

**NEEDHAM PLANNING BOARD**  
**Tuesday February 7, 2023**  
**7:00 p.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](http://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](http://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. Board of Appeals – February 16, 2023.
2. Vote to extend Housing Plan Working Group appointments to December 31, 2022.
3. Public Hearing:  
  
7:15 p.m. Major Project Site Plan Special Permit No. 2022-03: WELL Belfour Needham Landlord LLC, 4500 Dorr Street, Toledo, Ohio, 43615, Petitioner. (Property located at 100-110 West Street, Needham, MA). Regarding proposal to redevelop the property to include 155 units of senior housing, consisting of 127 Assisted Living apartments and 28 Alzheimer’s/Memory Care units. *Please note: this hearing has been continued from the August 16, 2022, September, 20, 2022, October 18, 2022, November 15, 2022 and December 19, 2022 meetings of the Planning Board. Please Note: The Applicant has requested to withdraw this application and has stated they will file another application at this property.*
4. Review of Zoning Articles for the May 2023 Annual and Special Town Meeting.
5. Public Hearing:  
  
8:15 p.m. 920 South Street Definitive Subdivision: Brian Connaughton, 920 South Street, Needham, MA, Petitioner, (Property located at 920 South Street, Needham, MA). ***Please note: this hearing has been continued from the December 19, 2022 and will be further continued.***  
  
Scenic Road Act and Public Shade Tree Act: Brian Connaughton, 920 South Street, Needham, MA, Petitioner, (Property located at 920 South Street, Needham, MA). ***Please note: this hearing has been continued from the December 19, 2022 and will be further continued.***
6. Minutes.
7. Report from Planning Director and Board members.
8. Correspondence.

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

**NEEDHAM  
ZONING BOARD OF APPEALS  
AGENDA**

**Thursday, February 16, 2023 - 7:30PM  
Zoom Meeting ID Number: 869-6475-7241**

**To view and participate in this virtual meeting on your computer, at the above date and time, go to [www.zoom.us](https://us02web.zoom.us/j/86964757241), click “Join a Meeting” and enter the Meeting ID: 869-6475-7241  
Or join the meeting at link: <https://us02web.zoom.us/j/86964757241>**

**AGENDA**

- |                  |                                                                                                                                                                                                                                                                                                                                                                    |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minutes          | Review and approve Minutes from January 19, 2023 meeting.                                                                                                                                                                                                                                                                                                          |
| Case #2 – 7:30PM | <b>50 Morningside Road</b> –Michael and Siobhan O’Connell, owners, applied for a Special Permit under Sections 3.15 and any other applicable Sections of the By-Law to allow the addition of an Accessory Dwelling Unit (ADU) to a single-family residence. The property is located at 50 Morningside Road, Needham, MA in the Single Residence B (SR-B) District. |
| Case #2 - 7:30PM | <b>28 Tudor Road</b> – Jeanne Schwalbach, owner, applied for a Special Permit under Sections 3.15 and any other applicable Sections of the By-Law to allow the addition of an Accessory Dwelling Unit (ADU) to a single-family residence. The property is located at 28 Tudor Road, Needham, MA in the Single Residence B (SR-B) District.                         |



# ADU – ZBA Special Permit Application

RECEIVED TOWN CLERK  
DOHA, MA 02455  
JAN 23 PM 12:53

|                                                    |                                                                                                                                                                                            |                                                                                                                                                            |                                                                                                                                                           |                                                                                                                                                                                                          |
|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Owner's Name                                       | Siobhan and Michael O'Connell                                                                                                                                                              |                                                                                                                                                            |                                                                                                                                                           |                                                                                                                                                                                                          |
| Address                                            | 50 Morningside Road                                                                                                                                                                        |                                                                                                                                                            |                                                                                                                                                           |                                                                                                                                                                                                          |
| Phone                                              | 617-908-8022                                                                                                                                                                               | E-mail                                                                                                                                                     | Siobhan.okie@gmail.com                                                                                                                                    |                                                                                                                                                                                                          |
| ADU Resident's Name                                | Leah and Gerry Cosby                                                                                                                                                                       |                                                                                                                                                            |                                                                                                                                                           |                                                                                                                                                                                                          |
| Phone                                              | 781-254-8981                                                                                                                                                                               | E-mail                                                                                                                                                     | Cosby154@gmail.com                                                                                                                                        |                                                                                                                                                                                                          |
| ADU Resident's Relationship to Owner (Select one)  | <input type="checkbox"/> spouse<br><input checked="" type="checkbox"/> parent<br><input type="checkbox"/> sibling<br><input type="checkbox"/> child<br><input type="checkbox"/> grandchild | Spouse of:<br><input type="checkbox"/> parent<br><input type="checkbox"/> sibling<br><input type="checkbox"/> child<br><input type="checkbox"/> grandchild | Child of:<br><input type="checkbox"/> parent<br><input type="checkbox"/> sibling<br><input type="checkbox"/> child<br><input type="checkbox"/> grandchild | <input type="checkbox"/> Caregiver.<br>If caregiver, select type of caregiver:<br><input type="checkbox"/> Elderly<br><input type="checkbox"/> Chronically Ill<br><input type="checkbox"/> Disable Owner |
| Total Occupants in Principal Dwelling Unit and ADU | 6 (2 adults and 2 children in principal and 2 adults in ADU)                                                                                                                               | Total Occupants not related to Owner (not to exceed five)                                                                                                  | zero                                                                                                                                                      | Owner to occupy:<br><input checked="" type="checkbox"/> Principal Unit<br><input type="checkbox"/> ADU                                                                                                   |

|                                                                                                                                                                                                                                                                                                                                                                                          |                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>ADU Information</b>                                                                                                                                                                                                                                                                                                                                                                   |                 |
| Map & Page ID                                                                                                                                                                                                                                                                                                                                                                            | Zoning District |
| Size of ADU (not to exceed 850 sq. feet)                                                                                                                                                                                                                                                                                                                                                 | 638 sq. ft.     |
| Location of ADU: <input checked="" type="checkbox"/> basement, <input type="checkbox"/> attic, <input type="checkbox"/> 1 <sup>st</sup> floor, <input type="checkbox"/> 2 <sup>nd</sup> floor                                                                                                                                                                                            |                 |
| Does ADU have separate provisions for (ADU limited to one bedroom):<br>Living <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No; Sleeping <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No; Cooking <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No; Eating <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |                 |
| Number and location of Means of Egress:<br>exterior door (back left corner of home), 2 egress windows, and egress door into principal home)                                                                                                                                                                                                                                              |                 |
| Describe where the interior door access between ADU and Principal Dwelling Unit is?<br>Off the bathroom/laundry room in walk in closet/office-right hand side of the home.                                                                                                                                                                                                               |                 |
| Total number of off-street parking for Principal Dwelling Unit and ADU:<br>4 spaces                                                                                                                                                                                                                                                                                                      |                 |

I attest that the information in this application is true and accurate to the best of my knowledge and understanding:

*Siobhan O'Connell*  
dotloop verified  
01/18/23 8:03 PM EST  
Z3NN-KQ3I-BTVA-A7H7

Owner's Signature/Date

(over for Additional Information on ADUs)



Applicants must consult with the Building Inspector prior to filing this Application. *Failure to do so will delay the scheduling of the hearing.*

### Applicant Information

|                                                                                                                                                                                                                                                                |                                          |       |                        |       |            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------|------------------------|-------|------------|
| Applicant Name                                                                                                                                                                                                                                                 | Siobhan O'Connell & Michael O'Connell    |       |                        | Date: | 01/17/2023 |
| Applicant Address                                                                                                                                                                                                                                              | 50 Morningside Road<br>Needham, MA 02492 |       |                        |       |            |
| Phone                                                                                                                                                                                                                                                          | 617-908-8022                             | email | siobhan.okie@gmail.com |       |            |
| Applicant is <input checked="" type="checkbox"/> Owner; <input type="checkbox"/> Tenant; <input type="checkbox"/> Purchaser; <input type="checkbox"/> Other _____ If not the owner, a letter from the owner certifying authorization to apply must be included |                                          |       |                        |       |            |
| Representative Name                                                                                                                                                                                                                                            |                                          |       |                        |       |            |
| Address                                                                                                                                                                                                                                                        |                                          |       |                        |       |            |
| Phone                                                                                                                                                                                                                                                          |                                          | email |                        |       |            |
| Representative is <input type="checkbox"/> Attorney; <input type="checkbox"/> Contractor; <input type="checkbox"/> Architect; <input type="checkbox"/> Other _____                                                                                             |                                          |       |                        |       |            |
| Contact <input type="checkbox"/> Me <input type="checkbox"/> Representative in connection with this application.                                                                                                                                               |                                          |       |                        |       |            |

### Subject Property Information

|                                                                                                                                                    |                                       |                  |     |
|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|------------------|-----|
| Property Address                                                                                                                                   | 50 Morningside Road Needham, MA 02492 |                  |     |
| Map/Parcel Number                                                                                                                                  | Map 24 Parcel 57                      | Zone of Property | SRB |
| Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |                                       |                  |     |

|                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Is property X <input type="checkbox"/> Residential or <input type="checkbox"/> Commercial                                                                                                                                                                                        |
| If residential renovation, will renovation constitute "new construction"? <input type="checkbox"/> Yes X <input checked="" type="checkbox"/> No                                                                                                                                  |
| If commercial, does the number of parking spaces meet the By-Law requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A not commercial<br>Do the spaces meet design requirements? <input type="checkbox"/> Yes <input type="checkbox"/> No N/A not commercial |
| Application Type ( <i>select one</i> ): X <input type="checkbox"/> Special Permit <input type="checkbox"/> Variance<br><input type="checkbox"/> Comprehensive Permit <input type="checkbox"/> Amendment <input type="checkbox"/> Appeal Building Inspector Decision              |



|                                                          |
|----------------------------------------------------------|
| <b>Existing Conditions:</b>                              |
| Single family home with 3 bedrooms and a one car garage. |
|                                                          |
|                                                          |

|                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------|
| <b>Statement of Relief Sought:</b>                                                                                                   |
| Requesting to add an accessory dwelling unit in the lower level/basement for my aging parents to reside with us for 1/3 of the year. |
|                                                                                                                                      |
|                                                                                                                                      |

|                                                    |
|----------------------------------------------------|
| <b>Applicable Section(s) of the Zoning By-Law:</b> |
| 3.15 ADU and any other applicable by-laws.         |

If application under Zoning Section 1.4 above, list non-conformities:

|                                                                                     | Existing Conditions | Proposed Conditions |
|-------------------------------------------------------------------------------------|---------------------|---------------------|
| Use                                                                                 |                     |                     |
| # Dwelling Units                                                                    |                     |                     |
| Lot Area (square feet)                                                              |                     |                     |
| Front Setback (feet)                                                                |                     |                     |
| Rear Setback (feet)                                                                 |                     |                     |
| Left Setback (feet)                                                                 |                     |                     |
| Right Setback (feet)                                                                |                     |                     |
| Frontage (feet)                                                                     |                     |                     |
| Lot Coverage (%)                                                                    |                     |                     |
| FAR (Floor area divided by the lot area)                                            |                     |                     |
| <i>Numbers must match those on the certified plot plan and supporting materials</i> |                     |                     |



|                                                                                                                                                                             |                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>Date Structure Constructed including additions:</b><br>Property was built in 1938, renovations by previous owners (dates unavailable), and current renovations underway. | <b>Date Lot was created:</b><br>1938 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|

|                                                                                  |                 |
|----------------------------------------------------------------------------------|-----------------|
| <b>Submission Materials</b>                                                      | <b>Provided</b> |
| Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i> |                 |

|                                                                                                                                                                                                                               |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Application Fee, check made payable to the Town of Needham<br>Check holders name, address, and phone number to appear on<br>check and in the Memo line state: "ZBA Fee – Address of<br>Subject Property"<br><i>(Required)</i> |  |
| If applicant is tenant, letter of authorization from owner <i>(Required)</i>                                                                                                                                                  |  |
| Electronic submission of the complete application with<br>attachments <i>(Required)</i>                                                                                                                                       |  |
| Elevations of Proposed Conditions <i>(when necessary)</i>                                                                                                                                                                     |  |
| Floor Plans of Proposed Conditions <i>(when necessary)</i>                                                                                                                                                                    |  |

Feel free to attach any additional information relative to the application.  
Additional information may be requested by the Board at any time during the  
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have  
reviewed the Board Rules and instructions.

I certify that I have consulted with the Building

Inspector 1/6/23  
date of  
consult

Date: 1/23/23 Applicant Signature [Signature]

*An application must be submitted to the Town Clerk's Office at  
[townclerk@needhamma.gov](mailto:townclerk@needhamma.gov) and the ZBA Office at  
[dcollins@needhamma.gov](mailto:dcollins@needhamma.gov)*



# ADU – ZBA Special Permit Application

## Additional Information Regarding the ADU Special Permit

- An ADU is an apartment in a single-family detached dwelling that is second, self-contained dwelling unit and a complete, separate housekeeping unit containing provisions for living, sleeping, cooking, and eating.
- Only one ADU is allowed per lot.
- The owner of record shall be responsible for submitting an ADU application to the Building Commissioner.
- At least one of the units, the principal unit or the ADU, shall be owner-occupied.
- Occupancy of the unit not occupied by the owner is limited to a member of the owner's family or a caregiver and such caregiver's family.
- The owner may be temporarily absent for a period of up to nine-months or less if written notice is given to the Building Commissioner within 60 days of the commencement of the absence.
- The installation of the ADU requires the issuance of a building permit by the Building Commissioner.
- Occupancy of the ADU requires proof of the recorded Special Permit and an occupancy permit issued by the Building Commissioner.
- The initial occupancy permit shall remain in force for a three (3) year period from the date of issue if the ownership of premises is not changed. The Building Commissioner may issue permits for succeeding three-year periods provided the structure and use continues to conform to the By-Law.
- The Special Permit and occupancy permits are not be transferable upon a change in ownership or occupancy.

OCONNELL RESIDENCE  
50 MORNINGSIDE RD  
NEEDHAM, MA  
EXISTING  
SINGLE FAMILY HOME  
NEW ADDITIONS

General Notes :

Symbol



681 MAIN STREET  
WALTHAM, MA 02451  
TEL/FAX: 781-547-5831

Job Number: 21277

Scale: 1/4" = 1'-0"

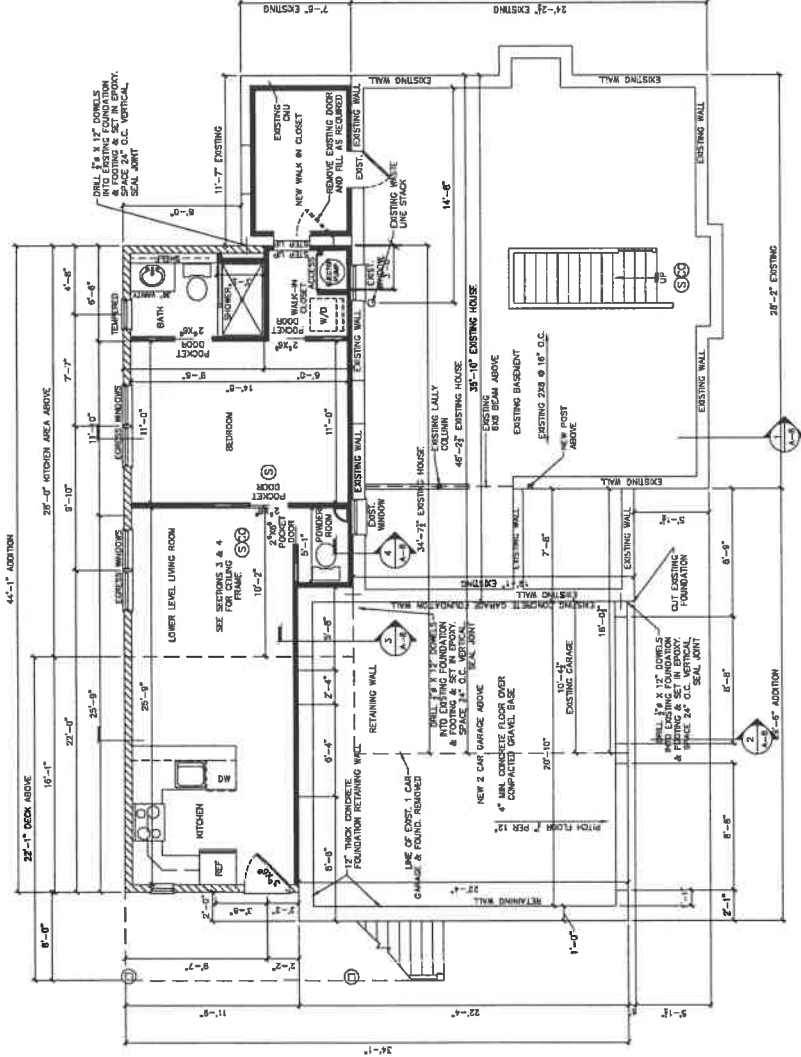
Date: 05-1-2022

Revisions:  
05-14-2022  
11-15-2022  
01-12-2023

EXISTING/PROPOSED  
BASEMENT PLAN

Drawing

SK-1



EXISTING/PROPOSED BASEMENT PLAN

SCALE 1/4"=1'-0"

1. ALL DIMENSIONS TO BE VERIFIED IN THE FIELD.

2. EXACT MATERIALS, COLORS TO BE VERIFIED IN THE FIELD WITH OWNER.

EXISTING WALLS

NEW 2\"/>

NEW 2\"/>

NEW 2\"/>

NEW 2\"/>

NEW 2\"/>

# TOWN OF NEEDHAM, MASSACHUSETTS

## Building Inspection Department

Assessor's Map & Parcel No. 199/024.0-0057

Building Permit No. \_\_\_\_\_ Zoning District SRB

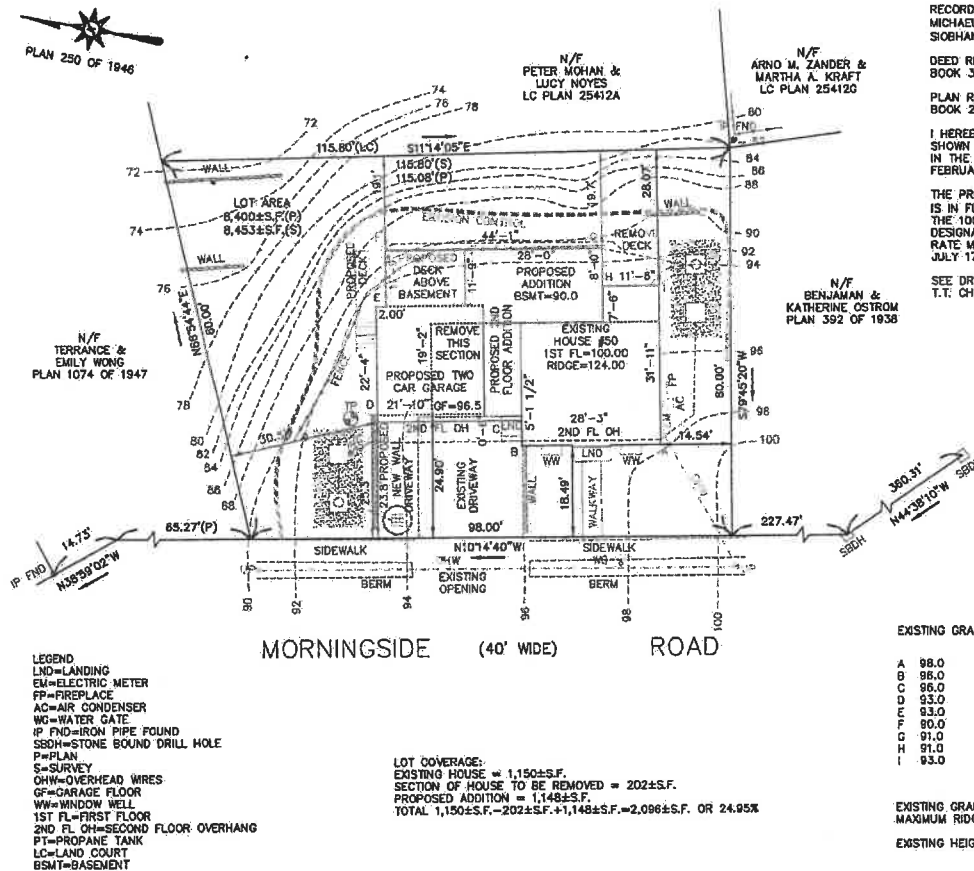
Lot Area 8455 ± SF Address 50 Morningside Road

Owner Michael R. & Siobhan M. O'Connell Builder \_\_\_\_\_

**PROPOSED PLOT PLAN / FOUNDATION ASBUILT/FINAL ASBUILT**

CIRCLE ONE THAT APPLIES

40' Scale



RECORD OWNER:  
MICHAEL R. O'CONNELL &  
SIOBHAN M. O'CONNELL

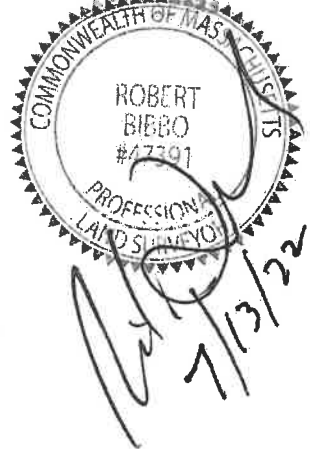
DEED REFERENCE:  
BOOK 31412 PAGE 493

PLAN REFERENCE:  
BOOK 2217 PAGE 92

I HEREBY CERTIFY THAT THE HOUSE  
SHOWN ON THIS PLAN WAS LOCATED  
IN THE FIELD BY INSTRUMENT ON  
FEBRUARY 20, 2022.

THE PROPERTY SHOWN ON THIS PLAN  
IS IN FLOOD ZONE "X" AND IS NOT IN  
THE 100 YEAR FLOOD PLAIN AREA AS  
DESIGNATED BY THE FLOOD INSURANCE  
RATE MAP #2502100037E DATED  
JULY 17, 2012.

SEE DRAINAGE REPORT BY DR. EDWARD  
T.T. CHIANG, PE DATED JUNE 24, 2022



EXISTING GRADE PLANE

A 98.0  
B 96.0  
C 96.0  
D 93.0  
E 93.0  
F 90.0  
G 91.0  
H 91.0  
I 93.0

EXISTING GRADE PLANE = 84.0/9 = 93.4

MAXIMUM RIDGE = 93.4 + 35.00 = 128.4

EXISTING HEIGHT OF HOUSE = 30.6

Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. All plot plans shall show existing structures and public & private utilities, including water mains, sewers, drains, gas lines, etc.; driveways, septic systems, wells, Flood Plain and Wetland Areas, lot dimensions, lot size, dimensions of proposed structures, sideline, front and rear offsets and setback distances, (measured to the face of structure) and elevation of top of foundations and garage floor. For new construction, lot coverage, building height calculations proposed grading and drainage of recharge structures. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures\*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in areas with no public sewer. (\*Accessory structures may require a separate building permit — See Building Code)

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.

The above is subscribed to and executed by me this 13th day of JULY 20 22  
Name Robert Bibbo Registered Land Surveyor No. 47391  
Address 10 Hammer St. City Waltham State MA Zip 02453 Tel. No. (781) 891-0417  
Approved \_\_\_\_\_ Director of Public Works Date \_\_\_\_\_  
Approved \_\_\_\_\_ Building Inspector Date \_\_\_\_\_



# ADU – ZBA Special Permit Application

|                                                     |                                                                                                                                                                                            |                                                                                                                                                            |                                                                                                                                                           |                                                                                                                                                                                                          |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Owner's Name                                        | Jeanne Schwalbach                                                                                                                                                                          |                                                                                                                                                            |                                                                                                                                                           |                                                                                                                                                                                                          |
| Address                                             | 28 Tudor Rd                                                                                                                                                                                |                                                                                                                                                            |                                                                                                                                                           |                                                                                                                                                                                                          |
| Phone                                               | 781-710-6618                                                                                                                                                                               | E-mail                                                                                                                                                     | jeanneschwalbach@gmail.com                                                                                                                                |                                                                                                                                                                                                          |
| ADU Resident's Name                                 | SAME AS ABOVE - self- * Son's family to live in Principal dwelling                                                                                                                         |                                                                                                                                                            |                                                                                                                                                           |                                                                                                                                                                                                          |
| Phone                                               | " " "                                                                                                                                                                                      | E-mail                                                                                                                                                     | SAME as above                                                                                                                                             |                                                                                                                                                                                                          |
| * ADU Resident's Relationship to Owner (Select one) | <input type="checkbox"/> spouse<br><input type="checkbox"/> parent<br><input type="checkbox"/> sibling<br><input checked="" type="checkbox"/> child<br><input type="checkbox"/> grandchild | Spouse of:<br><input type="checkbox"/> parent<br><input type="checkbox"/> sibling<br><input type="checkbox"/> child<br><input type="checkbox"/> grandchild | Child of:<br><input type="checkbox"/> parent<br><input type="checkbox"/> sibling<br><input type="checkbox"/> child<br><input type="checkbox"/> grandchild | <input type="checkbox"/> Caregiver.<br>If caregiver, select type of caregiver:<br><input type="checkbox"/> Elderly<br><input type="checkbox"/> Chronically Ill<br><input type="checkbox"/> Disable Owner |
| Total Occupants in Principal Dwelling Unit and ADU  | 4                                                                                                                                                                                          | Total Occupants not related to Owner (not to exceed five)                                                                                                  | 0                                                                                                                                                         | Owner to occupy:<br><input type="checkbox"/> Principal Unit<br><input checked="" type="checkbox"/> ADU                                                                                                   |

## ADU Information

|                                                                                                                                                                                                                                                                                                                                                                                          |                   |                                                                                                                                                                                                             |     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Map & Page ID                                                                                                                                                                                                                                                                                                                                                                            | Map 12<br>Page 78 | Zoning District                                                                                                                                                                                             | SRB |
| Size of ADU (not to exceed 850 sq. feet)                                                                                                                                                                                                                                                                                                                                                 | 849               | Location of ADU: <input type="checkbox"/> basement, <input type="checkbox"/> attic, <input type="checkbox"/> 1 <sup>st</sup> floor, <input type="checkbox"/> 2 <sup>nd</sup> floor<br>1 <sup>st</sup> floor |     |
| Does ADU have separate provisions for (ADU limited to one bedroom):<br>Living <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No; Sleeping <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No; Cooking <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No; Eating <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |                   |                                                                                                                                                                                                             |     |
| Number and location of Means of Egress: - TWO means of egress will exist:<br>The front door of the home & A second means of egress through the ADU Kitchen<br>(Principal Dwelling)                                                                                                                                                                                                       |                   |                                                                                                                                                                                                             |     |
| Describe where the interior door access between ADU and Principal Dwelling Unit is?<br>back door.<br>The ADU entrance is approximately 12 feet from the Principal Dwelling front door.                                                                                                                                                                                                   |                   |                                                                                                                                                                                                             |     |
| Total number of off-street parking for Principal Dwelling Unit and ADU:<br>There is A 2 car garage and a driveway that can accommodate 4 cars                                                                                                                                                                                                                                            |                   |                                                                                                                                                                                                             |     |

I attest that the information in this application is true and accurate to the best of my knowledge and understanding:

Jeanne Schwalbach  
Owner's Signature/Date

(over for Additional Information on ADUs)



## ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

### Applicant Information

|                                                                                                                                                                    |                      |       |                            |       |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------|----------------------------|-------|--------|
| Applicant Name                                                                                                                                                     | JEANNE Schwalbach    |       |                            | Date: | 1/4/23 |
| Applicant Address                                                                                                                                                  | 28 Tudor Rd, Needham |       |                            |       |        |
| Phone                                                                                                                                                              | 781-710-6618         | email | jeanneschwalbach@gmail.com |       |        |
| Applicant is <input checked="" type="checkbox"/> Owner; <input type="checkbox"/> Tenant; <input type="checkbox"/> Purchaser; <input type="checkbox"/> Other _____  |                      |       |                            |       |        |
| If not the owner, a letter from the owner certifying authorization to apply must be included                                                                       |                      |       |                            |       |        |
| Representative Name                                                                                                                                                | N/A                  |       |                            |       |        |
| Address                                                                                                                                                            |                      |       |                            |       |        |
| Phone                                                                                                                                                              |                      | email |                            |       |        |
| Representative is <input type="checkbox"/> Attorney; <input type="checkbox"/> Contractor; <input type="checkbox"/> Architect; <input type="checkbox"/> Other _____ |                      |       |                            |       |        |
| Contact <input type="checkbox"/> Me <input type="checkbox"/> Representative in connection with this application.                                                   |                      |       |                            |       |        |

### Subject Property Information

|                                                                                                                                                                                                                                                                  |                |                  |     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------|-----|
| Property Address                                                                                                                                                                                                                                                 | 28 Tudor Rd    |                  |     |
| Map/Parcel Number                                                                                                                                                                                                                                                | MAP 12 PAGE 78 | Zone of Property | SRB |
| Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                            |                |                  |     |
| Is property <input checked="" type="checkbox"/> Residential or <input type="checkbox"/> Commercial                                                                                                                                                               |                |                  |     |
| If residential renovation, will renovation constitute "new construction"?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                 |                |                  |     |
| If commercial, does the number of parking spaces meet the By-Law requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                           |                |                  |     |
| Do the spaces meet design requirements? <input type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                 |                |                  |     |
| Application Type (select one): <input checked="" type="checkbox"/> Special Permit <input type="checkbox"/> Variance <input type="checkbox"/> Comprehensive Permit <input type="checkbox"/> Amendment <input type="checkbox"/> Appeal Building Inspector Decision |                |                  |     |



## ZBA Application For Hearing

### Existing Conditions:

Single family home

### Statement of Relief Sought:

The addition of an ADU to the principal dwelling

### Applicable Section(s) of the Zoning By-Law:

3.15 any other Applicable section of the zoning By Law

If application under Zoning Section 1.4 above, list non-conformities:

|                                                                              | Existing<br>Conditions | Proposed<br>Conditions |
|------------------------------------------------------------------------------|------------------------|------------------------|
| Use                                                                          | N/A                    |                        |
| # Dwelling Units                                                             |                        |                        |
| Lot Area (square feet)                                                       |                        |                        |
| Front Setback (feet)                                                         |                        |                        |
| Rear Setback (feet)                                                          |                        |                        |
| Left Setback (feet)                                                          |                        |                        |
| Right Setback (feet)                                                         |                        |                        |
| Frontage (feet)                                                              |                        |                        |
| Lot Coverage (%)                                                             |                        |                        |
| FAR (Floor area divided by the lot area)                                     |                        |                        |
| Numbers must match those on the certified plot plan and supporting materials |                        |                        |



## ZBA Application For Hearing

Date Structure Constructed including additions:

April 1956

Date Lot was created:

12/14/1955

| Submission Materials                                                                                                                                                                                                   | Provided |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Certified Signed Plot Plan of Existing and Proposed Conditions<br>(Required)                                                                                                                                           |          |
| Application Fee, check made payable to the Town of Needham<br>Check holders name, address, and phone number to appear on<br>check and in the Memo line state: "ZBA Fee – Address of Subject<br>Property"<br>(Required) |          |
| If applicant is tenant, letter of authorization from owner (Required)                                                                                                                                                  |          |
| Electronic submission of the complete application with attachments<br>(Required)                                                                                                                                       |          |
| Elevations of Proposed Conditions (when necessary)                                                                                                                                                                     |          |
| Floor Plans of Proposed Conditions (when necessary)                                                                                                                                                                    |          |

Feel free to attach any additional information relative to the application.  
Additional information may be requested by the Board at any time during the  
application or hearing process.



I hereby request a hearing before the Needham Zoning Board of Appeals. I have  
reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector

12/29/23

date of consult

Date:

1/4/23

Applicant Signature

Jeanne Schwalbach

An application must be submitted to the Town Clerk's Office at  
[townclerk@needhamma.gov](mailto:townclerk@needhamma.gov) and the ZBA Office at [dcollins@needhamma.gov](mailto:dcollins@needhamma.gov)

# TOWN OF NEEDHAM, MASSACHUSETTS

## Building Inspection Department

Assessor's Map & Parcel Number: 1990120007800000

Building Permit Number: \_\_\_\_\_

Zoning District: R

Lot Area: 10,194 S.F.

Address: 28 TUDOR ROAD

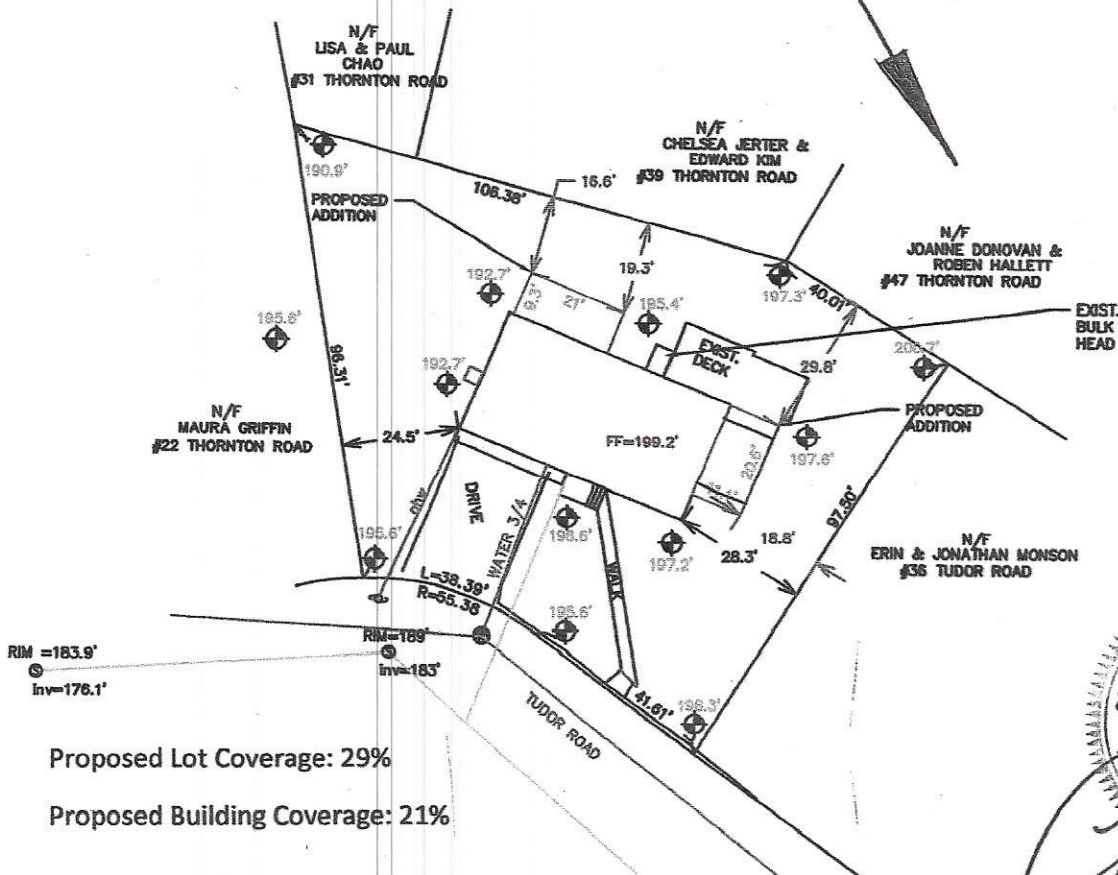
Owner: JEANE + RICHARD BEDINE

Builder: \_\_\_\_\_

### DEMO / PROPOSED PLOT PLAN / FOUNDATION AS-BUILT / FINAL AS-BUILT

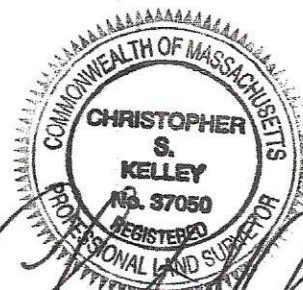
Circle One that Applies

40' Scale



Proposed Lot Coverage: 29%

Proposed Building Coverage: 21%



Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. All plot plans shall show existing structures and public & private utilities, including water mains, sewers, drains, gas lines, etc.; driveways, septic systems, wells, Flood Plain and Wetland Areas, lot dimensions, lot size, dimensions of proposed structures, sideline, front and rear offsets and setback distances (measured to the face of structure) and elevation of top of foundations and garage floor. For new construction, lot coverage, building height calculations, proposed grading and drainage of recharge structures. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures\*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and sewage disposal system location in areas with no public sewer.

\*Accessory structures may require a separate building permit — See Building Code.

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.

The above is subscribed to and executed by me this 21<sup>ST</sup> day of DECEMBER, 20 22.

Name: CHRISTOPHER S. KELLEY

Registered Land Surveyor Date: 12-21-22

Address: 25 CENTER ST. City: PEMBROKE

State: MA Zip: 02359 Phone: 781-294-4454

Approved: \_\_\_\_\_

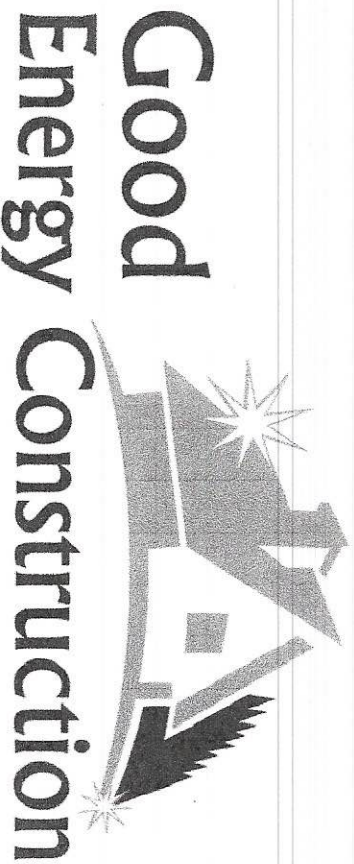
Director of Public Works Date: \_\_\_\_\_

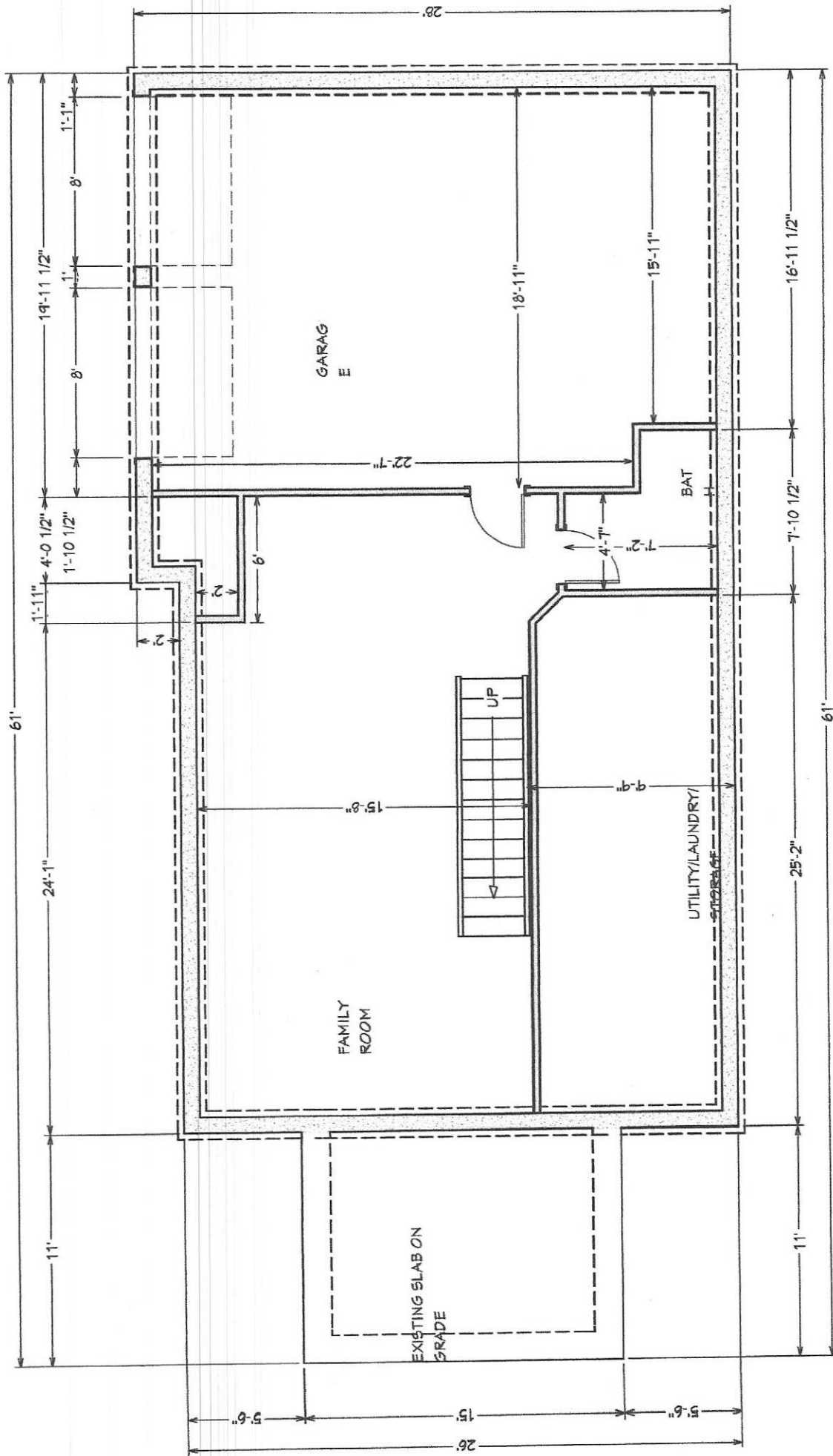
Approved: \_\_\_\_\_

Building Inspector Date: \_\_\_\_\_

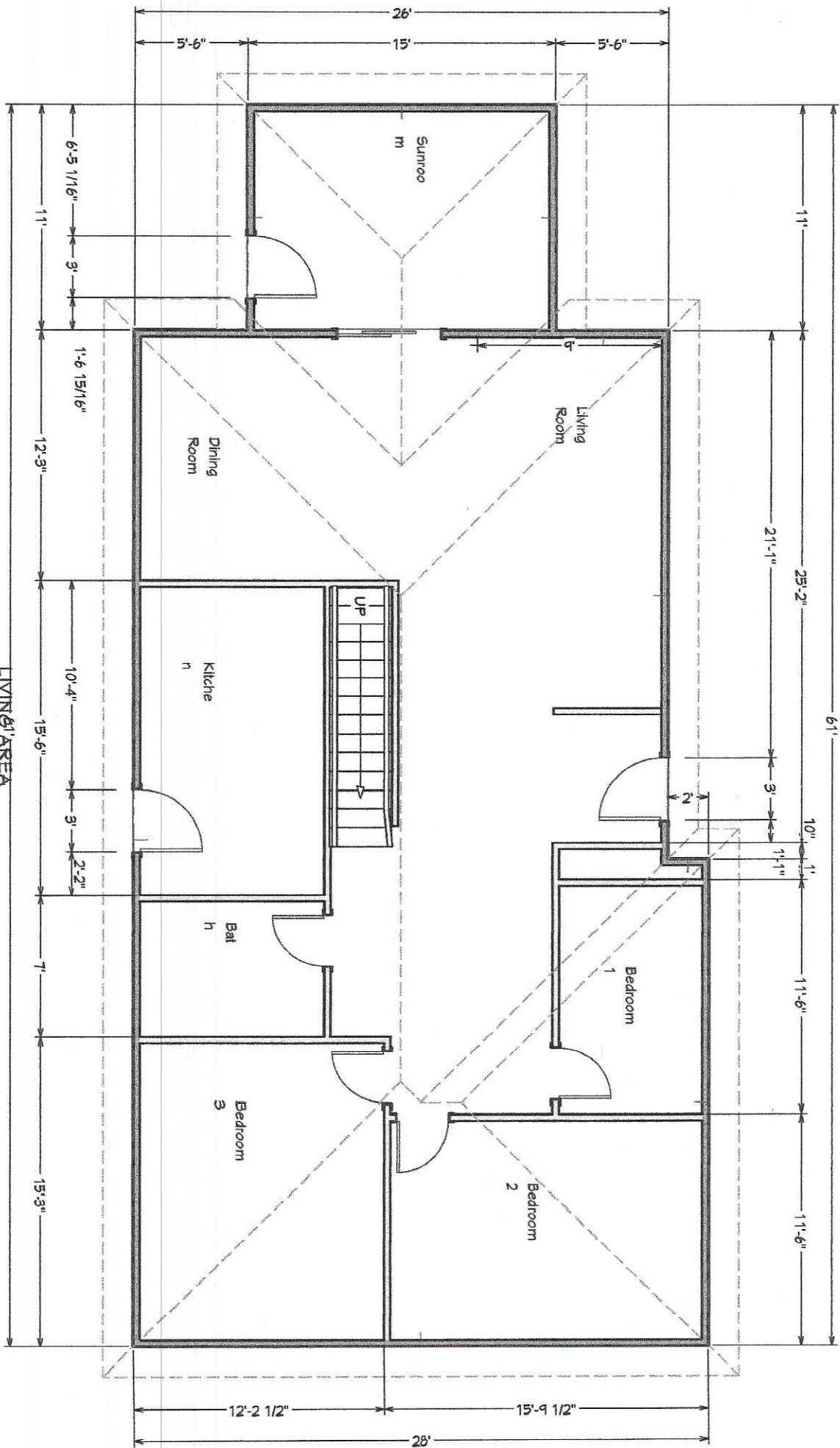
|                             |          |           |          |                                                                                |
|-----------------------------|----------|-----------|----------|--------------------------------------------------------------------------------|
| 28 Tudor Rd.<br>Needham, MA |          |           |          |                                                                                |
| Zone: SRB                   |          |           |          |                                                                                |
| Single Family Home          |          |           |          |                                                                                |
| Item                        | Existing | Proposed  | Required | Notes                                                                          |
| Lot Size                    | 10194    | no change |          |                                                                                |
| GFA                         | 1513     | 3117.5    |          |                                                                                |
| FAR                         | 0.148    | 0.306     |          | Max .38                                                                        |
| Left Side Setback           | 24.5'    | no change | 10       |                                                                                |
| Right Side Setback          | 18.8'    | 18.8'     | 10       | Adding 5'6" to rear of existing sunroom.<br>Turning Sunroom into 4 season room |
| Front Setback               | 31'      | no change | 20       |                                                                                |
| Rear Setback                | 26'      | 18.8'     | 14       | Adding 9'4" x 21' single story addition<br>behind garage                       |
| Building Height             | 18'      | 28'       |          |                                                                                |
| Frontage                    | 96'      | no change | 80       |                                                                                |
| Parking                     | 6        | 6         |          | 1 spot Dedicated to ADU                                                        |
| Square Footage Calcs. (GFA) |          |           |          |                                                                                |
| Item                        | Existing | Proposed  |          | Notes                                                                          |
| Garage                      | 560      | 560       |          |                                                                                |
| Basement                    | 788      | 788       |          | Existing Ceiling Height 6'10"                                                  |
| Sunroom                     | 165      | 0         |          |                                                                                |
| 1st Floor                   | 1348     | 1769.5    |          |                                                                                |
| 2nd Floor                   | 0        | 1348      |          |                                                                                |
| Total                       | 2861     | 4465.5    |          |                                                                                |
| Countable Floor Area        | 1513     | 3117.5    |          |                                                                                |
| ADU                         | 0        | 850       |          | 850 SF part of 1st floor Square footage                                        |

| LOCATION                    | INSULATION |           |         | TOTAL |
|-----------------------------|------------|-----------|---------|-------|
|                             | TYPE       | THICKNESS | R VALUE |       |
| Basement Walls              | CCSF       | 3"        | R21     |       |
| First Floor Exterior Walls  | CCSF       | 3"        | R21     |       |
| Second Floor Exterior Walls | Cellulose  | 5.5"      | R 19.25 |       |
| Garage Ceiling              | CCSF       | 2"        | R14     | R35   |
| Garage Ceiling              | Cellulose  | 6"        | R21     |       |
| Roof                        | CCSF       | 2"        | R14     |       |
| Roof                        | Cellulose  | 8"        | R28     | R42   |





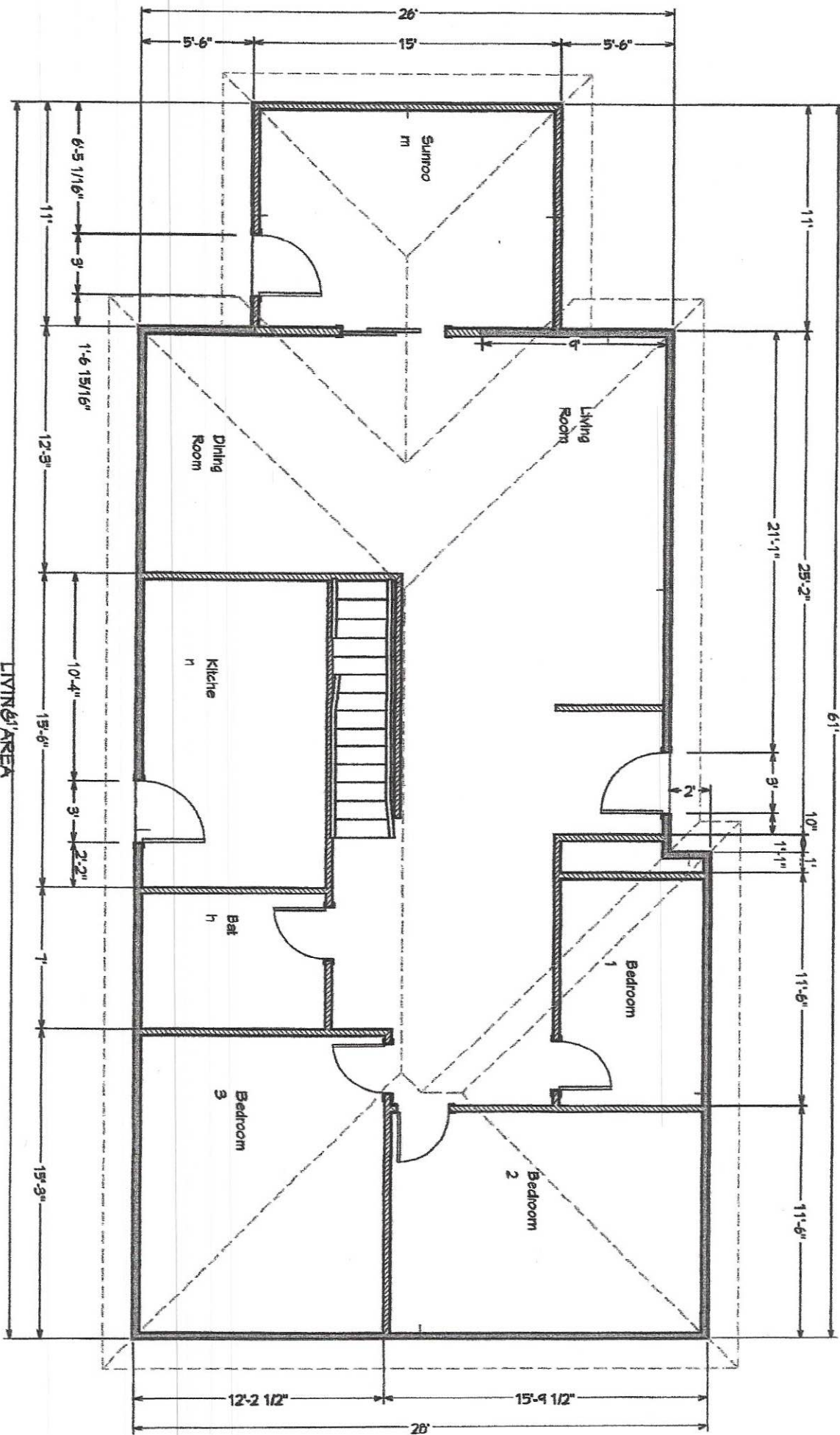
EXISTING  
LIVING AREA  
BASEMENT  
1513 SQ FT



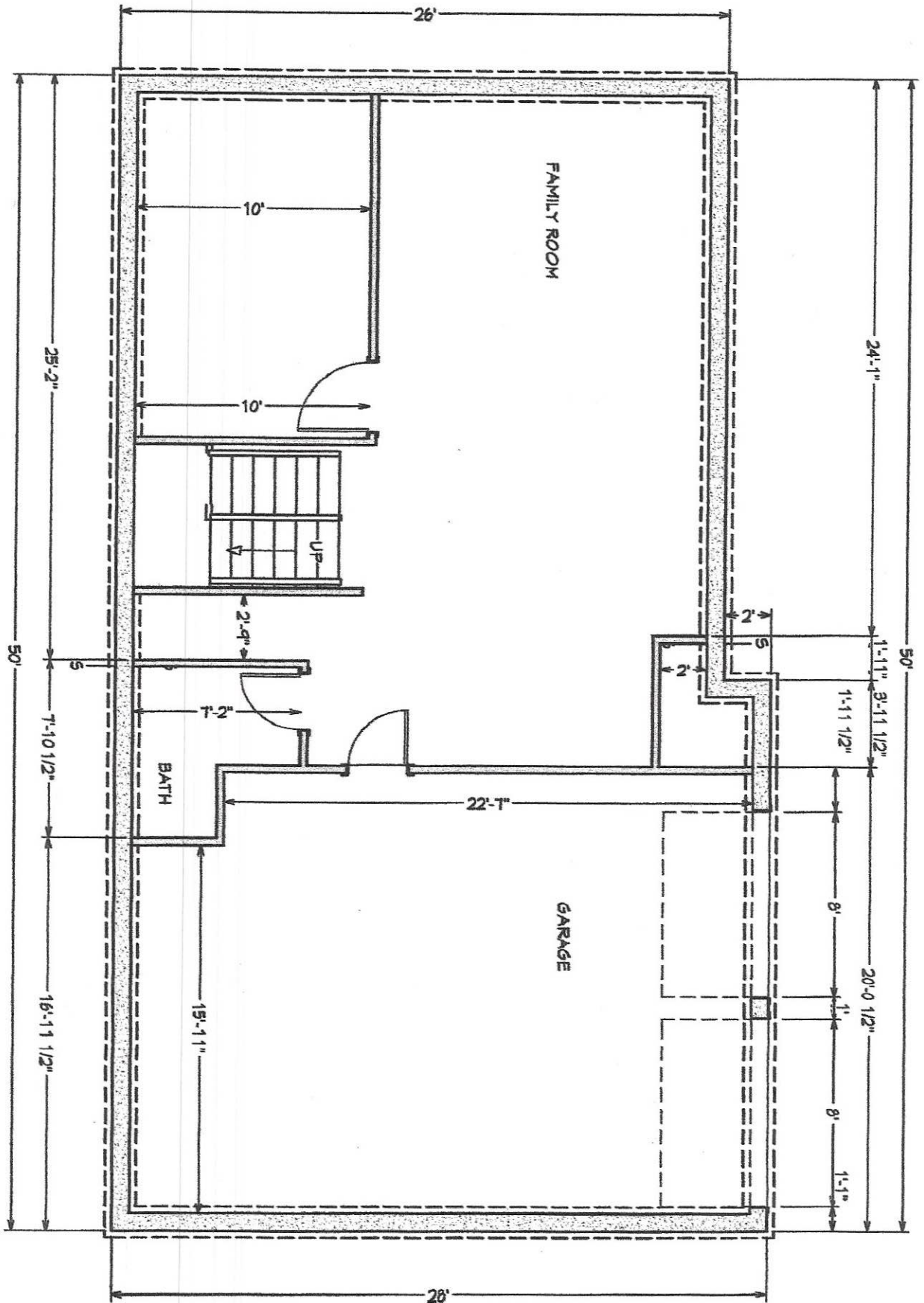
LIVING AREA

1513 SQ FT

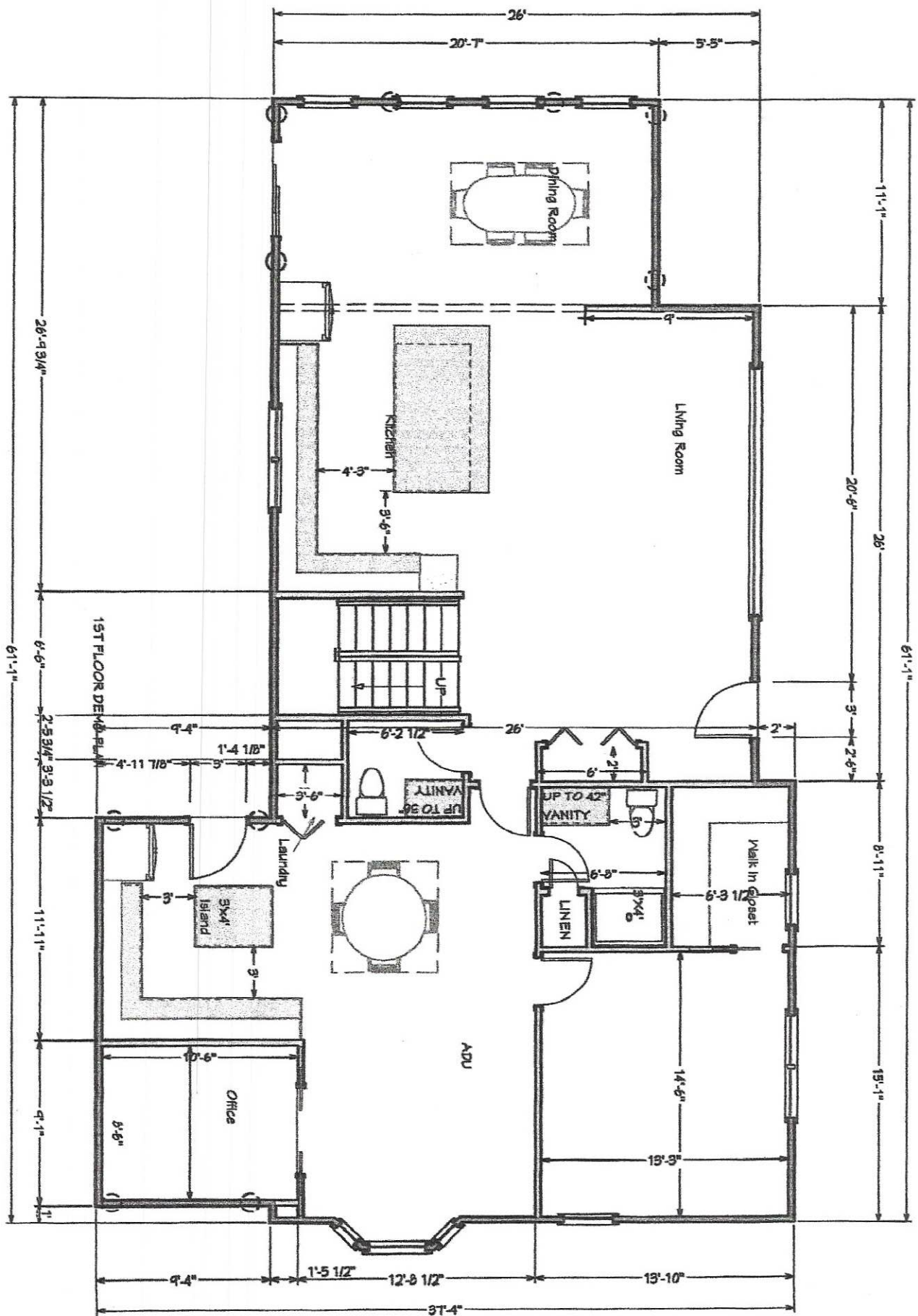
EXISTING 1ST FLOOR



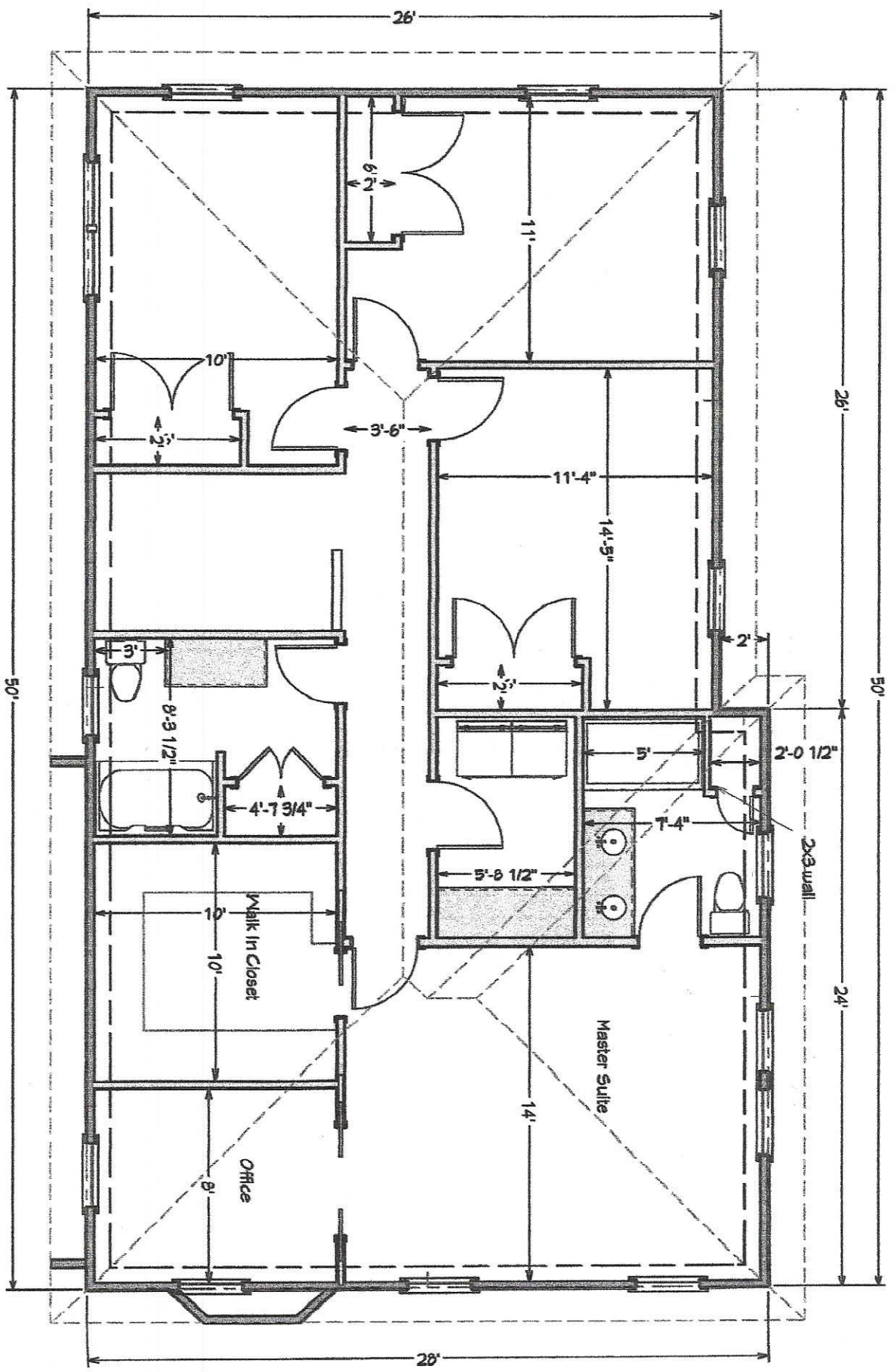
LIVING AREA  
1513.56 SQ. FT.  
1ST FLOOR DEMO  
PLAN



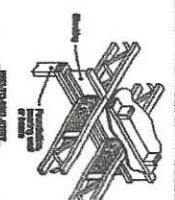
LIVING AREA  
BASEMENT DEMO PLAN  
1348 SQ. FT.



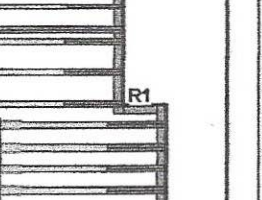
LIVING AREA  
1780 SQ FT



LIVING AREA  
1348 SQ. FT

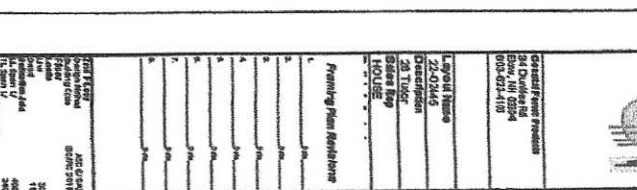


**DETAIL. NO. N2P**



\_\_\_\_\_

R1 R1



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| Window Schedule |                |               |          |            |                                                 |
|-----------------|----------------|---------------|----------|------------|-------------------------------------------------|
| Location        | Size           | RO            | Quantity |            | Notes                                           |
| A               | 2'0 x 3'0      | 22.5" x 36.5" | 6        | HOPPER     |                                                 |
| B               | 2'0 x 3'0      | 22.5" x 36.5" | 1        | HOPPER     | Tempered                                        |
| C               | 3'0 x 5'0      | 36.5" x 60.5" | 10       | DH         |                                                 |
| D               | 10' x 4'       | VIF           | 1        | DH/PICTURE | VIF Existing opening size                       |
| E               | 2'8 X 3'4      | 32.5" X 40.5" | 1        | DH         |                                                 |
| F               | 3'0 x 5'0      | 36.5" x 60.5" | 1        | DH         | Tempered                                        |
| G               | 3'0 x 4'6      | 36.5" x 54.5" | 10       | DH         |                                                 |
| H               | 3'0 x 4'6      | 36.5" x 54.5" | 3        | DH         | Tempered                                        |
| I               | 6'0 x 4'6      | 72.5" x 54.5" | 1        | TWIN DH    |                                                 |
| J               | 3'0 x 5'0      | 36.5" x 60.5" | 1        | DH         |                                                 |
| K               | 5'4 X 3'4      | 64.5" X 40.5" | 1        | TWIN DH    | Final Size subject to Cabinet plan              |
|                 |                |               |          |            |                                                 |
| Door Schedule   |                |               |          |            |                                                 |
| Loc.            | Size           | RO            | Quantity | Style      | Notes                                           |
| D1              | 2'6 x 6'6      | 2'8 x 6'9     | 1        |            | 20 Min Fire Door                                |
| D2              | 4'0 x 6'6      | 4'2 x 6'9     | 1        |            | Bifold                                          |
| D3              | 3'0x 6'6 LH    | 3'2 x 6'9     | 1        |            |                                                 |
| D4              | 3'0 x 6'8 LHIS | 3'2 x 6'11    | 1        |            | Fiberglass Exterior Door                        |
| D5              | 6'0 x 6'8      | 6'2 x 6'11    | 1        |            | Sliding Exterior Door                           |
| D6              | 5'0 X 6'8      | 5'2 x 6'11    | 1        |            | Bifold                                          |
| D7              | 2'6 X 6'8 RH   | 2'8 X 6'11    | 1        |            |                                                 |
| D8              | 2'6 X 6'8 RH   | 2'8 X 6'11    | 1        |            |                                                 |
| D9              | 2'6 X 6'8      | 5'1 x 7'1     | 1        |            | Pocket Door                                     |
| D10             | 2'8 x 6'8 LH   | 2'10 X 6'11   | 1        |            |                                                 |
| D11             | 4'8 x 6'8      | 9'6 x 7'1     | 1        |            | Double Pocekt Door- 2 Frames and Converging Kit |
| D12             | 3'0 x 6'8 RHIS | 3'2 x 6'11    | 1        | Full Lite  | Fiberglass Exterior Door                        |
| D13             | 3'0 x 6'8      | 3'2 x 6'11    | 1        |            | Bifold                                          |
| D14             | 5'0 X 6'8      | 3'2 x 6'11    | 1        |            | Double Door                                     |
| D15             | 5'0 X 6'8      | 3'2 x 6'11    | 1        |            | Double Door                                     |
| D16             | 2'8 x 6'8 LH   | 2'10 X 6'11   | 1        |            |                                                 |
| D17             | 2'8 x 6'8 LH   | 2'10 X 6'11   | 1        |            |                                                 |
| D18             | 2'8 x 6'8 LH   | 2'10 X 6'11   | 1        |            |                                                 |
| D19             | 5'0 X 6'8      | 5'2 x 6'11    | 1        |            | Double Door                                     |
| D20             | 2'6 X 6'8 RH   | 2'8 X 6'11    | 1        |            |                                                 |
| D21             | 2'8 X 6'8      | 5'5 X 7'1     | 1        |            | Pocket Door                                     |
| D22             | 4'4 X 6'8      | 8'10 X 7'1    | 1        |            | Double Pocekt Door- 2 Frames and Converging Kit |
| D23             | 2'8 X 6'8 RH   | 2'10 X 6'11   | 1        |            |                                                 |
| D24             | 2'6 X 6'8 RH   | 2'8 X 6'11    | 1        |            |                                                 |
| D25             | 2'8 X 6'8 RH   | 2'10 X 6'11   | 1        |            |                                                 |



## Alexandra Clee

---

**From:** Colleen Schaller <colleenschaller@icloud.com>  
**Sent:** Wednesday, January 25, 2023 4:23 PM  
**To:** Planning  
**Cc:** Timothy McDonald; Latanya Steele  
**Subject:** 100 West Street

To Members of the Needham Planning Board:

On January 12, 2023 the Council on Aging Board of Directors met with representatives of 100 Wells Avenue. A presentation and discussion ensued.

Subsequently a Motion was made, seconded and passed unanimously stating:

The Council on Aging Board of Directors reaffirms our position as opposed to this development due to the lack of independent units in the proposed plan.

Thank you,  
Colleen Schaller  
COA Board Chair

Sent from my iPhone

FRIEZE CRAMER ROSEN & HUBER LLP  
C O U N S E L L O R S   A T   L A W

62 WALNUT STREET, SUITE 6, WELLESLEY, MASSACHUSETTS 02481  
781-943-4000 • FAX 781-943-4040

January 24, 2023

Via Electronic Mail

Members of the  
Needham Planning Board

And

Lee Newman  
Director of Planning and Community Development  
Public Services Administration Building  
500 Dedham Ave  
Needham, MA 02492

Re: 100 West Street, Needham

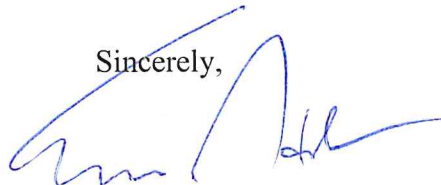
Dear Planning Board Members and Ms. Newman:

I am writing on behalf of the applicant, WELL Balfour Needham Landlord LLC, pursuant to M.G.L. c. 40A § 16, to request leave to withdraw, without prejudice, the pending application for site plan review and special permits for this site.

We appreciate the Board's work with us on the project to date. The applicant anticipates filing another application with respect to this site in the near future. Please advise promptly as to the Board's action with respect to this request.

Thank you.

Sincerely,



Evans Huber

### 6.1.2

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. ~~and in the Single Residence B, General Residence, Business and Industrial districts garage space for not more than two (2) cars.~~

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.

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 questions 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;

- (a) will not alter the character of the premises in which it is located,
- (b) will not have a material adverse effect on the value of the land and buildings or structures in the neighborhood, or on the amenities thereof, and

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(c) will not produce noise, odors or glare observable at the lot lines in amounts clearly detrimental to the normal use of adjacent property.

In acting upon applications for such Special Permits, the Board of Appeals shall be governed by the provisions of Section 7.2.

### 6.1.2

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.

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.

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;

- (a) will not alter the character of the premises in which it is located,
- (b) will not have a material adverse effect on the value of the land and buildings or structures in the neighborhood, or on the amenities thereof, and
- (c) will not produce noise, odors or glare observable at the lot lines in amounts clearly detrimental to the normal use of adjacent property.

In acting upon applications for such Special Permits, the Board of Appeals shall be governed by the provisions of Section 7.2.

**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.

### 3.15 Accessory Dwelling Units (ADUs)

#### 3.15.1 Intent

The intent and purpose of this section is to permit accessory dwelling units (ADUs) in single-family ~~dwelling or in buildings accessory to single-family dwellings~~ ~~homes~~ 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 ~~(as so defined)~~ 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 (as so defined)~~ who resides in the ~~ADU or the principal dwelling unit~~ ~~property as his or her primary residence~~, 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 accessory unit~~ remains subordinate to the principal use of the ~~property as a single-family detached dwelling~~ ~~living quarters~~.

#### 3.15.2 Definition

- (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~~ ~~that~~ 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 ~~the~~ 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.
- (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 ~~other~~ persons who are related to an Owner, ~~or~~ Caregiver ~~or Lessee~~, by blood, adoption or marriage, and who are related to such Owner, ~~or~~ 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 principal 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.

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(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 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.~~

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### **3.15.3.1 Use Regulations for ADU within a Single-family Dwelling**

~~An Such accessory dwelling unit (ADU within a single-family detached dwelling)~~ shall be permitted ~~upon the issuance of a Special Permit by the Board of Appeals~~ under the following use regulations:

- (a) There shall be no more than one ADU on a lot, which ADU shall be located in the single-family detached dwelling and not in an accessory building.
- (b) At least one of the units, the principal unit or the ADU, shall be Owner-occupied, except for a temporary absence of the Owner for a period of nine months or less if written notice thereof is made to the Building Commissioner on a form prescribed by the Commissioner within 60 days of the commencement of the absence.
- (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 850 square feet of living space and shall have no more than one bedroom.
- (e) Off-street parking shall be provided for residents of both units with a minimum of one parking space per dwelling unit.
- (f) Adequate provisions for the proper disposal of sewage and ~~waste, and drainage~~ 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, that one appears to be the principal entrance and the other appears to be secondary. An interior door way shall be provided between the principle dwelling each living-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 accessory unit and principal dwelling unit residence, along with a certified site plan, shall also be submitted with the application to the Building Commissioner. Appropriate fees as established and recorded shall be assessed for the initial application and each renewal of the occupancy permit as determined by the Building Commissioner.
- (i) The installation of the ADU shall require the issuance of a building permit by the Building Commissioner.

#### **(j) 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 50 sq. ft.
- (b) The provisions of Section 4.2.9 of this By-law notwithstanding, any accessory building containing an ADU shall comply with the setback requirements of Section 4. Dimensional Regulations of this By-law applicable to a principal building in the district in which the property is located.
- (c) 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.
- (d) 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

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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.

### **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 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

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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.

~~Occupancy of the ADU shall not take place without proof of the recorded Special Permit and an occupancy permit issued by the Building Commissioner. The initial occupancy permit shall remain in force for a period of three (3) years from the date of issue provided that ownership of the premises is not changed. Thereafter, permits may be issued by the Building Commissioner for succeeding three year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code and Needham By laws. Occupancy permits shall not be transferable upon a change in ownership or occupancy.~~

- ~~(k) In the case that the ADU has violated the terms of the Special Permit 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.~~

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### **3.15     Accessory Dwelling Units (ADUs)**

#### **3.15.1   Intent**

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.

#### **3.15.2   Definition**

- (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.
- (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 principal 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.
- (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 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.

### **3.15.3.1 Use Regulations for ADU within a Single-family Dwelling**

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

- (a) There shall be no more than one ADU on a lot, which ADU shall be located in the single-family detached dwelling and not in an accessory building.
- (b) At least one of the units, the principal unit or the ADU, shall be Owner-occupied, except for a temporary absence of the Owner for a period of nine months or less if written notice thereof is made to the Building Commissioner on a form prescribed by the Commissioner within 60 days of the commencement of the absence.
- (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 850 square feet of living space and shall have no more than one bedroom.
- (e) Off-street parking shall be provided for residents of both units with a minimum of one parking space per dwelling unit.
- (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.
- (i) The installation of the ADU shall require the issuance of a building permit by the Building Commissioner.

### **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 50 sq. ft.
- (b) The provisions of Section 4.2.9 of this By-law notwithstanding, any accessory building containing an ADU shall comply with the setback requirements of Section 4. Dimensional Regulations of this By-law applicable to a principal building in the district in which the property is located.
- (c) 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.
- (d) 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.

### **3.15.3.3 Maintenance of Appearance of Single-family Property**

It is the intent of Section 13.15 as specified in Section 13.15.1 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 13.15.2, 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 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 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.

## **ARTICLE 1: 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) and (c) 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.

(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.”

- (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 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), (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.

(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 50 sq. ft
- (b) The provisions of Section 4.2.9 of this By-law notwithstanding, any accessory building containing an ADU shall comply with the setback requirements of Section 4. Dimensional Regulations of this By-law applicable to a principal building in the district in which the property is located.
- (c) 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.
- (d) 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.

### 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.

## **ARTICLE 1: 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) and (c) 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.

(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.”

- (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 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), (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.

(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 50 sq. ft

~~(b) The provisions of Section 4.2.9 of this By-law notwithstanding, any accessory building containing an ADU shall comply with the setback requirements of Section 4. Dimensional Regulations of this By-law applicable to a principal building in the district in which the property is located.~~

- ~~(e)~~(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.

- ~~(d)~~(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.

#### 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

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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.

### **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 “, 2<sup>nd</sup> 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.

**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. 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.

GEORGE GIUNTA, JR.  
ATTORNEY AT LAW\*  
281 CHESTNUT STREET  
NEEDHAM, MASSACHUSETTS 02492  
\*Also admitted in Maryland

TELEPHONE (781) 449-4520

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February 7, 2023

Lee Newman  
Planning Director  
Town of Needham  
1471 Highland Avenue  
Needham, MA 02492

Re: 920 South Street  
Definitive Subdivision Application  
Scenic Road and Public Shade Tree  
Brian Connaughton

Dear Lee,

In connection with the pending applications for Definitive Subdivision, Scenic Road Act and Public Shade Tree relative to the property at 920 South Street, Needham, MA 02492 (the "Premises"), please accept this letter as a request to further continue the hearings until either the March 7 or March 28, 2023 meeting of the Board.

In connection with the foregoing, please also extend the applicable action deadline until May 19, 2023.

Please do not hesitate to let me know if you have any questions or require anything further. As always, your courtesy and assistance are appreciated.

Sincerely,



George Giunta, Jr.

## NEEDHAM PLANNING BOARD MINUTES

November 15, 2022

The Needham Planning Board hybrid meeting, held in person at the Charles River Room of the Public Services Administration Building and Virtual using Zoom, was called to order by Adam Block, Chairman, on Tuesday, November 15, 2022, at 7:00 p.m. with Messrs. Alpert and Crocker and Ms. McKnight, as well as Planning Director, Ms. Newman and Assistant Planner, Ms. Clee. Ms. Espada arrived at 7:10 p.m.

Mr. Block took a roll call attendance of the Board members and staff. He noted this is an open meeting that is being held in public and remotely per state guidelines. He reviewed the rules of conduct for all meetings. He noted this meeting does include two public hearings and there will be public comment allowed. If any votes are taken at the meeting the vote will be conducted by roll call. All supporting materials, including the agenda, are posted on the town's website.

### Public Hearings:

**7:00 p.m. – Major Project Site Plan Special Permit No. 2002-03: WELL Balfour Needham Landlord LLC, 4500 Dorr Street, Toledo, Ohio 43615, Petitioner. (Property located at 100-110 West Street, Needham, MA). Regarding proposal to redevelop the property to include 155 units of senior housing, consisting of 127 Assisted Living apartments and 28 Alzheimer's/Memory Care units. Please note: this hearing has been continued from the August 16, 2022, September 20, 2022 and October 18, 2022 meetings of the Planning Board. The Petitioner has requested that this hearing be further continued.**

Mr. Block noted the Board received a letter requesting a continuance for 30 days.

Upon a motion made by Mr. Crocker, and seconded by Ms. McKnight, it was by a roll call vote of the four members present unanimously:

VOTED: to continue the hearing to 12/19/22 at 7:30 p.m.

**Deliberation: Major Project Site Plan Special Permit No. 2022-02: 557 Highland, LLC, an affiliate of The Bulfinch Companies, Inc., 116 Huntington Avenue, Suite 600, Boston, MA, Petitioner (Property located at 557 Highland Avenue, Needham Massachusetts). Regarding proposal to redevelop the Property with approximately 496,694 square feet of office, laboratory and research and development uses. The proposal also includes construction of one-level of below grade parking under each building and a separate stand-alone parking garage, as well as approximately 10,000 square feet of retail and restaurant uses. (See legal notice and application for more details).**

Ms. Espada arrived. Mr. Block stated the applicant is requesting a parking waiver of 288 spaces and a height of 55 feet. Ms. Espada wanted one floor of the parking garage removed. The applicant responded at the last hearing a parking demand study was done and the 1,300 spaces are needed. There is no testimony from any engineer suggesting parking should be reduced. The garage is set back 200 feet and is set in the lower-elevation bowl. Ms. McKnight stated she looked at the plans again. The Board was told that it was set in the bowl, but she could not see an elevation lower than Gould Street. The elevation of Gould Street is 138 and the garage at the front corner is around 138. She is not seeing a considerably lower elevation than Gould Street. Mr. Alpert noted Gould Street is at 139 and the side of the garage is at 133. There is only a 6-foot difference.

Ms. McKnight noted the garage is 6 stories – 5 stories and the roof parking. Two additional? stories are below ground. She feels it is higher than 55 feet above ground. Mr. Block asked where the height of the garage is measured from. Ms. Newman noted the average grade is used when measuring. The applicant is saying it is 55 feet up to Level 6. Mr. Block noted an average height of 55 feet would be compliant and asked what the tallest point is. Ms. Newman stated per the By-Law it is the highest point of the structure. Mr. Block noted the average grade for the garage is 130 feet. The garage roof is 198.6 feet at the top of the elevator and 184.6 to the floor but not the top of the wall. He asked that the Planning Director consult with the applicant to verify that the numbers have not been updated and check with the Building Commissioner where the 55 feet is measured from – the floor or the top of the wall. It would not be allowed if in violation of the By-Law. Mr. Alpert

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stated, with the numbers on Sheet AG 211, the height is 54.6 feet. Mr. Block noted the wall structure is higher and asked if that was included in the height.

Ms. Espada stated the By-Law requires more parking than the applicants are doing, and the special permit height is 55 feet. The applicant did the maximum height of the special permit and the maximum footprint for the garage. If the height is maximum then it needs better screening if another story cannot be added underground. There are different ways of screening. Wellesley College has a façade that does not make it look like a garage. Coming from Gould Street it is the first thing you see. She would like screening ~~from~~ Gould Street and ~~treatment of~~ the side such as mesh with vines growing up or a tube pattern. The 2 sides need a material change or texture. The garage could be transformed with material. She commented she does understand why the parking is needed. Mr. Alpert asked if there would be enough parking if the Board asked the applicant to take a floor down. He does not want cars parking on Gould Street. Ms. McKnight noted the Goulston & Storrs letter recommended the waiver of parking. She noted the roof has 108 spaces. She does not see any letter from Engineering saying this much parking is needed. A discussion ensued. Mr. Alpert would rather require screening than lose parking if the garage is compliant as to height.

Mr. Crocker noted the open space requirement may include pervious pavement for walkways and sidewalks but does not allow for access roads. Setbacks are specifically for green space. He asked how an access road fits the By-Law. Ms. McKnight stated she is very concerned about this also. Keeping a ~~50-foot~~50-foot landscape setback was important. Modifications made to the original emergency access way include a permeable 10 feet then structures to allow grass to grow. She met with the police about this and does not feel this violates the provisions. She commented that other Bulfinch properties in Needham are kept up with landscaping. She is satisfied with a 50 foot setback and that it meets the By-Law. She added this is only available to public service emergency vehicles. Mr. Crocker stated permeable pavers are not green space. Section 4.11.1 says the setback may not be covered with any kind of access streets/ways. Ms. McKnight ~~responded~~noted that emergency access is not a street or way.

Mr. Block took a poll of the members regarding the special permits. Mr. Crocker is not ok with a 1.21 FAR. The other members are ok with a 1.21 FAR but feel it is contingent on parking. All members are ok with a restaurant use, a single retail tenant up to 10,000 square feet, a major project site plan special permit and a deviation from the design requirements for a retaining wall.

**8:15 p.m. – Major Project Site Plan Special Permit No. 2022-04: BTE Development, LLC 13 Eaton Court, Wellesley, MA 02481, Petitioner (Property located at 40 & 50 Central Avenue, Needham, MA). Regarding proposal to demolish the two existing commercial buildings and construct a new mixed-use building with retail on the first floor and 15 total residential units on the second and third floors, with associated surface parking.**

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a roll call vote of the five members present unanimously:

VOTED: to waive the reading of the public hearing notice.

George Giunta Jr., representative for the applicant, noted this is 2 properties at the corner of Central Avenue and Reservoir Street. There is a small unoccupied commercial building at 40 Central Avenue and a 2-story building with Panella's Market on the first floor and office space on the second floor at 50 Central Avenue. The 2 properties are 32,058 square feet with 170 feet of frontage on Central and 197 feet of frontage on Reservoir. Both conform with the By-Law as to area and frontage. The applicant will demolish both buildings and will overhaul the complete site. The properties are in the Neighborhood Business District. It is a funky commercial district with general retail not allowed -- only specific retail. There will be one new building with 3 stories and 20,000 square feet with 3 commercial spaces of roughly 700 square feet each. Panella's Market will be in one space. There will be 15 residential units on the top 2 floors. There will be 3 affordable units with ~~2~~two 1-bed~~room~~ units and ~~4~~one 2-bed~~room~~ unit. There will be no ~~3~~bedroom or above units. The remaining units will be ~~8~~eight 2-bed~~room~~ units and ~~7~~seven 1-bed~~room~~ units. They will be smaller units aimed at non-families.

Mr. Giunta Jr. noted portions of the 2<sup>nd</sup> and 3<sup>rd</sup> floors jet out, or overhang, from the commercial space on the 1<sup>st</sup> floor. In back it overhangs the driveway and parking spaces. The colors are red brick, charcoal gray and off white. He feels the design team did a good job. The Design Review Board (DRB) has approved and it ties in with the neighborhood. Paul Bevilacqua, of BTE Development, noted the building will be red brick and cement board substrate on the other 2 colors. Mr.

Giunta Jr. stated there will be a mix with respect to balconies. There will be some Juliette balconies in front and usable balconies in the back. Mr. Crocker commented there is a lot more green space than currently. Mr. Giunta Jr. stated currently the properties are all paved or gravel with only green in the back. This complies with the requirements of the By-Law.

Mr. Giunta Jr. noted there will be a special permit for floor area ratio (FAR), height and side yard setback. The FAR is .5 in the District and up to .7 with a special permit. [This project is at .63 FAR without open space with the drive and at .69 FAR including that, unclear] It is 39 feet high to the top point of the elevator shaft but most elevation is 35 feet. The Planning Board can grant up to 40 feet by special permit. The base zoning allows 2 stories and 3 by special permit. For landscaping, there is a 50-foot setback if it borders residential under the base zoning but can be waived to 20 feet. This is at 27.2 feet at the narrowest. The project is proposing substantial landscaping. There will be some garden space for residents if they want to garden.

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Mr. Giunta Jr. noted there will be a wide landscape area in front. The applicant is ok with the DRB suggestions. There will be a patio on the Reservoir Street side and an outdoor area for residents. A restaurant is not allowed but there can be food retail and take out. There are trees on the Central and Reservoir sides. The slope on the Reservoir side will have a 4-foot retaining wall to deal with it. There will be a landscape area between the wall and the parking area. There are 28 parking spaces on site and there will be 6 spaces added on Reservoir after discussions with the Building Department. Those spaces will help Panella's at lunch. Ms. McKnight asked if those will be spaces built by the developer in the public way and was informed yes. Mr. Giunta Jr. stated the applicant will work with the Select Board and Engineering. The 6 spaces cannot be counted per the By-Law. The total parking demand is 31. If you add Panella's it bumps it to 41 spaces for the take-out requirement. Mr. Crocker asked if the spaces would be reserved for tenants and marked. Mr. Giunta Jr. noted there is no plan on reserving spaces. The spaces will be on a first come first service basis. He commented this is right on the public transportation (bus) line. A traffic study has been done but Engineering has not looked at it yet. There is a very minor increase of projected traffic assuming full use of the building.

Mr. Alpert stated he is concerned with parking. With the residents and employees they are already at 29 spaces. Mr. Giunta Jr. stated there need to be users in there that complement each other. Ms. McKnight asked if there will be storage for bicycles as well as bike racks. Mr. Giunta Jr. noted the plan shows where there could be storage for bikes. Ms. Espada asked if the applicant considered underground parking. Mr. Giunta Jr. stated the cost is high and the few spaces that would be gained are not worth it. Also, the By-Law does not incentivize allow it, since it counts in the FAR. He noted this is a pretty constrained district. Mr. Block noted the Board is waiting for outstanding comments from Town Departments.

Ms. McKnight feels this is wonderful. She was hoping for this type of development. It is a terrific location and a great use of the site. She hopes it is a successful project. Mr. Crocker asked about the landscape buffer along the residential side. He was informed there will be a mix of trees, shrubs and ground cover. There will be a community planting area. Mr. Crocker asked if there was any thought to solar. There is plenty of roof space and there will be a common meter in the building. Mr. Bevilacqua stated they plan on doing solar and will have electric car charging stations. Trevor O'Leary noted there will be 4 stations under the covered area so 8 cars can be charged. Mr. Crocker stated he loves the project and appreciates the affordable units. Ms. Espada agrees with Ms. McKnight and Mr. Crocker. She asked if there are any other sustainable features. Mr. Bevilacqua stated the units will be all electric. They are not doing LEED.

Ms. Espada asked if there is equity on the team. Mr. Bevilacqua stated the architect firm is owned by a woman. Mr. Alpert likes the project. He is concerned about parking. The Health Department will need space for dumpsters if a retail food establishment is approved. Mr. Giunta Jr. stated there is a dumpster there currently. Mr. Alpert is concerned that dumpster is not going to meet the requirements for Panella's Market. He requested the applicant work with the Health Department for the requirements. He noted 2 trusts own these properties and there is an estate involved on 40 Central Avenue. The children will have to sign as owners and not trustees. He would like something in the file signed by the children. Mr. Giunta Jr. stated this is the first time this issue came up after 2 title examinations. He will have to look at it.

Mr. Block stated he likes the personal aesthetic. There is a mix of materials and it breaks up the massing. He likes the landscaping and the mixed use idea in this area. On street parking is being created. He likes the project very much. He noted there are 3 handicap accessible spaces with 2 close to the building but one is near the exit to Central Avenue. He encourages them to bring it closer to the building. Ms. McKnight stated it is close to the entrance to the apartments. Mr. Block encouraged more thought on that. He noted the traffic-demand reports says it is comprehensive but he does not feel

it is comprehensive. He is concerned with the parking demand. He understands it is on the bus route but is not sure how much it will be utilized. He asked, where trash is proposed, what is the distance from the trash enclosure to the closest house. He noted there have been complaints in other areas because of pest problems. He would like to condition an ongoing pest management program be in place.

Mr. Block noted the following correspondence for the record: an email from the Fire Department, dated 11/9/22, with no issues; an email from the Assistant Public Health Director, dated 10/26/22, with comments; a memo from the DRB, dated 11/7/22, with comments and a letter from the Building Inspector, dated 11/17/22, with comments. He opened the hearing to the public. Dave Case, of 36 Central Avenue, stated the plans and landscaping look good. He asked if there will be any privacy fence. Mr. Giunta Jr. stated a privacy fence could be put up on that side.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a roll call vote of the five members present unanimously:

VOTED: to continue the hearing to 12/5/22 at 7:05 p.m.

The Board took a 5-minute recess.

**Decision: Amendment to Major Project Site Plan Special Permit No. 99-2: BP 140 Kendrick Street LLC c/o Boston Properties Limited Partnership, 800 Boylston Street, Suite 1900, Boston, MA, Petitioner (Property located at 140 Kendrick Street, Needham, MA). Regarding proposal for solar array canopy.**

Mr. Block noted a memo from the Building Department, dated 12/10/22, regarding storm water runoff. He noted paragraph 1.5 of the draft decision, as to DRB approval, strike "approval" from the first line; in Section 3.3, add "beyond those permitted by this decision," and in Section 3.12(b) the condition should be contingent upon approval by the different Board-s. Mr. Alpert stated that is a standard condition before the building permit is issued. Ms. Espada stated she is part of the Climate Action Plan Committee (CAPC) and they have been discussing storm water management in general. The systems are compromised with the infrastructure. She greatly appreciates having storm water recharge on site. The Board should keep this in mind with other projects.

Upon a motion made by Mr. Alpert, and seconded by Ms. Espada, it was by a roll call vote of the five members present unanimously:

VOTED: to Grant: (1) a Major Project Site Plan Review Special Permit amendment under Section 7.4 of the Needham Zoning By-Law and Section 3.2 of Major Project Site Plan Review Special Permit No. 99-2, subject to and with the benefit of the following Plan modifications and limitations being set forth in the Board's decision.

Upon a motion made by Mr. Alpert, and seconded by Ms. McKnight, it was by a roll call vote of the five members present unanimously:

VOTED: to adopt the decision as presented with the changes presented by Mr. Block this evening.

**Report from Planning Director and Board members**

Mr. Block noted there will be a Housing Plan Working Group community meeting in Powers Hall tomorrow night from 7:00 p.m. to 9:00 p.m. There will be a presentation with an emphasis on questions and comments on the draft housing plan. The members will discuss all comments at the 12/8/22 meeting of the Housing Plan Working Group. Ms. Espada thanked all members of the Group. They worked together a year and worked well together. She noted she is the Chair with Oscar Mertz of the CAPC, - chair of the CAPC or of a subcommittee? They are looking at 3 to 5 action items to pitch forward to the larger group. There will be public meetings the first Friday in December and January, then they will meet with the larger group.

**Correspondence**

Mr. Block noted a memo from the Select Board and Town Manager, dated 11/8/22, sharing the Select Board goals with the Planning Board. There is interest in including the Tree By-Law. There was also a memo from Jesse Kaddy, dated 11/2/22,

with comments on 557 Highland Avenue and a memo from Holly Charbonnier, dated 11/14/22, with comments regarding the Fitness Path at 557 Highland Avenue.

**Committee Appointment – Design Review Board.**

Ms. Newman discussed the process. Steve Tanner has resigned as the Planning Board's ~~representative~~ representative, so they need to appoint a new Planning Board representative to the Design Review Board. The person should be a graphic artist or someone with expertise in the design field. She stated the Select Board has the Chair and Vice-Chair interview applicants and she feels that is the framework ~~the Planning Board~~ they should follow. Ms. McKnight noted, with Ms. Espada's background ~~as an architect~~, she would rather she do the interviews than herself as Vice-Chair. Mr. Alpert asked that the resumes for the 3 applicants be sent to all members. Ms. Espada will need to look at the composition of the ~~DR~~ Board for broader representation.

Mr. Block wants members to be prepared to continue deliberations for 555 Highland Avenue at the next meeting.

Upon a motion made by Mr. Alpert, and seconded by Mr. Crocker, it was by a roll call vote of the five members present unanimously:

VOTED: to adjourn the meeting at 10:05 p.m.

Respectfully submitted,  
Donna J. Kalinowski, Notetaker

---

Jeanne S. McKnight, Vice-Chairman and Clerk

## Action Plan for MBTA Communities

|                         |                                                                                                                                                                                                                                                                                   |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Description Area</b> | Please read the Section 3A Guidelines before attempting to complete this form. Please note: Action Plan Forms must be submitted by a municipal official with authority to act on behalf of the municipality on matters of zoning, such as the municipal CEO or planning director. |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### Section 1: Identification

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Description Area</b> | The Section 3A Guidelines establish zoning metrics that apply uniquely to each MBTA community based on its local transit stations, existing housing stock, population, and developable land. This section of the Action Plan helps to identify the transit stations that determined each community's category. Appendix 1 of the Section 3A Guidelines lists each community's category and minimum multi-family unit capacity requirement. |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                    |                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>1.1 MBTA Community Name</b>                                                                                                                                                     | Needham                                                                                                                        |
| <b>1.2. Community Category</b>                                                                                                                                                     | Commuter rail community                                                                                                        |
| <b>1.3. Multifamily Unit Capacity Requirement</b>                                                                                                                                  | 1784                                                                                                                           |
| <b>1.4. Does this municipality have any MBTA rapid transit stations within its boundaries?</b>                                                                                     | No                                                                                                                             |
| <b>1.5. Does this municipality have any MBTA commuter rail stations within its boundaries?</b>                                                                                     | Yes                                                                                                                            |
| <b>1.5a. Please list MBTA commuter rail stations that are located within the municipal boundaries</b>                                                                              | MBTA Station at Needham Center, MBTA Station at Needham Heights, MBTA Station at Needham Junction, and MBTA Station at Hersey. |
| <b>1.6. Does this municipality have any other MBTA transit stations that are located outside of its municipal boundaries that may have "developable station area" within them?</b> | No                                                                                                                             |
| <b>1.7. Please provide the name of the person filling out this form</b>                                                                                                            | Lee Newman                                                                                                                     |
| <b>1.7a. Title</b>                                                                                                                                                                 | Director of Planning and Community Development                                                                                 |
| <b>1.7b. Email Address</b>                                                                                                                                                         | lnewman@needhamma.gov                                                                                                          |

|                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.7c. Phone Number</b>                                                                                       | (781) 455-7550 ext. 270                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>1.8 Please provide the name of the municipal CEO</b>                                                         | Kate Fitzpatrick                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>1.8b Mailing address of municipal CEO</b>                                                                    | Needham Town Hall<br>1471 Highland Avenue<br>Needham, MA 02492                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>1.8c Email address of municipal CEO</b>                                                                      | kfitzpatrick@needhamma.gov                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>1.9. Please briefly describe other members of the core team developing the multi-family zoning district.</b> | <p>On the municipal staff side key members participating are: Kate Fitzpatrick, Town Manager, Katie King, Assistant Town Manager, Lee Newman, Director of Planning and Community Development, and Karen Sunnarborg, Housing Specialist.</p> <p>On the Town Board side both the Planning Board and Select Board will be actively involved. Participating from the Planning Board are: Adam Block, Jeanne McKnight, Paul Alpert, Artie Crocker, and Natasha Espada. Participating from the Select Board are: Marianne Cooley, Nelson Marcus, Matthew Borrelli, Kevin Klein and Heidi Frail.</p> |

## Section 2: Housing Overview

|                                                                                                                                                                                                              |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>2.1. Does this municipality have any established housing related goals or strategies from municipal planning documents, such as a Housing Production Plan, Master Plan, or Economic Development Plan?</b> | Yes |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|

**2.1a. Please briefly describe any relevant strategies, goals, or objectives, and the work that has been done to date.**

In October 2022, the Needham Planning Board appointed a working group of representatives of local boards and committees as well as three citizens at large to prepare a Housing Plan. The Plan was completed in December 2023. Since the last housing plan was approved in 2007, the Town had made considerable progress in producing affordable housing by adding 894 new units to its Subsidized Housing Inventory (SHI) and surpassing the state affordability goal of 10%. Despite reaching the 10% threshold, the Town recognized that significant unmet housing needs remained in the community, particularly in the context of unprecedented housing prices.

In addition to progress in producing affordable housing, the Town also adopted a number of zoning bylaws to better promote affordable housing and smart growth development. Notable among these changes was the introduction of Overlay Districts in several commercial areas of town including Needham Center, the Lower Chestnut and Garden Street areas, and Mixed Use Overlay District (MUOD) in the Highland Avenue/Route 128 area. Needham also established an Elder Services District off of Gould Street to serve the community's increasingly aging population. Most of these Districts require the integration of affordable housing equivalent to one unit for properties of less than ten units and 10% of all units for those with ten or more units. The more recent MUOD, Highland Avenue/128 District, and Neighborhood Business District/128 zoning increased the affordability requirement to 12.5% of all units.

The focus of the recently-completed Housing Plan was to analyze updated information on demographic, economic and housing conditions, identify priority needs, and recommend actions to address these needs, also integrating substantial opportunities for community input. The Housing Plan includes 17 major actions and 8 additional recommendations for further study to better promote housing affordability and diversity in the community. Chief among these proposed strategies is compliance with MBTA Communities Guidelines under Section 3A of the Zoning Act as well as other zoning-related recommendations such as better promoting Accessory Dwelling Units (ADUs), adopting Town-wide inclusionary zoning, and better controlling teardown activity for example. Other key recommendations included support for the Needham Housing Authority's Preservation and Redevelopment Initiative (PRI) to upgrade its aging and antiquated properties with the prospect of expanding the number of units as well. Additionally, the Plan recommended actions to better integrate greater energy efficiencies in housing and build local and regional support and collaboration for housing production and preservation initiatives.

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**2.2. Is this municipality currently working on any other planning for housing?**

Yes

**2.2a. Please briefly describe the housing work underway.**

In addition to making ongoing progress in complying with state MBTA Communities Guidelines under Section 3A, the Town is already involved in the implementation of a few of the proposed strategies included in the Housing Plan including amendments to the Accessory Dwelling Unit bylaw. Presently, the Planning Board is preparing an amended Accessory Dwelling Unit (ADU) bylaw, to eliminate the requirement of occupancy by family members and caregivers and enable owners to obtain additional income, among other benefits, which is particularly helpful to older owners on fixed incomes. Approval of ADUs within single-family units will be changed from special permit to by-right, however, some units in detached structures may be allowed under special permit. The Planning Board plans to have the new zoning in place for the Annual Town Meeting in 2023.

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### **Section 3: Preliminary Zoning Strategies**

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**3.1. To the best of your knowledge, which of the following zoning strategies is this community most likely to use for compliance? (Select all that apply)**

- a. An existing zoning district or districts that might already comply with the Section 3A Guidelines
  - b. An existing zoning district or districts that must be amended to comply with the Section 3A Guidelines
-

**3.1a. Please identify and briefly describe the possibly-compliant district(s), including any characteristics of existing development or transit options that make it suitable for use as this community's 3A-compliant district. Optional: Attach any supporting documents.**

As calculated by DHCD, at least 90% of Needham's zoning districts must be located within ½ mile of transit based on its total developable area of 1,223 acres near transit stations. This translates into Needham's multi-family zoning districts including at least 108 acres at a density of at least 15 units/acre, which would allow for 1,606 units within ½ mile of a commuter rail station. The additional 178 units that Needham must zone for (minimum multi-family unit capacity of 1,784 units minus 1,606) could be in areas outside of the ½ mile limit.

Needham has one zoning district that permits multi-family housing as-of-right within ½ mile of transit at the minimum DHCD required density standard of 15 units per acre; that is the A-1 Apartment zoning district where the multi-family density standard is set at 18 units per acre. The major dimensional requirements of Apartment A-1 zones include:

- ? Minimum lot area of 20,000 square feet.
- ? Minimum frontage of 120 feet.
- ? Maximum dwelling units per acre of 18 units.
- ? Maximum floor area ratio (FAR) of 0.5, meaning on a 20,000 square foot lot the maximum square footage that can be built is 10,000 square feet.
- ? Minimum setback (front/side/rear) of 20/20/20 feet.
- ? Maximum height of 3 stories or 40 feet.

Needham has three A-1 Apartment districts, namely, Rosemary Lake Apartments and Rosemary Ridge Condominiums (14 acres), the Highlands (4 acres) and Hamilton Highlands (4 acres) within ½ mile of transit for a total of 22 acres. Two of these districts if left as independent entities would fall below the 5-acre minimum land area requirement found in the DHCD regulations and would need to be adjusted. The multi-family build-out density for the 22 acres located in the A-1 Apartment district totals 396 dwelling units. A map showing the ½ mile radius distance around each of Needham's commuter rail stations and the zoning districts located within those radii (including the A-1 District) is attached.

As noted above, DHCD guidelines also allow portions of the multi-family district to be located further away from transit, "provided that such areas are easily accessible to the transit station based on existing street patterns and pedestrian connections". Within this category is the A-1 Apartment district located at 31 Hamlin Lane, where the as-of-right multi-family density standard is set at 18 units per acre. This district comprises the Hamlin Condominium development which contains 6 acres of land with an associated multi-family build-out of 108 units.

In summary, 28 acres of land are currently zoned within the A-1 District with an as-of-right multi-family density standard of 18 units per acre for a total of 504 units leaving an unmet requirement of 1,380 units (minimum multi-family unit capacity of 1,784 units minus 504).

---

3.1b. Please select the changes that may be necessary for the existing district to comply. Optional: Attach any supporting documents that describe this district.

District boundaries

Use schedule

Dimensional regulations

Parking requirements

**Explanation:**

The Needham Housing Plan completed in December of 2022 detailed a group of recommended zoning strategies to achieve compliance with the MBTA Communities Act under Section 3A. It is these recommended strategies as detailed in the Housing Plan which the Town will be pursuing. These recommendations involve rezoning some areas currently zoned for single-family or 2-family residence to Apartment A-1, changing zoning to A-1 provisions in business areas that already allow multi-family housing as well as introducing this use in some business and industrial districts that do not currently permit multi-family residential uses. The major dimensional requirements of Apartment A-1 zones include:

- ? Minimum lot area of 20,000 square feet.
- ? Minimum frontage of 120 feet.
- ? Maximum dwelling units per acre of 18 units.
- ? Maximum floor area ratio (FAR) of 0.5, meaning on a 20,000 square foot lot the maximum square footage that can be built is 10,000 square feet.
- ? Minimum setback (front/side/rear) of 20/20/20 feet.
- ? Maximum height of 3 stories or 40 feet.

The recommendations for rezoning are focused largely in the areas along the Highland Avenue to Chestnut Street corridor that are not only near transit but also where higher density development already exists.

Recommendations for specific zoning by-law changes under consideration are listed below. Further study will be required to confirm that the final dimensional limits controlling district density will be able to deliver the gross density (units/acre) required by 3A Guidelines. (Please see attached file which contains annotated zoning maps from the Town's Housing Plan for further review of the proposed zoning changes):

Needham Heights District (Group 1):

Implement Apartment A-1 zoning in certain areas now zoned SRB, or GR, including locations of non-conforming existing multi-family (MF) uses.

Apartment A-1 - rezone parcels within ½ mile of Needham Heights station, now zoned SRB:

- 1a. From Hamilton Highlands (Apartment A-1) along Highland Avenue south to Hunnewell Street;
- 1b. Avery Park Condominium and farther south along Highland Avenue to Hunnewell Street and including the Methodist Church at Hunnewell and Highland;
- 1c. Extend existing Apartment A-1 zoning across Hillside Avenue and along the northerly side of Rosemary Street adjacent to the Industrial District and up to the MBTA right-of-way (see item 1g. below) and beyond the ROW to Highland Avenue to include Needham Library (see item 1g. below and Christ Episcopal Church ( see item 1J. and 6b. below);

Apartment A-1 - rezone parcels within ½ mile of Needham Heights station, now zoned GR:

1d. Convert Hillside School and the rear portions of 5 lots of the Industrial district on Crescent Road that abut the Hillside School to Apartment A-1;  
1e. Convert Brookline Rug parcel to Apartment A-1, but the current use may remain as a prior non-conforming use. It has connection to both Hunnewell and Crescent Road and can be part of a consolidated MF district with the rest of new Apartment A-1 and the Industrial District that is to be rezoned to allow MF by-right as a use (see item 1f. below);

Amend current Industrial Districts within ½ mile of Needham Heights transit station to allow MF as an additional allowed use with Apartment A-1 dimensional limits with a minimum 10,000 sf lot size.

1f. Add Multi-family housing, at A-1 dimensions, to the uses allowed by right in the Industrial District along Crescent Road;  
1g. Add Multi-family housing, at A-1 dimensions, to the uses allowed by right in the Industrial District between Hillside Avenue and the MBTA right-of-way and between West and Rosemary Streets;

Amend current Hillside Avenue Business District within ½ mile of transit station to allow MF by-right and use Apartment A-1 dimensional limits with a minimum 10,000 sf lot size. Allow mixed-use option by Special Permit.

1h. Hillside Avenue Business from both sides of the Hunnewell intersection south to the south side of West Street;

Amend current Avery Square Business District within 1/2 mile of transit station. Adjust/increase current height and story limits where noted. Changes to limits are to be appropriate to their immediate context within their district.

1i. Avery Square Business - increase height from 35 ft. to 38 ft. for mixed-use MF allowed by special permit;

Expand General Residence over SRB area along the Highland Avenue corridor to allow 2-family and SF conversions to 2-family.

1j. Both sides of Highland Avenue from Rosemary Street to Avery Square Business District (but see item 1c. above and 6B. below related to rezoning Christ Church to Apartment A-1).

Needham Center District (Group 2):

Amend and extend current Business District within ½ mile of transit to allow MF by-right and use Apartment A-1 dimensional limits with a minimum 10,000 sf lot size. Allow, by special permit, mixed-use MF to 48 ft. & 4

stories with 4th floor setback.

2a. Extend Business District north to Rosemary Street to include portion of Sudbury Farms parcel now zoned SRB;

2b. Business District along Highland Avenue from May Street north to Rosemary Street to include all of Sudbury Farms parcel;

Implement Apartment A-1 zoning in certain areas now zoned SRB, GR or Industrial or in locations of non-conforming existing multi-family (MF) uses.

Apartment A-1 - rezone parcels within ½ mile of Needham Center station, now zoned SRB:

2c. St. Joseph School strip along May Street;

2d. Stephen Palmer former school leased by Town for multi-family housing;

2f. YMCA site on Great Plain Avenue next to Greene's Field;

2g. 888 Great Plain Avenue (former nursery/garden center);

2h. Baptist and Christian Science Church parcels on Great Plain Avenue, near corner of Warren Street;

Apartment A-1 - rezone parcels within ½ mile of Needham Center station, now zoned GR:

2e. Lots on Pickering Place together with a portion of St. Joseph School parcel;

2i. Consolidate a portion of the Denmark Lane MF housing south of the Needham Center Overlay District, currently zoned GR, and combine it with the small Industrial district along the MBTA right-of-way proposed for rezoning to

Apartment A-1 that is also part of the Denmark Lane MF project area (see item 2j. below);

Apartment A-1 - rezone parcels within ½ mile of Needham Center station, now zoned Industrial:

2j. Convert the small Industrial district along the MBTA right-of-way to be combined with the front portion of the parcel being rezoned from GR (see item 2i. above) that is also part of the Denmark Lane housing project area.

Amend current Center Business and Overlay District B and Garden Street Overlay District within ½ mile of transit. Adjust/increase current height and story limits where noted. Changes to limits are to be appropriate to their immediate context within their district.

2k. Increase height limits in Needham Center Overlay District B for mixed-use MF to 48 ft. & 4 stories with 4th floor setback. No stand-alone MF is allowed in the district;

2m. Rezone Garden Street Overlay District by changing stand-alone MF to

be allowed by right, rather than special permit, using the existing dimensional limits.

Needham Junction District Group 3):

Amend current Chestnut Street Business District and Lower Chestnut Street Overlay District within ½ mile of transit to allow stand-alone MF by-right, and mixed-use with MF by special permit. Adjust/increase current height and story limits where noted. Changes to limits are to be appropriate to their immediate context within their district.

3a. Chestnut Street Business and Lower Chestnut Street Overlay District changed to allow stand-alone MF using Apartment A-1 dimensional limits with a minimum 10,000 sf lot size, with 4-story/48 ft. limits allowed by special permit for mixed-use MF in the Lower Chestnut Street Overlay District;

3b. Extend Chestnut Street Business and Lower Chestnut Street Overlay Districts to include Skilled Nursing Facility (SNF) property on Lincoln Street;

Implement Apartment A-1 zoning in certain areas now zoned SRB, or Chestnut Street Business Districts or in locations of non-conforming existing non single-family (SF) uses. Use Apartment A-1 dimensional limits.

Apartment A-1 - rezone parcels within ½ mile of Needham Junction station, now zoned Chestnut Street Business, Lower Chestnut Street Overlay District and SRB:

3c. Rezone the Hartney Greymont site (now partly Chestnut Street Business/Lower Chestnut Street Overlay District and partly SRB) to be Apartment A-1 to allow MF without allowing mixed-use, with the current use allowed to remain as a prior non-conforming use.

Zoning changes will also reconsider parking ratios for mixed-use and multi-family projects within the overlay districts that are also within ½ mile of transit stations. These changes will be informed by the Parking Study that has been commissioned by the Select Board and is being conducted by Stantec as well as the parking study that is being conducted by the WestMetro HOME Consortium in cooperation with MAPC.

As Needham's site plan review process is currently based on major site plan review/special permit projects, the Town will further revisit these standards to determine appropriate changes given the relevancy of site plan review to projects that will be a result of Section 3A rezoning.



**3.2. What non-housing characteristics are important for this community to consider in its 3A zoning district?**

The non-housing goals important to the Town of Needham in the implementation of a 3A zoning district are detailed below. The Town's desired development outcome from implementation of a 3A district are as follows:

- A "complete" mixed-use neighborhood that is economically and socially sustainable- providing quality jobs, diverse housing opportunities, and a complementary mix of retail, dining, entertainment, and office uses.
- A public realm comprised of a safe and attractive system of streets, plazas, and park spaces that supports an active pedestrian environment and provides an attractive physical framework that seamlessly integrates a diverse array of existing and future buildings.
- An attractive, well-designed private realm that mixes new and old buildings in a compact pattern and scale of development that creates a well-defined, human-scale public environment and supports a dynamic mix of retail and complementary uses.
- A multi-pronged approach to sustainability that integrates land use, mobility, and design strategies to minimize environmental impact, reduce resource consumption, and prolong economic and social cohesiveness and viability, including policies that: promote compact mixed use development that creates more local jobs and housing within close walking distance; prioritize the creation of a retail district that will reduce residents' need to travel to other communities to meet their shopping needs, thereby reducing greenhouse gas emissions for local trips; and encourage transit and alternate modes of travel that reduce miles traveled via personal vehicle for those traveling from areas outside the local area to visit shopping destinations. In addition, guidelines and development standards for the district that promote green development strategies for new buildings, "green streets" and low-impact development for public infrastructure, and the reuse of existing buildings that will reduce the consumption of energy.
- A balanced and complete circulation network that accommodates the internal and external transportation needs of the area by promoting walking, biking, and transit while continuing to serve automobile traffic.
- Quality pedestrian facilities and amenities that create a safe and aesthetically pleasing environment that encourages walking and accommodates increased pedestrian activity.
- A bicycle network with safe and efficient connections to major destinations within the district and throughout the Town of Needham.
- Efficient but managed vehicle access in the district.
- Enhanced efficiency and effectiveness of transit in the district.

- A well-managed parking supply that supports district businesses and stimulates economic growth, while not promoting excessive driving.

## Section 4: Action Plan Timeline

### Description Area

This section creates a framework to input preliminary plans for a zoning adoption process. On the table below, please use Column 1 (from the left) to describe a task, Column 2 to input a start date, and Column 3 to input a finish date. Every community must provide a timeline for the below-listed tasks. Additional space is provided for any other tasks that a community wishes to list. DHCD will review proposed timelines for feasibility before approving an Action Plan. Public outreach  
Developing zoning  
Applying DHCD's compliance model to test for density and unit capacity  
Holding planning board hearings  
Holding legislative sessions and adopt compliant zoning  
Submit District Compliance application to DHCD

### Description Area

Task

### Description Area

Start

### Description Area

Finish

### Short Answer

Conduct Community Workshop #1 to present DHCD requirements and the Planning Board's initial proposal to the community. Obtain public feedback. Staff/consultant to apply an updated proposal through DHCD's compliance model. Staff/consultant to create initial build out projections, an initial fiscal impact analysis (will include school enrollment projections), and a potential traffic study.

Mar 01, 2023

Apr 30, 2023

### Short Answer

Conduct Community Workshop #2 to present preliminary proposal/options, including the preliminary build-out projections and fiscal impact analysis. Obtain public feedback. Staff/consultant to run proposal through DHCD compliance model.

May 01, 2023

Jun 30, 2023

### Short Answer

Staff/consultant to conduct build-out and fiscal impact analyses, including the drafting of zoning language.

Jul 01, 2023

Aug 31, 2023

### Short Answer

Conduct Community Workshop #3 to present the final proposal and all analyses. Obtain public feedback.

Sep 01, 2023

Sep 30, 2023

**Short Answer**

Send proposed zoning to DHCD for review (90-day review period), ideally before hearing needs to be noticed.

Sep 01, 2023

Oct 31, 2023

**Short Answer**

Advertise zoning. Hold Planning Board hearings.

Jan 01, 2024

Feb 29, 2024

**Short Answer**

Town Meeting Sessions to Adopt Zoning.

May 01, 2024

Oct 31, 2024

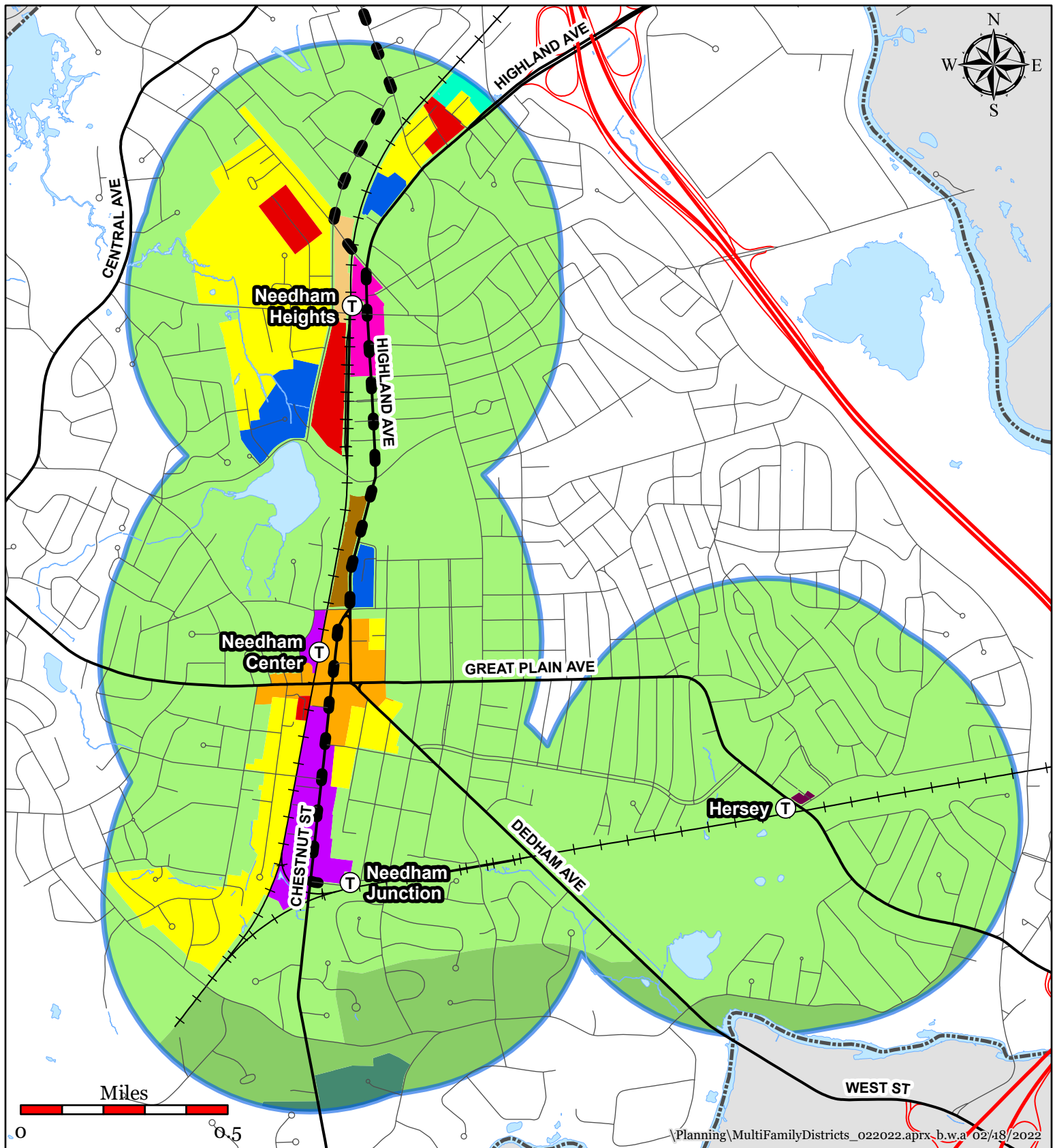
**Short Answer**

Submit District Compliance Model.

Nov 01, 2024

Dec 31, 2024

# Use Districts Within 1/2 Mile of Rail Stations



Ⓣ Commuter Rail Stations

Interstate Highways

Highway Ramps

Major Roads

Minor Roads

MBTA Bus Route

Railroads

Town Boundaries

Waterbodies

1/2 Mile From  
Commuter Rail Station

## Zoning

Apartment A-1

Avery Square Business

Center Business

Business

Chestnut Street Business

Elder Services

General Residence

Hillside Avenue Business

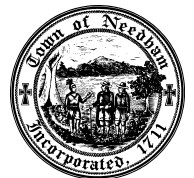
Industrial

Neighborhood Business

Rural Residence Conservation

Single Residence A

Single Residence B



Town of Needham GIS

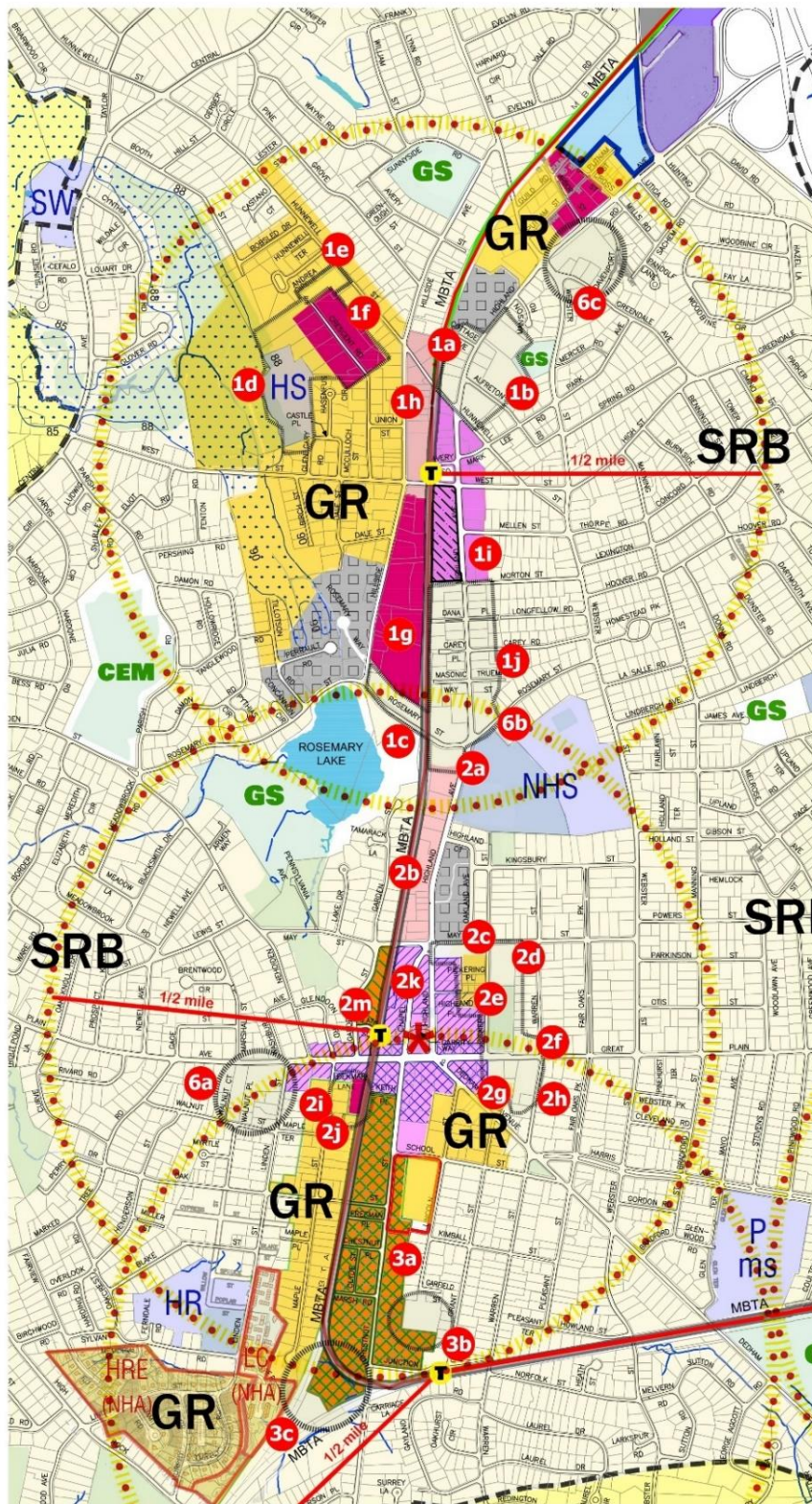
\\Planning\MultiFamilyDistricts\_022022.aprx\_b.w.a 02/18/2022

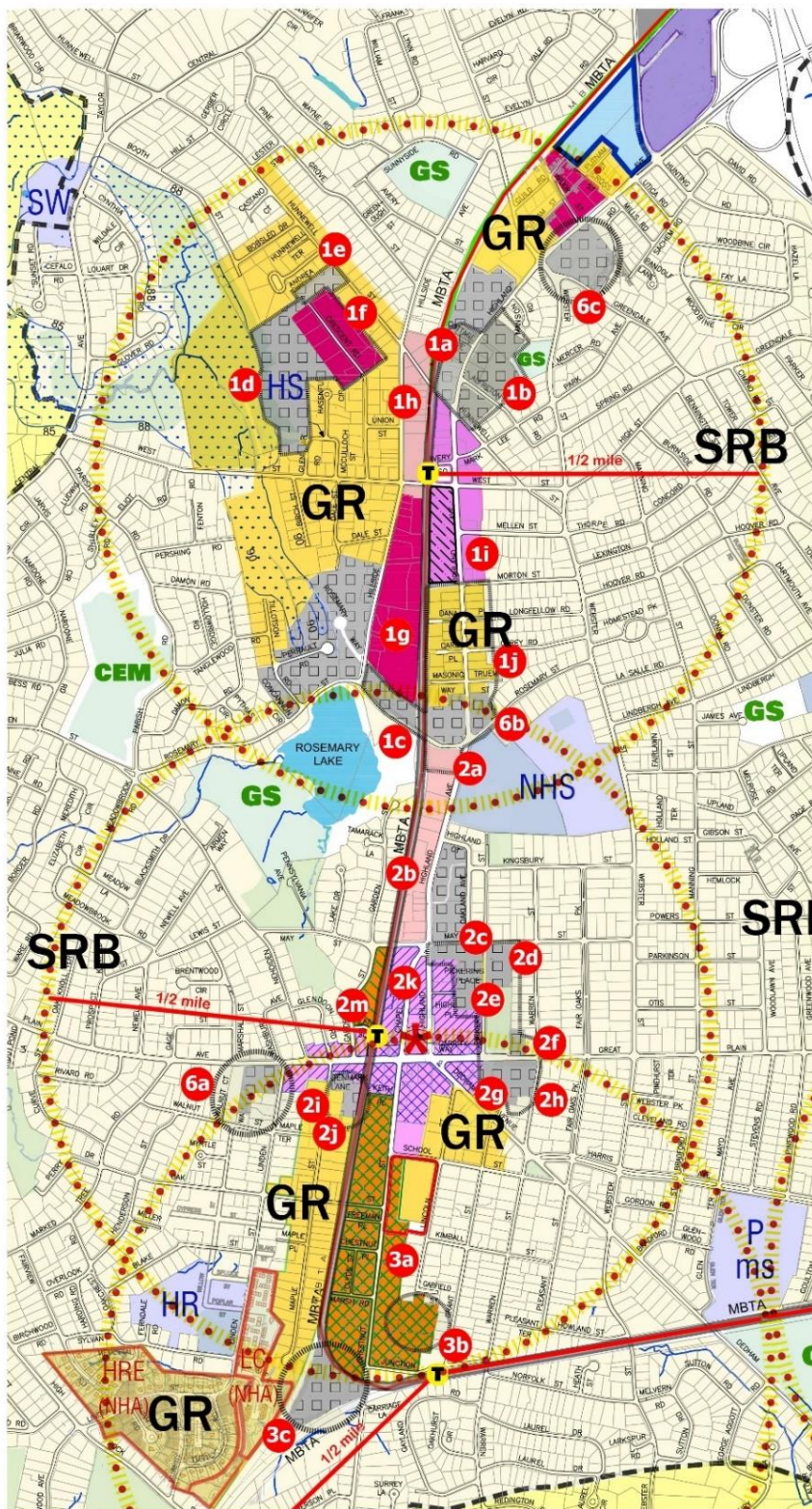
## **Appendix 7.1**

### **Needham Zoning Maps with Proposed Zoning Changes**

#### **(Maps focused on MBTA Station Neighborhoods)**

The following Needham Zoning maps have been created to graphically represent the proposed zoning map changes described in the zoning lists on pages 36-38 as part of complying with MBTA Communities Guidelines. The new maps show that the majority of the zoning reform is concentrated in the Needham neighborhoods geographically located near three of the MBTA transit stations that are part of the Chestnut Street / Highland Avenue north / south corridor. This zone, or “spine”, includes the more densely built parts of town with a mix of commercial, institutional, municipal and residential uses with a range of lower to higher density buildings types.



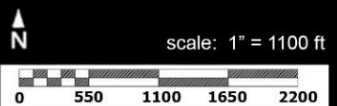


- USE DISTRICTS**
- SINGLE RESIDENCE - A
  - SINGLE RESIDENCE - B
  - GENERAL RESIDENCE
  - APARTMENTS A-1
  - APARTMENTS A-2
  - RURAL RESIDENCE - CONSERVATION
  - INSTITUTIONAL
  - BUSINESS
  - HIGHWAY COMMERCIAL - 1
  - INDUSTRIAL
  - INDUSTRIAL - 1
  - AVERY SQUARE BUSINESS
  - CENTER BUSINESS
  - CHESTNUT STREET BUSINESS
  - HIGHLAND COMMERCIAL - 128
  - HILLSIDE AVENUE BUSINESS
  - MIXED USE - 128
  - NEIGHBORHOOD BUSINESS
  - NEW ENGLAND BUSINESS CENTER
  - ELDER SERVICES ZONING DISTRICT

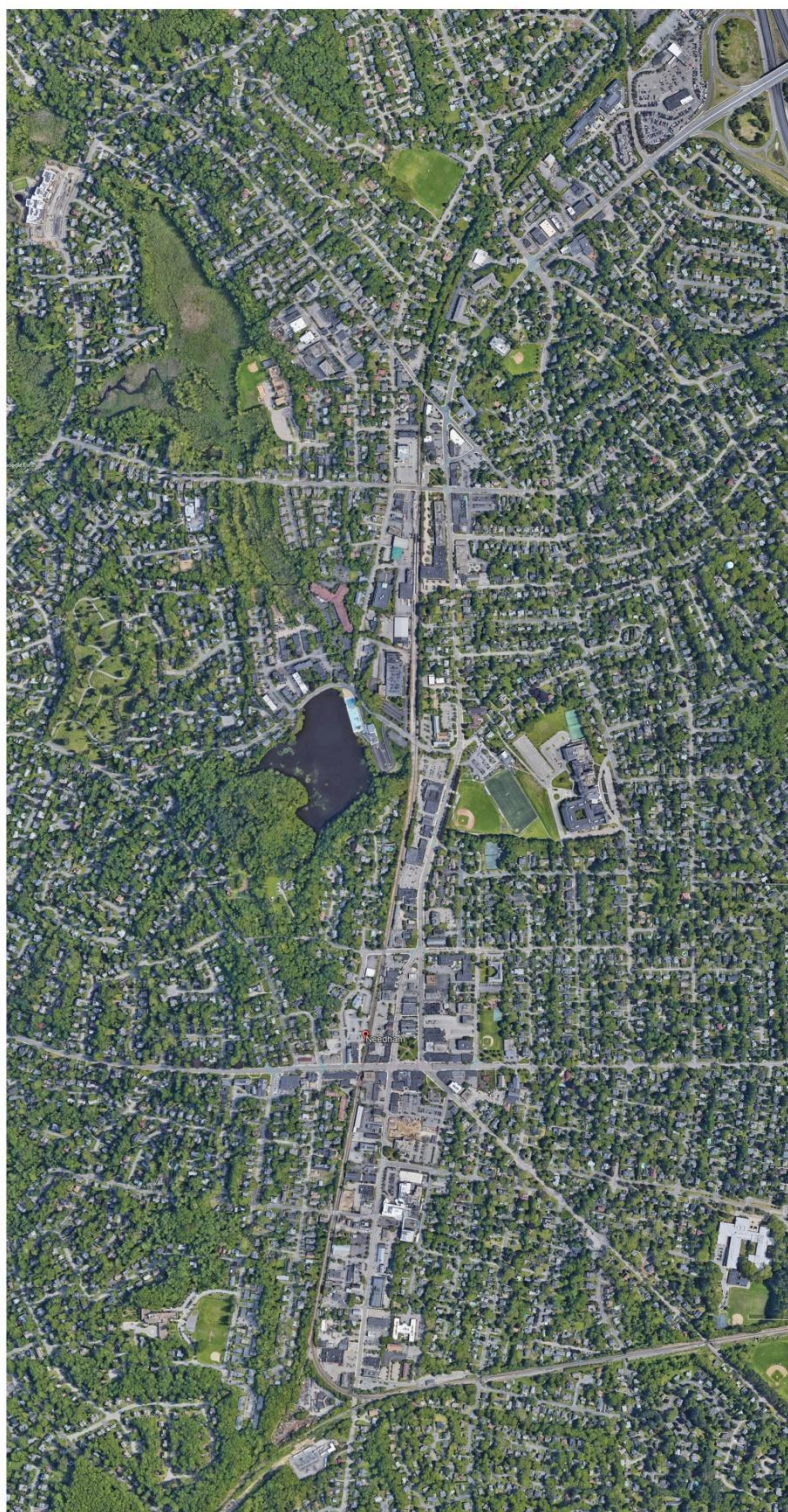
- OVERLAY DISTRICTS**
- WIRELESS COMMUNICATIONS FACILITIES TOWERS OVERLAY DISTRICTS
  - ADULT USE OVERLAY DISTRICT
  - MEDICAL OVERLAY DISTRICT
  - AQUIFER PROTECTION DISTRICT
  - NEEDHAM CENTER OVERLAY DISTRICT A
  - NEEDHAM CENTER OVERLAY DISTRICT B
  - LOWER CHESTNUT STREET OVERLAY DISTRICT
  - GARDEN STREET OVERLAY DISTRICT
  - LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION OVERLAY DISTRICT
  - TEMPORARY METEOROLOGICAL TOWERS OVERLAY DISTRICT
  - MIXED USE OVERLAY DISTRICT (MOUD)
  - AVERY SQUARE OVERLAY DISTRICT
  - July 17, 2012 - FLOOD PLAIN DISTRICT (ALL ELEVATIONS REFER TO U.S.G.S MEAN SEA LEVEL DATUM)

- GS GREEN SPACE (parks, fields etc)
- CEM GREEN SPACE (cemetery)
- TOWN BOUNDARY
- PARCEL
- \* TOWN HALL
- SCHOOL SITES
- NHA SITES (Needham Housing Authority)

**Town of Needham**  
Housing Plan Working Group 2022  
December 2022

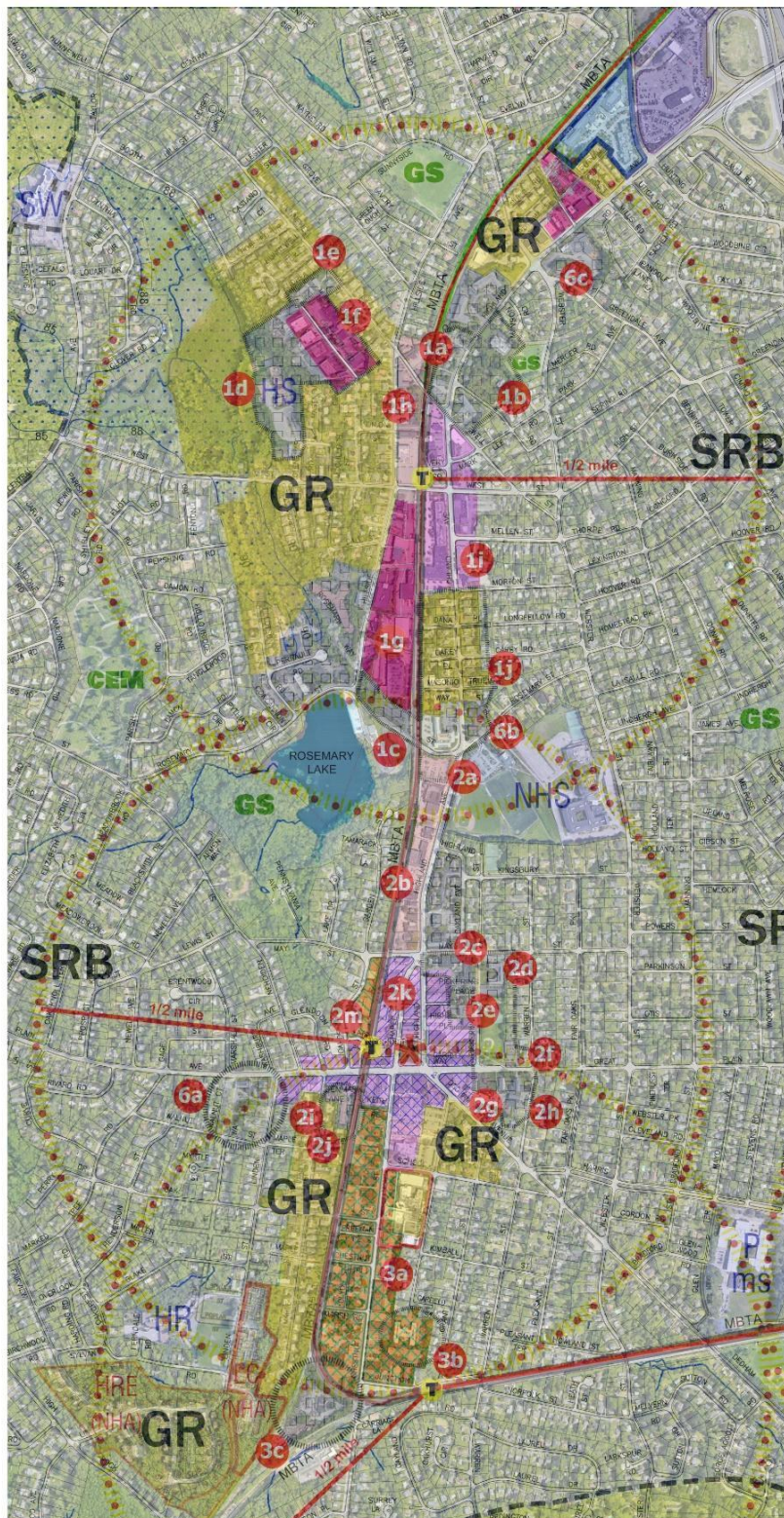


Proposed Zoning Map w/ Changes shown  
(by TOD Neighborhood)



MBTA District study - existing aerial





MBTA District study - existing aerial  
w zoning overlay

## **Appendix 7.2**

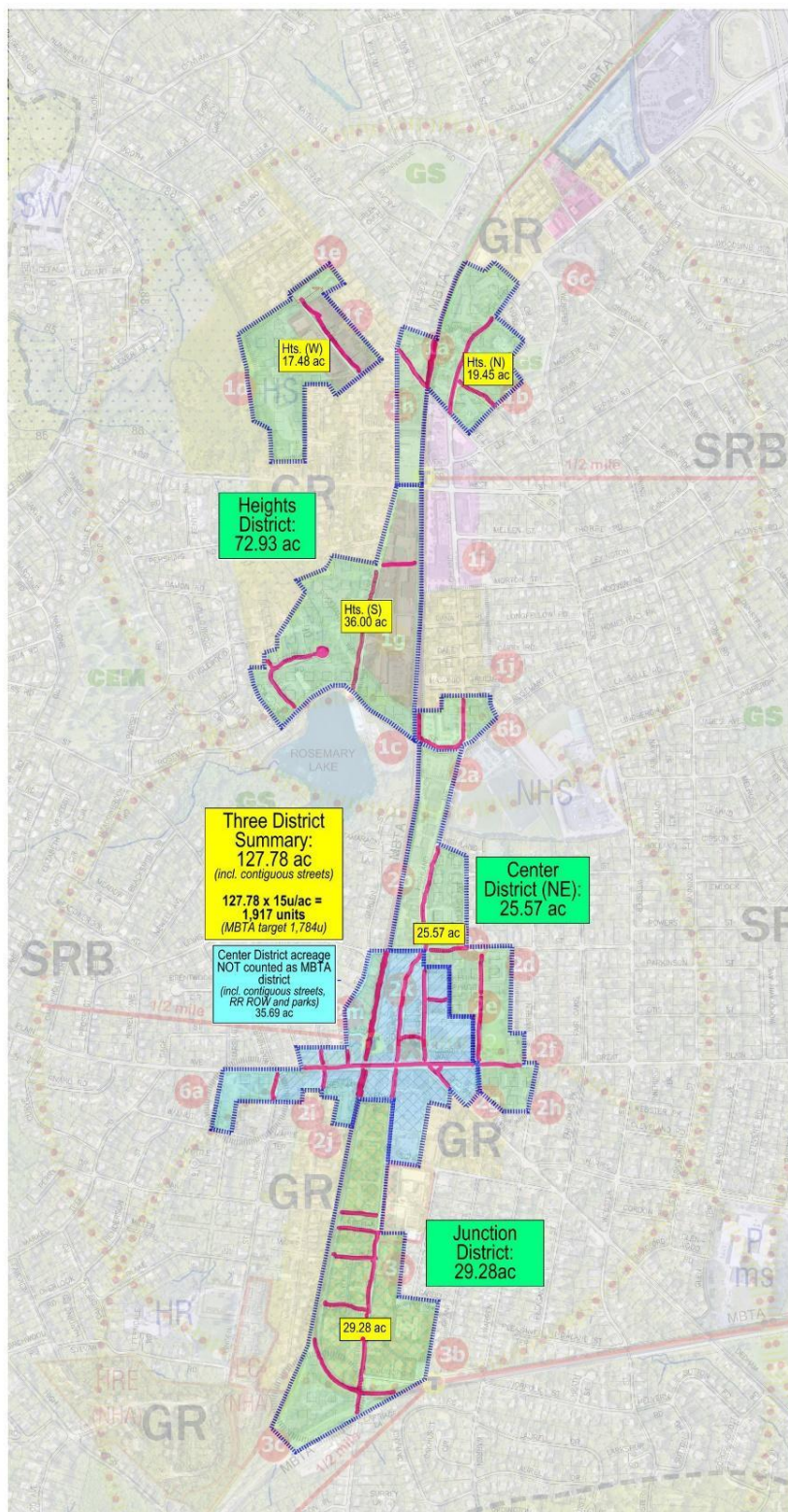
### **MBTA District Concept Map of MBTA Station Neighborhoods** **(Test fit of transit district acreage required in MBTA Guidelines)**

The following map reflects a preliminary test fit analysis of possible “contiguous” land area assembly that could meet the criteria for an MBTA District to be created within ½ mile of three of the MBTA Stations along Needham’s existing higher density mixed-used “spine”, also referred to as the Chestnut Street / Highland Avenue corridor. The “green highlighted” areas illustrate three neighborhoods around the Needham Heights, Needham Center and Needham Junction stations that are closely related to the previous proposed zoning maps, and the zoning lists on pages 36-38, that are organized around the three MBTA stations as:

- **Group 1** (Needham Heights)
- **Group 2** (Needham Center)
- **Group 3** (Needham Junction)

A brief description of the MBTA criteria used in creating this test fit include the following requirements to define a compliant transit neighborhood (see MBTA criteria summarized on pages 33-35):

- Implement zoning reform across areas large enough to accommodate by-right housing capable of producing a total number of new multi-family housing units equal to 15% of the total housing units in Needham ( $11,891u \times .15 = 1,784$  units)
- Acreage dedicated to MBTA district zoning must accommodate multi-family housing with a minimum density of 15 units per acre. This translates to approximately 120 acres ( $1,784U / 15U \text{ per acre} = 118.9$  acres)
- Create multiple MBTA districts that combine to accommodate 90% of the required acreage, or approximately 107 of 120 acres, within ½ mile of a transit station
- Within these transit districts there is a minimum requirement of 25 contiguous acres for a minimum dedicated area of 50 acres. Since these districts are calculated at a density of 15 units per acre, Needham must have 120 acres zoned to meet the transit district requirements, of which 60 acres must be contiguous.



TOD Neighborhood study - MBTA Districts



To: The Needham Planning Board  
Re: 888 Great Plain Avenue  
Submitted: 1/22/23

Dear Planning Board Members:

We live in a residence just on the other side of the parking lot behind 888 Great Plain Avenue, so we are for all practical purposes, abutters who have a vested interest in the proposed building at that location. We expressed our concerns in writing prior to the last meeting, and it does not appear that any of the issues we raised at that point were acknowledged, let alone incorporated into the "revised" project design.

We continue to oppose the granting of a "special permit" for this property, based on several factors:

The proposed building has **absolutely no green space**, which provides no nesting, resting or movement in and through the property by the various birds and mammals that inhabit this primarily residential neighborhood. This reduction in existing green space is antithetical to the values of the people in this community and incompatible with the town's desire to maintain, protect and increase green space in Needham. Furthermore, the new building will go to the edges of the existing property, creating a huge space-filling edifice that blocks air flow and views.

Inconceivably and inexplicably, the revised proposal calls for even more residential units than the original, which further increases population density, as well as the numbers of vehicles used by the inhabitants. This will result in additional noise, traffic and air pollution in our neighborhood. The increase in cars adds even more danger to walkers and automobiles at the entrance and exit to the property. Our observation of the driveway between Latina and the adjacent mixed-use building provides daily evidence of the congestion and danger that comes with the ingress and egress of cars and trucks onto Dedham Avenue (which is often partially blocked by delivery trucks, and this kind of traffic will increase incrementally with the newly proposed building, its commercial and residential tenants.

We reiterate our concerns about light pollution caused by the inevitable increase in exterior lighting on the new building. This issue has not been addressed at all.

We respectfully request that our concerns, as set forth in this letter, be presented at the next meeting of the Planning Board, and be entered into the public record at that time. We expect a response to our concerns,

Sincerely,

Jerome and Marlene Schultz  
94 Dedham Avenue  
Needham, MA 02492  
781-444-0660

## Alexandra Clee

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**From:** noreply@civicplus.com  
**Sent:** Monday, January 30, 2023 6:32 PM  
**To:** Alexandra Clee; Lee Newman; Elisa Litchman  
**Subject:** Online Form Submittal: Contact Planning Board

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

Full Name:: Samuel B Graves

Email Address:: graves@bc.edu

Address:: 94 Warren St

City/Town:: Needham

State:: MA

Zip Code:: 02492

Telephone Number:: 7818645902

Comments / Questions: To: The Needham Planning Board  
From: Sam Graves, Needham resident, 94 Warren St  
Re: Redevelopment at 888 Great Plain Avenue

Members of the Needham Planning Board:

(I sent this letter to the planning board last year when the issue of 888 Gt. Plain first arose. I am forwarding it again now (1-30-2023) in advance of the next Planning Board meeting on this topic)

As a neighbor to the property at 888 Great Plain, and as a long-time Needham resident (35+ years) I am writing to express my strenuous objections to the redevelopment proposed for this site. One of the attractions of Needham when we moved here in 1986 was the village-like ambiance of the Needham town center, an architectural character the town has maintained for at least a century.

The proposed construction I must say, can only be described as a desecration of this tradition. The proposed building is much too large for the location, and would loom over, and, in fact, dominate the traditional small one-story buildings in its vicinity.

Further, the modernistic design is ruthlessly out of character with its surroundings, which include the elegant New England style of the First Baptist Church (circa 1890) and its lovely neighbor, The Christian Science Church (circa 1902). Aside from the inappropriate design, I have other concerns:

The design occupies almost all of the acreage of the existing property. What was once a charming scene of plants and greenery would now be all concrete. Reduction of the setback would only further reduce the potential for green space. There are currently empty store fronts in Needham. Is there any evidence to show that this construction would not contribute to additional empty storefronts in the original town center?

I sincerely hope that the Planning Board will take these concerns into account before approving a development which will compromise the very character of Needham's town center.

Sincerely,

Sam Graves  
94 Warren St.  
Needham MA

Additional Information:

Form submitted on: 1/30/2023 6:31:34 PM

Submitted from IP Address: 108.7.78.179

Referrer Page: [https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.needhamma.gov%2f1114%2fPlanning-Board&c=E,1,pB63ZrCw1RCasLZtBMUsVnYwewlpUYsjaBmGLLHP\\_DfjVlgycjmssVjIjf1i7Bb6B5Rui0CGzsK95LipIXlsrIF9gL3jp-PXc1V4hCeokQ,,&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.needhamma.gov%2f1114%2fPlanning-Board&c=E,1,pB63ZrCw1RCasLZtBMUsVnYwewlpUYsjaBmGLLHP_DfjVlgycjmssVjIjf1i7Bb6B5Rui0CGzsK95LipIXlsrIF9gL3jp-PXc1V4hCeokQ,,&typo=1)

Form Address:

[https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3fFID%3d229&c=E,1,GHQQiPqZs\\_gZ3WB3HjROi6RMjVj80OPtXk1Cm2FpkapszQ06lckkM2u\\_ACTry53wOsPPgFo7PcVFqTAuWpjEJZC3W1PsBDPEwU3lqqVOEuBAjkOPrTs,&typo=1](https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.needhamma.gov%2fForms.aspx%3fFID%3d229&c=E,1,GHQQiPqZs_gZ3WB3HjROi6RMjVj80OPtXk1Cm2FpkapszQ06lckkM2u_ACTry53wOsPPgFo7PcVFqTAuWpjEJZC3W1PsBDPEwU3lqqVOEuBAjkOPrTs,&typo=1)

## Alexandra Clee

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**From:** Stephen Frail <sfrail2001@yahoo.com>  
**Sent:** Monday, January 30, 2023 9:56 PM  
**To:** Planning  
**Cc:** Adam Block; Jeanne McKnight McKnight  
**Subject:** ADU for Town Meeting Warrant

To Needham Planning Board:

I am writing in support of opening Needham's Accessory Dwelling Unit bylaws to be far less restrictive and equitable, especially to small home owners in town who lack sufficient space in their main home for a separate ADU, but who may have a small detached garage they are not using to store a car, and who may want to convert that garage into an ADU. I strongly urge the Planning Board to draft a new bylaw that permits more homeowners to make use of the detached structures that already exist on their lots, and to consider that the majority of detached garages in Needham would not meet setback requirements in the current law. Needham is suffering both a housing affordability and a climate crisis, and a less-restrictive ADU bylaw could be a powerful solution for both of them.

Our current ADU bylaw is both unnecessarily restrictive and can only be deemed successful if its goal was to discourage almost all ADUs in the Town of Needham. The requirement that ADUs be part of the single-family residence is biased towards the most wealthy in town, those with houses large enough to section off a portion (e.g, a finished basement, a room over garage, a separate wing) of the home for an ADU. Setback requirements also eliminate the possibility that most detached garages could be used as ADUs, as so many of them are within 10 feet of back or side lots.

Additionally, the requirement that there be parking for the ADU is, again, biased towards the wealthier residents, who have large driveways or sufficient property to add parking. What is the message Needham is trying to send? If you're well off enough to have a 3 or 4 car driveway you can add a rental apartment to your house? Are ADUs only for those families that can afford to have a live in nanny?

There are many use cases where an ADU could be a great solution to a variety of challenges that Needham residents are facing, including:

- Caring for an aging parent who does not want to (or cannot afford to) move to an assisted living center
- Recent college graduates who are unable to afford local rents but who would like some independence
- Adults with disabilities who are seeking a level of autonomy they may not be able to get in their primary caregivers house, but who aren't ready or able to make the leap to their own rental
- In home caregivers for chronically ill or physically disabled homeowners
- College students studying at nearby colleges who want to live off campus

I could go on...

The point is that there is a number of homeowners in Needham that want an ADU but are not permitted to do so because of unnecessarily restrictive bylaws. And the consequences are that many people who would otherwise have a solution to real challenges they face are unable to solve them, and so move out of their homes. And, the worst part of it all is that the developer who buys their house can almost always knock it down, build right up to the edges of the property, triple or quadruple the floor space (and with it, the heating and cooling needs that contribute to global warming), and the new homeowner who buys that \$3M home can build their ADU to help offset their mortgage, while the previous homeowner could not.

For equity and the climate, please revise these bylaws to grandfather in existing detached structures, and also exempt them from setback requirements, when used as ADUs.

Stephen Frail  
29 Powers Street, Needham, MA

PS: This article in the NYT is quite timely and provides other examples of how ADUs are increasingly popular nationwide,

and supported by AARP.

[Senior Housing That Seniors Actually Like](#)



### **Senior Housing That Seniors Actually Like**

"Granny flats" are popping up in backyards across the country, affording Americans a new housing option. Some co...

**From:** [K McDirks](#)  
**To:** [Planning](#)  
**Cc:** [Katy Dirks](#); [David Dirks](#)  
**Subject:** ADU  
**Date:** Wednesday, February 1, 2023 8:08:56 PM

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Hello Planning Board,

I am writing in regards to your work in considering possible changes to the ADU regulations in Needham. Thank you for looking into this issue.

I am a home owner of one of the few remaining historic homes in town. It is a beautiful home and we have always considered ourselves caretakers to the property. We have a large barn in the backyard that does not conform to setbacks but is as old as the house (1880), and it's an example of the kind of structure that would offer an opportunity for an additional living unit now that it no longer has use as an actual barn.

I am writing to ask that you consider changes to zoning regulations that would support converting existing buildings to ADU regardless of setbacks or being attached to the house. If the building exists already - why does it matter?

Please consider changes that support residents who wish to maintain existing, beautiful historic structures in Needham, and make it possible for us to increase the usage and value of properties while providing additional housing in town - in this case without need for tear-downs or new construction.

Katy and David Dirks  
674 Webster Street

**From:** [Douglas Simon](#)  
**To:** [Planning Board](#)  
**Subject:** 888 Great Plain Avenue  
**Date:** Friday, January 20, 2023 8:10:00 AM

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Dear Members of the Board,

I am a concerned resident of Needham. Although I am in favor of creating more affordable housing in town, I am opposed to the scale of this project at the cost of public safety and climate consciousness.

I also find it highly suspect of the town's need to expand its business district given the amount of vacancy. Zoning changes should not be based on a developer's perception of 'logic' or their profits.

Sincerely,

Douglas Simon  
90 Dedham Avenue

**From:** [Ronald Waife](#)  
**To:** [Planning Board](#)  
**Subject:** Regarding continuing proposals for 888 Great Plain Avenue  
**Date:** Thursday, January 19, 2023 3:36:59 PM  
**Importance:** High

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Dear Needham Planning Board,

I find myself writing once again about the developer's plans for 888 Great Plain Avenue – I am surprised and further disappointed. I thought it was clear at the previous Planning Board meeting that both the community and the Board were looking for scaled back, safer, and much more modest ideas. I am particularly distressed at:

- The proposal for FOUR stories in a town that has successfully limited such heights
- The continuing disregard by the developer for traffic, pedestrian and community (i.e. Greene's Field users) safety
- The misguided use of this precious space for dense housing and office/retail space for a town center that already has more than enough (see empty storefronts), at a time of society at large moving to increasing hybrid WFH models reducing the need for offices, and coincident with the ongoing plans to build a (too) large development at the old Muzi Ford site.

It is not the obligation of the Town's government or its citizens to protect a developer's investment or ensure its profitability. If he is not happy where things are going, he should withdraw all proposals and sell the property to someone else with more respect for Needham's character, safety and economy.

Thank you,

Ron

--

*Ronald S. Waife*  
[ronwaife@gmail.com](mailto:ronwaife@gmail.com)