut Street Overlay District”.

5. Amend Section 3.9.5, Off-Street Parking, by:

Adding a new subsection (a) (3), which shall read as follows:

“(a)(3) For dwelling units in a Multi-Family Dwelling-only development within the TODD, the minimum number of off-street parking spaces shall be one space per bedroom.”; and

Adding a new subsection Section 3.9.5(c), which shall read as follows:

“Within the TODD, in addition to the requirement for bicycle racks under Section 5.1.3(n) for a mixed use building, mixed-use development, or a Multi-Family Dwelling-only development, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.”

6. By adding a new Section 3.9.6.1, Affordable Housing in the TODD, which shall read as follows:

“Within the TODD, mixed-use buildings, mixed-use developments, and Multi-Family Dwelling-only developments with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of the By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall not be counted for purposes of determining the maximum floor area permitted under Section 3.9.4.3.
- (b) All other requirements of Section 3.8.6 shall apply.”

7. By adding a new Section 3.9.9, Drive Aisle Requirements in the TODD, which shall read as follows:

“Notwithstanding the provisions of Section 5.1.3(i), within the TODD of the Lower Chestnut Street Overlay District, the minimum width of aisles within parking areas providing access to parking spaces for one-way traffic for a Multi-Family-only Dwelling shall be 20 feet, with a 25-foot turning radius throughout in order to accommodate fire truck movements.”

**ARTICLE 5: AMEND ZONING BY-LAW – MAP CHANGE TO CHESTNUT STREET BUSINESS DISTRICT AND LOWER CHESTNUT STREET OVERLAY DISTRICT**

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

- (a) Place in the Chestnut Street Business District a portion of land now zoned Single Residence B and located in the Massachusetts Bay Transit Authority (M.B.T.A.) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled “RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)...” dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

- (b) Place in the Lower Chestnut Street Overlay District a portion of land now zoned Single Residence B and located in the Massachusetts Bay Transit Authority (M.B.T.A.) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, superimposing

said district over the Chestnut Street Business District as noted above, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

**ARTICLE 6: AMEND ZONING BY-LAW – MAP CHANGE TO TRANSIT ORIENTED DEVELOPMENT SUB-DISTRICT OF LOWER CHESTNUT STREET OVERLAY DISTRICT**

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

- a) Place in the Lower Chestnut Street Overlay District as the Transit Oriented Development Sub-District all land now zoned Chestnut Street Business District and Lower Chestnut Street Overlay District and depicted on Registry Plan No. 30 of 1955, Book 3333 Page 350, superimposing said sub-district over the Chestnut Street Overlay District, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being of property now or formally owned by Joseph and Giselda Cucci more particularly bounded and described as follows: Beginning at a point on the most southwesterly corner opposite station 476+75.57 of the monumented railroad base line as shown on said plan; thence running NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 374.84 feet to a point on the northwesterly corner of land now or formerly of MBTA Right of Way; thence turning and running SOUTHEASTERLY by a curve having a radius of 478.68 feet and a distance of 487.77 feet to a point on the westerly side of the Chestnut Street Right of Way; thence turning and running in the SOUTHERLY direction along the Chestnut Street Right of Way a distance of 45.5 feet to a point on the MBTA Right of Way; thence turning and running in the WESTERLY direction along said MBTA Right of Way a distance of 228.81 feet to a point; thence turning and continuing in the WESTERLY direction along said Right of Way a distance of 108.53 feet to a point; thence turning and running in the NORTHERLY direction along said Right of Way a distance of 136.06 feet to a point; thence turning and running in the WESTERLY direction a distance of 110.10 feet to the point of beginning. Containing 100,470 square feet more or less.

- (b) Place in the Lower Chestnut Street Overlay District as the Transit Oriented Development Sub-District all land now zoned Chestnut Street Business District and Lower Chestnut Street Overlay District and located in the Massachusetts Bay Transit Authority (M.B.T.A.) right-of-way directly to the south and the west of land shown on Registry Plan No. 30 of 1955, Book 3333 Page 350, superimposing said sub-district over the Chestnut Street Overlay District, said description being as follows:

A certain parcel of land situated in the Commonwealth of Massachusetts, County of Norfolk, Town of Needham, being a portion of property owned by the Massachusetts Bay Transportation Authority and located westerly of Chestnut Street and being shown as PARCEL 2 on a plan entitled "RE-ZONING PLAN OF LAND IN NEEDHAM, MA (NORFOLK COUNTY)..." dated April 3, 2018, prepared

by Beals and Thomas, Inc., being more particularly bounded and described as follows: Beginning at a point at the most southwesterly corner of Parcel 2 opposite station 481+69.94 of the monumented railroad base line of the Charles River Branch as shown on said plan thence running; NORTHEASTERLY by a curve having a radius of 2900.93 feet and a distance of 500.56 feet to a point at the northwesterly corner of land now or formerly of Castanea Dentata, LLC, thence turning and running; S 65° 51' 32" E 110.10 feet to a point, thence turning and running; S 28° 33' 01" E 136.06 feet to a point, said last two courses being by land now or formerly of Castanea Dentata, LLC, thence turning and running; SOUTHWESTERLY by a curve having a radius of 2900.13 feet and a distance of 491.57 feet to the point of beginning. Containing 53,681 square feet more or less.

Copies of the articles are available for public inspection at the Planning Board Office, 500 Dedham Avenue, Needham, Massachusetts. Interested persons are encouraged to attend the public hearing and make their views known to the Planning Board. This legal notice is also posted on the Massachusetts Newspaper Publishers Association's (MNPA) website at (<http://masspublicnotices.org/>).

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Needham Times, January 10, 2019 and January 17, 2019.