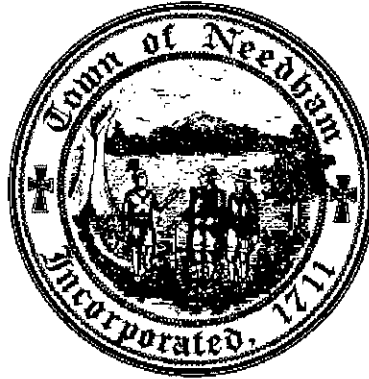


**TOWN OF NEEDHAM**

**Office of the Town Clerk**

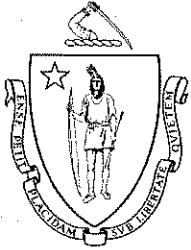


**BY-LAWS**

Approved By the Attorney General

Special Town Meeting  
October 5, 2016

November 10, 2016



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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

MAURA HEALEY  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 x  
www.mass.gov

RECEIVED TOWN CLERK  
NEEDHAM, MA 02492  
NOV 10 AM 9:53

November 10, 2016

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

**Re: Needham Special Town Meeting of October 5, 2016 – Case # 8152  
Warrant Articles # 4 and 5 (Zoning)  
Warrant Article # 12 (General)**

Dear Ms. Eaton:

Articles 4, 5, and 12 - We approve Articles 4, 5, and 12 from the Needham October 5, 2016, Special Town Meeting.

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

Very truly yours,  
MAURA HEALEY  
ATTORNEY GENERAL

*Kelli E. Gunagan*

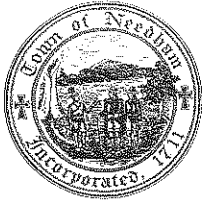
by: Kelli E. Gunagan, Assistant Attorney General  
Municipal Law Unit  
Ten Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600 x 4406

cc: Town Counsel David S. Tobin

RECEIVED  
2016

TOWN CLERK  
November 10, 2016

NEEDHAM  
9:53 A.M.



Theodora K. Eaton, MMC  
Town Clerk

# TOWN OF NEEDHAM

*Office of the Town Clerk*

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: Teaton@needhamma.gov

## AT THE SPECIAL TOWN MEETING

HELD ON WEDNESDAY, OCTOBER 5, 2016

### UNDER ARTICLE 4

**It was**

**VOTED:** That the Town vote to amend the Needham Zoning By-Law, Section 4.2, Dimensional Regulations for Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, and Institutional Districts, Subsection 4.2.2, Height Limitation Exceptions, by revising the first paragraph, so that it shall now read as follows (new language underlined):

**“4.2.2 Height Limitation Exception**

The maximum height regulation in Section 4.2.1 shall not apply to schools and municipal buildings which may contain three (3) stories or may be as high as forty-five (45) feet. In the case of schools and other municipal buildings, structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilating or air-conditioning equipment, solar panels, mechanical equipment, mechanical flues or exhausts, elevator housings or equipment, generators, roof access, stairway enclosures, skylights, and the like may exceed the maximum building height provided that no part of such structure or equipment shall project more than 15 feet above the maximum allowable building height and the total horizontal coverage of all of such structures or projections on the building does not exceed thirty-three percent (33%) of the total roof area of the building. Notwithstanding the above height limitations, cornices and parapets may exceed the maximum building height provided they do not extend more than 5 feet above the highest point of the roof. Further provided, subject to the 15-foot maximum height limitation cited above, solar panels shall also be allowed on rooftops of schools and other municipal buildings with no limitation on the roof area coverage provided such panels are set back from the edge of the roof a distance at least equal to the height of the panel.

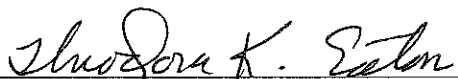
Notwithstanding the foregoing paragraph, a municipal building or structure located on a lot in excess of twenty (20) acres created by deed or plan, endorsed or recorded before September 1, 2012, may be as high as fifty (50) feet, provided the building or structure contains no more than one story, is used primarily for storage purposes and is located at least two hundred (200) feet from all property lines. Any municipal building which ceases to be a municipal building, because of a change of use or ownership, may continue to be used, maintained and reconstructed so as to contain up to the number of stories and the height which existed at the time of the change to non-municipal use or ownership. Notwithstanding the above, nothing contained herein shall in anyway limit the rights conferred under footnote (h) of Section 4.2.1 Table of Regulations.”

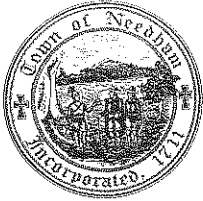
CARRIED BY A COUNT OF HANDS

Yes - 148 No - 14

A true copy

ATTEST:

  
\_\_\_\_\_  
Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC  
*Town Clerk*

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## AT THE SPECIAL TOWN MEETING

HELD ON WEDNESDAY, OCTOBER 5, 2016

### UNDER ARTICLE 5

It was

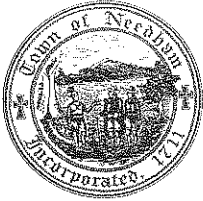
VOTED: That the Town vote to amend the Needham Zoning By-Law, Section 1.3 Definitions, by replacing the existing definition of the term "Basement", so that the entire definition shall now read as follows:

"Basement – That portion of a building that is partly or completely below grade. A minimum of 50% of the area of the basement walls must be below grade to be considered a basement. Only one basement level may be partly below grade; additional basement levels must be completely below grade. Notwithstanding the above, a walkout basement shall be limited to a maximum height of 10 feet with said height measured from the plane of the finished basement floor to the plane of the underside of the first floor joists directly above. For purposes of this definition, area shall be computed by taking the exterior perimeter of basement walls, whether or not exposed, multiplied by the height of all walls, whether or not exposed."

UNANIMOUS VOTE

A true copy  
ATTEST:

Theodora K. Eaton, MMC, Town Clerk



Theodora K. Eaton, MMC  
*Town Clerk*

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## AT THE SPECIAL TOWN MEETING

HELD ON WEDNESDAY, OCTOBER 5, 2016

### UNDER ARTICLE 12

**It was**

VOTED: That the Town vote to amend the General By-laws by deleting sections 1.2 and 1.3, renumbering sections accordingly, and inserting in place thereof the following:

#### “SECTION 1.2 NOTIFICATION

1.2.1 All Town Meetings shall be notified and warned by posting attested copies of the Warrant calling for the Town Meeting in not less than twenty public places in the Town at least seven days before the time of holding the Annual Town Meeting and at least fourteen days before any Special Town Meeting.

1.2.2 The Town Clerk shall cause to be delivered or mailed to each Town Meeting Member, at least seven days in advance, a copy of the Warrant for the Annual Town Meeting, held for the purpose of the transacting of business.

1.2.3 The Town Clerk shall cause to be delivered or mailed to each Town Meeting Member, at least fourteen days in advance, a copy of the Warrant for each Special Town Meeting.

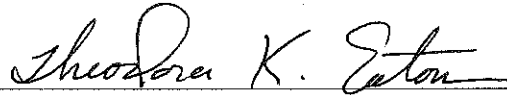
1.2.5 The Town Clerk shall make available to any resident, upon request, a copy of the Warrant for each Town Meeting, and shall post a copy of each warrant on the official Town of Needham website.

1.2.6 The Town Clerk shall cause the titles and a synopsis of all Town Meeting Articles to be printed in a local newspaper.”

CARRIED BY A COUNT OF HANDS

YES 91 - NO 66

A true copy  
ATTEST:

  
\_\_\_\_\_  
Theodora K. Eaton, MMC, Town Clerk