

**GUIDE TO ZONING ARTICLES IN THE 2010  
ANNUAL TOWN MEETING AND SPECIAL TOWN MEETING WARRANT**

*Articles 3,4,5,6,and 7 – Annual Town Meeting*

*Articles 1 and 2 – Special Town Meeting*

In accordance with Article 84 of the Annual Town Meeting of 1963, the Planning Board submits the following brief report regarding its zoning amendment articles in the 2010 Annual Town Meeting and Special Town Meeting Warrants. This year there are five zoning articles submitted by the Planning Board in the Annual Town Meeting Warrant and two zoning articles submitted by the Planning Board in the Special Town Meeting Warrant.

**RE: Annual Town Meeting Article 3: Amend Zoning By-Law – Temporary Meteorological Towers**

Article Information: Article 3, in combination with Article 4, proposes to create the Temporary Meteorological Towers Overlay District. Article 3 lays out the regulatory framework for the new overlay district while Article 4 describes its geographic boundaries. The geographical boundaries of the new Temporary Meteorological Towers Overlay District includes all land now zoned Single Residence A and lying in the area northerly of Central Avenue which is commonly known as the Town of Needham landfill. A map entitled “Temporary Meteorological Towers Overlay District” is attached at the end of this handout. The overlay district’s key provisions are summarized below.

The experience of wind development in Massachusetts indicates that municipal zoning by-laws are one of the most significant barriers to small wind projects. This is due not so much to municipal governments being expressly opposed to small wind development, but because wind power, as a newly emergent land use, is not typically included in existing zoning by-laws. In turn, numerous towns are attempting to change their by-laws to allow for appropriate wind development. This by-law amendment begins the process here in Needham by allowing a temporary meteorological tower to be erected at the Town of Needham landfill site by special permit from the Board of Appeals. A meteorological tower (“MET tower”) is a temporary test tower, carrying meteorological instruments and data acquisition equipment to measure local wind information such as speed, direction, temperature, duration and seasonal variability. The results of this research will tell the Town whether the surveyed location is appropriate for installing a wind turbine. The information provided by the meteorological tower will also allow the Town to determine the optimal wind turbine type and size and to predict how much energy can be generated.

The purpose of this bylaw is to promote the health, safety and general welfare of the community while accommodating the needs of the general public. This purpose can be achieved by minimizing the adverse visual effect of temporary wind monitoring or MET towers, by providing safeguards for the general public, by avoiding damage to adjacent properties, by minimizing the environmental impacts of such facilities, while at the same time accommodating the testing of wind speeds, direction, and quantity of wind power a particular location can be expected to generate.

Accordingly, the by-law allows MET towers to be installed by special permit from the Board of Appeals subject to the following conditions: (1) MET towers shall be no higher than 175 feet; (2) The minimum distance from the base of any MET tower to any property line or public or private street or way shall be equal to the height of the MET tower; (3) The minimum distance from the base of any MET tower to any dwelling, business or institutional use shall be equal to the height

of the MET tower; and (4) All MET towers shall be constructed in locations to minimize any adverse visual, safety and environmental impacts.

Additionally, to assure safeguards for the general public, the by-law requires that no special permit may be issued for a MET tower unless the Board of Appeals finds that: (1) the specific site is an appropriate location for such use; (2) the use will not adversely affect the neighborhood; (3) there will be no serious hazard to people or property from the use; (4) adequate and appropriate facilities are provided for the proper operation of the use; (5) the visual impact on the surrounding neighborhoods and community is minimized; (6) no significant shadowing or flicking impacts the neighborhood; (7) the MET tower is painted with a non-reflective color that blends with the sky and/or other environmental considerations; (8) all equipment is appropriately enclosed and/or shielded from view to avoid adverse visual impacts; (9) the MET tower is lighted only if required by Federal Aviation Administration (FAA) or other state or federal requirements; and (10) any lighting of the MET tower is shielded from abutting properties.

Finally, a special permit issued for any MET tower shall be valid for two (2) years unless sooner revoked. At the end of that time period, unless extended by the Board of Appeals for not more than a total of five (5) years upon a showing of good cause for same, the applicant will be required to remove the MET tower. The site shall be restored to its original condition following removal of the MET tower.

**RE: Annual Town Meeting Article 4: Amend Zoning By-Law – Map Change to Temporary Meteorological Towers Overlay District**

This article describes the geographical boundaries of the new Temporary Meteorological Towers Overlay District which would include all land now zoned Single Residence A and lying in the area northerly of Central Avenue which is commonly known as the Town of Needham landfill. A map entitled “Temporary Meteorological Towers Overlay District” is attached at the end of this handout.

**RE: Annual Town Meeting Article 5: Amend Zoning By-Law – Driveway Openings**

Presently, in the Center Business District, where access to the rear of a parcel is available from a public way, private way, common driveway, alley way or parking area, no driveway requiring the crossing of a public sidewalk or that requires a new curb cut on Chestnut Street, Highland Avenue, Great Plain Avenue or Chapel Street is allowed. This article would permit an exception to the above-noted rule. Under the subject amendment, a new curb cut would be permitted within the Center Business District in the limited circumstance where a single driveway opening for two or more properties constituted merely the widening of an existing curb cut that already services one of the properties. The width of the driveway opening for two or more properties would be limited to a maximum width of twenty-five (25) feet. A special permit would be required for a width in excess of twelve (12) feet.

**RE: Annual Town Meeting Article 6: Amend Zoning By-Law – Minimum Side and Rear Line Setbacks: Accessory Structures Driveway Openings**

Presently, in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts accessory buildings and structures (excepting fences) are required to be placed at least ten feet from any other building or structure on the lot. This article would permit an exception to the above-noted rule for an accessory in-ground artificial or constructed swimming pool. In the subject case, an accessory in-ground artificial or

constructed swimming pool would be exempted from the minimum 10-foot setback requirement as relates another building or structure on the lot. All other dimensional setback requirements from abutting properties and from streets and ways would remain unchanged.

**RE: Annual Town Meeting Article 7: Amend Zoning By-Law –Accessory Uses**

This article seeks to correct a discrepancy that was created at the time the new Rural-Residence Conservation District was created in 1989. In 1989 the Town rezoned land previously designated Single Residence A to the new Rural-Residence Conservation district but failed to amend Section 6.1 Accessory Uses to recognize the new Rural-Residence Conservation district. Accordingly, this article corrects the noted omission and authorizes garage space for three (3) cars in the Rural-Residence Conservation District by right with one additional garage space permitted by special permit from the Board of Appeals. The noted garage space would be accessory to a permitted residential use. The same requirement is presently in place in the Single Residence A, Institutional, and Industrial Park districts.

**RE: Special Town Meeting Article 1: Amend Zoning By-Law –Elder Services Zoning District**

Article 1-2 Introduction: Articles 1 and 2 in combination propose the creation of an Elder Services Zoning District. The concept of the district is to allow individuals to “age in place” in a campus environment that includes separate housing for those who live independently, assisted living facilities that offer more support, and nursing homes for those needing skilled nursing care. By providing this comprehensive approach of having various types of facilities and services available in close proximity to each other, the physical and emotional disruption surrounding moves necessitated by changes in an individual’s condition is minimized.

As in most other communities in Massachusetts and across the nation, Needham’s citizens are aging and their life expectancy is increasing. One of the results of that phenomenon is an increased need (as well as an increased awareness of that need) for a community to provide different types of care for its senior citizens. Since all of us age differently, there are a number of alternatives that should be made available. Some individuals remain healthy but have decided they no longer wish or are able to care for a single-family residence on their own. Others may have a variety of health problems that require differing levels of care. The proposed Elder Services Zoning District is intended to address this growing need.

At the present time, the Wingate at Needham Nursing Home, located at the corner of Highland Avenue and Gould Street, is a 142-bed skilled nursing facility that has operated in Needham for many years. There are two vacant parcels adjacent to the Wingate at Needham facility which can be utilized (a) to create independent living apartments for those seniors who continue to be able to care for themselves but do not wish to continue the expense and energy associated with maintenance of single family homes, and (b) to create an assisted living facility on the same “campus” which will be able to serve the population and offer an increased level of care and support (for example, common dining facilities, staff to assist in daily activities of living, counseling, etc.). Within the assisted living facility, a number of beds would be reserved for those suffering from Alzheimer's and other memory-loss related illnesses. The third component of the Elder Services Zoning District is a skilled nursing facility. The existing Wingate at Needham Nursing home would provide the skilled nursing care component of the project as anticipated by the Elder Services Zoning District.

The advantage of having different types of facilities and services available in close proximity to each other are many. As one can imagine, each move is traumatic and a move from one facility to another affiliated facility located on the same campus will ease that transition. In addition, it is very common that spouses, due to their advancing ages and differing circumstances, require different levels of care. For example, one spouse may remain healthy and perfectly capable of living in an independent apartment. The other spouse, however, may suffer from a variety of illnesses or conditions that require that they reside in either an assisted living facility or skilled nursing facility. The ability for spouses to reside on the same campus (albeit in different buildings) lessens the disruption of the long-term relationship between the spouses, and is designed to maximize continuing contact between them. The proposed zoning amendment is meant to address this inevitable aging process. It is anticipated that the independent living apartments to be constructed as a result of this rezoning will be rental units.

Article 1 Explanation: Article 1, in combination with Article 2, proposes to create the Elder Services Zoning District. Article 1 lays out the regulatory framework for the new district while Article 2 describes its geographic boundaries.

#### Designation of the District

The Elder Services Zoning District would comprise slightly more than seven acres of land that will be bounded as follows: on the south by the portion of Highland Avenue that presently houses the Wingate at Needham Nursing Home; on the east by Gould Street running from the intersection of Highland Avenue and Gould Street to the railroad right of way; on the north by the railroad right of way; and on the west by the boundaries of the proposed parcel to be included in the zoning district. The approximately five acres shown on Needham Assessor's Map 77, Lots 25 and 56 are presently undeveloped, and many years ago were part of a sand and gravel operation. The properties to be included in the Elder Services Zoning District are presently zoned as "General Residence". A map entitled "Elder Services Zoning District" is attached at the end of this handout.

#### Purpose of the District

The purpose of the Elder Services Zoning District is to promote the health, safety and general welfare of the community by encouraging the establishment of housing and other facilities in close proximity to each other. The facilities will serve individuals 55 years or older who wish to live in independent apartments with convenient access to supportive services, while minimizing potential adverse impacts upon nearby residential and other properties.

#### Definitions

New terms that appear in the package of zoning amendments but not elsewhere in the zoning by-law are presented in alphabetical order: assisted living and Alzheimer's /memory loss facilities; continuing care retirement community; independent living apartments.

#### Permitted Uses

The Zoning By-Law amendment was written to minimize changes in uses allowed in the new district as compared to the current district. With the exception of the assisted and independent living apartments, which are now not allowed in a General Residence District, and are proposed to become uses requiring a special permit, all uses in the General Residence District that are presently allowed as a matter of right will continue to be allowed as a matter of right. Moreover,

all uses presently allowed in the General Residence District by special permit will continue to be allowed by special permit. The nursing home presently on the site was allowed by special permit by the Needham Planning Board in 1993. Alzheimer's/memory loss facilities are considered nursing or convalescent homes and as such are presently allowed by special permit.

#### Lot Area and Frontage

The Elder Services Zoning District requires the same minimum lot area (10,000 square feet) and the minimum lot frontage (80 feet) as the existing General Residence District.

#### Minimum Front, Side and Rear Setbacks

The minimum front yard setback in the Elder Services Zoning District is 25 feet. The present front yard setback in the General Residence District is 20 feet with the exception that for institutional uses the minimum front yard setback is 25 feet. The Elder Services Zoning District maintains the more restrictive front yard setback of 25 feet of an institutional use in the General Residence District.

The present side and rear yard setback in the General Residence District is 12.5 and 10 feet respectively, with the exception that for institutional uses the minimum side and rear yard setback is 25 feet. The Elder Services Zoning District establishes an overall as of right minimum side and rear yard setback of 25 feet with the following two exceptions: 1) an extra 10-foot setback requirement (from 25 feet to 35 feet) has been added for the portion of the site abutting the rear of the properties located on the northerly side of Putnam Street; and 2) the side yard setback adjacent to the MBTA right of way has been reduced to 10 feet. Additionally, a provision has been added allowing for side and rear yard setbacks not abutting the railroad right of way to be reduced to 20 feet for a side yard and 10 feet for a rear yard by Special Permit.

#### Building Height Requirements

The maximum building height of structures in the Elder Services Zoning District is 40 feet, which is an increase of 5 feet over the maximum height in the General Residence District. It should be noted, however, that the Planning Board has discouraged the use of flat roofs for the buildings and prefers peaked roofs with gables, which necessarily increase the maximum height of the building. Since building height is measured to the top of the peaked roof, the additional height is a necessary component of the re-zoning. The top portion of the buildings (under the sloped roofs) will be unfinished and uninhabitable. Buildings will be limited to three finished and habitable stories, plus a basement.

Moreover, an additional restriction on height has been provided along Gould Street so that the maximum height of any building along Gould Street will never exceed a horizontal line running through the tops of the gables on the existing nursing home. This additional restriction was included to ensure that any structure along Gould Street would be consistent with what already exists along this side of Gould Street.

#### Building Bulk, Lot Coverage and Other Dimensional Requirements

The maximum floor-area ratio in the Elder Services Zoning District shall be 1.0. Floor-area ratio is computed by dividing the total amount of square footage of a building by the size of the lot. For example, if a lot were comprised of 10,000 square feet and a two-story structure with a 5,000

square foot footprint were located on that lot, the total floor area would be 10,000 and the floor-area ratio would be 1.0.

#### Parking

No changes are proposed from what already exists in the Zoning By-Law with respect to parking requirements for nursing homes, assisted living and Alzheimer's/memory loss centers. The standard that has been used for many years and will continue to be used is one parking space for every two beds plus one space for each two employees on the larger shift. With respect to the independent living apartments, the parking requirement will be .5 parking spaces per unit. It is generally acknowledged that parking requirements for both independent living apartments and assisted living/Alzheimer's/memory loss centers are very low and that the traffic generated by those facilities is also very low. A traffic study was submitted and reviewed by the Planning Board in connection with the public hearings associated with this zoning article. The study provided evidence of minimal traffic impact as a result of the proposed rezoning proposal.

#### Affordable Housing

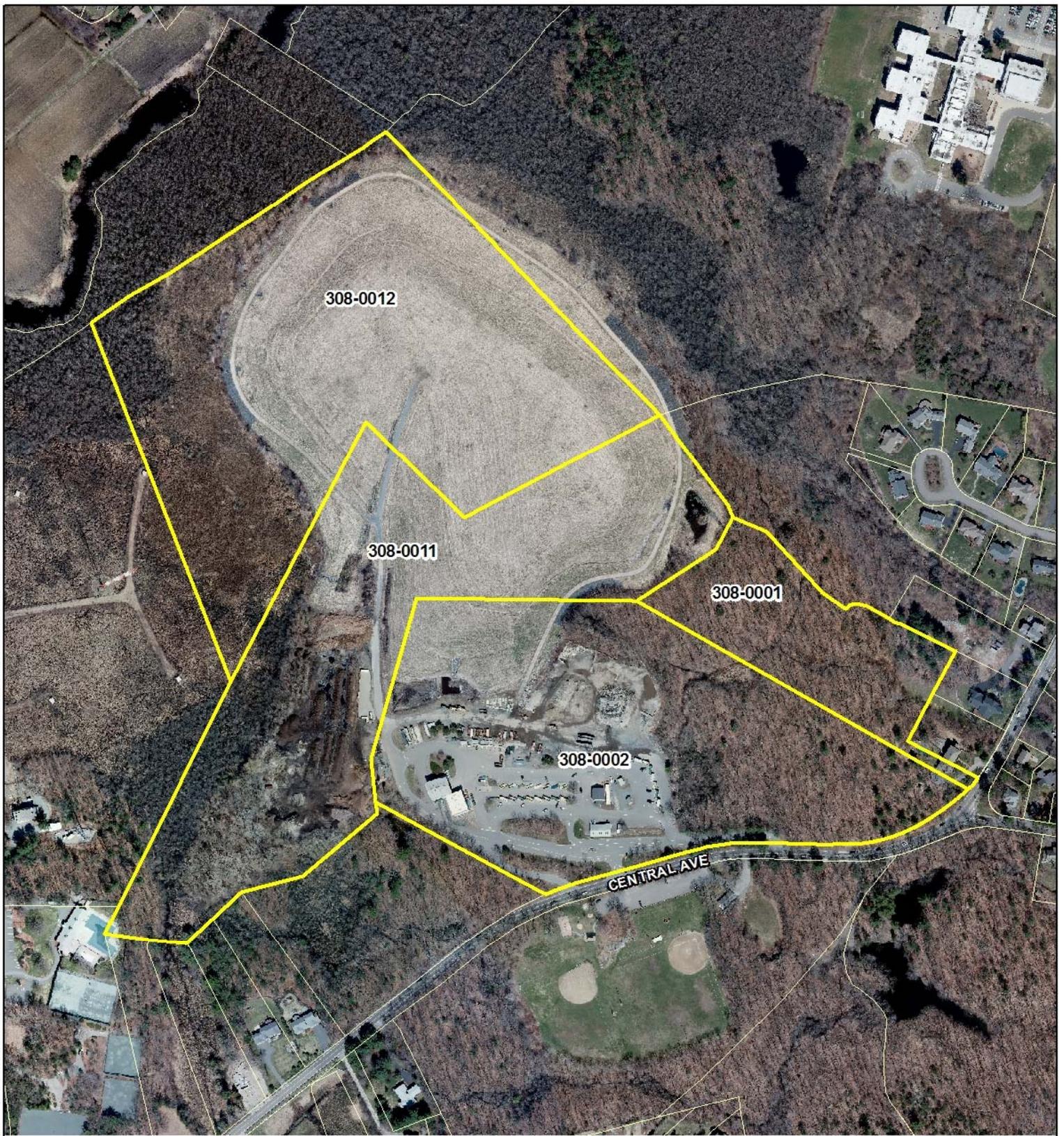
Ten percent (10%) of the independent living apartments will be required to be “Affordable Housing Units”, as defined in the existing Zoning By-Law.

#### Summary

The Planning Board believes that the proposed location for the Elder Services Zoning District is a good one and that it will have a positive impact on the Town's ability to accommodate and care for the needs of senior citizens.

#### **RE: Special Town Meeting Article 2: Amend Zoning By-Law –Map Change to Elder Services Zoning District**

This article describes the geographical boundaries of the new Elder Services Zoning District. As described above, it is comprised of slightly over seven (7) acres and is shown on Needham Assessor's Map 77 as parcels 1, 25 and 56. The district is bounded as follows: on the south by Highland Avenue (is limited to the portion of Highland Avenue where the Wingate at Needham Nursing Home is presently located); to the east by Gould Street; to the north by the railroad right of way, and; to the west by the boundaries of the proposed parcels to be included in the zoning district. A map entitled “Elder Services Zoning District” is attached at the end of this handout.

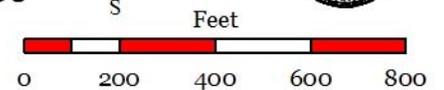


**Annual Town Meeting: May 3, 2010**

**Articles 3 & 4:  
Temporary Meteorological Towers Overlay District**

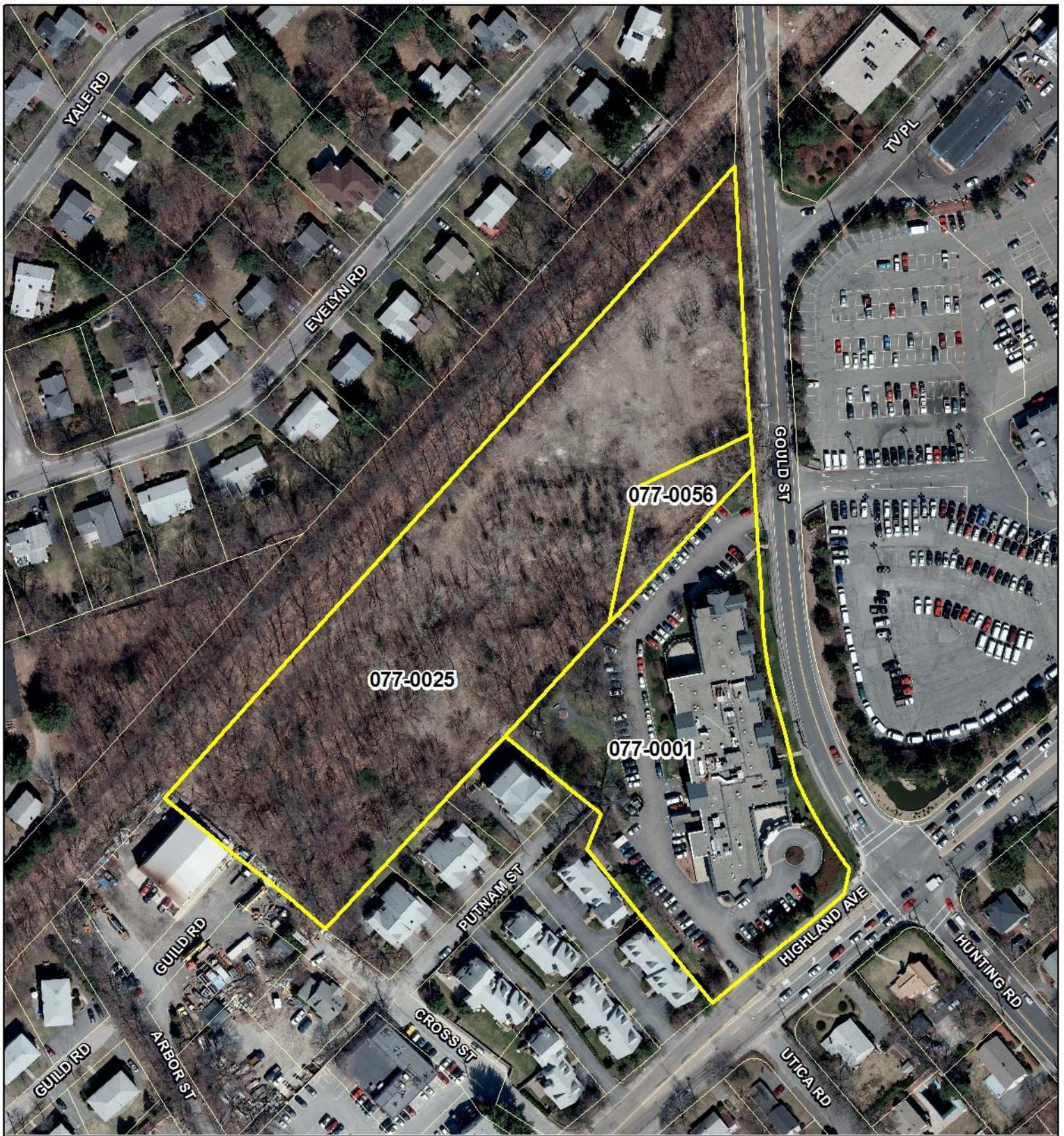
Aerial photograph captured April 2009.

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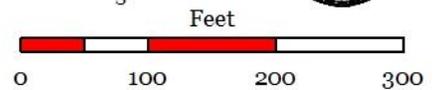


## Special Town Meeting: May 10, 2010

### Articles 1 & 2: Elder Services Zoning District

Aerial photograph captured April 2009.

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Information Technology Center**

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