

NEEDHAM PLANNING BOARD

Friday March 17, 2023

9:00 a.m.

Charles River Room

Public Services Administration Building, 500 Dedham Avenue

AND

Virtual Meeting using Zoom

Meeting ID: **880 4672 5264**

(Instructions for accessing below)

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: **880 4672 5264**

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us click “Join a Meeting” and enter the following ID: **880 4672 5264**

Or to Listen by Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 Then enter ID: **880 4672 5264**

Direct Link to meeting: <https://us02web.zoom.us/j/88046725264>

1. Discussion of Articles for May Town Meeting.
2. Report from Planning Director and Board members.
3. Correspondence.

(Items for which a specific time has not been assigned may be taken out of order.)

ARTICLE 2: AMEND ZONING BY-LAW – ACCESSORY DWELLING UNITS (ADUs)

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

- (1) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.1 Intent, by revising the Subsection to read as follows (new language underlined):

“The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family dwellings or in buildings accessory to single-family dwellings for occupancy by (a) an Owner (as defined in this section 3.15.2) or (b) Family (as so defined) of an Owner of the property or (c) Caregiver (as so defined) to an Owner of the property or a Family member of an Owner or (d) a Lessee (as so defined) of an Owner who resides in the ADU or the principal dwelling unit, all subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling.”

- (2) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 Definitions, by revising subparagraphs (a), (b) (c) and (d) to read as follows (new language underlined):

“(a) Accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling or in a building that is accessory to a single-family detached dwelling, which apartment is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of a single-family dwelling or a single-family dwelling with an accessory building.

(b) “Caregiver” shall mean an adult who regularly looks after an elderly, chronically ill or disabled Owner who needs assistance with activities of daily living or an Owner’s Family member who needs such assistance and for whom the property is such elderly, chronically ill or disabled person’s primary residence, or an adult employed by an Owner to provide childcare to one or more of an Owner’s Family members.

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(c) “Family” as a capitalized word, for the purpose of specifying, pursuant to Section 3.15.3.1 who may occupy the dwelling unit that is not Owner occupied, shall mean persons who are related to an Owner, Caregiver or Lessee, by blood, adoption or marriage, and who are related to such Owner, Caregiver or Lessee as follows: spouse, parent, sibling, child, grandchild, grandparent, aunt, uncle or a spouse or child of any such resident person.”

(d) “Owner” shall mean a person who holds record title to the property directly or indirectly and for whom the property is such Owner’s primary residence. Indirect ownership includes but is not limited to a beneficiary of a trust holding record title to the property and a majority owner of the voting stock of a corporation or the membership units of a limited liability company holding record title to the property.”

- (3) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 Definitions, by adding a new subparagraph (e) to read as follows:

“(e) “Lessee” shall mean a person or persons who has entered into a written lease with the Owner as lessor permitting occupancy of the ADU or the principal dwelling unit for a period of time of at least six months one year by the Lessee and Family of the Lessee, which lease shall prohibit the Lessee from (i) subleasing, (ii) assigning the lease, or (iii) offering housing accommodations on a short-term basis using an on-line venue such as Airbnb or by any other

means to persons who are not Family of the Lessee, provided further that the Owner shall have filed a copy of such lease with the Building Commissioner as a pre-condition of the issuance of an occupancy permit for the ADU, whether to be occupied by the Owner or the Lessee.”

- (4) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3 Use Regulations, by revising the section heading to read as follows (new language underlined):

“3.15.3.1 Use Regulations for ADU within a Single-family Dwelling”

- (5) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations for ADU within a Single-family Dwelling, by revising the first sentence to read as follows:

“An ADU within a single-family detached dwelling shall be permitted under the following use regulations:”

- (6) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations for ADU within a Single-family Dwelling, by revising subparagraphs (c), (d) (f), (g) and (h) to read as follows (new language underlined):

“(c) Occupancy of the unit that is not Owner-occupied shall be limited to a member or members of the Owner’s Family or a Caregiver and such Caregiver’s Family or a Lessee and such Lessee’s Family; provided that occupancy of the principal dwelling unit and the ADU combined shall be limited to five persons who are not Family of the Owner.

(d) The size of the ADU shall be limited to 900 square feet of living space and shall have no more than one bedroom.

(f) Adequate provisions for the proper disposal of sewage and waste generated by the ADU shall be in accordance with Board of Health requirements, and the proper disposal of stormwater shall be in accordance with the Needham Stormwater By-law as administered by the Director of Public Works, if applicable based on the size of any addition to the principal dwelling or an accessory building to accommodate the ADU.

(g) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required. To the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the dwelling. Where there are two or more existing entrances on the front façade of a dwelling and modifications are made to any entrance to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary, so that the ADU entrance shall not detract from the single-family appearance of the property. An interior door way shall be provided between the principle dwelling unit and the ADU as a means of access for purposes of emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.

(h) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and principal dwelling unit, along with a certified site plan, shall also be submitted with the application to the Building Commissioner.”

- (7) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations within a Single-family Dwelling, by deleting subparagraphs (j) and (k).

- (8) In Section 3.15 Accessory Dwelling Units (ADUs), by adding a new Section 3.15.3.2 Use Regulations for ADU within an Accessory Building, a new Section 3.15.3.3 Maintenance of Appearance of Single-family Property, and a new Section 3.15.3.4 Occupancy and Enforcement to read as follows:

“3.15.3.2 Use Regulations for ADU within an Accessory Building

An ADU within an accessory building on the same lot as a single-family detached dwelling may be permitted upon the issuance of a Special Permit by the Board of Appeals under the use regulations of Section 3.15.3.1 (b), (c), (d), (e), (f) and (i) and under the following additional use regulations:

- (a) There shall be no more than one ADU on a lot and no more than one additional accessory building larger than 200 50-sq. ft
- (b) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required for an ADU within an accessory building.
- (c) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and the accessory building that it is to be within or added to, along with a certified plot plan showing the location and dimensions of the primary building and all accessory buildings on the premises, both existing and proposed, shall be submitted with the application to the Building Commissioner.

(d) Any accessory building used as an ADU must comply with all current requirements of Section 4. Dimensional Regulations of this By-law applicable to a principal building in the district in which the property is located.

OR

Any accessory building used as an ADU must comply with all current requirements of the Zoning By-law applicable to accessory structures in the district in which the property is located, or be a lawfully preexisting nonconforming structure as of the effective date of this By-law; provided that lawfully preexisting nonconforming structures may not be structurally altered in a manner that increases any existing nonconformity.

(e) A residential lot that is lawfully nonconforming with respect to minimum lot area and/or minimum frontage may contain an accessory building used as an ADU, provided that such accessory building complies with section (d) above.

(f) Notwithstanding any exception contained in the definition of Floor Area Ratio in Section 4.2, for purposes of this Section any basement in an accessory building with an ADU shall count towards the maximum allowable 900 square feet of living space.

(e).

3.15.3.3 Maintenance of Appearance of Single-family Property

It is the intent of Section 3.15 as specified in Section 3.15.1 to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling. Pursuant to the definition of Accessory Dwelling Unit (ADU) in Section 3.15.2, an ADU shall be constructed to maintain the appearance

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and essential character of a single-family dwelling or a single-family dwelling with an accessory building. Pursuant to the regulation at 3.15.3.1 (g), to the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the principal dwelling and where there are two or more existing entrances on the front façade of the principal dwelling and modifications are made to any such entrance to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary.

The Building Commissioner shall not deny a building permit or occupancy permit for an Accessory Dwelling Unit within a Single-family Building under Section 3.15.3.1 solely due to concern that the above-referenced standards are not met, unless the Building Commissioner requests and obtains an advisory report as to the issue of compliance with these standards from the Design Review Board established under Section 7.7.2 of this By-law.

3.15.3.4 Occupancy and Enforcement

(a) Occupancy of the ADU shall not take place without proof of a recorded Special Permit, if required by Section 3.15.3.2, and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force provided that (i) there is no violation of any provision of this Zoning By-law or the Massachusetts State Building Code or the conditions of any special permit, variance or other zoning relief applicable to the premises, and (ii) that ownership of the premises is not changed unless, in anticipation of a change in ownership, the prospective owner files an acknowledgement that the unit to be occupied by said prospective owner shall be said owner's primary residence and evidence that the other unit is to be occupied by a Family member, Caretaker or Lessee of the prospective owner, and such acknowledgement and evidence is satisfactory to the Building Commissioner, and (iii) the Owner files with the Building Commissioner in the month of January of each year after the anniversary of the issuance of the occupancy permit, a certification that the unit occupied by the Owner continues to be said Owner's primary residence, together with evidence that the other unit is occupied by a Family member, Caretaker or Lessee of the Owner, and such certification and evidence is satisfactory to the Building Commissioner. Furthermore, at any time upon written request from the Building Commissioner, the Owner will provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the By-law. In the event the Owner fails to comply with the requirements in (i) above or fails to provide the acknowledgement required by (ii) above or the certification required by (iii) above or fails to provide such evidence to the Building Commissioner within thirty (30) days of a written request, the Building Commissioner may revoke the occupancy permit for the ADU, and if the ADU is within an accessory building pursuant to Section 3.15.3.2 the Building Commissioner may also revoke the Special Permit for the ADU.

(b) In the case that the ADU is in violation of the terms of this By-law or the lawful use of such unit has expired or been terminated, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating."

- (9) In Section 7.7.2 Design Review Board, Subsection 7.7.2.2 Authority and Specific Powers, by adding after the first sentence of the second paragraph a new sentence to read as follows:

"The Design Review Board shall review requests from the Building Commissioner, as required under Section 3.15.3.3 of the By-law."

- (10) In Section 7.7.2 Design Review Board, Subsection 7.7.2.2 Authority and Specific Powers, by revising the second sentence of the third paragraph to read as follows (new language underlined):

“Such advisory reports of the Design Review Board shall be transmitted to the Building Commissioner and applicant in all other instances as described in the two paragraphs above for “Minor Projects” under Site Plan Review, building permits in all non-residential districts, requests from the Building Commissioner under Section 3.15.3.3 and sign permits.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS:

Article Explanation:

ARTICLE 2: AMEND ZONING BY-LAW – ACCESSORY DWELLING UNITS (ADUs)

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

- (1) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.1 Intent, by revising the Subsection to read as follows (new language underlined):

“The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family dwellings or in buildings accessory to single-family dwellings for occupancy by (a) an Owner (as defined in this section 3.15.2) or (b) Family (as so defined) of an Owner of the property or (c) Caregiver (as so defined) to an Owner of the property or a Family member of an Owner or (d) a Lessee (as so defined) of an Owner who resides in the ADU or the principal dwelling unit, all subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling.”

- (2) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 Definitions, by revising subparagraphs (a), (b) (c) and (d) to read as follows (new language underlined):

“(a) Accessory dwelling unit (ADU) is an apartment in a single-family detached dwelling or in a building that is accessory to a single-family detached dwelling, which apartment is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. This unit shall be subordinate in size to the principal dwelling unit on a lot and shall be constructed to maintain the appearance and essential character of a single-family dwelling or a single-family dwelling with an accessory building.

(b) “Caregiver” shall mean an adult who regularly looks after an elderly, chronically ill or disabled Owner who needs assistance with activities of daily living or an Owner’s Family member who needs such assistance and for whom the property is such elderly, chronically ill or disabled person’s primary residence, or an adult employed by an Owner to provide childcare to one or more of an Owner’s Family members.

(c) “Family” as a capitalized word, for the purpose of specifying, pursuant to Section 3.15.3.1 who may occupy the dwelling unit that is not Owner occupied, shall mean persons who are related to an Owner, Caregiver or Lessee, by blood, adoption or marriage, and who are related to such Owner, Caregiver or Lessee as follows: spouse, parent, sibling, child, grandchild, grandparent, aunt, uncle or a spouse or child of any such resident person.”

(d) “Owner” shall mean a person who holds record title to the property directly or indirectly and for whom the property is such Owner’s primary residence. Indirect ownership includes but is not limited to a beneficiary of a trust holding record title to the property and a majority owner of the voting stock of a corporation or the membership units of a limited liability company holding record title to the property.”

- (3) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.2 Definitions, by adding a new subparagraph (e) to read as follows:

“(e) “Lessee” shall mean a person or persons who has entered into a written lease with the Owner as lessor permitting occupancy of the ADU or the principal dwelling unit for a period of time of at least six months by the Lessee and Family of the Lessee, which lease shall prohibit the Lessee from (i) subleasing, (ii) assigning the lease, or (iii) offering housing accommodations on a short-term basis using an on-line venue such as Airbnb or by any other means to persons

- who are not Family of the Lessee, provided further that the Owner shall have filed a copy of such lease with the Building Commissioner as a pre-condition of the issuance of an occupancy permit for the ADU, whether to be occupied by the Owner or the Lessee.”
- (4) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3 Use Regulations, by revising the section heading to read as follows (new language underlined):
- “3.15.3.1 Use Regulations for ADU within a Single-family Dwelling”
- (5) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations for ADU within a Single-family Dwelling, by revising the first sentence to read as follows:
- “An ADU within a single-family detached dwelling shall be permitted under the following use regulations:”
- (6) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations for ADU within a Single-family Dwelling, by revising subparagraphs (c), (d) (f), (g) and (h) to read as follows (new language underlined):
- “(c) Occupancy of the unit that is not Owner-occupied shall be limited to a member or members of the Owner’s Family or a Caregiver and such Caregiver’s Family or a Lessee and such Lessee’s Family; provided that occupancy of the principal dwelling unit and the ADU combined shall be limited to five persons who are not Family of the Owner.
- (d) The size of the ADU shall be limited to 900 square feet of living space and shall have no more than one bedroom.
- (f) Adequate provisions for the proper disposal of sewage and waste generated by the ADU shall be in accordance with Board of Health requirements, and the proper disposal of stormwater shall be in accordance with the Needham Stormwater By-law as administered by the Director of Public Works, if applicable based on the size of any addition to the principal dwelling or an accessory building to accommodate the ADU.
- (g) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required. To the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the dwelling. Where there are two or more existing entrances on the front façade of a dwelling and modifications are made to any entrance to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary, so that the ADU entrance shall not detract from the single-family appearance of the property. An interior door way shall be provided between the principle dwelling unit and the ADU as a means of access for purposes of emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.
- (h) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and principal dwelling unit, along with a certified site plan, shall also be submitted with the application to the Building Commissioner.”
- (7) In Section 3.15 Accessory Dwelling Units (ADUs), Subsection 3.15.3.1 Use Regulations within a Single-family Dwelling, by deleting subparagraphs (j) and (k).

- (8) In Section 3.15 Accessory Dwelling Units (ADUs), by adding a new Section 3.15.3.2 Use Regulations for ADU within an Accessory Building, a new Section 3.15.3.3 Maintenance of Appearance of Single-family Property, and a new Section 3.15.3.4 Occupancy and Enforcement to read as follows:

“3.15.3.2 Use Regulations for ADU within an Accessory Building

An ADU within an accessory building on the same lot as a single-family detached dwelling may be permitted upon the issuance of a Special Permit by the Board of Appeals under the use regulations of Section 3.15.3.1 (b), (c), (d), (e), (f) and (i) and under the following additional use regulations:

- (a) There shall be no more than one ADU on a lot and no more than one additional accessory building larger than 200 sq. ft.
- (b) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required for an ADU within an accessory building.
- (c) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and the accessory building that it is to be within or added to, along with a certified plot plan showing the location and dimensions of the primary building and all accessory buildings on the premises, both existing and proposed, shall be submitted with the application to the Building Commissioner.
- (d) Any accessory building used as an ADU must comply with all current requirements of Section 4. Dimensional Regulations of this By-law applicable to a principal building in the district in which the property is located.

OR

Any accessory building used as an ADU must comply with all current requirements of the Zoning By-law applicable to accessory structures in the district in which the property is located, or be a lawfully preexisting nonconforming structure as of the effective date of this By-law; provided that lawfully preexisting nonconforming structures may not be structurally altered in a manner that increases any existing nonconformity.

- (e) A residential lot that is lawfully nonconforming with respect to minimum lot area and/or minimum frontage may contain an accessory building used as an ADU, provided that such accessory building complies with section (d) above.
- (f) Notwithstanding any exception contained in the definition of Floor Area Ratio in Section 4.2, for purposes of this Section any basement in an accessory building with an ADU shall count towards the maximum allowable 900 square feet of living space.

3.15.3.3 Maintenance of Appearance of Single-family Property

It is the intent of Section 3.15 as specified in Section 3.15.1 to assure that the single-family character of the neighborhood will be maintained and that the ADU remains subordinate to the principal use of the property as a single-family detached dwelling. Pursuant to the definition of Accessory Dwelling Unit (ADU) in Section 3.15.2, an ADU shall be constructed to maintain the appearance and essential character of a single-family dwelling or a single-family dwelling with an accessory

building. Pursuant to the regulation at 3.15.3.1 (g), to the extent possible, exterior entrances and access ways to an ADU shall not detract from the single-family appearance of the principal dwelling and where there are two or more existing entrances on the front façade of the principal dwelling and modifications are made to any such entrance to provide access to an ADU, or a new entrance is constructed on the front façade of a dwelling to provide such access, the result shall be that the entrance to the principal dwelling unit appears to be the principal entrance to the dwelling and the entrance to the ADU appears to be secondary.

The Building Commissioner shall not deny a building permit or occupancy permit for an Accessory Dwelling Unit within a Single-family Building under Section 3.15.3.1 solely due to concern that the above-referenced standards are not met, unless the Building Commissioner requests and obtains an advisory report as to the issue of compliance with these standards from the Design Review Board established under Section 7.7.2 of this By-law.

3.15.3.4 Occupancy and Enforcement

- (a) Occupancy of the ADU shall not take place without proof of a recorded Special Permit, if required by Section 3.15.3.2, and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force provided that (i) there is no violation of any provision of this Zoning By-law or the Massachusetts State Building Code or the conditions of any special permit, variance or other zoning relief applicable to the premises, and (ii) that ownership of the premises is not changed unless, in anticipation of a change in ownership, the prospective owner files an acknowledgement that the unit to be occupied by said prospective owner shall be said owner's primary residence and evidence that the other unit is to be occupied by a Family member, Caretaker or Lessee of the prospective owner, and such acknowledgement and evidence is satisfactory to the Building Commissioner, and (iii) the Owner files with the Building Commissioner in the month of January of each year after the anniversary of the issuance of the occupancy permit, a certification that the unit occupied by the Owner continues to be said Owner's primary residence, together with evidence that the other unit is occupied by a Family member, Caretaker or Lessee of the Owner, and such certification and evidence is satisfactory to the Building Commissioner. Furthermore, at any time upon written request from the Building Commissioner, the Owner will provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the By-law. In the event the Owner fails to comply with the requirements in (i) above or fails to provide the acknowledgement required by (ii) above or the certification required by (iii) above or fails to provide such evidence to the Building Commissioner within thirty (30) days of a written request, the Building Commissioner may revoke the occupancy permit for the ADU, and if the ADU is within an accessory building pursuant to Section 3.15.3.2 the Building Commissioner may also revoke the Special Permit for the ADU.
 - (b) In the case that the ADU is in violation of the terms of this By-law or the lawful use of such unit has expired or been terminated, the Building Commissioner may, in addition to other remedies, order the removal of any one or more of the provisions that create a separate dwelling unit, such as living, sleeping, cooking and eating."
- (9) In Section 7.7.2 Design Review Board, Subsection 7.7.2.2 Authority and Specific Powers, by adding after the first sentence of the second paragraph a new sentence to read as follows:
- "The Design Review Board shall review requests from the Building Commissioner, as required under Section 3.15.3.3 of the By-law."

- (10) In Section 7.7.2 Design Review Board, Subsection 7.7.2.2 Authority and Specific Powers, by revising the second sentence of the third paragraph to read as follows (new language underlined):

“Such advisory reports of the Design Review Board shall be transmitted to the Building Commissioner and applicant in all other instances as described in the two paragraphs above for “Minor Projects” under Site Plan Review, building permits in all non-residential districts, requests from the Building Commissioner under Section 3.15.3.3 and sign permits.”

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS:

Article Explanation: Article 2 seeks to amend Needham’s current Accessory Dwelling Units (ADUs) zoning by-law provisions by expanding the circumstances under which ADU’s would be permitted in Town with the goal of further diversifying the Town’s housing stock through the production of additional smaller, more affordable housing units.

Background

The October 2019 Special Town Meeting approved a zoning by-law amendment to permit the creation of ADUs in single-family homes by Special Permit of the Board of Appeals subject to specified standards and procedures. The by-law limited the units to single-family homes where the units are occupied “by the Owner; Family members related to the Owner by blood, adoption or marriage (spouse, parent, sibling, child, or a spouse of such persons); and Caregivers of Family members who look after an older, chronically ill or disabled Owner who needs assistance with activities of daily living or a Family member who needs such assistance.” The by-law also defined the ADU as “an apartment in a single-family detached dwelling that is a second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking and eating. The ADU must be subordinate in size to the principal dwelling unit on a lot and constructed to maintain the appearance and essential character of the single-family dwelling.”. A total of twelve ADUs have been permitted as of March 2023.

Major provisions of the current by-law include the following: (1) Available by Special Permit from the Board of Appeals, good for 3 years, renewable by Special Permit. If there is a new owner of the home, they have to go through the Special Permitting process to keep the ADU. (2) At least one of the units (the primary residence or the ADU) must be owner-occupied and occupancy of the second residence must be limited to a member of the owner’s family or a caregiver and such caregiver’s family. (3) No more than five persons who are not family members of the owner can live in the primary residence and the ADU combined. (4) There can be no more than one ADU on a lot, and it must be located within the single-family detached dwelling and not in a separate building. (5) To the extent possible, exterior entrances and access ways shall not detract from the single-family appearance of the dwelling. No stairs for access to upper floors of the ADU shall be on the outside. There must be an interior doorway between each living unit for safety purposes in an emergency. (6) The size of the ADU is limited to 850 square feet, and it can have no more than one bedroom. (7) Off-street parking must be provided with at least one parking space per dwelling unit.

Amendment Description

Article 2 proposes the following changes to the current use and permitting framework of the by-law to better encourage the creation of ADUs in Needham: (1) Allows ADUs in single-family detached dwellings by-right rather than by special permit, while still requiring that the building and design guidelines contained in the current by-law be met. ADUs located in a single-family dwelling will continue to be required to meet all zoning dimensional requirements for a single-family home as specified in the

underlying zoning district. Needham homeowners who want to add an ADU to their home under the current by-law must obtain a special permit, which involves considerable and unnecessary time for both the applicant and the Zoning Board of Appeals. Review of proposed building plans for attached or interior ADUs by the Building Commissioner should suffice to ensure compliance with the by-law and whether the ADU is “constructed to maintain the appearance and general character of the single-family dwelling”. (2) Expands the residency requirements of an ADU as contained in the definition of “Caregiver” to include “an adult employed by an Owner to provide childcare to one or more of an Owner’s Family members”. (3) Expands the residency requirements of an ADU as contained in the definition of “Family” to include “a grandparent, aunt or uncle”. (4) Allows for unrestricted lessee residency of the ADU (i.e., the unit can be rented to anyone) subject to owner occupancy of the property and a 6-month minimum lease. The 6-month lease provision is provided, so that ADUs will be used for rental housing rather than short-term accommodations. (5) Increases the size limit for an ADU from a maximum of 850 square feet of living space to a maximum of 900 square feet of living space.

Additionally, Article 2 would allow ADUs in detached accessory buildings on the same lot as a single-family detached dwelling upon the issuance of a Special Permit by the Board of Appeals subject to the following conditions. (1) There shall be no more than one ADU on a lot and no more than one additional accessory building larger than 200 square feet. (2) Compliance with the ingress and egress provisions of the Massachusetts State Building Code, applicable to dwelling units, shall be required for an ADU within an accessory building. (3) The owner of record shall be responsible for submitting an ADU application to the Building Commissioner. Floor plans of the ADU and the accessory building that it is to be within or added to, along with a certified plot plan showing the location and dimensions of the primary building and all accessory buildings on the premises, both existing and proposed, shall be submitted with the application to the Building Commissioner. (4A) Any accessory building used as an ADU must comply with all current dimensional requirements of the Zoning By-law applicable to a principal building in the district in which the property is located. (4B) Any accessory building used as an ADU must comply with all current requirements of the Zoning By-law applicable to accessory structures in the district in which the property is located or be a lawfully preexisting nonconforming structure as of the effective date of this By-law; provided that lawfully preexisting nonconforming structures may not be structurally altered in a manner that increases any existing nonconformity. Such stand-alone accessory detached ADU units are required to be setback a minimum of five (5) feet from the side and rear lot lines of the lot unless the structure exceeds fifteen (15) feet in height in which case the setback must comply with the underlying district’s increased rear or side setback requirements. A minimum distance of ten (10) feet is required between the ADU detached dwelling and any other structure or building on the lot. (5) A residential lot that is lawfully nonconforming with respect to minimum lot area and/or minimum frontage may contain an accessory building used as an ADU, provided that such accessory building complies with item (4) above. (6) Any basement in an accessory building with an ADU shall count towards the maximum allowable 900 square feet of living space.

Finally, the article establishes occupancy and enforcement standards. Occupancy of the ADU shall not take place without proof of a recorded Special Permit, if required, and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force provided that (1) there is no violation of any provision of this Zoning By-law or the Massachusetts State Building Code or the conditions of any special permit, variance or other zoning relief applicable to the premises, and (2) that ownership of the premises is not changed unless, in anticipation of a change in ownership, the prospective owner files an acknowledgement that the unit to be occupied by said prospective owner shall be said owner’s primary residence and evidence that the other unit is to be occupied by a Family member, Caretaker or Lessee of the prospective owner, and such acknowledgement and evidence is satisfactory to the Building Commissioner, and (3) the Owner files with the Building Commissioner in the month of January of each year after the anniversary of the issuance of the occupancy permit, a certification that the unit occupied by the Owner continues to be said Owner’s primary residence, together with evidence that the other unit is occupied by a Family member, Caretaker or Lessee of the Owner and a copy of any current lease, and such

certification and evidence is satisfactory to the Building Commissioner. Furthermore, at any time upon written request from the Building Commissioner, the Owner will provide evidence that the ADU and the principal dwelling unit are being occupied in accordance with the By-law. In the event the Owner fails to comply with the above requirements the Building Commissioner within thirty (30) days of a written request may revoke the occupancy permit for the ADU, and if the ADU is within an accessory building may also revoke the Special Permit for the ADU.

Public Policy Objectives

ADUs provide a number of important benefits to the community, diversifying the housing stock and allowing Needham to be part of a regional effort to contribute to the urgent need for additional smaller, more affordable housing unit production. As documented in the December 2022 Needham Housing Plan, Needham's housing is increasingly less affordable without a sufficient range of housing choices that offer smaller unit sizes with more affordable rental costs for employees, new residents or families, or for existing, mostly senior, residents. While the current by-law which limited occupancy to family members or caregivers promoted greater housing diversity in the community by allowing small apartments in existing dwellings, enabling extended family members to live together, and also providing opportunities for live-in support for people with disabilities, much more can be accomplished. The goal of this amendment is to now expand this opportunity to a larger population base so that more local housing needs can be met.

It is anticipated that the proposed amendment could address the following local housing needs: (1) ADUs could provide additional, affordable studio and one-bedroom rentals, by expanding the housing opportunities for older adults and other residents to remain in their homes, young adults who want to stay in or return to Needham, employees of Needham businesses, and potential newcomers to the Needham community. (2) ADUs could allow homeowners to stay in their homes by providing needed rental income to assist with housing costs including taxes, utilities and other housing expenses. (3) Homeowners of small homes that cannot easily be enlarged could benefit from ADU income by converting a smaller building on their lot, such as a detached garage, into an ADU. (4) ADUs could provide additional housing while maintaining existing single-family neighborhoods. (5) ADUs are encouraged by the Massachusetts Executive of Energy and Environmental Affairs and advocated for by the Needham Council on Aging, Board of Health and Department of Public Health and Human Services. (6) Owners will be responsible landlords because they must reside in the property and always provide emergency egress freely through the main unit from the ADU. (6) ADUs can provide important services for the owner such as snow removal or errands for older adults or babysitting for families for example.

ADUs are allowed in many Massachusetts communities. For example, of the 100 cities and towns in the Metropolitan Area Planning Council (MAPC) region outside the City of Boston, 37 allow a homeowner to create an accessory apartment and rent it to persons other than family members or caregivers. Moreover, in the last decade, almost half of the 100 Boston-area municipalities have adopted either a master plan or a housing production plan that recommends allowing ADUs with fewer restrictions. For example, Belmont and Hudson voted to allow ADUs unrestricted to relatives. Lexington, Newton and Carlisle, and other municipalities voted to allow ADUs in detached structures. Burlington, Bedford, and Acton, among other towns, allow ADUs by-right. Most recently, Wellesley's Town Meeting voted to adopt an ADU by-law without any residency restrictions, allowing both attached and detached ADUs by right with a maximum unit size of 900 square feet.

ARTICLE 1: AMEND ZONING BY-LAW – ACCESSORY 3-CAR GARAGE USE IN SINGLE RESIDENCE B, GENERAL RESIDENCE, BUSINESS AND INDUSTRIAL DISTRICTS

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

- (1) In Section 6.1, Accessory Uses, Subsection 6.1.2, by deleting from the first sentence of the first paragraph the words “and in the Single Residence B, General Residence, Business and Industrial districts garage space for not more than two (2) cars” so that the sentence shall now read as follows:

“There shall be permitted as an accessory use on residential property in the Single Residence A, Rural Residence – Conservation, and Institutional districts garage space for not more than three (3) cars.”

- (2) In Section 6.1, Accessory Uses, Subsection 6.1.2, by adding a new second and third paragraph to read as follows:

“There shall be permitted as an accessory use on two-family residential property in the General Residence and Business districts garage space for not more than two (2) cars per dwelling unit.

There shall be permitted as an accessory use on single-family residential property in the Single Residence B, General Residence, Business and Industrial districts garage space for not more than three (3) cars, provided that the third garage shall be designed and located as follows:

- (a) the garage-space door shall be on the façade of a dwelling, which façade faces a side lot line, or the rear lot line, or if the dwelling is on a corner lot, does not face the street or way toward which the front entry door of the dwelling is oriented, for purposes of this Section 6.1.2 referred to as the front façade; or
- (b) the garage-space door shall be on the front façade of a dwelling, provided (i) that the garage is set back at least five (5) feet from the portion of the front façade of the dwelling that has the longest length, and (ii) the length of all garage spaces on the front façade of the dwelling does not exceed 50% of the total length of the front façade of the dwelling, or (iii) the garage is located in the basement of the dwelling and accessed by means of a ramp; or
- (c) the additional garage space shall be located in an accessory building where the accessory building is separate from and set back at least five (5) feet from the portion of the front façade of the principal structure that has the longest length.”
- (3) In Section 6.1, Accessory Uses, Subsection 6.1.2, by ordering the second paragraph as paragraph four and revising the first sentence of said paragraph to read as follows (new language underlined):
- “Upon application the Board of Appeals may issue a Special Permit for (i) one additional garage space per lot in the Single Residence A, Rural Residence – Conservation, and Institutional districts for a total of four (4) garage spaces, or (ii) one additional garage space per lot in the Single Residence B, General Residence, Business and Industrial districts for a total of three (3) garage spaces, notwithstanding that the garage-space door is not permitted under the paragraph above, provided that the premises in question are reasonably adaptable to such use and will allow proper layout thereof (including adequate separation of buildings or structures and open areas from adjacent premises), and provided further that the proposed use;”

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS:

Article Explanation: Presently in the Single Residence B, General Residence, Business and Industrial districts, single family residential property is permitted to contain, as an accessory use, garage space for up to two (2) cars by-right with one (1) additional garage space (total three (3) garage spaces) permitted by special permit. Under the terms of the amendment, garage space for up to three (3) cars would now be permitted by-right in the above-named districts on single-family residential property as an accessory use provided such third car garage space is designed and located as follows: (1) the garage-space door is located on the façade of the dwelling which faces a side lot line, or the rear lot line, or if the dwelling is on a corner lot, does not face the street or way toward which the front entry door of the dwelling is oriented; or (2) the garage-space door is located on the front façade of a dwelling, under the following conditions (i) the garage is set back at least five feet from the portion of the front façade of the dwelling that has the longest length, and (ii) the length of all garage spaces on the front façade of the dwelling does not exceed 50% of the total length of the front façade of the dwelling, or (iii) the garage is located in the basement of the dwelling and accessed by means of a ramp; or (3) the additional third garage space is located in an accessory building where the accessory building is separate from and set back at least five feet from the portion of the front façade of the principal structure that has the longest length. A third car garage space not meeting the above described design terms would be required to seek a special permit from the Zoning Board of Appeals.

ARTICLE 3: AMEND ZONING BY-LAW – CORRECTIVE ZONING AMENDMENTS

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

1. Amend the Needham Zoning By-Law by replacing all references to “Building Inspector” with “Building Commissioner” where it appears in the By-Law.
2. Amendment Section 3.15 Accessory Dwelling Units (ADU’s) by renumbering the section as Section 3.16 Accessory Dwelling Units (ADU’s) and by further renumbering the subsections numerically.
3. Amend Section 5.1.2 Required Parking, by deleting in the first sentence of the second paragraph the words “, 2nd Edition,” and inserting the words “the most recent edition of” after the words “recommendations based on” so that sentence now reads as follows (new language underlined):

“In the event that the Building Inspector is unable to determine if a particular use relates to any use within the table of ‘Required Parking’ (Section 5.1.2), the Planning Board shall recommend to the Building Inspector a reasonable number of spaces to be provided based on the expected parking needs of occupants, users, guests, or employees of the proposed business, with said recommendations based on the most recent edition of the ITE Parking Generation Manual or an alternative technical source determined by the Planning Board to be equally or more applicable.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS:

Article Explanation: Over the years Town Meeting has approved numerous inserts and other changes to the Zoning By-Law. Unfortunately, when those changes occurred, not all references were changed as required. This article would update the reference made to Section 3.15 Accessory Dwelling Units to Section 3.16 Accessory Dwelling Units. Additionally, the article would update the title of “Building Inspector” to “Building Commissioner” as currently used and as it appears throughout the Zoning By-Law. Lastly, the reference to the ITE Parking Generation Manual would be updated from “2nd Edition” to “the most recent edition”.

ARTICLE 4: AMEND ZONING BY-LAW – SINGLE RESIDENCE B AND GENERAL RESIDENCE SIDE SETBACK

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

1. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.1 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures on Lots Created by Deed or Plan Endorsed or Recorded Prior to January 9, 1986 and Not Including New Construction, footnote (e) by adding at the end of the last sentence of footnote (e) the words “for the remaining length of the structure, regardless of an increased side setback” so the sentence shall now read as follows (new language underlined):

“In no case shall a side wall extension extend more than 32 linear feet without a 2- foot offset for the remaining length of the structure, regardless of an increased side setback.”

2. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.2 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures, on Lots Created by Deed or Plan, Endorsed or Recorded on or After January 9, 1986 and Not Including New Construction, footnote (a) by adding at the end of the last sentence of footnote (a) the words “for the remaining length of the structure, regardless of an increased side setback” so the sentence shall now read as follows (new language underlined):

“In no case shall a side wall extension extend more than 32 linear feet without a 2- foot offset for the remaining length of the structure, regardless of an increased side setback.”

3. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.3 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures Created Through New Construction on any Lot, footnote (a) by adding at the end of the last sentence of footnote (a) the words “for the remaining length of the structure, regardless of an increased side setback” so the sentence shall now read as follows (new language underlined):

“In no case shall a side wall extension extend more than 32 linear feet without a 2-foot offset for the remaining length of the structure, regardless of an increased side setback.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS:

Article Explanation: This article clarifies the side yard setback requirement in the Single Residence B and General Residence districts for both conforming lots and lots that have less than 80 feet of frontage as adopted by Town Meeting in May of 2017. The goal of the amendment is to ensure that a 2-foot offset is provided after 32 linear feet of sidewall at the side yard irrespective of whether a building’s placement is at the district’s minimum side yard setback requirement or in excess of said requirement. Such was the intent when the article was presented in May of 2017

with the policy goal of reducing some of the negative effects of building massing along the side line.

The present side yard setback provisions for the Single Residence B and General Residence districts are as follows. The present situation for the conforming lot is a side yard setback of 14 feet in conjunction with a stepped side line setback that works as follows: If you build the side of the house along the setback line, it can be extended for a distance of only 32 feet at the 14-foot setback line. Any additional length must be set back an additional two feet. So, 32 feet of the house could be located 14 feet from the side lot line, the remainder would have to be at least 16 feet back from that line. As relates to the nonconforming lot (for frontage only), a side yard setback of 12 feet is currently required in conjunction with a stepped side line setback that works as follows: If you build the side of the house along the setback line, it can be extended for a distance of only 32 feet at the 12-foot setback line. Any additional length must be set back an additional two feet. So, 32 feet of the house could be located 12 feet from the side lot line, the remainder would have to be at least 14 feet back from that line.

The proposed amendment makes clear that the above-noted 2-foot off-set provision, designed to break-up building massing along the side line, is to be applied universally irrespective of a building's placement at a distance in excess of a districts minimum side yard setback requirement.

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The minimum side yard setback is 14 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at the minimum setback line in the side yard at or farther back from 14 feet, ~~as measured parallel to the side lot line~~, provided that ~~the remaining~~ any additional length of structure along in the side yard setback in excess of 32 linear feet must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at the minimum setback distance, in the side yard at or farther back from 12 feet, ~~as measured parallel to the side lot line~~, provided that ~~the remaining~~ any additional length of structure along in the side yard setback in excess of 32 linear feet must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2 foot offset, regardless of an increased side setback.

ARTICLE 4: AMEND ZONING BY-LAW – SINGLE RESIDENCE B AND GENERAL RESIDENCE SIDE SETBACK

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

1. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.1 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures on Lots Created by Deed or Plan Endorsed or Recorded Prior to January 9, 1986 and Not Including New Construction, footnote (e) by revising footnote (e) to now read as follows:

“ (e) The minimum side yard setback is 14 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 14 feet, provided that any additional length of structure in the side yard in excess of 32 linear feet must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 12 feet, provided that any additional length of structure in excess of 32 linear feet must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2-foot offset, regardless of an increased side setback.”

2. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.2 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures, on Lots Created by Deed or Plan, Endorsed or Recorded on or After January 9, 1986 and Not Including New Construction, footnote (a) by revising footnote (a) to now read as follows:

“ (a) The minimum side yard setback is 14 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 14 feet, provided that any additional length of structure in the side yard in excess of 32 linear feet must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of frontage shall be 12 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 12 feet, provided that any additional length of structure in excess of 32 linear feet must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2-foot offset, regardless of an increased side setback.”

3. Amend Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.3 Table of Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, and General Residence Districts, for Buildings and Structures Created Through New Construction on any Lot, footnote (a) by revising footnote (a) to now read as follows:

“ (a) The minimum side yard setback is 14 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 14 feet, provided that any additional length of structure in the side yard in excess of 32 linear feet must be offset an additional 2 feet. Notwithstanding the above, the minimum side yard setback requirement for all buildings and structures on any lot that contains less than 80 feet of

frontage shall be 12 feet as measured parallel to the side lot line, and a maximum of 32 linear feet of structure may be built at or farther back from 12 feet, provided that any additional length of structure in excess of 32 linear feet must be offset an additional 2 feet. In no case shall a side wall extension extend more than 32 linear feet without a 2-foot offset, regardless of an increased side setback.”

Or take any other action relative thereto.

INSERTED BY: Planning Board

FINANCE COMMITTEE RECOMMENDS:

Article Explanation: This article clarifies the side yard setback requirement in the Single Residence B and General Residence districts for both conforming lots and lots that have less than 80 feet of frontage as adopted by Town Meeting in May of 2017. The goal of the amendment is to ensure that a 2-foot offset is provided after 32 linear feet of sidewall at the side yard irrespective of whether a building’s placement is at the district’s minimum side yard setback requirement or a distance in excess of said requirement. Such was the intent when the article was presented in May of 2017 with the policy goal of reducing some of the negative effects of building massing along the side line.

The present side yard setback provisions for the Single Residence B and General Residence districts are as follows. The present situation for the conforming lot is a side yard setback of 14 feet in conjunction with a stepped side line setback that works as follows: If you build the side of the house along the setback line, it can be extended for a distance of only 32 feet at the 14-foot setback line. Any additional length must be set back an additional two feet. So, 32 feet of the house could be located 14 feet from the side lot line, the remainder would have to be at least 16 feet back from that line. As relates to the nonconforming lot (for frontage only), a side yard setback of 12 feet is currently required in conjunction with a stepped side line setback that works as follows: If you build the side of the house along the setback line, it can be extended for a distance of only 32 feet at the 12-foot setback line. Any additional length must be set back an additional two feet. So, 32 feet of the house could be located 12 feet from the side lot line, the remainder would have to be at least 14 feet back from that line.

The proposed amendment makes clear that the above-noted 2-foot off-set provision, designed to break-up building massing along the side line, is to be applied universally irrespective of a building’s placement at a distance in excess of a districts minimum side yard setback requirement.

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From: noreply@civicplus.com
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Board
Date: Tuesday, March 7, 2023 10:17:57 PM

The following form was submitted via your website: Contact Planning Board

Full Name:: Stephen Frail

Email Address:: sfrail2001@yahoo.com

Address:: 29 Powers Street

City/Town:: Needham

State:: MA

Zip Code:: 02492

Telephone Number:: 6172830047

Comments / Questions: RE: ADU bylaw, as a final addendum to my comments in making ADUs easier for both attached and detached structures, I want to respond to the comments about allowing detached ADUs as somehow changing the "character" of the neighborhood. I ask the planning board to consider what changes the character of a neighborhood more: allowing a homeowner to add a small cooking unit to a detached structure so someone can live in it, or allowing a 1500 sq ft home to be torn down and replaced with an 4000 sq ft home. In our neighborhood, we've seen teardown after teardown. The neighborhood full of capes and saltbox colonials and bungalows we moved into is now filled with large neo-colonials with more square footage dedicated to bathrooms than our entire home. This is by right, and I'm not suggesting that we should change that. But, the notion that somehow allowing for an existing structure to be used as an ADU somehow changes the character of the neighborhood anywhere near as much as those tea downs does not hold water with me, and with many home owners. Our current bylaws greatly favor developers, large home owners, and builders. It's time for the Town to start helping out the small home owners. Please leave the article as written to allow for ADUs in existing structures without the burdensome requirement that they adhere to the setbacks for new structures. As many speakers pointed out, those structures already exist. They do not change the character of the neighborhood. Allowing someone to sleep in and then make a pot of coffee or fry up some eggs in a structure is far less intrusive to a neighbor than running a table saw, tuning a lawnmower engine, or chopping wood in that structure, and all of the latter examples are allowed. Neighborhoods change, and that's OK, but allowing only one kind of change, the kind of change that maybe a large homeowner would favor, and not allowing those changes for the small homeowner, is discriminatory, because those who have will have more, and those who have less, will continue to be forced out of our neighborhoods.

Additional Information:

Form submitted on: 3/7/2023 10:17:51 PM

Submitted from IP Address: 108.20.149.147

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From: [K. McDirks](#)
To: [Planning](#)
Subject: Follow up to meeting on Tuesday, March 7
Date: Friday, March 10, 2023 4:13:37 PM

Hello Planning Board,

I wanted to follow up after the meeting on Tuesday. First, thank you for hosting this. Though it was listed as a public meeting it was not listed in the Needham newsletter - I found out about it only because my husband is a Town Meeting Member.

I heard a lot of great ideas. I wanted to share my support for the following based on what I heard:

- The building codes in place now favor new construction. This is without regard to the aesthetics of our town or thoughtfully considering the streetscapes (examples of this are on the Fair Oaks and Woodlawn, where new builds are 30 feet closer to the street than all other homes to maximize square footage - it ruins the streetscape. Another example is the new build on the corner of Powers and Webster where the house was allowed to be turned toward Powers - leaving a huge, ugly wall to face Webster Street). Builders care about making money and that means square footage. This is concerning when it comes to ADUs because they will figure out a way to maximize this as well. This is not the point of the ADUs. New construction should be built conforming to zoning laws and the ADU should be conforming within that allowed space. 6,000 - 8,000 square feet of living space is plenty for an ADU to be included in that footprint.
- ADUs should be considered with the intention of providing home owners of older properties who either cannot afford to live here anymore, or want to preserve their old home and need to increase the value to do that in order to save their home from being torn down for new construction to be built.
- Owners of homes with ADUs should be able to rent their main home to provide income so that they can stay in Needham. This was a great point offered by someone who discussed the cost of living in Needham and supporting our elderly.
- There are a lot of reasons to support ADUs for older home. Existing buildings should be grandfathered in regardless of if they are conforming or not - they are there already so what is the difference?

Thanks for listening.

Katy Dirks
674 Webster Street

From: noreply@civicplus.com
To: [Alexandra Clee](#); [Lee Newman](#); [Elisa Litchman](#)
Subject: Online Form Submittal: Contact Planning Board
Date: Saturday, March 11, 2023 11:49:51 AM

The following form was submitted via your website: Contact Planning Board

Full Name:: Teresa Combs

Email Address:: tcombs2@verizon.net

Address:: 7 UTICA RD

City/Town:: NEEDHAM

State:: MA

Zip Code:: 02494

Telephone Number:: 7816080053

Comments / Questions: Wingate Development, LLC special permit amendment to permit expansion by adding a third floor to the building. I was on the zoom town hall meeting 3/7/23. As a LTC resident across the street from this property I am concerned that they want to reduce the parking footprint as well as the size of this building. Overflow parking iover flow from wingate the nursing home would result with visitors or guest parking on Utica Rd and walking across the street to the nursing home. Reducing the parking will increase this restarting. Adding a 3rd f will involve new construction to an already conjeested area. Espavially with the Muzi [roject to start. The size of this building will tower over the other buildings /homes in our area. Its one thing to have the Muzi projcet be as big as its going to be at leaset this is seperated more from direct property owners. Wingate is not. The idea that 22 more units will help with our housimg shortage is only correct for the wealthy in ouyr gtown. Those units will rent for more than new rentals units have come on the market at 2nd ave. As a social worker this doers nit address the need for more housing for middle income Needham residents who are left with the obnly option of adding a ADU if they can.

The ADU issue: I am in favor for allowing homeowners to add an ADU by right. And for a rental term of 30 days at a time. Requiring a lease for 12 months excludes relatives who may need to move in for a short period of time to care for me in the future. Requiring a 12 month lease will rule out options. In this current labor market when it is almost impossible to find live in help to care for seniors this is not the time to put into place such a restriction. Expanding who I can rent an ADU to is imperateive to my futire to remain in Needham. I look forward to attending future meetings

Additional Information:

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