

MEETING REPORT NO. 26

PROJECT: **Town of Needham Downtown Study**

DATE: 28 February 2008

LOCATION: Stephen Palmer Senior Center

PRESENT: Downtown Study Committee (DSC)

Bob Smart	Cochair, DSC Committee
Lee Newman	Planning Director
Alexandra Clee	Assistant Planner
Joyce Moss	Economic Development Officer
Jeanne McKnight	Planning Board & League of Women Voters

Planning Board

Devra Bailin

Community Opportunities Group (COG)

Judi Barrett

DiNisco Design Partnership (DDP)

Jon Oxman

1. PURPOSE

1.1. The purpose of this meeting was for the zoning regulation working group to continue the review of draft proposed zoning regulations from the previous two meetings (01/31/08 – Meeting Report #25 & 02/20/08).

2. REVIEW OF PROPOSED ZONING REGULATIONS – DRAFT

2.1. Judi Barrett led the discussion reviewing the latest revised draft of proposed zoning regulations for the study area, a copy of which is attached. Judi will make further revisions based on discussion at this meeting.

2.2. Discussion:

2.2.1. Dimensional Regulations – Outstanding issues regarding dimensional regulations were resolved including:

- Minimum Lot Area – The minimum lot area, previously 10,000 SF has been reduced down from the previously proposed 20,000SF to 15,000 SF based on review of recent development projects.
- Minimum and Maximum Front Setbacks - To account for sitting of existing adjacent buildings, with Chestnut Street Overlay District allowing for slightly larger dimensions than the Center Street Overlay District, in response to the different character of these two districts. Front set backs in the Garden Street District to be set in response to the residential character of Garden Street. A provision

is also included to allow consideration of larger setbacks for the creation of a pedestrian plaza, outdoor café or similar amenity.

- 2.2.2. Garden Street Overlay District – It was agreed that only multi-family residential and office use were appropriate uses under the increased density allowed for this district. Retail use at the lower density of the underlying district would still be allowed.
- 2.2.3. Highland Avenue Business District – It was agreed that proposed revisions to the zoning for this district should be prepared, but that they should not be presented for vote at Town Meeting with the proposed Overlay Districts. This would distract from what should be the focus of zoning changes to revitalize Downtown Needham. It would be more appropriate to present these revisions at a subsequent Town Meeting.
- 2.2.4. Display of Outdoor Goods – This use is currently not an allowed use so it is appropriate to amend the zoning by-law to allow for this. Because this use potentially occurs on the public way there will also be an amendment to the General By-Laws, in addition to the amendment to the Zoning By-Law. It was agreed the DPW would be the permitting authority for the display of merchandise on the public way.

3. NEXT STEPS

- 3.1. Judi Barrett to revise draft Zoning Regulations based on the discussion at this meeting. Corresponding sections of the existing Highland Avenue Business regulations will be provided for reference. This revision to be distributed to the zoning regulation working group for final review.

The discussions of this meeting are recorded as understood by the writer. Please advise the writer of any omissions or corrections.



Jon Oxman AIA
DiNISCO DESIGN

JAO/

cc: DSC
Judi Barrett
Kenneth DiNisco
Richard Rice

Enclosures: 1. Zoning: Proposed Draft Regulations

- Needham Center Overlay District (Ver. #5, 2/27/08)
- Lower Chestnut Street Overlay District (Ver. #4, 2/27/08)
- Garden Street Overlay District (Ver. #3, 02/18/08)
- Business District Zoning Regulations (Ver. #2, 02/18/08)
- Outdoor Display of Retail Goods for Sale (Ver. #2, 02/18/08)
- Miscellaneous Amendments (Ver. #2, 02/18/08)
- Needham Center Off-Street Parking Fund (not dated)

DRAFT

3.8. Needham Center Overlay District

3.8.1. Purposes of District

The purposes of the Needham Center Overlay District are to encourage redevelopment of existing properties and infill development of an appropriate scale, density, mix of uses and design for a suburban downtown, substantially as set forth in the Downtown Needham¹ Concept Plan dated [], and to establish sub-districts in which to achieve these purposes in a manner compatible with surrounding areas; to create and sustain a vibrant, walkable downtown area; and to create opportunities for housing within walking distance of goods and services, public transportation, and the civic life of the town. Toward these ends, development in the Needham Center Overlay District shall be permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the design standards and all other requirements of this Section.

3.8.2. Scope of Authority

In the Needham Center Overlay District, all requirements of the underlying district shall remain in effect except where these regulations provide an alternative to such requirements, in which case these regulations shall supersede. In the event that a proponent wishes to develop in accordance with the regulations hereunder, the rules and regulations of the Needham Center Overlay District shall apply, and by filing an application for a Special Permit, site plan review or building permit, the owner shall be deemed to accept and agree to them. Where the provisions of the Needham Center Overlay District are silent on a zoning regulation that applies in the underlying district, the requirements of the underlying district shall apply.²

3.8.3. Establishment and Delineation of Needham Center Overlay District

There is hereby established a Needham Center Overlay District, which shall consist of Sub-District A and Sub-District B,³ as shown on a map entitled, “Zoning Map of the Town of Needham, Massachusetts” dated September 1924, as revised and amended to [] and on file in the Office of the Town Clerk.

¹ “Urban Study” deleted.

² If the town opts for this type of “scope of authority” or applicability language, several sections that were added to this bylaw could be deleted. The above provision would assure that regulations such as “Building Entrances” remain in effect.

³ Sub-District A refers to the portion of the overlay that lies east of the MBTA right-of-way and within which buildings up to 48 feet and 3+1 stories would be allowed. Sub-District B is the rest of the overlay, and within it, buildings up to 2+1 stories and 37 feet would be allowed.

3.8.4. Use Regulations

3.8.4.1. Permitted Uses

The following uses are permitted in the Needham Center Overlay District as a matter of right:

- (a) Uses exempt from local zoning control under M.G.L. c.40A, s. 3.
- (b) Public, semi-public and institutional uses permitted as of right in the underlying district.
- (c) Business uses permitted as of right in the underlying district.
- (d) **Mixed-use building**, not exceeding five multi-family units per building, with dwelling units allowed above the ground floor only.⁴
- (e) Outdoor display of retail goods for sale, subject to Section 6-9 of this By-Law.⁵
- (f) Accessory uses permitted as of right in the underlying district.

3.8.4.2. Special Permit Uses

The following uses are permitted in the Needham Center Overlay District only upon the issuance of a Special Permit by the Planning Board under such conditions as it may require:

- (a) Business uses allowed by special permit in the underlying district.
- (b) **Mixed-use building** containing six or more multi-family units, with dwelling units located on floors above the ground floor or on the ground floor, provided that:
 - (1) Entrances to ground-floor dwelling units are located on the side or rear of the building, not from any side facing the street, or the entrances may be from a first-floor lobby serving other uses in the building; and

⁴ See "Related Amendments," Section 1.3.

⁵ See "Outdoor Display of Retail Goods for Sale," Section 6.9.

DRAFT

(2) The ground floor of the front façade contains only retail **or restaurant** uses allowed as of right or by special permit.

(c) Accessory uses permitted by special permit in the underlying district.

3.8.4.3. Multiple Buildings and Uses

In the Needham Center Overlay District, more than one building and/or use may be located on a lot as a matter of right, provided that each building and/or its use(s) are in compliance with the requirements of Section 3.8 of this By-Law.

3.8.4.4. Enclosed Parking

Enclosed parking in the Needham Center Overlay District shall conform to the requirements for the Center Business District in Section 4.4.6.

3.8.5. Dimensional Regulations

3.8.5.1. Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply to development in the Needham Center Overlay District:

- (a) Minimum Lot Area: **15,000** square feet.
- (b) Minimum Lot Frontage: 80 feet.
- (c) Minimum Front Setback: 0 feet from the front property line.
- (d) Maximum Front Setback: **The lesser of 3 feet from the front property line, or the average setback of existing buildings within 150 feet on the same side of the street as the proposed development.** The Planning Board may grant a Special Permit to waive this requirement when the applicant proposes to provide a pedestrian plaza, outdoor cafeteria or similar amenity in front of a building facing Great Plain Avenue.⁶
- (e) Minimum Side and Rear Setback: For lots abutting a residential district, fifty (50) feet; for all other lots, no minimum yard setback shall apply. Where side and rear yard setbacks of fifty (50) feet are required, no

⁶ Do we need to establish an absolute maximum setback for a Planning Board special permit? Ken or Jon: could you offer a recommendation about what the maximum should be?

DRAFT

accessory uses shall be located within twenty-five (25) feet closest to the district boundary and all other requirements of Sections 4.4.8.3 and 4.4.8.5 shall apply.

3.8.5.2. Building Height Requirements

The maximum building height in the Needham Center Overlay District shall be as follows:

- (a) In Sub-District A: The minimum building height shall be two stories and twenty-seven feet and the maximum building height shall be two and one-half stories and thirty-five feet as of right. By Special Permit from the Planning Board, the maximum height of a building may be increased up to the following limits: three stories and thirty-seven (37) feet, or four stories and forty-eight (48) feet, provided that the additional story is contained under a pitched roof or recessed from the face of the building, as shown in the Design Standards in Subsection 3.8.10 below.
- (b) In Sub-District B: The maximum building height shall be thirty-five (35) feet and two and one-half stories as of right, or by Special Permit from the Planning Board, thirty-seven (37) feet and three stories, provided that the third story is contained under a pitched roof or recessed from the face of the building, as shown in the Design Standards in Section 3.8.9 below.

Buildings in the Needham Center Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.

3.8.5.3. Building Bulk and Other Requirements

The maximum floor area ratio in the Needham Center Overlay District shall be the same standard that applies in the Center Business District under Section 4.4.2(b), except that the area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio. By Special Permit from the Planning Board, the maximum floor area ratio may be increased to 1.50 in Sub-District A and 1.20 in Sub-District B, in both cases excluding areas devoted to underground parking for purposes of determining the maximum floor area ratio. Uses in the Needham Center Overlay District shall not be subject to any other limitations on floor area ratio or building bulk in Section 4.4.2.

DRAFT

3.8.5.4. Building Entrances

The requirements that apply to building entrances in the Center Business District in Section 4.4.10 shall also apply in the Needham Center Overlay District.

3.8.5.5. Driveway Openings

The requirements that apply to driveway openings in the Center Business District in Section 4.4.5 shall also apply in the Needham Center Overlay District.⁷

3.8.6. Off-Street Parking

Except as provided below, the off-street parking regulations in Section 5.1 and the regulations for enclosed parking in the Central Business District in Section 4.4.6 shall apply in the Needham Center Overlay District.

- (a) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:
 - (1) For retail stores or services, there shall be one space per 300 square feet of floor area, except that no parking spaces shall be required for a retail establishment with less than eight hundred (800) square feet of floor area.
 - (2) For any building in which more than forty (40) percent of the usable floor area is located above the ground floor, the minimum number of off-street parking spaces for upper-story business uses shall be eighty (80) percent of the number of spaces that would be required under Section 5.1.2, excluding medical, dental and related health services or clinics.
 - (3) For multi-family units in a mixed-use development, the minimum number of off-street parking spaces shall be one and one-half spaces per dwelling unit except as provided in Section 3.8.7(h).⁸

⁷ This needs discussion. Would the committee prefer a one-driveway-limit per project in the overlay district?

⁸ This appears here for discussion purposes. However, I recommend that we remove it from the overlay regulations and amend Section 5.1.2 by adding “multi-family dwelling unit” and the associated parking standard of 1.5 spaces per unit. Currently, Needham specifies a multi-family parking standard only in the Apartment Districts (1.5 spaces per unit). Off-street parking requirements should not be set on a district-by-district basis; instead, they should be located in one section of the bylaw, i.e., Section 5.1.2.

DRAFT

- (b) In addition to the requirement for bicycle racks under Section 5.1.3(n), for a mixed-use development, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.
- (c) The Planning Board may grant a Special Permit to waive the requirements of Section 5.1.2 or Section 5.1.3, or the requirements of subsection (a) above, if a proposed development satisfies the conditions set forth in Section 5.1.1.6.
- (d) The Planning Board may grant a Special Permit to allow payment of a fee in lieu of the minimum number of off-street parking spaces required under this Section, said fee to be computed on a per-space basis and paid into a special revenue fund known as the Needham Center Off-Street Parking Fund, and to be used solely for the purpose of providing shared or public parking benefiting uses within the area covered by the Needham Center Urban Study Concept Plan. The fee shall be determined by the Planning Board in accordance with the Concept Plan and the Town of Needham Capital Improvements Plan, as applicable, and paid by the applicant in two installments: one-half prior to the receipt of a building permit and one-half prior to receipt of a certificate of occupancy, unless the applicant chooses to pay the entire fee prior to receipt of a building permit.

3.8.7. Affordable Housing

Any mixed-use development with six or more dwelling units **shall** include affordable housing as defined in Section 1.3 of this By-Law.⁹ The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall be in addition to the maximum floor area permitted under Section 3.8.5.3.
- (b) For a development with not more than ten dwelling units, at least one unit shall be affordable housing; and for a development with eleven or more dwelling units, at least ten percent shall be affordable housing. In the instance of a fraction, the fraction shall be rounded up to the nearest whole number.

⁹ N.B. Per discussion at the 1/31/08 meeting, this has been changed from a voluntary provision to a mandatory standard. “Affordable housing” and some associated terms that appear in this subsection, e.g., “affordable housing restriction,” should be defined in Section 1.3.

DRAFT

- (c) Each affordable unit shall be eligible for inclusion in the Chapter 40B Subsidized Housing Inventory, in accordance with regulations or policies of the Massachusetts Department of Housing and Community Development (DHCD) in effect on the date of the proponent's submission to the Planning Board. If the applicant provides at least one-half of the affordable units for households with incomes at or below fifty (50) percent of area median income, the remaining affordable units may be sold or rented to households with incomes up to 100 percent of area median income even if the latter units are not eligible for the Subsidized Housing Inventory.¹⁰
- (d) Affordable units shall be dispersed within the building and not concentrated in one area or on one floor. They shall generally be comparable in size and energy efficiency to the development's market-rate units.
- (e) The affordable units shall be constructed in proportion to the number of market-rate units in the development. Proportionality shall be determined by the number of building permits or certificates of occupancy issued for the affordable and market-rate units, as applicable, or otherwise in accordance with a schedule set by the Planning Board in conditions imposed on the Special Permit.
- (f) The selection of eligible homebuyers or renters for the affordable units shall be in accordance with a marketing plan approved by the Needham Planning Department prior to the issuance of any building permits for the development.
- (g) The affordable units shall be subject to an affordable housing restriction with limitations on use, occupancy, resale prices or rents, as applicable, and which provides for periodic monitoring for compliance with the requirements of said restriction. The affordable housing restriction shall run with the land and be in force in perpetuity or for the maximum period allowed by law, and be enforceable under the provisions of M.G.L. c.184, ss. 31-33.

¹⁰ DHCD is considering the possibility of allowing units for families with incomes up to 100% AMI (or more) to be eligible for the Subsidized Housing Inventory. It is not clear that this option will materialize. I cited 100% AMI here simply because the units would be eligible under CPA and the Town may wish to make CPA assistance available to the homebuyers, e.g., downpayment and closing cost assistance, but my recommendation is that in exchange for making some units affordable to low-income (50% AMI) households, the higher-priced units should be for households with incomes at 110-120% AMI.

DRAFT

- (h) For affordable units with not more than one bedroom, the minimum number of parking spaces under section 3.8.6 shall be reduced to one space per unit.

3.8.8. Site Plan Review

For any project seeking a Special Permit under Section 3.8.5.2 or any Major Project under Section 7.4.2,¹¹ the Planning Board shall consider, in addition to the factors set forth in Section 7.4.6, the following review criteria:

- (a) The adequacy of existing facilities to serve the proposed development, including but not limited to water supply, sewer, natural gas and electric service;
- (b) The degree to which the proposed development incorporates sustainable green building elements and/or addresses the rating standards for LEED Certification that apply to the type of project;
- (c) The adequacy of existing streets and major intersections to accommodate vehicular traffic generated by the development, together with any mitigation proposed by the applicant, such as but not limited to a Transportation Demand Management (TDM) plan;
- (d) The degree to which the proposed project addresses the goals of the Needham Center Urban Study Concept Plan and conforms to the Design Standards in Section 3.8.9; and
- (e) For a mixed-use development, the degree to which the project will provide affordable housing.

3.8.9. Design Standards

(To be added by DiNisco Design)

¹¹ See "Related Amendments," Section 7.4.2.

DRAFT

3.9. Lower Chestnut Street Overlay District

3.9.1. Purposes of District

The purposes of the Lower Chestnut Street Overlay District are to encourage redevelopment of existing properties in a manner that bring buildings close to the street, with **landscaping** and layouts and designs of sites and buildings conducive to pedestrian use; to reorganize and consolidate curb cuts through appropriate access management controls; and to create opportunities for Chestnut Street to serve as an attractive, safe, pedestrian-friendly street, substantially as set forth in the Downtown Needham Urban Study Concept Plan dated []. Toward these ends, development in the Lower Chestnut Street Overlay District shall be permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the design standards and all other requirements of this Section.

3.9.2. Scope of Authority

In the Lower Chestnut Street Overlay District, all requirements of the underlying district shall remain in effect except where these regulations provide an alternative to such requirements, in which case these regulations shall supersede. In the event that a proponent wishes to develop in accordance with the regulations hereunder, the rules and regulations of the Lower Chestnut Street Overlay District shall apply, and by filing an application for a Special Permit, site plan review or building permit, the owner shall be deemed to accept and agree to them. Where the provisions of the Lower Chestnut Street District are silent on a zoning regulation that applies in the underlying district, the requirements of the underlying district shall apply.

3.9.3. Establishment and Delineation of Lower Chestnut Street Overlay District

There is hereby established a Lower Chestnut Street Overlay District as shown on a map entitled, “Zoning Map of the Town of Needham, Massachusetts” as originally dated September 1924, as revised and amended to [] and on file in the Office of the Town Clerk.

3.9.4. Use Regulations

3.9.4.1. Permitted Uses

The following uses are permitted in the Lower Chestnut Street Overlay District as a matter of right:

DRAFT

- (a) Uses exempt from local zoning control under M.G.L. c.40A, s. 3.
- (b) All uses permitted as of right in the underlying district.
- (c) **Mixed-use building**, not exceeding five multi-family units per building, with dwelling units allowed above the ground floor only.
- (d) Outdoor display of retail goods for sale, subject to Section 6-9 of this By-Law.
- (e) Accessory uses permitted as of right in the underlying district.

3.9.4.2. Special Permit Uses

The following uses are permitted in the Lower Chestnut Street Overlay District only upon the issuance of a Special Permit by the Planning Board under such conditions as it may require:

- (a) Business uses allowed by special permit in the underlying district, excluding an automobile service station.
- (b) **Mixed-use building** containing six or more multi-family units in a building, with dwelling units located on floors above the ground floor or on the ground floor, provided that:
 - (1) Entrances to ground-floor dwelling units are located on the side or rear of the building, not from any side facing the street, or the entrances may be from a first-floor lobby serving other uses in the building; and
 - (2) The ground floor of the front façade contains permitted retail, **restaurant or office** uses only.
- (c) **Mixed-use development**, provided that at least sixty (60) percent of the front side of the lot facing Chestnut Street, measured in percentage of linear feet of frontage, shall be occupied by a building or buildings located within twenty (20) feet of the street sideline, said building(s) to contain permitted business uses and which may contain upper-story dwelling units. Free-standing multi-family dwellings associated with a mixed-use development shall be located toward the rear of the site and be connected to building(s) facing the street by means of landscaped walkways or a courtyard.
- (d) Accessory uses permitted by special permit in the underlying district.

DRAFT

3.9.4.3. Multiple Buildings and Uses

In the Lower Chestnut Street Overlay District, more than one building and/or use may be located on a lot as a matter of right, provided that each building and/or its use(s) are in compliance with the requirements of Section 3.9 of this By-Law.

3.9.4.4. Special Permit, Parking Garage

The Planning Board may issue a Special Permit for a parking garage or parking structure for more than three (3) vehicles, including both enclosed and open structures, above and below ground, serving uses within the area covered by the Needham Center Urban Study Concept Plan, where the parking garage or structure is located in the immediate vicinity of the uses it serves, subject to such setback requirements as the Planning Board may impose.

3.9.5. Dimensional Regulations

3.9.5.1. Lot Area, Frontage and Setback Requirements

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

- (a) Minimum Lot Area: 20,000 square feet.
- (b) Minimum Lot Frontage: 100 feet.¹
- (c) Minimum Front Setback: 5 feet from the front property line or the average of abutting buildings (for a distance of 100 feet on either side), whichever is the lesser dimension.
- (d) Maximum Front Setback: 15 feet from the front property line.
- (e) Minimum Side and Rear Setback:
 - (1) For lots abutting a residential district, fifty (50) feet; for all other lots, no minimum yard setback shall apply. Where side and rear yard setbacks of fifty (50) feet are required, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped and contain no

¹ We need the committee to weigh in on this. Let's discuss on 1/31/08.

DRAFT

accessory uses. The remaining twenty-five (25) feet may be used for an accessory use, not including a building or structure.

- (2) For lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of twenty-five (25) feet, and the first ten (10) feet of the setback shall be suitably landscaped and not used for any other purpose, including an accessory use.

3.9.5.2. Building Height Requirements

The maximum building height in the Lower Chestnut Street Overlay District shall be two and one-half stories and thirty-five feet as of right. For lots with frontage on Chestnut Street, the Planning Board may grant a Special Permit for a maximum building height of three stories and thirty-seven feet or four stories and forty-eight (48) feet, provided that the **additional** story is located under a pitched roof or recessed from the face of the building, as shown in the Design Standards in Section 3.9.10 below.

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

3.9.5.3. Building Bulk and Other Requirements

The maximum floor area ratio in the Lower Chestnut Street Overlay District shall be 0.70. For lots with frontage on Chestnut Street, however, the Planning Board may issue a Special Permit to increase the maximum floor area ratio to 1.50. The area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio under this section.

Uses in the Lower Chestnut Street Overlay District shall not be subject to any other limitations on floor area ratio or building bulk such as those contained in Section 4.4.2.

3.9.5.4. Building Entrances

The requirements that apply to building entrances in the Chestnut Street Business District in Section 4.4.9 shall also apply in the Lower Chestnut Street Overlay District.

3.9.5.5. Driveway Openings

The requirements that apply to driveway openings in the Chestnut Street Business District in Section 4.4.5 shall also apply in the Lower Chestnut Street Overlay District.

DRAFT

3.9.6. Off-Street Parking

Except as provided below, the off-street parking regulations in Section 5.1 shall apply in the Lower Chestnut Street Overlay District.

- (a) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:
 - (1) For any building in which more than forty (40) percent of the usable floor area is located above the ground floor, the minimum number of off-street parking spaces for upper-story business uses shall be eighty (80) percent of the number of spaces that would be required under Section 5.1.2, excluding medical, dental and related health services or clinics.
 - (2) For multi-family units in a mixed-use development, the minimum number of off-street parking spaces shall be one and one-half spaces per dwelling unit.²
- (b) In addition to the requirement for bicycle racks under Section 5.1.3(n), for a mixed-use development, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.
- (c) The Planning Board may grant a Special Permit to allow payment of a fee in lieu of the minimum required number of off-street parking spaces, as provided in Section 3.8.6(d).

3.9.7. Affordable Housing

Mixed-use buildings or mixed-use developments with six or more dwelling units shall include affordable housing as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall be in addition to the maximum floor area permitted under Section 3.9.5.3.
- (b) All other requirements of Section 3.8.7 shall apply.

² See footnote about multi-family parking requirements in Needham Center Overlay District.

DRAFT

3.9.8. Site Plan Review

For any project seeking a Special Permit under Section 3.9.5.2 or any Major Project under Section 7.4.2,³ the Planning Board shall consider, in addition to the factors set forth in Section 7.4.6, the following review criteria:

- (a) The adequacy of existing facilities to serve the proposed development, including but not limited to water supply, sewer, natural gas and electric service;
- (b) The degree to which the proposed development incorporates sustainable green building elements and/or addresses the rating standards for LEED Certification that apply to the type of project;
- (c) The adequacy of existing streets and major intersections to accommodate vehicular traffic generated by the development, together with any mitigation proposed by the applicant, such as but not limited to a Transportation Demand Management (TDM) plan;
- (d) The degree to which the proposed development minimizes curb cuts on Chestnut Street, such as by providing a common driveway shared by adjoining lots, providing joint and cross access between the lot and adjacent uses, or other means approved by the Planning Board;
- (e) The degree to which the proposed project addresses the goals of the Needham Center Urban Study Concept Plan and conforms to the Design Standards in Section 3.9.9; and
- (f) For a mixed-use development, the degree to which the project will provide affordable housing.

3.9.9. Design Standards

(To be added by DiNisco Design)

³ See Related Amendments, Ver. 2.

DRAFT

3.10. Garden Street Overlay District

3.10.1. Purposes of District

The purposes of the Garden Street Overlay District are to encourage redevelopment and a modest intensification of use of existing properties in a manner compatible in scale and design with adjacent residential neighborhoods, with layouts and designs of sites and buildings conducive to pedestrian use, substantially as set forth in the Downtown Needham Urban Study Concept Plan dated [].

3.10.2. Scope of Authority

The Garden Street Overlay District shall be considered as overlying other use districts established by this By-Law. Within the Garden Street Overlay District, the requirements of the underlying district continue to apply insofar as they comply with the provisions of this Section. In the event of a conflict or difference between the provisions of the overlying and underlying district, the regulations of the overlying district shall apply.

3.10.3. Establishment and Delineation of Garden Street Overlay District

There is hereby established a Garden Street Overlay District as shown on a map entitled, "Zoning Map of the Town of Needham, Massachusetts" as originally dated September 1924, as revised and amended to [] and on file in the Office of the Town Clerk.

3.10.4. Use Regulations

3.10.4.1. Permitted Uses

Uses permitted as of right in the Lower Chestnut Street Overlay District shall also be permitted as of right in the Garden Street Overlay District.

3.10.4.2. Special Permit Uses

Uses allowed by special permit in the Lower Chestnut Street Overlay District shall also be allowed by special permit in Garden Street Overlay District.

DRAFT

3.10.4.3. Multiple Buildings and Uses

In the Garden Street Overlay District, more than one building and/or use may be located on a lot as a matter of right, provided that each building and/or its use(s) are in compliance with the requirements of Section 3.10 of this By-Law.

3.10.5. Dimensional Regulations

3.10.5.1. Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply to development in the Garden Street Overlay District:

- (a) Minimum Lot Area: 20,000 square feet.
- (b) Minimum Lot Frontage: 80 feet.
- (c) Minimum Front Setback: 10 feet.
- (d) Minimum Side and Rear Setback:
 - (1) The minimum side yard setback shall be 0 feet.
 - (2) For lots abutting a residential district, the rear yard setback shall be fifty (50) feet; for all other lots, no minimum yard setback shall apply. Where a setback of fifty (50) feet is required, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped and contain no accessory uses. The remaining twenty-five (25) feet may be used for an accessory use, not including a building or structure.

3.10.5.2. Building Height Requirements

The maximum building height in the Garden Street Overlay District shall be two and one-half stories and thirty-five (35) feet or, by Special Permit from the Planning Board, three stories and thirty-seven (37) feet, provided that the third story is contained under a pitched roof or recessed from the face of the building, as shown in the Design Standards in Section 3.10.9 below. Buildings in the Garden Street Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.

DRAFT

3.10.5.3. Building Bulk and Other Requirements

The maximum floor area ratio in the Garden Street Overlay District shall be 0.70. By Special Permit from the Planning Board, the maximum floor area ratio may be increased to 1.20. The area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio under this section.

Uses in the Garden Street Overlay District shall not be subject to any other limitations on floor area ratio or building bulk such as those contained in Section 4.4.2.

3.10.5.4. Building Entrances

The requirements that apply to building entrances in the Chestnut Street Business District in Section 4.4.9 shall also apply in the Garden Street Overlay District.

3.10.5.5. Driveway Openings

The requirements that apply to driveway openings in the Chestnut Street Business District in Section 4.4.5 shall also apply in the Garden Street Overlay District.

3.10.6. Off-Street Parking

The off-street parking regulations that apply in the Lower Chestnut Street Overlay District shall also apply in the Garden Street Overlay District.

3.10.7. Affordable Housing

Mixed-use developments with six or more dwelling units shall include affordable housing as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall be in addition to the maximum floor area permitted under Section 3.10.5.3.
- (b) All other requirements of Section 3.8.7 shall apply.

DRAFT

3.10.8. Site Plan Review

For any project seeking a Special Permit under Section 3.10.5.2 or any Major Project under Section 7.4.2, the Planning Board shall consider, in addition to the factors set forth in Section 7.4.6, the following review criteria:

- (a) The adequacy of existing facilities to serve the proposed development, including but not limited to water supply, sewer, natural gas and electric service;
- (b) The degree to which the proposed development incorporates sustainable green building elements and/or addresses the rating standards for LEED Certification that apply to the type of project;
- (c) The adequacy of existing streets and major intersections to accommodate vehicular traffic generated by the development, together with any mitigation proposed by the applicant, such as but not limited to a Transportation Demand Management (TDM) plan;
- (d) The degree to which the proposed project addresses the goals of the Needham Center Urban Study Concept Plan and conforms to the Design Standards in Section 3.10.9; and
- (e) For a mixed-use development, the degree to which the project will provide affordable housing.

3.10.9. Design Standards

(To be added by DiNisco Design)

DRAFT

1. Amend Section **2.1 Classes of Districts** as follows:

Under Commercial, delete “B Business” and substitute the following in its place: “HB Highland Avenue Business.”

2. Amend Section **3.2 Schedule of Use Regulations** as follows:

Under **3.2.2 Uses in...**, delete the word “Business” from the heading and substitute in its place the words “Highland Avenue Business.”

Under Section **3.2.2 Uses in...**, change the existing sentence by deleting the reference to “B” and inserting “HB” in its place, so that it reads:

“The following schedule of use regulations shall apply in the HAB, CSB, CR, ASB, and HAB districts.”

In the table of uses, delete “B” from the first column and replace it with “HB,” and indicate the uses permitted (Y) or allowed by special permit (SP) or (SPC), or prohibited (N) as follows:

AGRICULTURE; all uses listed in Section 3.2.2, “Y”

PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL USES; all uses currently listed in Section 3.2.2 for “B” shall be the same for “HB.”

<u>RESIDENCE</u>	
Use	HB
Single-family detached dwelling	N
Planned residential development	N
Residential compound	N
Two-family detached dwelling ¹	SP

¹ Needham’s zoning currently allows a two-family dwelling in the B district, but not when the two-family dwelling is created by conversion of a single-family dwelling. I’m not sure I understand the rationale, but in any event I think it raises uniformity issues. The use is a two-family dwelling, not the conversion per se.

DRAFT

<u>RESIDENCE</u>	
Use	HB
Conversion of a single-family detached dwelling to a two-family dwelling	SP
Apartment or multi-family dwelling *Allowed on second floor only **Allowed on second floor and in half-story directly above the second floor only; consistent with density requirements for A-1 ***Allowed on second and third floor only (<i>see note below</i>)	SP***
The use of an owner-occupied structure for shared elderly housing... *Applies only to structures in existence prior to Dec. 31, 1982, otherwise N	SP*
Boarding house with no arrangements of any description for private cooking or housekeeping	SP

Note: if the town wishes to allow upper-story residential units in the HB district, I do not recommend regulating density as it is regulated in A-1. Let the number of units be determined by the FAR, height and parking, and the market.

<u>BUSINESS</u>	
Use	HB
Retail establishment serving the general public if containing 10,000 or more gross sq. ft. of floor area (“Complex Development”):	
Grocery Store	SPC
Outdoor display of retail goods, accessory to a retail establishment on the same premises; subject to Section 6.9 ²	Y
Outdoor parking, storage or display of motor vehicles in	N

² I recommend making this a “Y” in any commercial district in which retail uses are allowed by right or by special permit.

DRAFT

<u>BUSINESS</u>	
Use	HB
conjunction with the sale or leasing of new or used motor vehicles on applications filed after September 28, 1978	
Other outdoor display of goods	N
Retail trade or shop for custom work or the making of articles to be sold at retail on the premises	SPC
Other retailing	SPC
Retail establishment serving the general public if containing more than 5,750 but less than 10,000 sq. ft. of floor area:	
Grocery Store	Y
Outdoor display of retail goods, accessory to a retail establishment on the same premises; subject to Section 6.9	Y
Outdoor parking, storage or display of motor vehicles in conjunction with the sale or leasing of new or used motor vehicles on applications filed after September 28, 1978	N
Other outdoor display of goods	N
Retail trade or shop for custom work or the making of articles to be sold at retail on the premises	Y
Other retailing	Y
Retail establishment serving the general public if containing less than 5,750 sq. ft. of floor area or incidental retail sales which are accessory to a permitted principal use which does not involve 50% of the total floor area or 5,750 square feet of the principal use, whichever is lesser. In multi-tenanted structures the provisions of this section will individually apply to each tenant or use and not to the aggregate total of the structure:	
Grocery Store *If under 1,000 sq. ft. of gross floor area	Y
Outdoor display of retail goods, accessory to a retail establishment on the same premises; subject to Section 6.9	Y
Outdoor parking, storage or display of motor vehicles in conjunction with the sale or leasing of new or used motor	N

DRAFT

<u>BUSINESS</u>	
Use	HB
vehicles on applications filed after September 28, 1978	
Other outdoor display of goods	N
Retail trade or shop for custom work or the making of articles to be sold at retail on the premises	Y
Other retailing	Y
Manufacturing clearly incidental and accessory to a retail use on the same premises and the product is customarily sold on the premises	Y
Banks	Y
Offices totaling more than 20,000 square feet, unless created through change of use from either retailing or any principal use listed below this one in Section 3.2.2, such as garment manufacturing:	
For consumer sales or service	SPC
Others *Allowed on second floor only	SPC
Smaller amounts of office space, or offices created through change of use from either retailing or any principal use listed below this one in Section 3.2.2, such as garment manufacturing:	
For consumer sales or service	Y
Others *Allowed on second floor only	Y
Craft, consumer, professional or commercial service establishment dealing directly with the general public and not enumerated elsewhere in this section	Y
Theatres and indoor moving picture shows; pool and billiard rooms	SP
Electronic game and amusement arcades	N
Bowling alleys, skating rinks, and similar commercial amusement or entertainment places	N

DRAFT

<u>BUSINESS</u>	
Use	HB
Automobile service station, excluding repair services	N
Other commercial garage for the storage or repair of vehicles; gasoline and oil filling station; trucking terminal, truck rental agency and similar material hauling enterprise; the parking of vehicles involved with rubbish disposal and oil delivery and the private parking of vehicles for compensation	N
Car wash	N
Laundry; coin operated or self-service or dry cleaning establishment	SP
Lumber or fuel establishment; contractor's, stone mason's, junk or salvage yard	N
Airport, heliport, landing strip or area for any kind of aircraft	N
Hotel or motel	N
Eat-in or take-out restaurant or other eating establishment except a lunch counter incidental to a primary use:	
Restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter	SP
Take-out operating accessory to the above	SP
Take-out food counter as an accessory to a food retail or other non-consumptive retail establishment	SP
Retail sales of ice cream, frozen yogurt and similar products for consumption on or off the premises	SP
Take-out establishment primarily engaged in the dispensing of prepared foods to persons carrying food and beverage away for preparation and consumption elsewhere	SP
Fast-food establishment offering over-the-counter sale of on/off premises prepared food or beverage primarily intended for immediate consumption and prepared in such a manner to be readily eaten from easily disposable containers	SP
Veterinary office and/or treatment facility:	
With boarding of animals	N

DRAFT

<u>BUSINESS</u>	
Use	HB
Without boarding of animals	SP
Medical clinic	SP

MANUFACTURING; all uses currently listed in Section 3.2.2 for “CSB” [Chestnut Street] shall be the same for “HB.”

ACCESSORY; all uses currently listed in Section 3.2.2 for “B” shall be the same for “HB.”

3. Amend Section **4.4 Dimensional Requirements for Commercial Districts** as follows:

Delete “Business” from the first sentence and substitute in its place the words “the Highland Avenue Business.”

Under Section **4.4.2 Maximum Building Bulk**, delete Table 1 and revise paragraph (a) so that it reads:

(a) Buildings and structures located on property in the Highland Avenue Business District shall have a maximum floor area ratio of 0.75.

In paragraphs (b), (c), and (d), in the first sentence, delete the phrase “...are not limited to the maximum lot coverage requirements of this Section 4.4.2 as specified in Table 1, but” so that each sentence reads:

(b) Buildings and structures located on property in the Center Business District shall have a maximum floor area ratio of 1.0, or the floor area in existence on January 1, 1990, whichever is greater. [Retain the rest of paragraph (b) as it appears in the Zoning Bylaw.]

(c) Buildings and structures located on property in the Chestnut Street Business District shall have a maximum floor area ratio of 0.7.

(d) Buildings and structures located on property in the Neighborhood Business District shall have a maximum floor area ratio of 0.5.

DRAFT

Amend paragraph (e) to read:

(e) In the Avery Square Business and Hillside Avenue Business Districts, buildings shall not be constructed, reconstructed, extended or arranged so that the following floor area ratios are exceeded. [Retain the rest of paragraph (e), including subparagraphs (1) and (2), as they appear in the Zoning Bylaw.]

Amend Section **4.4.3 Height Limitation** as follows: in the first paragraph, delete the first clause of the first sentence, from “In a Business District” to the first semi-colon. Change “in” to “In,” so that the first sentence begins, “In the Center Business District...” and retain the remainder of the first paragraph as it currently appears in the Zoning Bylaw.

Insert a new second paragraph that reads:

In the Highland Avenue Business District, the limit of height of a building or structure shall be three (3) stories not to exceed forty (40) feet, provided that in no event shall any building contain more than three floors used for occupancy, including ground level covered or enclosed parking.

Under **Section 4.4.4 Front Setback**, delete the existing first paragraph and replace it as follows:

In the Highland Avenue Business District, there shall be a minimum front setback of 0 feet and a maximum front setback of fifteen (15) feet, or the average setbacks of the adjacent buildings, whichever is smaller. The setback, if any, shall be kept open and landscaped with grass or other plant materials and unpaved except for walks and driveways, as defined in Section 4.4.5.

Under **Section 4.4.5 Driveway Openings**, change “Business” to “Highland Avenue Business.”

Under **Section 4.4.8 Side and Rear Yard Setbacks Adjoining Residential Districts**, amend Section 4.4.8.1 by deleting “Business District” from the title and replacing it with “Highland Avenue Business District,” and amend the first sentence by deleting the words “Business District” and substituting in their place the words “Highland Avenue Business District.”

Under Section **4.4.9 Building Entrances in...**, insert the words “Highland Avenue Business” between the word “the” and the words “Chestnut Street Business.:

DRAFT

4. Amend Section **6.6 Complex Developments**, as follows:

Under Section **6.6.1 Intent**, add “Highland Avenue Business” between the words “...assure that in the” and “Avery Square Business,” insert a comma before “Avery Square Business,” and delete the word “and” between “Avery Square Business” and “Hillside Avenue Business” and replace it with a comma.

DRAFT

This proposal contains two parts: an amendment to the Zoning Bylaw and an amendment to the town's General Bylaws.

Part I. Amendment to Zoning Bylaw

Add a new Section 6.9, as follows:

6.9. Outdoor Display of Retail Goods for Sale

6.9.1. Applicability

Section 6.9 shall apply in any business district in which outdoor display of retail merchandise is permitted under Section 3.2.2 or any other provision of this By-Law.

6.9.2. Basic Requirements

- (a) An outdoor display may be located within the front yard or within the side or rear yard where a business abuts a municipal parking lot, provided that:
 - (1) The use is clearly related to the retail use conducted inside the principal building;
 - (2) No display shall be located in designated or required landscaped areas, parking lots, or drive aisles;
 - (3) No display shall obstruct or otherwise interfere with visibility at intersections; and
 - (4) An outdoor display shall be only during the retail establishment's ordinary business hours, except that an evening display shall be allowed when properly lighted for safety and visibility.
- (b) An outdoor display may be located on a public sidewalk in front of a retail establishment, provided that all of the following requirements have been met:
 - (1) The use complies with (a)(1) through (4) above; and
 - (2) The owner of the display has obtained any and all approvals, licenses or permits required under state or local law.

DRAFT

- (c) Outdoor display is not intended to be, and shall not be interpreted to include, outdoor parking or outdoor storage or display of motor vehicles. No merchandise shall remain outdoors when the business is closed.

Part II. Amendment to General Bylaws

Permit to Display Merchandise on Public Sidewalks

No person shall place or keep any goods or merchandise for sale on any public sidewalk, nor any table, stall, booth or other structure for the display of goods or merchandise for sale, unless the Department of Public Works has issued a permit authorizing the use of the sidewalk and the permit is in effect, and the following requirements are met:

- (a) Articles of merchandise shall be exhibited for sale only in front a retail establishment and on a space upon the sidewalk not more than two feet from the building;
- (b) There shall be an unobstructed path of at least three feet in width on the sidewalk and at the entrance to the building;
- (c) Merchandise shall be displayed in front of the place of business, against the buildings only, and not along the curb.
- (d) Tables and racks used shall not exceed twenty-four (24) inches in width, and shall not protrude on the sidewalk in such a way as to obstruct pedestrian traffic;
- (e) Tables and racks shall be free of sharp corners, protrusions and devices which could inadvertently cause injury; and
- (f) Liability insurance coverage shall be carried, and evidence of same may be requested by the Department of Public Works from any merchant displaying merchandise on the sidewalks or outside of doorways. Said insurance must cover personal injuries or property damage which may occur in such areas.

The Police Department may prohibit sidewalk displays in designated areas during holiday parades or other specified times or days when sidewalk congestion is excessive.

The Board of Selectmen shall have authority to adopt administrative regulations to implement this section.

DRAFT

1. Amend Section **7.4 Site Plan Review** as follows:

Make the following changes to Section **7.4.2 Definitions**:

Under MAJOR PROJECT:

In the paragraph that currently begins, “In a Business, Avery Square Business, or Hillside Avenue Business District...” amend the first sentence by deleting the words “a Business” and substituting in their place the words, “In the Highland Avenue Business...”

Add a new paragraph after Neighborhood Business District:

In the Needham Center Overlay, Lower Chestnut Street Overlay or Garden Street Overlay District, a MAJOR PROJECT shall be the same as in the Center Business District, defined above.

Under MINOR PROJECT, add a new paragraph after Medical Overlay District:

In the Needham Center Overlay, Lower Chestnut Street Overlay or Garden Street Overlay District, a MINOR PROJECT shall be the same as in the Center Business District, defined above.

2. Amend Section **7.6 Planning Board** as follows:

Under Section **7.6.1 Special Permit Granting Authority**, amend the first sentence by inserting references to Sections 3.8, 3.9 and 3.10 between “3.4” and “4.2.4,” such that the revised sentence shall read:

The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 3.4, 3.8, 3.9, 3.10, 4.2.4, 4.2.5, 4.2.6, 4.4.5, 4.4.9, 4.4.10, 5.1.1.6, 6.6, 6.8, and 7.4 of this By-Law.

DRAFT

3. Amend Section **7.7 Design Review** as follows.

Under Section **7.7.2.2 Authority and Specific Powers**, amend the second paragraph by deleting the words “a Business District” and substituting in their place the words “the Highland Avenue Business District, and by inserting after “(excluding single-family and two-family uses)” the words, “Medical Overlay District, Needham Center Overlay District, Lower Chestnut Street Overlay District, and Garden Street Overlay District,” such that the paragraph will read:

The Design Review Board shall review requests for all new structures and outdoor uses, exterior additions, exterior alterations and exterior changes in all areas zoned as the Highland Avenue Business District... Industrial Park District or Institutional District (excluding single- and two-family uses), Medical Overlay District, Needham Center Overlay District, Lower Chestnut Street Overlay District, and Garden Street Overlay District, which require a building permit...

Under Section 7.7.4 Design Criteria, add the following paragraph after the paragraph which begins, “In addition to paragraph (4) above...”

For requests for site plan reviews and special permits in the Needham Center Overlay District, the Lower Chestnut Street Overlay District and the Garden Street Overlay District, the Design Review Board shall consider, in addition to paragraphs (1) through (4) above, the design standards set forth in Sections 3.8, 3.9 and 3.10 of this By-Law.¹

4. Amend Section **1.3 Definitions** by adding the following terms and definitions in appropriate alphabetical order:

Affordable Housing: A dwelling unit that is affordable to and occupied by a household with income at or below eighty (80) percent of the area median income that applies to subsidized housing in the Town of Needham, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development (HUD), and meets all applicable requirements for inclusion on the Chapter 40B Subsidized Housing Inventory.

¹ If the Concept Plan design standards are placed in a new section of the bylaw, e.g., as a new subsection of Section 6 Special Regulations, instead of at the end of each overlay district’s regulations, this sentence should refer to the new section.

DRAFT

Affordable Housing Restriction: A contract, mortgage agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Needham, that effectively restricts occupancy of an affordable housing unit to qualified purchaser or qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of M.G.L. c.184, ss. 31-33.

Mixed-Use Development, Vertical: A building in which the ground floor facing the street is used for permitted retail or restaurant uses, and other ground-floor and upper-floor space is designed or intended for other commercial uses or multi-family dwelling units.

Mixed-Use Development, Horizontal: Two (2) or more buildings on one lot, with retail uses or vertical mixed-use buildings facing the street and other buildings for commercial uses, mixed uses or multi-family dwellings located to the rear of the lot, connected by walkways, landscaping and pedestrian amenities, and shared parking.

Article __

NEEDHAM CENTER OFF-STREET PARKING FUND

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to adopt an act authorizing the establishment of the Needham Center Off-Street Parking Fund, in substantially the following form:

SECTION 1. The town of Needham may establish a separate fund to be known as the Needham Center Off-Street Parking Fund for the purpose of providing off-street parking facilities in Needham Center, defined as the Center Business District, Chestnut Street Business District, and Business District in the town of Needham zoning by-law.

SECTION 2. All the expenditures from the fund shall be used for off-street parking facilities serving Needham Center. The following are eligible uses of the Needham Center Off-Street Parking Fund:

(a) acquire, through sale or lease, land to be used for off-street parking facilities, including surface parking and structured parking;

(b) acquire, through lease, existing off-street parking spaces;

(c) design and construct new off-street parking facilities or additions to existing off-street parking facilities; and

(d) manage, maintain and improve public parking in Needham Center in a manner consistent with the town of Needham Capital Improvements Plan, or any other plans, studies or programs authorized and approved by the planning board to address the economic development, land use, or transportation needs of Needham Center.

Expenditures shall be authorized by a majority vote of town meeting upon a favorable recommendation of the planning board and the board of selectmen. The town manager shall be responsible for carrying out all expenditures authorized by town meeting.

SECTION 3. As a means of providing available assets for the fund, all monies received by the town through the following means shall be paid over to and become a part of the fund for the purposes set forth in this act;

(a) cash payments made by developers to the town pursuant to the town of Needham zoning by-law, as determined by the planning board; and

(b) gifts, grants, donations, contributions or other cash payments made to and accepted by the town for the purpose of carrying out off-street parking improvements in Needham Center.

SECTION 4. Real property interests acquired or conveyed by the town under this act shall be in accordance with section 16 of chapter 30B of the General Laws, unless exempt under section 1 of said chapter 30B or under other laws of the commonwealth.

SECTION 5. The town treasurer shall be the custodian of the fund and shall invest the funds in the manner authorized by sections 55, 55A and 55B of chapter 44 of the General Laws. Any income or proceeds received from the investment of funds shall be credited to and become part of the fund.