

TOWN OF NEEDHAM

Office of the Town Clerk

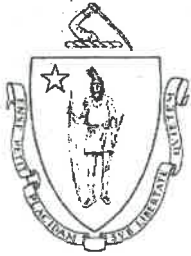


BY-LAWS

Approved By The Attorney General

**Annual Town Meeting
May 3, 2021**

August 21, 2021



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

2021 AUG 23 AM 8:52

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

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August 21, 2021

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

**Re: Needham Annual Town Meeting of May 3, 2021 -- Case # 10146
Warrant Articles # 5 and 6 (Zoning)**

Dear Ms. Eaton:

Articles 5 and 6 - We approve Articles 5 and 6, and the map amendments adopted under Article 6, from the May 3, 2021 Needham Annual Town Meeting. We will send the approved map to you by regular mail.

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

Very truly yours,
MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

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

cc: Town Counsel Christopher H. Heep

Received
2021

TOWN CLERK
August 23, 2021

NEEDHAM
8:52 AM



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

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AT THE ANNUAL TOWN MEETING

HELD ON MONDAY, MAY 3, 2021

UNDER ARTICLE 5

It was

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

1. Amend Section 2.1, Classes of Districts, by adding the following term and abbreviation under the subsection Industrial:

"HC-1 -- Highway Commercial 1"

2. Amend Section 3.2, Schedule of Use Regulations, by adding a new Section 3.2.7 as follows:

"3.2.7 Uses in the Highway Commercial 1 District

3.2.7.1 Permitted Uses

The following uses are permitted within the Highway Commercial 1 District as a matter of right:

- (a) Uses exempt from local zoning control pursuant to M.G.L. Chapter 40A, Section 3.
- (b) Public parks and playgrounds, municipal buildings or uses.
- (c) Retail establishment (not including grocery stores) or combination of retail establishments serving the general public where each establishment contains 5,750 square feet or less of floor area and where all items for sale or rent are kept inside a building.
- (d) Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises.
- (e) Craft, consumer or commercial service establishment dealing directly with the general public.
- (f) Laundry or dry-cleaning pick-up station with processing done elsewhere.
- (g) Professional, business or administrative office, but not including any of the following: a medical clinic or Medical Services Building or medical, surgical, psychiatric, dental, orthodontic, or psychologist group practices comprised of three or more such professionals (hereinafter "Group Practices") or physical therapy, alternative medicine practices, wellness treatments, including but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. "Professional" shall include professional

medical, surgical, psychiatric, dental, orthodontic or psychologist practice by a group of two or fewer such professionals ("Non-group Practice").

(h) Bank or Credit Union.

(i) Medical Laboratory or laboratory engaged in scientific research and development and/or experimental and testing activities including, but not limited to, the fields of biology, genetics, chemistry, electronics, engineering, geology, medicine and physics, which may include the development of mock-ups and prototypes.

(j) Radio or television studio.

(k) Light non-nuisance manufacturing, including, but not limited to, the manufacture of electronics, pharmaceutical, biopharmaceutical, medical, robotic, and micro-biotic products, provided that all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor, and heat are effectively confined in a building or are disposed of in a manner so as not to create a nuisance or hazard to safety or health.

(l) Telecommunications facility housed within a building.

(m) Other customary and proper accessory uses incidental to lawful principal uses. Further provided, accessory uses for seasonal temporary outdoor seating for restaurants serving meals for consumption on the premises and at tables with service provided by waitress or waiter shall be allowed upon minor project site plan review with waiver of all requirements of Section 7.4.4 and 7.4.6 except as are necessary to demonstrate compliance with Section 6.9 by the Planning Board or Select Board in accordance with Section 6.9.

(n) More than one building on a lot.

(o) More than one use on a lot.

3.2.7.2 Uses Permitted by Special Permit

The following uses are permitted within the Highway Commercial 1 District upon the issuance of a Special Permit by the Special Permit Granting Authority under such conditions as it may require:

(a) Light-rail train station.

(b) Adult day care facility.

(c) Private school, nursery, or kindergarten not otherwise classified under Section 3.2.7.1 (a).

(d) Retail establishment (not including grocery stores) or combination of retail establishments serving the general public where any establishment contains more than 5,750 but less than 10,000 square feet of floor area and where all items for sale or rent are kept inside a building.

(e) Equipment rental service but not including any business that uses outside storage.

(f) Grocery store provided it does not exceed 10,000 square feet of floor area.

(g) Eat-in or take-out restaurant or other eating establishment except that a lunch counter incidental to a primary use shall be permissible by right.

(h) Veterinary office and/or treatment facility and/or animal care facility, including but not limited to, the care, training, sitting and/or boarding of animals.

(i) Indoor athletic or exercise facility or personal fitness service establishment, which may include outdoor pool(s) associated with such facilities.

(j) External automatic teller machine, drive-up window or auto-oriented branch bank accessory to a bank or credit union permitted under Section 3.2.7.1(h) hereof.

(k) Group Practices as defined in Section 3.2.7.1(g) and alternative medicine practices, physical therapy, and wellness treatments facilities including, but not limited to, acupuncture, yoga, chiropractic and/or nutrition services. Such uses may have customary and proper accessory uses incidental to the lawful principal uses, including but not limited to, pharmacies.

(l) Live performance theater, bowling alley, skating rink, billiard room, and similar commercial amusement or entertainment places.

(m) Apartment or multi-family dwelling provided that (1) the proposed apartment or multi-family dwelling complies with the lot area per unit requirements for apartments in the A-1 district as detailed in Section 4.3, (2) no more than 240 dwelling units shall be permitted in the Highway Commercial 1 District, (3) at least 40% but not more than 70% of all dwelling units within any project shall be one-bedroom units, and (4) at least 12.5% of all dwelling units shall be Affordable Units as regulated in Section 6.12.”

3. Amend Section 4.7.1, Specific Front Setbacks, by deleting the following provisions:

“(b) On the easterly side of Gould Street from Highland Avenue northerly to land of the New York, New Haven and Hartford Railroad Company, there shall be a fifty (50) foot building setback line;

(c) On the northerly side of Highland Avenue from Gould Street northeasterly to the property of the Commonwealth of Massachusetts, there shall be a fifty (50) foot building setback line.”

4. Amend Section 4.10, Dimensional Regulations for Industrial-1 District, by deleting Section 4.10.4, which refers to Section 4.7.1 (b) and (c).

5. Amend Section 4, Dimensional Regulations, by adding a new Section 4.11 Dimensional Regulations for Highway Commercial Districts as follows:

“4.11 Dimensional Regulations for Highway Commercial Districts

4.11.1 Highway Commercial 1

Minimum Lot Area (Sq. Ft.)	Minimum Lot Frontage (Ft.)	Front Setback (Ft.)	Side Setback (Ft.)	Rear Setback (Ft.)	Maximum Height (Ft.)	Maximum Stories	Maximum Lot Coverage	Floor Area Ratio
		(1)	(1) (3)	(1) (3)	(1)	(1)	(2) (4)	(5) (6)
20,000	100	5	10	10	56	4	65%	0.70

- (1) a. All buildings shall be limited to a height of 56 feet and four stories, except that buildings within 200 feet of Highland Avenue or the extension of the right-of-way line as described below in paragraph c. and buildings within 200 feet of Gould Street shall be limited to a height of 35 feet and 2 ½ stories as-of-right. If the height of a building is increased above the height of 35 feet, the front setback shall be increased to 15 feet and the side and rear setbacks to 20 feet except that, along the MBTA right-of-way the side and rear yard setbacks shall be 10 feet.

b. By Special Permit from the Planning Board, the maximum height of a building may be increased to 3 stories and 42 feet within 200 feet of Highland Avenue or the extension of the right-of-way line as described below in paragraph c. and within 200 feet of Gould Street. By Special Permit from the Board, the maximum height of a building may be further increased to the following limits: 5 stories and 70 feet provided the building is not located within 200 feet of Highland Avenue or the extension of the right-of-way line as described below in paragraph c. or within 200 feet of Gould Street.

c. (i) The line from which the 200-foot setback from Highland Avenue referred to in paragraphs a. and b. above shall be measured is that line which starts at the point of curvature on Highland Avenue at Gould Street marked by a stone bound/drill hole (SB/DH) and runs northeasterly N63°56'51"E by the Highland Avenue 1980 State Highway Alteration 361.46 feet to a stone bond/drill hole, then continues on the same northeasterly course an additional 330.54 feet for a total distance from the first mentioned bound of 700 feet. Reference is made to a plan entitled "Plan of Land Gould Street, Needham, MA", prepared by Andover Engineering, Inc., dated July 27, 2000, last revised September 20, 2001, recorded in the Norfolk County Registry of Deeds as Plan No. 564 of 2001, Plan Book 489. (ii) The line from which the 50-foot landscaped setback from Highland Avenue referred to in paragraph d. below shall be measured is that line which starts at the point of curvature on Highland Avenue at Gould Street marked by a stone bound/drill hole (SB/DH) and runs northeasterly N63°56'51"E by the Highland Avenue 1980 State Highway Alteration 361.46 feet to a stone bound/drill hole. If the 1980 State Highway Alteration along Highland Avenue is superseded by a subsequent State Highway Alteration, the 50-foot landscaped setback from Highland Avenue shall be measured from the newly-established street line.

d. Buildings and structures abutting Highland Avenue for the distance described in subsection (1) c. (ii) above and/or abutting Highland Avenue as it continues southwesterly to the intersection with Gould Street and/or abutting Gould Street shall be set back at least 50 feet from said streets. Buildings and structures abutting the layout of Route 128/95 beyond said Highland Avenue distance from stone bound to stone bound shall be set back at least 20 feet from said Route 128/95 layout. Notwithstanding the location or height of any building and structures, the required 50-foot or 20-foot setback shall be a landscaped, vegetative buffer area, which shall be required along the aforementioned street frontages and said

layout in order to screen the development. Driveway openings, sidewalks, walkways and screened mechanical equipment shall be permitted in the buffer area.

e. Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, solar or photovoltaic panels, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all of such structures on the building does not exceed 25 percent, and all of such structures are set back from the roof edge by a distance no less than their height. The Planning Board may require screening for such structures as it deems necessary. Notwithstanding the above height limitations, cornices and parapets may exceed the maximum building height provided they do not extend more than 5 feet above the highest point of the roof.

f. For purposes of clarity, the required building setbacks and allowed envelopes (including setbacks) for allowance of additional height above 35 feet for the as-of right circumstance and 42 feet for the special permit circumstance are shown on figures 1 and 2 below.

Figure 1:

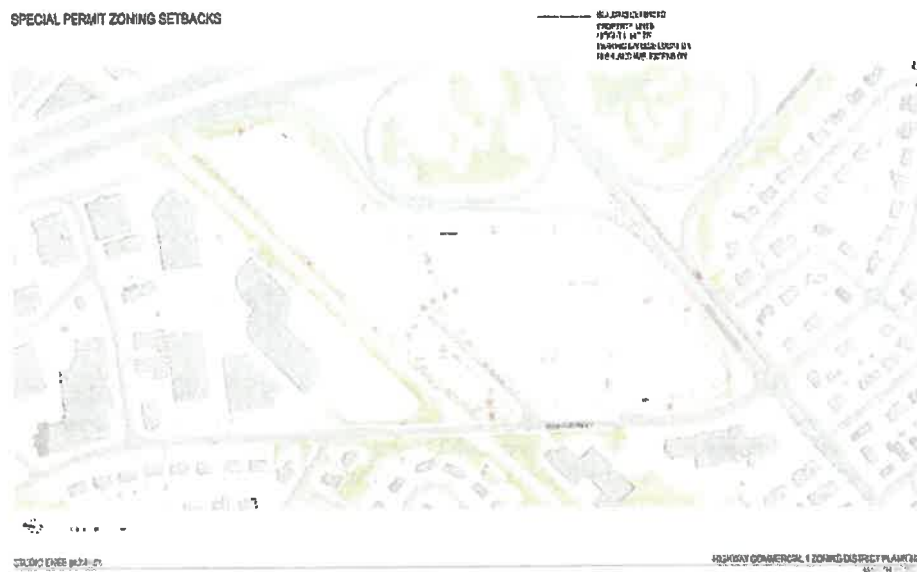
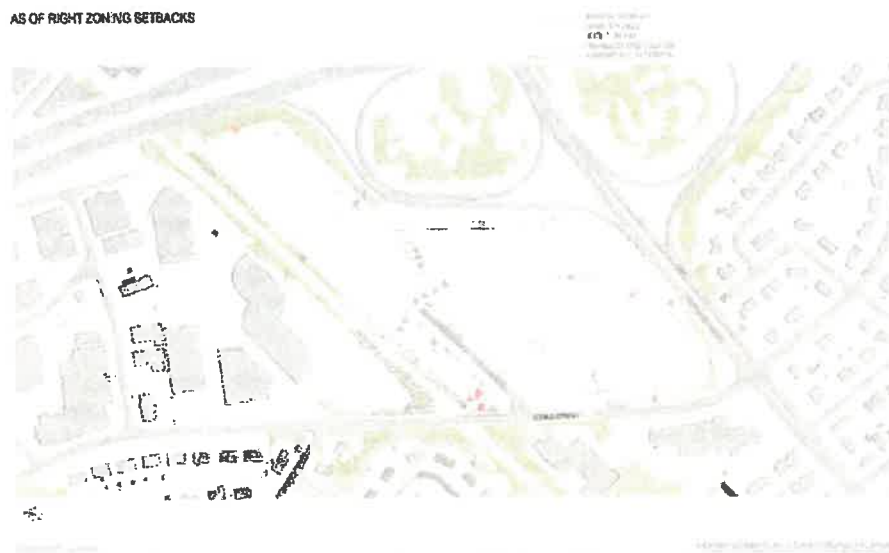


Figure 2:



- (2) Maximum lot coverage shall be 65% for all projects. However, if a project is designed such that at least 65% of the required landscaped area immediately abuts at least 65% of the required landscaped area of an adjoining project for a distance of at least 50 feet, the maximum lot coverage may be increased to 75%.
- (3) No side or rear yard setback is required for shared parking structures between adjoining properties, but only on one side of each lot, leaving the other side or rear yards open to provide access to the interior of the lot.
- (4) A minimum of 25% of total lot area must be open space. The open space area shall be landscaped and may not be covered with buildings or structures of any kind, access streets, ways, parking areas, driveways, aisles, walkways, or other constructed approaches or service areas. Notwithstanding the preceding sentence, open space may include pervious surfaces used for walkways and patios. (Pervious surfaces shall not preclude porous pavement, porous concrete, and/or other permeable pavers.)
- (5) A floor area ratio of up to 1.35 may be allowed by a special permit from the Planning Board. In granting such special permit, the Planning Board shall consider the following factors: the ability of the existing or proposed infrastructure to adequately service the proposed facility without negatively impacting existing uses or infrastructure, including but not limited to, water supply, drainage, sewage, natural gas, and electric services; impact on traffic conditions at the site, on adjacent streets, and in nearby neighborhoods, including, but not limited to, the adequacy of the roads and intersections to safely and effectively provide access and egress; the environmental impacts of the proposal; and the fiscal implications of the proposal to the Town. In granting a special permit, the Planning Board shall also consider any proposed mitigation measures and whether the proposed project's benefits to the Town outweigh the costs and adverse impacts, if any, to the Town.
- (6) The calculation of floor area in determining floor area ratio shall not include parking areas or structures but shall include such active ground floor uses, such as retail, office, institutional, or display as are allowed by Section 4.11.2 (2).

4.11.2 Supplemental Dimensional Regulations

- (1) Notwithstanding Section 3.2.7.1(m) and any other provision of this Section 4.11 to the contrary, a parking garage, even if it is for an as-of-right development, may not exceed 44 feet in height, may not have a building footprint in excess of 42,000 square feet and may not be located within 250 feet of Highland Avenue or the extension of the right-of-way line described in Section 4.11.1 (1) c. (i) or within 200 feet of Gould Street. Notwithstanding the above, the maximum height of a parking garage may be increased to 55 feet by Special Permit from the Planning Board. For purposes of clarity the height, coverage and location requirements for the as-of-right and special permit parking garage circumstance are shown on figure 3 below.
- (2) Parking structures may have an active ground floor use, such as retail, office, institutional, or display. Structured parking must be located at least 20 feet from adjacent buildings but may be attached to the building it is servicing if all fire and safety requirements are met.
- (3) Maximum uninterrupted facade length shall be 200 feet.
- (4) All setback, height, and bulk requirements applicable to this Section 4.11 are contained in this Section and no additional requirements occasioned by this district abutting Route 128/95's SRB district shall apply.



Figure 3:

4.11.3 Special Permit Requirements

In approving any special permit under Section 3.2.7.2 and/or Section 4.11, or for any project proceeding under the Highway Commercial 1 district provisions which constitute a Major Project under Section 7.4.2, the Planning Board shall consider the following design guidelines for development: (a) The proposed development should provide or contribute to providing pedestrian and neighborhood connections to surrounding properties, e.g., by creating inviting buildings or street edge, by creating shared publicly accessible green spaces, and/or by any other methods deemed appropriate by the Planning Board; (b) Any parking structure should have a scale, finish and architectural design that is compatible with the new buildings and which blunts the impact of such structures on the site and on the neighborhood; (c) The proposed development should encourage creative design and mix of uses which create an appropriate aesthetic for this gateway to Needham, including but not limited to, possible use of multiple buildings to enhance the corner of Highland Avenue and Gould Street, possible development of a landscape feature or park on Gould Street or Highland Avenue, varied façade treatments, streetscape design, integrated physical design, and/or other elements deemed appropriate by the Planning Board; (d) The proposed development should promote site features and a layout which is conducive to the uses proposed; (e) The proposed development should incorporate as many green building standards as practical, given the type of building and proposed uses; (f) The proposed development should be designed and conditioned to reduce or mitigate adverse impacts on adjacent properties or the surrounding area such as those resulting from excessive traffic congestion or excessive demand for parking; and (g) The proposed development shall include participation in a transportation demand management program to be approved by the Planning Board as a traffic mitigation measure, including but not limited to, membership and participation in an integrated or coordinated shuttle program.”

6. Amend Section 5.1.3, Parking Plan and Design Requirements, by adding at the end of the second sentence of subsection (j) which reads “Such parking setback shall also be twenty (20) feet in an Industrial-1 District” the words “and Highway Commercial 1 District unless a deeper parking setback is required by Section 4.11.”
7. Amend Section 6.5.1 of Section 6.5 Limited Heliports, by adding after the words “Industrial Districts,” in the first sentence, the words “and in the Highway Commercial 1 District.”
8. Amend Section 6.12, Affordable Housing, by revising the first paragraph to read as follows:

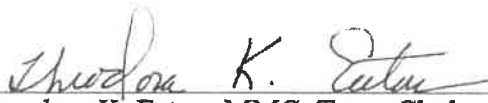
“Any mixed-use building in the Neighborhood Business District (NB) with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of this By-law. Any building in the Highway Commercial 1 District with six or more dwelling units shall include affordable housing units as defined in Section 1.3 of this By-law. The requirements detailed in paragraphs (a) thru (i) below shall apply to a development that includes affordable units in the Neighborhood Business District. The requirements detailed in paragraphs (a), (c), (d), (e), (f), (g), and (h) below shall apply to a development that includes affordable units in the Highway Commercial 1 District.”
9. Amend Section 7.2.5 of Section 7.2 Building or Use Permit, by adding after the words “Industrial-1 District,” in the first sentence, the words “Highway Commercial 1 District.”
10. Amend Section 7.4.2 of Section 7.4 Site Plan Review, by adding in the first sentence of the last paragraph, the words “Highway Commercial 1 District,” after the words “Highland Commercial-128,”.

11. Amend Section 7.7.2.2, Authority and Specific Powers (of Design Review Board) by adding after the words "Industrial-1 District," in the first sentence of the second paragraph, the words "Highway Commercial 1 District,".

PASSED BY A STANDING COUNT OF HANDS
YES 168 - NO 37

A true copy

ATTEST:


Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC
Town Clerk

TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

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AT THE ANNUAL TOWN MEETING

HELD ON MONDAY, MAY 3, 2021

UNDER ARTICLE 6

It was


VOTED: That the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows: Place in the Highway Commercial 1 District all that land now zoned Industrial-1 and lying between the Circumferential Highway, known as Route 128/95 and Gould Street and between the Massachusetts Bay Transit Authority (M.B.T.A.) right-of-way and Highland Avenue. Said land is bounded and described as follows:

Beginning at a stone bound on the northerly layout line of Highland Avenue at the intersection of Gould Street as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489; thence turning and running southwesterly, westerly and northwesterly along a radius of 44.00 feet a distance of 80.06 feet to a stone bound on the easterly sideline of Gould Street; thence running northwesterly, northerly, and northeasterly along a curve of radius of 505.00 feet of said sideline of Gould Street a distance of 254.17 feet to a point on the said easterly sideline of Gould Street; thence running N10°49'50"E a distance of 284.29 feet to a point on the said easterly sideline of Gould Street at the intersection of TV Place, a privately owned Right of Way; thence continuing N10°49'50"E a distance of 160.00 feet more or less to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence continuing N10°49'50"E a distance of 84.82 feet to a stone bound located at the intersection of the easterly sideline of Gould Street and the southerly sideline of the M.B.T.A. Right of Way as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I; thence turning and running along said southerly M.B.T.A. Right of Way line northeasterly a distance of 1,219.55 feet as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430I, 18430J and 18430H to a point at the intersection of the westerly sideline of the Route 128 Right of Way and said southerly sideline of the M.B.T.A. Right of Way; thence turning and running S4°25'46"E a distance of 292.00 feet to a stone bound as shown on a plan recorded at the Norfolk County Registry of Deeds Land Court Case No. 18430H; then turning and running southwesterly along the Route 128 Right of Way a distance of 484.61 feet to a point; thence turning and running S13°34'58"W a distance of 451.02 feet as shown on a plan recorded at the Norfolk County Registry of Deeds, Plan No. 564 of 2001, Plan Book 489 to a point; thence turning and running S76°26'41"E a distance of 35.56 feet to a point; thence turning and running S13°34'58"W a distance of 67.34 feet to a point; thence running southwesterly along a curve of radius 245.45 feet a distance of 136.59 feet to a point; thence running southwesterly along a curve of radius 248.02 feet a distance of 38.04 feet to a point; thence running southwesterly along a curve of radius 1180.00 feet a distance of 140.09 feet to a point; thence turning and running S42°43'47"W a distance of 42.52 feet to a stone bound located in the westerly sideline of the Route 128 Right of Way; thence turning and running S63°56'51"W a distance of 361.46 feet to the point of beginning.

PASSED BY A STANDING COUNT OF HANDS

YES 168 NO 37

A true copy
ATTEST:


Theodora K. Eaton, MMC, Town Clerk

Annual Town Meeting
May 2021



Planning Board
Warrant Articles 5 + 6

Highway
Commercial
1



A True Copy
Attest:

Theodora K. Eaton
Town Clerk of Needham, MA

APPROVED

Attorney General's Office

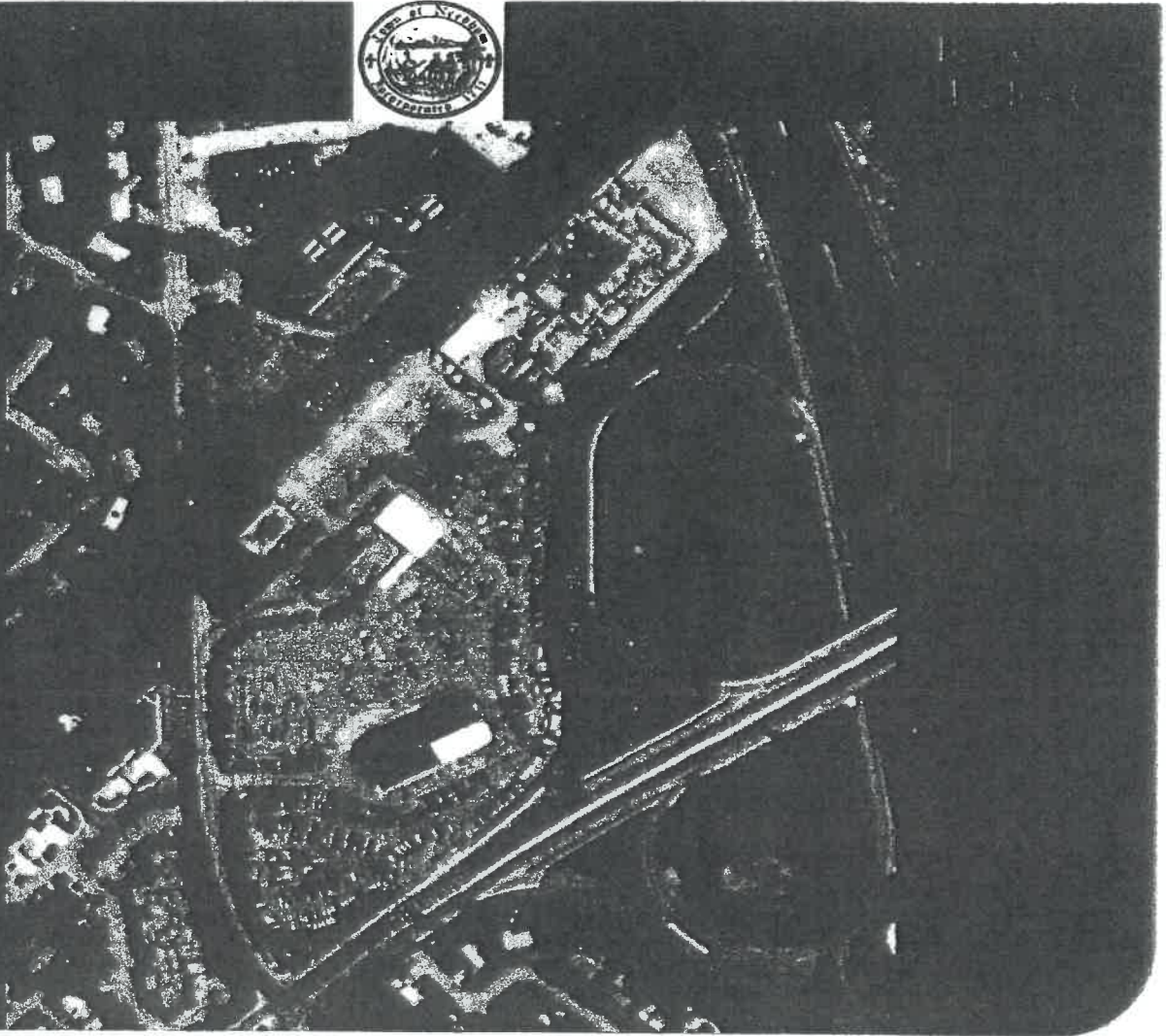
By K. [Signature]

Date 07/21/21

At 6 Town Meeting Date 8/03/21



Highway
Commercial
1



A True Copy

Attest:

[Signature]

Town Clerk of Needham, MA