

5. GENERAL REGULATIONS

5.1 Off-Street Parking Requirements

5.1.1 Applicability

5.1.1.1 General Provisions

Paved off-street parking spaces shall be provided for all uses and structures (excluding single and two family structures) as described in Section 5.1.2 in accordance with the provisions of this Section. No change of a structure or use from a use or uses as described in the categories of Section 5.1.2 to another such category that requires additional off-street parking shall be made unless in accordance with Sections 5.1.2 and 5.1.3 for the entire use of structure. Notwithstanding the above, a change of an existing structure or use from a use or uses as described in the categories of Section 5.1.2 to another such category that requires additional off-street parking of 9 or fewer spaces in the Center Business, Chestnut Street Business or Avery Square Business Districts or 3 or fewer spaces in all other Commercial and Industrial Districts may proceed without requiring special permit relief or waivers from Sections 5.1.2 and 5.1.3, unless the parking is not compliant with Section 5.1.3 (c) Handicapped Parking, the first sentence of (d) Driveway Openings, (m) Location, and/or (n) Bicycle Racks in which case special permit relief or waivers is required. The special permit or waiver requirements of this Section 5.1 shall not apply to any project which does not trigger the thresholds set forth in the preceding sentence. This Section shall apply to the cumulative total of all additions and changes in use from May 15, 1985 as to which special permit relief or waiver from Sections 5.1.2 and 5.1.3 was not granted prior to the addition or change in use that requires additional off-street parking.

5.1.1.2 Alterations and Additions

In the event a structure (other than a structure used for parking) is altered with or without a change in use to increase the floor area by 100 square feet or more, off-street parking shall be provided in accordance with Sections 5.1.2 and 5.1.3 for the total building floor area. This Section shall apply to the cumulative total of all additions from May 15, 1985.

5.1.1.3 Mixed Uses

No change or conversion of a use in a mixed use structure to a use which requires additional off-street parking shall be permitted unless off-street parking is provided in accordance with Sections 5.1.2 and 5.1.3 for the entire structure or said change or conversion does not exceed 1,000 square feet or 5 percent of the total building floor area, whichever is greater. Furthermore, a change or conversion of a use in a mixed use structure to a use or uses which require off-street parking of 9 or fewer spaces may proceed in the Center Business, Chestnut Street Business or Avery Square Business Districts without requiring special permit relief or waivers from Sections 5.1.2 and 5.1.3, unless the parking is not compliant with Section 5.1.3 (c) Handicapped Parking, the first sentence of

(d) Driveway Openings, (m) Location, and/or (n) Bicycle Racks in which case special permit relief or waivers is required; and a change or conversion of a use in a mixed use structure to a use or uses which require off-street parking of 3 or fewer spaces may proceed in all other Commercial and Industrial Districts without requiring special permit relief or waivers from Sections 5.1.2 and 5.1.3, unless the parking is not compliant with Section 5.1.3 (c) Handicapped Parking, the first sentence of (d) Driveway Openings, (m) Location, and/or (n) Bicycle Racks in which case special permit relief or waivers is required. The special permit or waiver requirements of this Section 5.1 shall not apply to any project which does not trigger the thresholds set forth in the two preceding sentences. This Section shall apply to the cumulative total of all changes or conversions in use from May 15, 1985 as to which special permit relief or waiver from Sections 5.1.2 and 5.1.3 was not granted prior to the change or conversion in use that requires additional off-street parking.

5.1.1.4 Exception

If a structure is destroyed or damaged by fire or other accidental cause, its replacement or reconstruction, provided the use is the same category of use or a category of use requiring the same or fewer spaces as described in Section 5.1.2, shall not be required to provide any additional off-street parking which might be required under this Section if said reconstruction or replacement does not exceed the floor area of the original building.

If a parking lot is required to be brought into compliance with federal and/or state law mandating creation, restriping, regrading or reconstruction of a handicapped accessible parking space or spaces, then no relief or waivers from this Section 5.1 need be sought to implement state or federal law.

5.1.1.5 Special Permit

The Board of Appeals may grant in all zoning districts excepting the Center Business District a special permit to waive strict adherence to the requirements of Section 5.1.2 and/or 5.1.3 where it can be demonstrated by an applicant with a parking plan prepared and reviewed in accordance with the provisions of Section 5.1.3 that a particular use, structure or lot, owing to special circumstances, does not warrant the number of parking spaces required by Section 5.1.2 and/or the application of certain design requirements contained in Section 5.1.3.

Such a special permit waiving strict adherence to the minimum number of required parking spaces may be granted only after it is demonstrated by an applicant that either:

- (i) special circumstances in a particular use of structure does not warrant the minimum number of spaces required under Section 5.1.2; or
- (ii) the extent of existing building coverage on a particular lot is such that in laying out parking spaces in accordance with the design requirements of Subsection 5.1.3, the requirement for minimum number of spaces under Section 5.1.2 can not be met.

Except in unique circumstances, special permits waiving strict adherence to the application of parking design requirements shall not be granted for Subsections 5.1.3 (c) Handicapped Parking, (e) Compact Cars, (f) Parking Space Size, (I) Width of Maneuvering Aisle.

In reviewing a request for a special permit under this Section 5.1.1.5, the Board of Appeals shall consider the following:

- (a) The issuance of a special permit will not be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses, and is consistent with the intent of this Zoning By-Law;
- (b) In the case of waiving strict adherence to the requirements of Section 5.1.2 under subparagraph (i) above, the special permit shall define the conditions of the use of structure so as to preclude changes that would alter the special circumstances contributing to the reduced parking need or demand;
- (c) In the Avery Square Business, Hillside Avenue Business, and Neighborhood Business districts, shared parking for uses having peak demands at different times, unusual age or other characteristics of site users, or user-sponsored demand reduction devices, such as car-pooling;
- (d) Provisions to demonstrate the ability to provide for additional parking consistent with Section 5.1.2 and/or parking designed in accordance with the particular requirements of Section 5.1.3; and
- (e) The granting of a special permit under this Section shall not exempt a structure, use or lot from future compliance with the provisions of Section 5.1.2 and/or 5.1.3.

5.1.1.6 Special Permit in the Center Business District

The Planning Board may grant in the Center Business District a special permit to waive strict adherence to the requirements of Section 5.1.2 and/or 5.1.3, if a proposed project satisfies the following conditions:

- Replaces or substantially improves an existing building or site;
- Promotes the goal of preserving and enhancing the CBD as a pedestrian-oriented local shopping and business district;
- Incorporates the recommendations of the Design Review Board; and
- Demonstrates that it is providing the maximum number of off-street parking spaces practicable.

5.1.1.7 Applicability for Parking Area

Except as provided or excepted by Sections 5.1.1.1, 5.1.1.3 and 5.1.1.4, the construction, enlargement, or alteration of a parking area containing 5 or more spaces shall adhere to all of the requirements of Section 5.1.3 Parking Plan and Design Requirements, unless strict adherence to the requirements of Section 5.1.3 is waived by a special permit granted by the Board of Appeals under the provisions of Subsection 5.1.1.5. Constructing, enlarging, or altering a parking area which results in a reduction of an existing non-conformance on the premises is not subject to the requirements of Section 5.1.2, providing that there are no changes to building(s) or use(s) as described in Subsections 5.1.1.1, 5.1.1.2, and 5.1.1.3. In the Avery Square Business District, legal on-street parking may be credited towards meeting these requirements if located between the premises' side lot lines on the same side of the street.

5.1.2 Required Parking

Use

Number of Off-Street Parking Spaces

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| 1) Theater, gymnasium, auditorium or similar place of public assembly indoor or out-door with seating facilities | One space per three seats of total seating capacity |
| 2) Medical, dental and related health service structures or clinics | One space per 200 square feet of floor area |
| 3) Hospital | One space for each two beds plus one space for each two employees on the largest shift, plus one space for each three seats in a place of public assembly (if available) |
| 4) Nursing home or a residential care institution or facility | One space for every two beds plus one space for each two employees on the largest shift |
| 5) Boarding house, dormitory, fraternity | One space per rental or sleeping unit. Any bedroom or group of two beds in a single room constitutes a sleeping unit |
| 6) Retail or wholesale stores or services | One space per 300 square feet of floor area |
| 7) Offices, office buildings, and banks | One space per 300 square feet of floor area |
| 8) Hotel or motel | One space for each sleeping unit plus one space for each 200 square feet of function or conference area, plus one space for each three employees on the largest shift |
| 9) Restaurant | One space per 3 seats plus ten spaces per take-out service station |
| 10) Laundry or Laudromat | One space per 300 square feet of floor area |
| 11) Bowling alley, tennis or racquet ball court | Four spaces per alley or court |

12) Colleges, vocational and high schools excluding boarding and office facilities which shall be computed separately in accordance with this section

One half of the design or expected enrollment

13) Research facilities, laboratories and company offices not open to the public

One space per 300 square feet of floor area. Occupancy by a single tenant of more than 50,000 square feet of floor area shall provide one space per 300 square feet floor area for the first 50,000 square feet and one space per 400 square feet of floor area in excess of 50,000 square feet

14) Warehouses, excluding retail and/or wholesale, on site sales and office space which shall be computed separately

One space per 850 square feet floor area or one space per every two warehouse employees on the largest shift, whichever is greater

15) Automotive and truck service, and related repair, including body repair

One space for employees and guests per 250 square feet of floor area

16) Automobile and truck sales and lease

One space for employees and guests per 250 square feet of floor area

17) Manufacturing or industrial establishment

One space per 400 square feet of floor area or one per two employees on the largest shift, whichever is greater

18) Indoor Athletic or Exercise Facility or Personal Fitness Service Establishment

One space for each 150 square feet or fraction thereof of gross floor area and one space for each three employees to be employed or anticipated to be employed on the largest shift. Notwithstanding the above, in circumstances where facility size is known and occupancy and parking demand will be controlled by the method of operation, the Planning Board may reduce the number of parking spaces required for a personal fitness service establishment to one parking space per employee and visitor

present on the site at any one time during the peak usage period

19) Mixed uses

Sum of various uses computed separately

20) Any use permitted by this Zoning By-Law

Closest similar use as shall be determined by the Building Inspector

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 ITE Parking Generation Manual, 2nd Edition, or an alternative technical source determined by the Planning Board to be equally or more applicable.

For purposes of this Section, “floor area” shall mean the sum, in square feet, of all horizontal areas of all floors of a building or several buildings on the same lot measured from the exterior face of exterior walls, or for office buildings from the center line of the glass exterior windows or party wall separating two buildings.

5.1.3 Parking Plan and Design Requirements

All parking areas shall be shown on a plan prepared by a Massachusetts Registered Architect, Landscape Architect, Professional Civil Engineer and/or Land Surveyor indicating the layout of the parking area including access, setbacks, dimensions of typical spaces, location of the trees and other landscaped areas, any proposed lighting, and provisions for surface drainage. Such plan shall be reviewed by the Building Inspector prior to the issuance of a special permit or building permit and shall conform to the following design requirements.

- (a) **Parking Lot Illumination** – All parking areas which are proposed to be illuminated shall provide an illumination level of an average of one foot candle. All illumination shall be shielded so as not to shine directly onto a public or private way or onto any property in a residential district.
- (b) **Loading Requirements** – Adequate off-street loading facilities and space with unimpeded access shall be provided for all new construction and for all building additions greater than 100 square feet of floor area. Facilities shall be so sized and arranged that no trucks shall be parked on a public way while loading, unloading, or waiting to do so.
- (c) **Handicapped Parking** – Parking spaces for the exclusive use of handicapped individuals shall be provided in accordance with the most recent rules and regulations of the Architectural Access Barriers Board, specifically Section 23 thereof.

- (d) **Driveway Openings**—Ingress and egress shall be located so as to minimize conflict with traffic on streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic. See Sections 4.4.5, 4.6.6 and 4.10.3 for Driveway Openings Regulations in Business, Industrial, and Industrial-1 Districts.
- (e) **Compact Cars** – Off-street parking areas may be designated to allow up to a maximum of 50% of the total number of parking spaces to be used by compact cars. Compact car spaces shall not be less than 8 feet by 16 feet.
- (f) **Parking Space Size** – Each parking space, except for the allowable percentage for compact cars, shall measure at least 9 feet in width and 18.5 feet in length; however, parallel parking spaces shall be at least 22 feet in length. The required parking space dimensions, including those for compact car spaces, shall not be reduced by obstructions, including, but not limited to, light poles and columns.
- (g) **Bumper Overhang** – The minimum length requirements stated in the above two paragraphs may include no more than one foot of area beyond the curb at the front or rear of a space, used for bumper over-hang.
- (h) **Parking Space Layout** – Required parking areas shall be designed so that each motor vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. In no case shall spaces be so located as to require the backing or maneuvering onto the sidewalk or into a public or private way upon entering or leaving the space.
- (i) **Width of Maneuvering Aisle** – The minimum width of aisles within parking areas providing access to parking spaces for one-way traffic shall be as follows:

<u>Angle of Parking Space</u>	<u>Minimum Width of Aisle</u>
90 degree	24 feet/25 feet*
60 degree	18 feet/19 feet*
45 degree	14 feet
30 degree	12 feet
parallel	12 feet

* The greater width shall be used where one foot of bumper overhang occurs.

The minimum width of maneuvering aisles within parking areas providing access to spaces for two-way traffic shall be twenty (20) feet or the width required above, whichever is greater. The required width of all maneuvering aisles shall not be reduced by obstructions, including, but not limited to, light poles and columns.

- (j) **Parking Setbacks** – Parking spaces and maneuvering aisles shall be setback a minimum of ten (10) feet from a front lot line or street right-of-way line; except, however, that such setback shall be twenty (20) feet in a Business or Industrial District, if the conditions set forth in Subsection 4.4.4 or 4.5.2 of this By-Law apply. Such parking setback shall also be twenty (20) feet in an Industrial-1 District. Parking spaces, maneuvering aisles and driveways shall be set back a minimum of four (4) feet from the rear and side lot lines. Except in an enclosed structure or in an unenclosed parking facility beneath a structure, no parking space, maneuvering aisle or driveway shall be located within five (5) feet of a building line at the first floor.
- (k) **Landscaped Areas** – Setback areas required under the above paragraph (j) shall be maintained as landscaped areas, except where driveway openings or sidewalks occur. Landscaped areas shall include trees, shrubs, flowers and grass. Planting beds shall be at least 4 feet wide. In any parking area requiring 10 or more spaces, ten (10) percent or more of such area shall be maintained as landscaped area. In parking areas requiring 20 or more spaces, a minimum of one-quarter of this amount shall be located in the interior of the parking area. Required landscape setback areas shall count towards the minimum ten percent requirement; provided, however, that the interior landscaped area requirement shall be met.
- (l) **Trees** – For all parking areas requiring 10 or more spaces, trees shall be required. One tree shall be provided for every 10 spaces or a fraction thereof. Such trees shall be located within or around the parking area so as to screen and soften the visual impact of parked vehicles as much as possible. They shall be at least 2” trunk diameter, with not less than 40 square feet of unpaved soil or other permeable surface area per tree. Planting beds shall be at least 4 feet wide.
- (m) **Location** – Off-street parking required by this Section shall be located on either the same lot as the principal use or uses or on a lot within 300 feet which is under the same ownership. In the Avery Square Business District, required parking for non-residential uses shall be either on the same premises as the activity it serves, or on a separate parcel, which may be shared with other uses, if the parcel is located within five hundred (500) feet (800 feet for employees) walking distance of the building entrance to be served, is located in a zoning district permitting or allowing on special permit the activity it serves, and is permanently committed to serving the use involved. In the Avery Square Business District, no parking shall be located within 10 feet of a street line.
- (n) **Bicycle Racks** – For parking areas of forty or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per twenty parking spaces required, or fraction thereof.

5.1.4 Off-Street Parking Requirements for Multi-Family Structures

On any lot upon which a multi-family structure (three or more dwelling units) is placed, built, or reconstructed, there shall be provided for each dwelling unit in all buildings on the lot not less than one and one-half (1-1/2), paved and readily accessible, off-street automobile parking spaces, covered or open, if the lot is in an Apartment District. In the event a multi-family structure is reserved for special occupancies such as the handicapped or elderly, the Board of Appeals may authorize a smaller number of spaces by special permit.

5.1.5 Applicability for Parking Structures

Parking facilities provided in an enclosed structure shall be subject to the provisions of this Section 5.1, except for the Subsections 5.1.3.k) and l). Unenclosed parking facilities beneath a structure shall be subject to the provisions of this Section, except for Subsection 5.1.3.l), and such parking level shall be deemed to be a story when its ceiling is four feet six inches or more above finished grade. Nothing contained herein shall exempt any parking structure from the requirements of the State Building Code or the applicable C.M.R.

5.1.6 Maintenance

Parking areas shall be kept clean, plowed and free from rubbish, debris and snow. All plant materials shall be maintained in a healthy condition and, whenever necessary, shall be replaced with new plant materials to insure continued compliance with landscaping requirements. All fences, barriers and walls shall be maintained in good repair and whenever necessary, shall be replaced. Whenever necessary, the surfacing, lighting and markings shall be repaired or replaced.

5.2 Earth Removal

The removal or relocation of any earth materials, including but not limited to sod, loam, sand, gravel, and stone, is hereby prohibited except in the following instances:

- (a) For the construction of building foundations or other allowable structures for which building permits have been issued.
- (b) For the construction of streets and the installation of utilities in a subdivision as approved by the Planning Board under General Laws, Chapter 41 and the Subdivision Regulations and Procedural Rules of the Planning Board.
- (c) For regrading a lot, tract, or parcel within the limits of that lot, tract, or parcel under one common ownership located totally within the Town of Needham.
- (d) For engineering works by a government agency.

- (e) For sale on the premises of humus or loam in conjunction with a farm, greenhouse, nursery, truck garden, or other permitted agricultural use.
- (f) In conjunction with a quarry or other extractive use subject to the grant of a special permit by the Board of Appeals.
- (g) For the regrading of a lot, tract, or parcel, requiring removal across a property line or across a Needham Town line subject to the issuance of a permit by the Building Inspector for quantities less than 25 cubic yards in the aggregate in any one year, except as otherwise permitted herein, and subject to the grant of a special permit by the Board of Appeals for quantities of twenty-five (25) cubic yards or more in the aggregate in any one year, except as otherwise permitted herein.

Special permits under paragraphs (f) and (g) of this Section may regulate, among other items, the amount of earth materials to be removed, the hours and periods of operation, the final grading and restoration after removal, the posting of a bond or other security and other related conditions.

5.3 General Design Requirements

The following shall apply to any development, other than single-family or two family dwellings, which creates either five or more off-street parking spaces, or 1500 square feet or more of gross floor area.

5.3.1 Access

Site arrangement and driveway layout shall provide sufficient access for emergency and service vehicles, including fire, police, and rubbish removal.

5.3.2 Drainage

Storm-water and snow melt drainage shall be provided for without causing surface flows across any public sidewalk and without creating more than a 10% increase in peak flows in any off-site drainage structures or water courses in a 25-year storm unless provisions have been made to accommodate that increase without public expense.

5.3.3 Water quality and erosion

Control measures shall be employed to mitigate any substantial threat to water quality or soil stability, both during and after construction.

5.3.4 Light

Off-site glare from headlights shall be controlled through arrangement, grading, fences, and planting. Off-site light over-spill from exterior lighting shall be controlled through luminaries selection, positioning, and mounting height so as to not add more than one foot candle to illumination levels at any point off-site.

5.3.5 Safety

Pedestrian and vehicular movement shall be protected, both within the site and egressing from it, through selection of egress points and provisions for adequate sight distances. Where apt, the design requirements of the then-current Subdivision Regulations of the Planning Board and the Needham Zoning By-Law shall be complied with for driveways.

5.3.6 Environment

Site arrangements and grading shall minimize the number of removed trees 8" trunk diameter or larger, the volume of earth cut and fill, and the area of wetlands vegetation affected.

5.4 Disposal of Low-Level Radioactive Waste

No land within any district in the Town shall be used for the collection, treatment, storage, burial, incineration, or disposal of radioactive waste, including but not limited to wastes classified as low-level radioactive waste, except that on-site produced waste may be temporarily stored pending disposal. For purposes of this By-Law, low-level radioactive waste shall be defined as radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by product material as defined in Section 11 e(2) of the Atomic Energy Act of 1954.

5.5 Signs

Signs within the Town are regulated and controlled by Article 5 of the Town's General By-Laws.