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JAN 29 2024

Town of Marshfield  
Board of Selectman



MARSHFIELD TOWN CLERK  
RECEIVED

2024 JAN 29 AM 11:57

Marshfield Planning Board  
870 Moraine Street  
Marshfield, Massachusetts 02050-3498

To: Select Board and Town Clerk  
From: Planning Board  
Date: January 29, 2024  
Re: Zoning Amendments for the 2024 April Town Meeting Warrant

The Planning Board voted 4 to 0 at a regular meeting held on January 22, 2023 to request the Select Board to place the following Eleven (11) articles to be placed on the Warrant for the April 2024 Town Meeting.

## Article A

To see if the Town will vote to amend the Marshfield Zoning Bylaws as follows:  
*To add a new Article XVI MBTA Communities Multi-family Overlay District.*

## Article XVI

### MBTA Communities Multi-family Overlay District

#### 305-16.01. Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to comply with Section 3A of MGL Chapter 40A and promotes the use of public transportation.

#### 305-16.02. Establishment and Applicability

This MBTA Communities MCMOD is an overlay district having a land area of approximately 84 acres in size that is superimposed over the underlying zoning districts as shown on the Zoning Map.

- A. Applicability of MCMOD. An applicant after filing a complete site plan review application to the Planning Board may develop multi-family housing located within a MCMOD in accordance with the provisions of this section [Article XVI, MBTA Communities Multi-family Overlay District].
- B. Underlying Zoning. The MCMOD is an overlay district superimposed on underlying zoning districts as shown on the MBTA Communities Multi-Family Overlay District (MCMOD) dated December 8, 2023. The regulations for use, dimension, and all other

provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MCMOD. Uses that are not identified in Article XVI [MBTA Communities Multi-family Overlay District] are governed by the requirements of the underlying zoning district(s).

### 305-16.03. Definitions

For purposes of Article XVI [MBTA Communities Multi-family Overlay District] the following definitions shall apply.

- A. **Affordable unit.** A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.
- B. **Affordable housing.** Housing that contains Affordable Units as defined by this section 16.03.
- C. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
- D. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Marshfield, as defined by the U.S. Department of Housing and Urban Development (HUD).
- E. **As of right.** Development that may proceed under the Article [XVI] after site plan review by the Planning Board. Site Plan review under Article [XVI] may place conditions on a development proposal but cannot deny or require a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
- F. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
- G. **Development standards.** Provisions of **Article [XVI], section 305-16.08 General Development Standards** made applicable to projects within the MCMOD.
- H. **EOHLC.** Executive Office of Housing and Livable Communities or its successors.
- I. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
- J. **Lot Coverage.** The percentage of the lot covered by impervious surface. This includes any surface that does not allow surface water to penetrate into the soil.
- K. **MBTA.** Massachusetts Bay Transportation Authority.
- L. **Mixed-use development.** Development containing a mix of residential uses and non- residential uses, including, commercial, institutional, industrial, or other uses.

- M. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
- N. **MBTA Communities Multi-family Overlay District (MCMOD).** An overlay district, in which multi-family housing is allowed as of right (see 305-16 of the Zoning By-Law).
- O. **Open space.** Contiguous undeveloped land within a parcel boundary.
- P. **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.
- Q. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
- R. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- S. **Section 3A.** Section 3A of the Zoning Act.
- T. **Site plan review authority.** The Planning Board shall be the responsible for Site plan review under Article XVI.
- U. **Special permit granting authority.** The Planning Board shall be Special Permit Granting Authority for the issuance of any special permits under Article XVI.
- V. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.
- W. **Transit station.** An MBTA subway station, commuter rail station, or ferry terminal.
  - i. **Commuter rail station.** Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.
  - ii. **Ferry terminal.** The location where passengers embark and disembark from regular, year-round MBTA ferry service.
  - iii. **Subway station.** Any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line.

### 305-16.04. Permitted Uses

**A. Uses Permitted As of Right.** The following uses are permitted as of right within the MCMOD.

1. Multi-family housing at a maximum of 16 units per acre.
2. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail [with a maximum floor area limitation of 10,000 SF for a single establishment].
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

**B. Uses Permitted by Special Permit.** The following uses [and accessory uses] requires a Special Permit from the Planning Board.

Ground Floor
Retail [greater than 10,000 SF]
Restaurant, café, and other eating establishments with a drive-through

**C. Prohibited Uses.** Uses that are prohibited in the WRPD Overlay district and in Section 13.03. E. (2) are also prohibited in the MCMOD overlay district.

- D. Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section D.1.

Home office with no non-resident employees or clients /customers coming to the accessory office within a residential unit.

Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

### 305-16.05 Dimensional Standards

Table of Dimensional Standards. Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the MCMOD are as follows:

Standard	MCMOD
Lot Size	
Minimum (SF)	30,000 SF
Height	
Stories (Maximum)	4 Stories (with a 10 foot deep front and side wall step-back for the 4 <sup>th</sup> floor)
Feet (Maximum)	48 Feet
Standard	MCMOD
Minimum Open Space	
	40% (WRPD Requirement)

Maximum Building Coverage	
	40%

Maximum Lot Coverage	
	60% (WRPD Requirement)

Minimum Width and Frontage	150 feet
Minimum Lot Depth	150 feet
Front Yard Setback	40 feet
Side Yard Setbacks	
Min. Side yard	30 feet

Min. Side when Abutting a residential zone	40 feet
Min. Interior to another property within in the MCMOD	15 feet
Rear Yard Setbacks	
Min. Rear Yard	35 feet

- A. Multi-Building Lots.** In the MCMOD, lots may have more than one principal building. Where multiple principal buildings are built on the same lot there shall be a minimum 40 foot setback between the principal buildings.  
Single story garage structures are exempt from this requirement.
- B. Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
- C. Exceptions: Renewable Energy Installations.** The Planning Board may waive the height and setbacks in Section 305-16.05 Dimensional Standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

#### **305-16.06 Water Resource Protection Standards**

MCMOD Developments shall meet the Performance and Design Standards in 305-130.03 (F) and 305-130.03 (G).

#### **305-16.07 Off-Street Parking**

These parking requirements are applicable to development in the MCMOD.

- A. Number of (Auto) parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within

garages or other structures:

Use	Minimum Spaces
Multi-family	2.0 spaces per Residential Dwelling Unit
Mixed-Use (Non-residential)/ Commercial	Sum of uses computed separately using 305-8.01 Off Street Parking requirements

- B. Number of bicycle parking spaces.** For a multi-family development or mixed use buildings with 10 units or more shall provide the minimum number of covered parking bicycle parking spaces as shown in the table below. Said covered spaces may be integrated into the structure of the building(s) or covered by other means on site.

The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family or Mixed use buildings	[2 space per Residential Dwelling Unit]

- C. Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be reduced by 10% through the Site Plan Review process, if the applicant can demonstrate to the Board that shared spaces will meet parking demands.
- D. GATRA Accessibility.** Parking requirements can be reduced by 10% if pull off and shelter is provided along frontage of the GATRA Route. Pull off area must be a minimum 8 feet wide and 30 feet long to allow busses to get completely out of the right lane travel lane along Route 139. An alternative is to provide an easy access onsite location for the Bus to pick up passengers or a yearly contribution (based on the number of units in the development) towards the GATRA service.

### 305-16.08 General Development Standards

The following development standards in the MCMOD are applicable to all multi-family or Mixed Use in the MCMOD. These standards are also components of the Site Plan Review process in Section 305-16.10 Site Plan Review. The Planning Board may waive some of the requirements of this section in the interest of design flexibility for the enhancement of the overall project for all residents of the Town.

#### A. Site Design.

1. **Connections.** Sidewalks shall be a minimum of 5 feet wide and provide a direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
2. **Connections with public transportation.** Developments shall provide physical (bus shelters, designated bus pull off areas, shuttle/ride share service or financial assistance to GATRA to connect to a MBTA Transit Station and promote the use of public transportation.
3. **Vehicular access.** Curb cuts onto Route 139 shall be minimized, and shared driveways encouraged.
4. **Open space.** Green Roofs with roof top common areas for residents can be counted towards the lots required open space.
5. **Screening for parking. Residential** surface parking adjacent to a public sidewalk (Plain & School Streets) shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than ten (10) feet. The buffer may include a fence or a wall of no more than three feet in height.
6. **Parking materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
7. **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
8. **Lighting.** Light levels shall meet or exceed the lighting requirements in 305-8.09 general exterior lighting design standards.
9. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if adjacent to roof top common areas or visible from a public right-of-way.
10. **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings or where possible, dumpsters or other trash and recycling collection points shall be located within the building(s).
11. **Storm-water management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Storm-water Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the Marshfield MS4 Permit for projects that disturb more than one acre and discharge to the



Marshfield municipal stormwater drainage system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

**B. Buildings: General.**

1. **Position relative to the principal street.** The primary mixed -use building shall have its principal façade and entrance facing the principal street (see also Section F., Buildings: Corner Lots).
2. **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

**C. Buildings: Multiple buildings on a lot.**

1. For a mixed-use development, uses may be mixed within the buildings or in separate buildings. Drive through operations allowed by special permit in 305-16.04 should be located in a separate building to limit conflicts with parking and access to the residential units.
2. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible curb cuts onto Plain Street (Route 139) should be combined.
3. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other and amenities such as sitting areas, recreational features, play grounds and dog park-walk areas, etc.
4. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
5. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.
6. Commercial storage in Mixed Use buildings shall be inside or under cover and shall not be accessible to residents of the development. Said materials shall be screened from view from the residential units.

**D. Buildings: Single building Mixed-use development.**

1. In a single mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.

2. Paved pedestrian access from the residential component shall be provided to residential parking and amenities such as sitting areas, recreational features, play grounds and dog park-walk areas, etc. and to the public sidewalk, as applicable.
3. Commercial storage in Mixed Use buildings shall be inside or under cover and shall not be accessible to residents of the development. Said materials shall be screened from view from the residential units.
4. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto Plain Street (Route 139).

**E. Buildings: Shared Outdoor Space.** Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space (except for play grounds) may be located in any combination of ground floor, courtyard, rooftop, or terrace. Play grounds shall not be located on rooftops. Rooftop shared outdoor space when designed as part of a green roof shall count towards the project's minimum Open Space requirement.

**F. Buildings: Corner Lots.** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.

1. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
2. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
3. Fire exits serving more than one story shall not be located on either of the street-facing façades.

**G. Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.

1. **Surface parking.** Residential Surface parking shall be located to the rear or side of the principal building.
2. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
3. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or

mixed-use buildings building(s) on the lot.

### **305-16.09 Affordability Requirements.**

#### **A. Purpose.**

1. Encourage a diversity of housing opportunities for people of different income levels;
2. Provide for a wider range of housing choices for households of all incomes, ages, and sizes;
3. Increase the production of affordable housing units to meet existing and anticipated housing needs; and

**B. Applicability.** This requirement is applicable to all residential and mixed-use developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion. No project may be divided or phased to avoid the requirements of this section.

**C. Affordability requirements.** All Affordable housing units created through Section 305-16 MBTA Communities Multi-family Overlay District shall meet the State's (EOHLC) eligibility requirements to be added to EOHLC's Subsidized Housing Inventory for the Town of Marshfield.

**D. Provision of Affordable Housing.** In Applicable Projects, not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit less than .5 shall be rounded down to the next whole number. A fractional unit .5 or higher shall be rounded up to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

#### **E. Marketing Plan requirements.**

The applicant shall submit a marketing plan which describes the number of affordable housing units, their approximate sales price or rent level, the means for selecting buyers or tenants of affordable units, how the applicant will accommodate local preference requirements and the method of affirmatively marketing the affordable units (including the marketing of such units) to minority households, in a manner that complies with the EOHLC requirements. The applicant shall hire a lottery agent to hold the lottery process. The marketing plan and the proposed lottery agent shall be forwarded by the Town to EOHLC for approval. The applicant shall comply with the requirements of the lottery agent and certify their acceptance and willingness to comply with the lottery process or

other requirements of the lottery agent for the selection of qualified housing buyers or renters for affordable units.

**F. Fee in Lieu.**

1. As an alternative to the requirements of paragraph (D) of this section, and at the sole discretion and majority vote of Planning Board upon a recommendation of the Planner and Housing Coordinator, the developer or property owner shall contribute a fee to the Marshfield Affordable Housing Trust Fund in lieu of providing all or a portion of the required Affordable Housing Units within the proposed development.
2. The fee in lieu of providing one or more Affordable Housing Units shall be a minimum of \$ 450,000.00 per required Affordable Housing Units not provided within the development. This fee may be adjusted upward by a majority vote of Select Board.
3. Any payment to the Marshfield Affordable Housing Trust Fund as an in lieu contribution for Affordable Housing Units shall be made as follows: at least 50 percent of the total owed prior to the issuance of a building permit; and the remaining total owed prior to the issuance of an occupancy permit.

**G. Development Standards.** Affordable Units shall be:

1. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
2. Dispersed throughout the development;
3. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
4. Located such that the units have equal avoidance of any potential nuisances as [market-rate units] within the development;
5. Distributed proportionately among unit sizes; and
6. Distributed proportionately across each phase of a phased development.
7. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on

a pro rata basis.

- H. **Administration.** After review and approval by EOHLC the applicant shall hire a lottery agent to hold the lottery process for the selection of the qualified home buyers or renters for the affordable units. The Marshfield Housing Coordinator shall assist the lottery agent, the applicant and the Marshfield Affordable Housing Trust. The Town's Building Commissioner shall be responsible for enforcement of Article 16 of the Zoning By-law.

### 305-16.10 Site Plan Review

**Applicability.** Site Plan Review is required for a project proposed under Section 305-16. - An application for Site Plan Review shall be reviewed by the Planning Board for consistency with the purpose of Section 305- 16.01 and Section 305-16.09.D. Site Plan Review is limited to the regulation of the use: the Permitting Authority may "impose reasonable terms and conditions" on the as of right use.

The Permitting Authority does not have "discretionary power" to deny the as of right use; in other words, it may not prohibit the use.

- A. **Submission Requirements.** As part of any application for Site Plan Review for a project within the MCMOD the Applicant shall submit the following documents to the Planning Board:
1. Application, description of the project, and fees for MCMOD Site Plan Review.
  2. Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, storm-water management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required under 305-12.02 (I) of the zoning by-laws.
  3. Elevations of the building(s) showing the architectural design of the building.
  4. All site plans shall be prepared by a certified Land Surveyor, architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of [one inch equals forty feet (1"=40') or larger], or at a scale as approved in advance by the Permitting Authority.

5. Information that shows the proposed development meets the Town's WRPD Nitrogen loading requirement of 5ppm as required under 305-13.03 of the Zoning By-Law.
  6. Narrative of compliance with the applicable design standards of this Section[x].
- B. Timeline.** Site Plan Review should be commenced no later than 30 days of the submission of a complete application and should be completed expeditiously. The Planning Board may, when appropriate, seek the input of other municipal boards or officials. Those boards and officials shall have 30 days after the referral send comments to the Planning Board for consideration. In general, site plan review should be completed no more than 4 months after the submission of a complete application.
- C. Approval of the Site Plan.** Approval of the site plan for uses listed in Section 305-16.04 Permitted Uses shall be granted upon determination by the Planning Board that the following conditions have been satisfied. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
1. The Applicant has submitted the required fees and information as set forth in Municipality's requirements for a Building Permit and Site Plan Review.
  2. The project as described in the application meets the development standards set forth in following Sections: 305-16.6 Water Resource Protection Standards, 305-16.07 Off-Street Parking, 305-16.08 General Development Standards and 305-16.09 Affordability Requirements.
- D. Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Section 305-16.08 Affordability Requirements.

#### **305-16.11 Severability.**

If any provision of this Section 305-16 is found to be invalid by a court of competent jurisdiction, the remainder of Section 305-16 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 305-16 shall not affect the validity of the remainder of the Marshfield's Zoning By-laws.

**Article Explanation:** *This article is to zone an area of Town to allow multi-family dwellings at up to 16 units per acre by right under site plan review and to comply with Section 3A of MGL Chapter 40A and promotes the use of public transportation.*

## Article B

To see if the Town will vote to amend the Marshfield Zoning Map (Article III) by adding a new overlay district as shown on the map entitled “MBTA Communities Multi-Family Overlay District (MCMOD), dated December 8, 2023” and described as follows:

The new overlay district as shown on the map entitled “MBTA Communities Multi-Family Overlay District (MCMOD), dated December 8, 2023” is placed over the B-2 district on the north side of Plain Street (Route 139) running east from School Street to the Town owned land E10-02-09 containing the Marshfield High School, Martinson Elementary School and the Furnace Brook Middle School. Said overlay district shall also overlay an area zoned R-1 in order not to split lots within the MCMOD as required by the State.

**Article Explanation:** *This overlay zoning district meets the minimum requirements for the Town to comply with Section 3A of MGL Chapter 40A as outlined by EOHLC.*

**Please Note:** in this article new language to be added is shown in **Blue in Bold.**

## Article C

To see if the Town will vote to amend the Marshfield Zoning Bylaws as follows:

Amend Section 305-5.04 Table of Use Regulations, Principal Use, Residential, #2 Open Space Residential development (See 305-11.04) by replacing the existing line with the following language.

Use	Residential				Business					Industrial		Overlay		
Community Facilities	R -1	R -2	R -3	RB	B -1	B -2	B -3	B -4	OP	I-1	A	PMUD	WRPD	BRVO
<b>2. Open Space Residential Development</b> (see 305-11.04)	<b>S</b>	-	-	-	-	-	-	-	-	-	-	-	<b>S</b>	-

**Article Explanation:** *This will update the table of use with the changes approved by April 2019 Annual Town Meeting to section 305-11.04.*

**Please Note:** in this article new language to be added is shown in **Blue in Bold.**

## Article D

To see if the Town will vote to amend the Marshfield Zoning Bylaws as follows:

Amend Section 305-5.04 Table of Use Regulations, Principal Use, Residential, #3 Age Restricted Adult Village (See 305-11.08) by replacing the existing line with the following language.

Use	Residential				Business					Industrial		Overlay		
Community Facilities	R -1	R -2	R -3	RB	B -1	B -2	B -3	B -4	OP	I-1	A	PMUD	WRPD	BRVO
3. Age-Restricted Adult Village (see 305-11.08)	S	S	-	-	-	-	-	-	-	-	-	S	S	-

*Article Explanation: This will update the table of use with the changes approved by April 2019 Annual Town Meeting to section 305-11.08.*

Please Note: in this article language to be remove is shown in ~~Red with strikeout~~.  
New language to be added is shown in **Blue in Bold**.

## Article E

To see if the Town will vote to amend the Marshfield Zoning Bylaws as follows:

*Amend Section 305-13.05 Brant Rock Overlay District by replacing the current subsection (305-13.05, F. Design Requirements, (1) Floodproofing) as follows:*

~~(1) Floodproofing. All of the building shall be elevated above the FEMA FIRM base flood elevation (BFE). Providing a BFE higher than the minimum required by FEMA, to plan for projected sea level rise, is encouraged. Moisture and rot resistant breakaway panels shall be provided to screen the building's pilings or piers in the area between the natural ground elevation and the first floor. These breakaway elements should be consistent with the rest of the building's design elements.~~

**(1) Floodproofing. Buildings shall be designed and constructed in accordance with the Floodproofing requirements of the Massachusetts State Building Code and the Marshfield Conservation Commission.**

*Article Explanation: The existing language concerning floodproofing is inconsistent with the requirements of the updated Massachusetts State Building Code and the Marshfield Conservation Commission Regulations.*

## Article F

To see if the Town will vote to amend the Marshfield Zoning Map (Article III) by adding updating the Inland Wetland district as shown on the map entitled "Revised Inland Wetland District, dated January 12, 2024" and described as follows:

~~The update Inland Wetland District is an overlay that is superimposed over any other zoning district and is provided by Soil Conservation Service of the U.S. Department of Agriculture. The soils that are shown on this map are classified by poorly drained and very poorly drained mineral soils and very poorly drained soils formed by inorganic deposits and having a water table at or near the surface seven to nine months a year.~~



*Article Explanation: This Inland wetland layer has been updated by the Soil Conservation Service of the U.S. Department of Agriculture and improves the accuracy of the mapping of this natural resource.*

## Article G

To see if the Town will vote to amend the Marshfield Zoning Bylaws as follows:

Amend Article 2 Definitions by adding the following definitions:

**EOHLC - Executive Office of Housing and Livable Communities or its successors.**

**Housing Trust - Marshfield Affordable Housing Trust or its successors.**

*Article Explanation: The State recently replaced the Department of Housing and Community Development (DHCD) with this new Executive Office. The Town replaced (2023 ATM) the Housing Partnership with Housing Trust.*

Please Note: in this article language to be remove is shown in **Red with strikeout**.

New language to be added is shown in **Blue in Bold**.

## Article H

To see if the Town will vote to amend the Marshfield Zoning Bylaws as follows:

*To remove the current Article 305-11.08 Age Restricted Adult Village by replacing the current language with the following language.*

### § 305-11.08 Age Restricted Adult Village.

For age-restricted adult village (ARAV) housing not subject to the Table of Dimensional and Density Regulations nor subject to § **305-10.10** of the Zoning Bylaw, the following regulations shall apply:

#### A. Applicability and use.

- (1) The tract of single or consolidated ownership at the time of application shall be at least six acres in size in the R-1 and R-2 residential zones, and shall be subject to approval by the Planning Board acting as the special permit granting authority (SPGA). **[Amended 4-22-2019 ATM by Art. 9]**
- (2) The following uses shall be permitted: attached ARAV housing units; community facilities such as religious, recreational, educational or membership club for the exclusive use of the residents of the ARAV.

#### B. Required performance standards. In addition to other minimum requirements stated elsewhere in this bylaw, the following improvements, performance standards and/or conditions are required for all age-restricted adult villages (ARAV) in the Town of Marshfield:

- (1) Yield plan. The applicant shall submit a conventional subdivision plan that complies with

the Marshfield Zoning Bylaws and Subdivision Rules and Regulations and other applicable laws and regulations of the Town or the Commonwealth of Massachusetts. This plan will be reviewed and used to assist the Board in determining the number of as-of-right (AOR) housing units or base density of the site. This AOR or base density may be increased through the special permit process by providing affordable housing units. **[Amended 4-22-2019 ATM by Art. 9]**

- (2) Density bonus for creation of affordable units. The total number of housing units allowed in an ARAV in all residential zoning districts may be increased by providing funding for affordable housing units by fees in lieu of construction. To determine the total number of units allowed, the following formula shall be used: AOR units plus affordable units plus density bonus units equals total units allowed. The number of affordable units and density bonus units shall be determined by the following formula: the number of as-of-right (AOR) units multiplied by 25% and rounded up to the next even number, divided by two. Due to changes in ~~Department of Housing and Community Development (DHCD)~~ **Executive Office of Housing and Livable Communities (EOHLC)** policy on counting affordable units in age-restricted 55+ housing the affordable unit(s) shall be provided off site by fees in lieu of construction. [Example: A 9-unit AOR development will result in 9 AOR units plus 4 units ( $0.25 \times 9 \text{ units} = 2.25 \text{ units}$  rounded up to 4 units, 2 affordable units and 2 density bonus units) or 13 units in total. A 31-unit AOR development will result in 31 AOR units plus 8 units ( $0.25 \times 31 \text{ units} = 7.5 \text{ units}$  rounded up to 8 units, 4 affordable units and 4 density bonus units) or 39 total units.] **[Amended 4-22-2019 ATM by Art. 9]**
- (3) Natural open space.
  - (a) In all residential zones, at least 50% of the total tract area subject to the ARAV special permit application shall be upland natural open space. The natural open space shall be set aside as common land and shall be either deeded to the Town or placed under a conservation restriction, as defined in Article II, and maintained as permanent open space in private or cooperative nonprofit ownership. The SPGA shall provide for the disposition and control of the open space land in a manner and form acceptable to it and approved by Town Counsel.
  - (b) Natural open space is the area of the parcel(s) that is left undisturbed, in its natural state, as described further in this section. Areas of natural open space shall be preserved for wildlife habitat, aquifer protection, historic preservation, passive recreation and/or forestry management. Natural open space shall not be used for any of the following activities: buildings or structures, impervious surfaces, aboveground utilities or subsurface infrastructure with the exception of stormwater management facilities as noted below. Natural open space areas should encompass or protect valuable natural and cultural resources such as large tracts of forest land, buffer zones to wetlands and water bodies, significant trees, scenic views, river valleys, geological features, archaeological sites, historic trails or ways and open fields. Natural open space areas shall be contiguous areas of land. Narrow parcels or portions of lots less than 50 feet wide cannot be included in required natural open space calculations unless they are used for access to a walking trail.

Walking trails may be constructed of organic materials such as wood chips or stone dust.

- (c) For the purpose of calculating the required 50% natural open space, the area of proposed development activity shall be enclosed within a polygon. The inside of the polygon shall be considered the area of the development footprint. Remaining areas outside of the development footprint, greater than 50 feet in width, shall be used to satisfy the 50% natural open space requirement. Areas of natural open space may be managed utilizing standard, accepted forestry practices. Additional landscape plantings can be planted in natural open space areas to supplement existing vegetation. Stormwater and common wastewater management facilities and community facilities as defined in § 305-11.08A(2) above shall be on an individual lot or lots and not part of the required 50% natural open space. The required 50% natural open space shall be protected as provided for in § 305-11.04G, Ownership of open space, of this Zoning Bylaw. **[Amended 4-22-2019 ATM by Art. 9]**
- (4) Mandatory affordable housing. All affordable housing created by this bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements of the Massachusetts ~~Department of Housing and Community Development~~ **Executive Office of Housing and Livable Communities** LIP Program. Affordable housing units will count toward the Town's Subsidized Housing Inventory, in accordance with MGL c. 40B, §§ 20 to 23. All ARAVs are required to provide affordable housing in compliance with the provision for fees-in-lieu-of construction of affordable housing units as follows:
  - (a) Fees-in-lieu of construction of affordable housing units. An applicant shall propose to pay a fee-in-lieu of construction of affordable housing units to the Marshfield ~~Housing Authority~~ **Affordable Housing Trust**. A fee-in-lieu of construction shall be for the sole purpose of creating affordable housing in the Town of Marshfield that meets the state's LIP and adds to the Town's Subsidized Housing Inventory ~~as determined by the Housing Partnership~~. The fee-in-lieu of construction shall be held in trust ~~and in separate interest-bearing accounts~~ by the Marshfield ~~Housing Authority~~ **Affordable Housing Trust** for such purpose.
  - (b) For each affordable unit for which a fee-in-lieu of construction is paid, the cash payment per unit shall be equal to 40% of the average price being asked for the market-rate units in the applicable development.
  - (c) The fee-in-lieu of construction shall not result in an increase in the total number of units contained in the application for the special permit approved by the Planning Board.
  - (d) ~~The Marshfield Housing Authority shall submit to the Housing Partnership annually and upon request reports and other documentation of the use of its financial accounting for the fees-in-lieu-of construction.~~
  - (e) ~~The Marshfield Housing Authority shall hold all fees-in-lieu of construction of affordable housing units paid to it, and all investment income and profit thereon received by it, separately from all other moneys of the Marshfield Housing Authority. It shall cause such fees, income and profit to be audited at least once a year by an independent, certified~~

~~public accountant or independent firm of certified public accountants experienced in auditing accounts of governmental entities (which may be its regular auditor if such regular auditor meets the foregoing criteria), such audit to be completed no later than the general audit of the Marshfield Housing Authority's financial statements for the applicable fiscal year. A copy of such audit shall be promptly submitted to the Town Accountant, the Town Treasurer, the Town Administrator, the Board of Selectmen, the Housing Partnership, and the Planning Board. Such audit may be combined with the general audit of the Marshfield Housing Authority as long as all matters relating to such fees, income and profit are set forth separately from all other accounts of the Marshfield Housing Authority.~~

- (f) Schedule of fees in lieu of payments. Fees-in-lieu of construction payments shall be made prior to application for the first residential occupancy permit of the element. The market price proposed at the time of application shall be reviewed and adjusted if required at the time of payment. The Planning Board will consult with the Housing Coordinator prior to signing off on building permits.
- (5) Site design. The development shall be integrated into the existing terrain and surrounding landscape and shall be designed to protect abutting properties and community amenities. Building sites shall, to the extent deemed feasible by the SPGA:
  - (a) Minimize obstruction of scenic views from publicly accessible locations.
  - (b) Preserve unique natural or historical features.
  - (c) Minimize grade changes and removal of trees, vegetation and soil.
  - (d) Maximize open space.
  - (e) Maximize buffers to wetlands and water bodies.
  - (f) Screen objectionable features from neighboring properties and roadways.
- (6) Roads and driveways.
  - (a) The ARAV shall provide for access on roads that have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic generated by the proposed ARAV. The development shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways through proper layout, location and design.
  - (b) All roads and driveways serving more than one dwelling unit shall be designed and constructed in accordance the following sections of the Subdivision Rules and Regulations of the Planning Board of the Town of Marshfield: Article **IV**, Design Standards and Required Improvements, with the exception of §§ **405-9E** and **405-12I** in their entirety and § **405-9D**, Note \*\*, which are exempt from this requirement. Roads and driveways serving more than one dwelling unit shall also be designed and constructed in accordance with Article **V**,

Completion of the Way, §§ **405-14, 405-16, 405-18** and **405-19** only.

(7) Dead-end roads.

- (a) All dead-end roads and common driveways shall terminate in a cul-de-sac or provide other accommodations for vehicles to reverse direction. Turnaround areas shall be designed to accommodate emergency vehicles.
- (b) Dead-end streets and connecting common driveways shall not exceed 800 feet in length, measured from the intersection of the road that provides access to the ARAV.

(8) Architecture.

- (a) Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation, and separation between buildings. All buildings shall be separated a minimum distance of 1 1/2 times the height of the proposed buildings.
- (b) The maximum building height shall be 35 feet from the existing natural elevation.

(9) Parking.

- (a) The proposed development shall provide two parking spaces per each unit, plus one visitor parking space for every 10 units, plus one parking space per each 200 square feet of nonresidential area.
- (b) Parking areas, including maneuvering space for parking and loading areas, shall not be located within the required fifty-foot buffer areas. **[Amended 4-24-2017 ATM by Art. 12]**
- (c) Parking areas shall be screened from public ways and adjacent or abutting properties by building location, fencing, and/or dense landscape plantings.
- (d) No parking shall be allowed on interior streets or ways.

(10) Landscaping.

- (a) Connecting tree-lined walkways shall be provided between structures, parking areas and abutting public ways. A mixture of shade trees shall be spaced a minimum of 40 feet apart along streets and walkways. Landscape plans should be prepared and stamped by a professional landscape architect. The type, size and location of all plantings shall be included in the landscape plan.
- (b) Exposed storage areas, machinery, service areas, truck loading areas, solid waste disposal facilities, utility buildings, structures and other unsightly uses shall be set back and/or

screened to protect neighbors and residents from objectionable views, noise, odors and vibration.

- (c) A fifty-foot-wide natural buffer shall be required along the perimeter of the property, except for access roads, which in the opinion of the SPGA provides suitable screening of abutting properties. The SPGA may require the natural buffer to be supplemented with additional plantings if the natural buffer does not provide adequate screening of abutting properties.
- (11) Lighting. All exterior lighting on roads, walkways and buildings shall be approved by the SPGA. Lighting specification cut sheets shall be submitted for all lighting in the ARAV. Lighting shall be designed to avoid unnecessary glare to abutting properties. Sufficient lighting should be provided to accommodate the needs of senior residents. A lighting plan shall be provided showing the intensity of light on the property. Reflectors and shields shall provide total cutoff of all light at the property boundaries.
- (12) Stormwater management. The stormwater management system shall be designed so that the volume and rate of runoff shall not exceed pre-development conditions. The use of low-impact development principles is encouraged, such as bioretention areas and decentralized stormwater management facilities. Groundwater recharge shall be maximized; surface and ground water quality shall be maintained or improved by employing best management practices. Neighboring properties shall not be adversely affected. The SPGA may require that existing problems on or adjacent to the site be mitigated as a condition of approval of a special permit under this section. Open air drainage facilities shall have a minimum fifteen-foot landscaped evergreen buffer area around the facility (excluding basin cleanout accessway).
- (13) Utilities. All electric, telephone, cable TV, and other such utilities shall be located underground. An evergreen landscaped buffer shall be provided around all transformers and other utility facilities.
- (14) Water Resource Protection District. Applicants submitting ARAV special permit applications within the Water Resource Protection District (WRPD) shall file for a WRPD special permit concurrently with the ARAV special permit and conform to the performance and design standards of § **305-13.03**.
- (15) Wastewater. Wastewater treatment systems in all other ARAV developments shall be designed to not exceed 10 parts per million for the concentration of nitrate-nitrogen loading for the subject property as a whole, measured at the property boundaries.
- (16) Historic resources. The SPGA and applicant shall seek guidance from the Historical Commission to ensure the protection, restoration, or preservation of historic locations, artifacts or structures within the proposed development.
- (17) Management of common areas.

- (a) If an ARAV is owned or converted to ownership of more than one ownership entity, a nonprofit community association (CA) shall be established, requiring membership of each property owner in the development. The CA shall be responsible for the permanent maintenance of all communal water and septic systems, common open space, roads, stormwater management and recreational facilities. Prior to the closing of the public hearing, the applicant shall submit a CA agreement guaranteeing continuing maintenance of common utilities, land and facilities. The CA shall assess each homeowner an equal share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the SPGA.
- (b) CA agreements or covenants shall provide that in the event that the association fails to maintain common facilities, such as the wastewater treatment system or stormwater management system, in reasonable order and condition, in accordance with the agreement, the Town may, after notice to the CA and a public hearing, enter upon the property and conduct necessary maintenance to protect the environment. The cost of any work shall be assessed equally against the properties within the development. All costs incurred by the Town for needed maintenance will be reimbursed by the CA.
- C. Administrative procedures. The Planning Board shall be the special permit granting authority (SPGA) for ARAV applications. Applicants shall follow the administrative procedures relative to the issuance of special permits set forth in the Marshfield Planning Board Rules Governing Housing for the Elderly and Handicapped Persons as adopted on March 19, 1990, as amended, or any successor regulations. Copies of the above-mentioned administrative rules shall be on file with the Town Clerk. The SPGA shall follow the procedural requirements for special permits as set forth in MGL c. 40A, § 9. **[Amended 4-24-2017 ATM by Art. 12]**
- D. Criteria for review and approval. The SPGA shall review all applications for ARAV developments to determine the suitability of the site to the following criteria:
  - (1) Compliance with Subsection B, Required performance standards;
  - (2) Compatibility with the surrounding neighborhood;
  - (3) Compliance with adopted public plans;
  - (4) The requested use will not overburden any public infrastructure such as water, roads, drainage or sewer system or any other municipal system to such an extent that the proposed ARAV in the immediate area or in any other area of the Town will be subjected to development-related impacts that would adversely affect health, safety or the general welfare;
  - (5) Acceptable design and layout of streets and common driveways;
  - (6) That the projected traffic increase to the local road(s) is within the capacity of the existing network and does not impair pedestrian safety;

- (7) Compliance with environmental performance standards;
- (8) Appropriateness of building architecture, orientation and site design; and
- (9) The preservation of important areas of open space or items of historical and/or archaeological significance.

E. Decisions.

- (1) The findings, including the basis of such findings, of the SPGA shall be stated in the written decision of approval, conditional approval, or denial of the application for special permit, and shall require a four-fifths majority vote for approval. For approval of a special permit granted under this section, an affirmative finding of the SPGA shall be required for all of the nine criteria listed above.
- (2) The SPGA may also require, in addition to any applicable conditions specified in this bylaw, such conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this bylaw, including but not limited to the following: front, side, or rear yards greater than the minimum required by this bylaw; screening buffers or planting strips, fences, or walls; modification of the architectural design and exterior appearance of the structures; lighting, regulation of the number and location of driveways, or other traffic features; off-street parking or loading; or any other special features beyond the minimum required by this bylaw.
- (3) Such conditions shall be provided in writing, and the applicant may be required to post a performance bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.
- (4) The special permit is granted for a period of two years and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown as determined by the SPGA. Once construction has begun, it shall be actively and continuously pursued to completion within a reasonable time.

*Article Explanation: The changes in this section of the Zoning by-law are a result of recent actions by the State (replacing the Department of Housing and Community Development (DHCD) with this new Executive Office of Housing and Livable Communities) and the Town replacing the Housing Partnership with Housing Trust.*

Please Note: in this article language to be remove is shown in **Red with strikeout**.  
New language to be added is shown in **Blue in Bold**.

## Article I

To see if the Town will vote to amend the Marshfield Zoning Bylaws as follows:

*To remove the current Article 305-13.06 Planned Mixed Use Development by replacing the current language with the following language.*



### § 305-13.06 Planned Mixed Use Development

This section of the Zoning Bylaw is to allow a planned mixed-use development (PMUD) overlay district within a portion of the Industrial District as shown on the Zoning Map.

A. Purpose: The purpose of this planned mixed-use development section is as follows:

- (1) To provide an opportunity to comprehensively plan large tracts of land in a pedestrian friendly, campus-like setting, around a public green.
- (2) To ensure high quality site planning, architecture and landscape design to create a distinct visual character and identity for the development that provides the town with a mixed-use environment with convenience and amenities.
- (3) To ensure any potential traffic impacts of the planned mixed-use development are properly mitigated and in keeping with the character of the Town of Marshfield.
- (4) To generate positive tax revenue, while providing the opportunity for new business growth and additional local jobs.

B. Process: The applicant files a special permit application with the Planning Board serving as the special permit granting authority (SPGA), for an element within the Planned Mixed-Used District. A new element is a tract in single or consolidated ownership at the time of application and shall be a minimum of seven acres in size and contain at least 150 feet of frontage. An element can be planned for and developed in phases. Completion or modification of approved elements shall not require the minimum tract size. Each element shall contain or provide for the overall road network, roadway drainage, a public green, park, and/or playground, bike and pedestrian ways, lots and proposed uses. A proposed element may, with the written approval of the Planning Board based on an express finding that off-site public improvements are in the public interest, provide financial support to off-site public improvements in lieu of on-site improvements as part of the application. When site plan approval is required for the proposed uses in the PMUD, the site plan approval authority shall be the Planning Board.

C. Applicability and uses: In addition to the uses allowed in the I-1 Zone that are not specifically prohibited in the PMUD, the following uses may be allowed by special permit: retail and service; eating and drinking places; banks; membership club; hotel; educational campus; medical facility or offices, general offices; research facilities; other amusement/recreation service; mixed-use buildings with commercial on first floor and residential units above with a base density of six units per acre (subject to affordability requirements under Subsection F below); age-restricted adult village residential units with a base density of three units per acre (subject to affordability requirements under Subsection F below); affordable village at a density of three units per acre (subject to affordability requirements under Subsection F below); attached nursing, rest or convalescent home not to exceed 24 beds per acre.

D. Required performance standards:

- (1) Uses shall be grouped together to maximize pedestrian access by connecting sidewalks and pathways. Buildings, when abutting a public green, shall be oriented around a public green and not Route 139 (Plain Street).
- (2) Access to Route 139 (Plain Street) from within the PMUD shall be through a secondary street as defined in the Planning Board Subdivision Rules and Regulations at a signalized intersection.
- (3) Residential units (including affordable village, age restricted and residential above commercial) shall not exceed a total of 65 units in the PMUD. Residential units permitted through a Chapter 40B process shall not count towards this cap.
- (4) The base number of dwelling units for "residential above and age restricted adult village proposals" in the PMUD shall be determined by the following formula: Total area of land subject to the application minus (-) wetlands/water-bodies multiplied (\*) by applicable base density add (+) affordable housing and density bonus (see Subsection F) equals (=) total number of dwelling units.
- (5) Mixed-use residential units within the PMUD shall provide a minimum of 1.25 parking spaces for each bedroom. Age restriction adult village/attached and affordable village/attached residential units within the PMUD shall provide a minimum of two parking spaces per unit. Enclosed or covered parking may be allowed as an accessory use in the rear of the first floor of a mixed-use building.
- (6) The majority of the parking shall be located to the rear or sides of commercial buildings. All parking and loading areas shall be completely screened from Route 139 (Plain Street) by a minimum fifty-foot-wide raised and landscaped buffer. Parking lots and loading areas shall be appropriately screened from roadways within the overlay district by a minimum twenty-foot-wide raised and landscaped buffer. Appropriately designed view corridors of commercial buildings from the roadways within the overlay district shall be allowed.
- (7) Reduction in parking space requirements may be permitted by written request in the application as part of the granting of the special permit where by design and use it is shown to the Planning Board's satisfaction that the parking is compatibly shared by multiple uses. However, in no case shall a parking requirement reduction exceed 20% of those parking spaces required under normal application of requirements for the nonresidential uses proposed.
- (8) Individual retail establishments shall be limited to a maximum gross floor area of 55,000 square feet. An individual retail establishment may be increased to 65,000 square feet where the Planning Board finds that individual sections of the retail establishment front a public green with access and windows or where the additional space is used as small retail uses lining the wall facing the public green of the large retail establishment.
- (9) All elements that create mixed-use residential or attached (age restricted adult village and affordable village) residential units are required to provide affordable housing in

compliance with Subsection F. All affordable housing created by this Bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements of the Massachusetts ~~Department of Housing and Community Development (DHCD)~~ **Executive Office of Housing and Livable Communities (EOHLC)** LIP Program. Affordable housing units will count toward the Town's Subsidized Housing Inventory, in accordance with M.G.L. Ch. 40B.

- (10) The maximum density in an affordable village shall be three units per acre. Affordable village developments shall provide 20% of the total number of units as affordable under ~~DHCD~~ **EOHLC** guidelines. The breakdown of the affordable units provided in an affordable village shall be as follows: 5% of the units offered at 80% of the median income; 10% of the units offered at 75% of the median income; 5% of the units offered at 70% of the median income.
- (11) In a mixed-use residential above or age restricted adult village residential development which occurs as a result of this Bylaw shall meet the affordable housing requirements and shall be entitled to a density bonus as follows: The number of affordable units and density bonus units shall equal the number of base density units multiplied by 25% and rounded up to the next even number divided by two. [Example: A base density of nine units will result in nine base density units plus four units (.25 x nine units = 2.25 units rounded up to four units, two affordable units and two density bonus units) or 13 units in total. A base density of 31 units will result in 31 base density units plus eight units (.25 x 31 units = 7.5 units rounded up to eight units, four affordable units and four density bonus units) or 39 total units].
- (12) The development site design shall be integrated into the existing terrain and surrounding landscape to provide the least amount of site disturbance, and shall be designed, including with appropriate noise, light and open space buffering and screening to protect abutting properties, neighborhood and community amenities. Building sites shall, to the extent deemed feasible by the Planning Board;
  - (a) Preserve unique natural or historical features.
  - (b) Minimize grade changes, removal of trees, vegetation and soil.
  - (c) Maximize buffers to wetlands and water bodies.
  - (d) Screen objectionable features from neighboring properties and roadways.
- (13) All elements of the PMUD shall provide for access on roads and driveways that in the opinion of the Planning Board have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic generated by the proposed development. The development shall maximize the convenience and safety of vehicular, bike and pedestrian movement within the site and in relation to adjacent ways through proper layout, location and design.

- (14) All dead end roads and driveways shall terminate in a cul-de-sac or provide if approved by the Planning Board as part of the special permit, other accommodations for vehicles to reverse direction when it is deemed in the public interest to do so. Turn around areas shall be designed to accommodate the largest emergency vehicles of the Town of Marshfield. Dead end streets and connecting driveways shall not exceed 800 feet in length, measured from the intersection of the road that provides access.
- (15) The mass, proportion and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves. Plans shall provide information and elevations to show massing of buildings, height and spacing between buildings. Plans shall provide a table with properties, entity, use, area (in acres) and area (in percentage) for both the proposed element and total for the overlay district.
- (16) Architectural details, including elevation plans of all sides, shall be submitted of new buildings and additions, and textures of walls and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the historic character of Marshfield.
- (17) Commercial and mixed use building location shall be oriented parallel or perpendicular to the public green(s) and/or street. Where the minimum setback cannot be maintained, the applicant shall provide adequate spatial definitions through the use of walls, fences and/or other elements, which will maintain the street line.
- (18) The main entrance to commercial and mixed use buildings may be placed to the side of the front facade to facilitate access to parking.
- (19) Mixed-use and residential building facades in excess of 40 feet shall incorporate recesses and projections, of a minimum of two feet in depth or otherwise be designed, to break up the building's mass and scale.
- (20) A minimum of 40% of a commercial or mixed use building that faces a public green(s) and/or street side facade shall contain windows, excluding the facade facing Route 139 (Plain Street) where the landscaped buffer is determined by the Planning Board to be adequate. The windows should be divided by muntins and framed with a casing trim; awnings should be designed as an integral part of the building facade; metal awnings are discouraged.
- (21) All utility connections to buildings and structures shall be located underground.
- (22) All building rooftop utilities such as air conditioners shall be appropriately screened from public view and from the view of abutting properties.
- (23) All ground mounted utilities such as transformers, switching units, and ventilation pipes shall be appropriately screened from view.

- (24) All loading docks and service entrances where equipment, furniture, goods and materials are loaded into buildings shall be appropriately screened from view.
- (25) All dumpsters and other waste refuse containers shall be covered and appropriately fenced and screened from view. Collection times for dumpsters and other waste refuse containers located in the Mixed-use and residential parcels of the PMUD overlay district shall be scheduled for normal daytime (7:00 a.m. to 5:00 p.m.) residential collection hours.
- (26) Special Permit applications shall comply with § **305-11.10** (Traffic impact study).
- (27) The large retail establishment shall either provide an entrance to the public green or it should be designed so that the facade facing the public green is lined with accessory shops or uses to enhance pedestrian activities.
- (28) A public green, playground, recreation field or other recreational amenities (trails/paths/bikeways) shall be required for each element of development within the PMUD. The public green(s) shall be a minimum of 1/2 acre in size per every seven acres within an element and shall be designed as a bike and pedestrian friendly park. The public green(s) shall contain some combination of benches, tables, playground equipment, sidewalks, lighting and landscaping. Each green shall be used solely for active and passive recreation purposes and shall be open to the public. The total acreage of the green in each element may be used toward the land area calculations to determine allowable density within that element. The Planning Board may allow for an off-site location for the public green, playground, recreation field or other recreational improvement if determined to be in the best interest of Town. The public green, playground, recreation field or other recreational improvement requirement may (with Planning Board's approval) be met by adding to an existing public green, playground or recreation field or facility.
- (29) Setbacks for commercial or mixed use buildings within the overlay district shall be as follows:

Minimum Yards	
Building setbacks	Minimum (feet)
Public green (where applicable)	5
Front	20
Front (mixed-use)	5

<b>Minimum Yards</b>	
<b>Building setbacks</b>	<b>Minimum (feet)</b>
Side	10
Rear	30

(30) Front setbacks for commercial and mixed use buildings facing the public green(s) may vary. All other standards for I-1 zoning districts contained in the Table of Dimensional and Density Regulations shall apply.

(31) Landscaped or existing buffered setbacks for affordable village and ARAV developments within the PMUD overly district shall be as follows:

<b>Affordable Village and AVAR Setbacks</b>	
<b>Buffered Setback</b>	<b>Minimum (Feet)</b>
Front (Commerce Way)	30
Side	20
Rear	30

#### **Setbacks for Individual Buildings**

From the interior way	20
From adjacent buildings	30

The purpose of the buffers are to provide a visual screen for the residents from other buildings within the development, as well as surrounding properties and roadways. An additional benefit is to lessen the visual impact of the higher density to the nearby single family homes. While it is

preferred to use existing vegetation wherever possible planting and fencing may be used or added to gain the maximum amount of screen possible.

(32) The affordable village shall include the following lots on the southern side of Commerce Way: E09-01-13, E09-01-14, E09-01-55, E09-01-56, E09-01-57, E09-01-58, E09-01-59, E09-01-60 and E09-01-61.

(33) The design of the affordable village shall have a lower density of townhomes to the eastern side (Duplex) increasing to triplex and then fourplex as you head west. The attached duplex structures should be designed to appear as a larger single-family home versus a straight side by side attached building.

#### E. Ownership of public green.

(1) Subject to approval by the Planning Board, all areas designated as public greens shall be either placed under a permanent conservation restriction or deeded to the Town as a condition of special permit and site plan approval. If placed under a conservation restriction, said restriction shall be in a form approved by Town Counsel and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, that shall be recorded to ensure that such land shall be kept in an open state. Such restriction shall be submitted to the Planning Board prior to approval of the project and recorded at the Registry of Deeds/Land Court with the issuance of the building permit.

(2) Maintenance of public green: The Town shall be granted an easement over such public green sufficient to ensure its perpetual maintenance as recreation land. Such easement shall provide that in the event the owner fails to maintain the public green in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the undeveloped lots within the corresponding phase of the PMUD to ensure payment of such maintenance expenses.

(3) Monumentation: Where the boundaries of the public green are not readily observable in the field, the Planning Board shall require placement of permanent surveyed bounds sufficient to identify the location of the public green.

#### F. Affordable housing provisions.

(1) The requirement for affordable units shall be met by one or a combination of the following methods:

(a) On-site development: Constructed or rehabilitated on the locus subject to the special permit; [required in the affordable village, preferred in residential above commercial and not counted by the state for ARAV developments. In ARAV the applicant will need to provide fee-in-lieu (see below)] or

- (b) Fees-in-lieu of construction: The applicant may offer, and the Planning Board, upon receiving a favorable recommendation from the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust**, may approve fees-in-lieu-of construction of affordable housing units as satisfying the requirements of Subsection **D** above. The applicant shall make the payment of the fee-in-lieu of construction to the Marshfield ~~Housing Authority~~ **Affordable Housing Trust** for the sole purpose of creating affordable housing units in the Town of Marshfield that meet the state's LIP and adds to the Town's subsidized housing inventory ~~as determined by the Housing Partnership~~. Fees-in-lieu of construction are more fully addressed below.

The applicant may offer, and the Planning Board may accept, a combination of the on-site and fees-in lieu of construction; provided that in no event shall the total number of affordable units provided on site and the number of affordable units for which a fee-in-lieu of construction is paid be less than the equivalent number or value of affordable units required for the applicable development by this Bylaw. Note: If affordable units are for rent, the provisions below fees-in-lieu of construction are not applicable.

- (2) Provisions of affordable housing units on-site:
- (a) Location of affordable units: All affordable units shall be situated within and dispersed throughout the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, than the market-rate units.
- (b) Minimum design and construction standards for affordable units: Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be identical to the market-rate units in size, design, appearance, construction, building systems such as HVAC, electrical and plumbing, and quality and types of materials used in all interior space including bedrooms, kitchen, bathrooms, living rooms, studies, hallways, closets, garages and basements and provided with identical amenities and appliances such as, but not limited to, decks, central vacuum cleaning systems, stoves, refrigerators, compactors, disposals, dishwashers and landscape fencing, walls and plantings unless otherwise approved in the special permit by the Planning Board. No changes to these standards may be made by the Planning Board without the approval of the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust**.
- (c) Marketing plan for affordable units: Applicants shall submit a marketing plan which describes the number of affordable housing units, their approximate sales price or rent level, the means for selecting buyers or tenants of the affordable units, how the applicant will accommodate local preference requirements and the method of affirmatively marketing the affordable units (including the marketing of such units) to minority households, in a manner that complies with the LIP guidelines. This requirement is further addressed in § ~~305-11.14I~~ of this Bylaw.
- (d) The marketing plan shall be developed by the applicant with the assistance of the lottery agent and submitted to the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust**. The



~~Housing Partnership~~ **Marshfield Affordable Housing Trust** shall review the marketing plan to determine its appropriateness in addressing the affordable housing needs within the community and its compliance with applicable federal and state statutes and regulations, the LIP guidelines and this Bylaw. The ~~Housing Partnership~~ **Marshfield Affordable Housing Trust** may require modifications of the marketing plan or, if it determines the plan to be satisfactory, may forward it to ~~DHCD EOHLC~~ with a favorable recommendation. Following the approval of the marketing plan by ~~DHCD EOHLC~~, the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust** shall notify the Planning Board and the lottery agent. The special permit and building permits may be granted prior to receiving ~~DHCD EOHLC~~ approval so as to facilitate the construction of the development; however, occupancy permits, whether for affordable or market-rate units, shall not be issued until such time as the marketing plan has been approved by ~~DHCD EOHLC~~.

- (e) Applicants shall comply with the requirements of the lottery agent and certify their acceptance and willingness to comply with the lottery process or other requirements of the lottery agent for the selection of qualified housing buyers or renters for the affordable units. The lottery system and requirements are further addressed in § ~~305-11.14I~~ of this Bylaw. Applicants may use a lottery agent from a list of ~~DHCD EOHLC~~ approved lottery agents or may use the Marshfield Housing Authority as its lottery agent. The recommended lottery agent shall be approved by the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust**.
- (3) Provision for fees-in-lieu of construction of affordable housing units.
  - (a) Fees-in-lieu of construction of affordable housing units: With the exception of an affordable village application an applicant may propose to pay a fee-in-lieu of construction of affordable housing units to the Marshfield ~~Housing Authority~~ **Affordable Housing Trust**. A fee-in-lieu of construction shall be for the sole purpose of creating affordable housing in the Town of Marshfield that meet the state's LIP and adds to the Town's Subsidized Housing Inventory ~~as determined by the Housing Partnership~~. The fee-in-lieu of construction shall be held in trust and ~~in separate interest bearing accounts~~ by the Marshfield ~~Housing Authority~~ **Affordable Housing Trust** for such purpose.
  - (b) For each affordable unit for which a fee-in-lieu of construction is paid, the cash payment per unit shall be equal to 40% of the average price being asked for the market rate units in the applicable development.
  - (c) The fee-in-lieu of construction shall not result in an increase in the total number of units contained in the application for the special permit approved by the Planning Board.
  - ~~(d) The Marshfield Housing Authority shall submit to the Housing Partnership annually and upon request, reports and other documentation of the use of its financial accounting for the fees-in-lieu of construction.~~
  - ~~(e) The Marshfield Housing Authority shall hold all fees-in-lieu of construction of affordable housing units paid to it and all investment income and profit thereon received by it~~

~~separately from all other moneys of the Marshfield Housing Authority. It shall cause such fees, income and profit to be audited at least once a year by an independent, certified public accountant or independent firm of certified public accountants experienced in auditing accounts of governmental entities (which may be its regular auditor if such regular auditor meets the foregoing criteria); such audit to be completed no later than the general audit of the Marshfield Housing Authority's financial statements for the applicable fiscal year. A copy of such audit shall be promptly submitted to the Town Accountant, the Town Treasurer, the Town Administrator, the Board of Selectmen, the Housing Partnership, and the Planning Board. Such audit may be combined with the general audit of the Marshfield Housing Authority as long as all matters relating to such fees, income and profit are set forth separately from all other accounts of the Marshfield Housing Authority.~~

- (fd) Schedule of fees-in-lieu of payments: Fees-in-lieu of construction payments shall be made prior to application for the first residential occupancy permit of the element. The market price proposed at the time of application shall be reviewed and adjusted if required at the time of payment. The Planning Board will consult with the Housing Coordinator prior to signing off on building permit.
- G. Criteria for review and approval.
  - (1) The Planning Board shall review all applications for planned mixed-use development to determine compliance of the proposal with the following criteria:
    - (a) Section A, purpose;
    - (b) Section D, required performance standards;
    - (c) That the proposed element provides the proper fiscal balance for the Town, ensuring that additional non-residential growth (within the PMUD) occurs prior to or at the same time as additional residential development;
    - (d) That any proposed residential units provide the Town with the type of affordable housing as called for in the housing production plan.
    - (e) That the projected traffic increase of the proposed uses to the local road(s) and Route 139 is within the capacity of the existing road network, or that the applicant's proposed traffic mitigation measures will adequately address actual and proposed traffic impacts from the proposed element and all other projected development in accordance with standard traffic impact assessment practices and traffic flow.
    - (f) That the proposed streets have been aligned to provide vehicular access to lots and/or buildings in a reasonable and economical manner. Lots, buildings, parks, playgrounds and streets have been located to avoid or minimize adverse impacts on wetlands and water-bodies;

- (g) That the proposed development improves pedestrian and bicycle access and safety;
  - (h) That suitable public green(s) and or facilities have been provided;
  - (i) Acceptability of building and site design;
  - (j) That the proposal conforms with the goals of the Marshfield Master Plan and Housing Production Plan as amended.
- (2) The Board's findings, including the basis of such findings, shall be stated in the written decision of approval, conditional approval or denial of the special permit. The Board shall impose conditions in its decision as needed to ensure compliance with the Bylaw.
- H. Severability. If any provision or provisions of this Bylaw is or are declared unconstitutional or inoperative by a final judgment, order or decree of the Supreme Judicial Court of the Commonwealth, the remaining parts of said chapter shall not be affected thereby.
- I. Exemption. The Marshfield Planning Board shall have the right to waive strict compliance with the provisions of this Bylaw for nonprofit recreational uses proposed on any municipally owned land within the PMUD, or take any other action relative thereto.

*Article Explanation: The changes in this section of the Zoning by-law are a result of recent actions by the State (replacing the Department of Housing and Community Development (DHCD) with this new Executive Office of Housing and Livable Communities) and the Town replacing the Housing Partnership with Housing Trust.*

Please Note: in this article language to be remove is shown in **Red with strikeout**.

New language to be added is shown in **Blue in Bold**.

## **Article J**

To see if the Town will vote to amend the Marshfield Zoning Bylaws as follows:

*To remove the current Article 305-11.14 Inclusionary Zoning for Affordable Housing by replacing the current language with the following language.*

*§ 305-11.14 Inclusionary zoning for affordable housing.*

**[Added April 2007 ATM; amended 4-27-2015 ATM by Art. 15]**

- A. Purpose. The purpose of this section of the bylaw is to promote the development of housing that is affordable to low- and moderate-income households, meet the requirements of the Local Initiative Program and qualify for inclusion on the Subsidized Housing Inventory.
- B. Applicability.
  - (1) The inclusionary zoning bylaw shall apply to the R-1 and R-2 Districts within the Town of Marshfield, except the Water Resource Protection District.

- (2) The inclusionary zoning bylaw shall not apply to any development undertaken by the Town of Marshfield for any municipal purposes.
  - (3) The inclusionary zoning bylaw shall not apply to any development carried out under MGL c. 40B, as amended.
- C. Voluntary provision of affordable units.
- (1) The use of this section of this bylaw shall be voluntary.
  - (2) The applicant for a special permit under this bylaw shall comply with the provisions described in Subsection **D** and otherwise comply with this section of this bylaw, and the Planning Board shall require such compliance in the special permit.
- D. Provision of affordable units; bonuses and incentives.
- (1) Affordable units and density bonus. All development which occurs as a result of this bylaw shall meet the affordable housing requirements and shall be entitled to a density bonus as follows: The number of affordable units and density bonus units shall equal the number of as-of-right (AOR) units multiplied by 25% and rounded up to the next even number divided by two. [Example: A 9-unit AOR development will result in 9 AOR units plus 4 units ( $0.25 \times 9 \text{ units} = 2.25 \text{ units}$  rounded up to 4 units, 2 affordable units and 2 density bonus units) or 13 units in total. A 31-unit AOR development will result in 31 AOR units plus 8 units ( $0.25 \times 31 \text{ units} = 7.5 \text{ units}$  rounded up to 8 units, 4 affordable units and 4 density bonus units) or 39 total units.]
  - (2) The requirement for affordable units shall be met by one or a combination of the following methods:
    - (a) On-site development. Constructed or rehabilitated on the locus subject to the special permit (see Subsection **F**); or
    - (b) Fees in lieu of construction. The applicant may offer, and the Planning Board, upon receiving a favorable recommendation from the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust**, may approve fees in lieu of construction of affordable housing units as satisfying the requirements of Subsection **D** of this bylaw. The applicant shall make the payment of the fee in lieu of construction to the Marshfield ~~Housing Authority~~ **Affordable Housing Trust** for the sole purpose of ~~converting non-affordable housing units to creating~~ affordable housing units in the Town of Marshfield. Fees in lieu of construction are more fully addressed in Subsection **G**.
  - (3) The applicant may offer, and the Planning Board may accept, a combination of the Subsection **D(2)(a)** and **(b)** requirements, provided that in no event shall the total number of affordable units provided on site and the number of affordable units for which a fee in lieu of construction is paid be less than the equivalent number or value of affordable units required for the applicable development by this bylaw.

- (4) All affordable units shall meet the requirements of the Local Initiative Program for Local Action Units and be eligible for inclusion on the Subsidized Housing Inventory.
- (5) Location of affordable lots. The location of affordable lots shall be determined in consultation with the Planning Board during the special permitting process.

E. Standards and dimensional regulations.

- (1) Applicability. Where the requirements of this section differ from or conflict with the requirements in the Table of Dimensional and Density Regulations found in Article **VI** of the Town's Zoning Bylaw, the requirement of this section shall prevail for developments being constructed under this section of the bylaw.
- (2) Minimum frontage. The minimum frontage may be reduced from the frontage otherwise required in the zoning district; provided, however, that no lot shall have less than 75 feet of frontage and provided further that such frontage shall apply only to lots fronting on proposed internal roadways.
- (3) Lot size. The Planning Board may allow reductions in the minimum lot sizes listed in Article **VI**, § **305-6.02**, Table of Dimensional and Density Regulations, to allow for the creation of the affordable and density bonus units, if the Planning Board finds that such reductions will result in better design and improved protection of natural and scenic resources; provided, however, that the average lot size in a development shall not be less than 50% of the applicable minimum lot size listed in Article **VI**, § **305-6.02**.
- (4) Lot shape. All building lots must be able to contain a circle of a minimum diameter of 75 feet from the front line to the rear building line.
- (5) Setbacks. The Planning Board may permit a reduction by up to 1/2 of the setbacks otherwise listed in the Table of Dimensional and Density Regulations in the Zoning Bylaw, if the Board finds after receiving an opinion from the Conservation Commission that such reduction will not affect natural resources, would result in better design and improved protection of the natural and scenic resources and will otherwise comply with the bylaw. Notwithstanding this provision or the requirements of the Zoning Bylaw, every dwelling fronting on the proposed roadways shall be set back a minimum of 15 feet from the roadway right-of-way, and a minimum of 30 feet buffer setback from the outer perimeter of the land subject to the application. This thirty-foot setback shall be maintained in a naturally vegetated state or planted to create a screen and buffer the development. Wherever feasible, construction of the dwelling at the front setback line is encouraged. The applicant shall provide a narrative describing any requested modifications of setback requirements as specified in § **305-11.04E(4)** of the Zoning Bylaw and noting the proposed lots for which setback reductions are being sought.

F. Provision of affordable housing units on site.

- (1) Location of affordable units. All affordable units shall be situated within and dispersed

throughout the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, than the market-rate units. Affordable lots shall not be smaller than the average lot within the development and shall not have drainage or utilities easements on them.

- (2) Minimum design and construction standards for affordable units. Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be identical to the market-rate units in size, design, appearance, construction, building systems such as HVAC, electrical and plumbing, and quality and types of materials used in all interior space including bedrooms, kitchen, bathrooms, living rooms, studies, hallways, closets, garages and basements and provided with identical amenities and appliances such as, but not limited to, decks, central vacuum cleaning systems, stoves, refrigerators, compactors, disposals, dishwashers and landscape fencing, walls and plantings unless otherwise approved in the special permit by the Planning Board. No changes to these standards may be made by the Planning Board without the approval of the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust**.
- (3) Timing of construction or provision of affordable units or lots.
  - (a) Unless otherwise approved by the Planning Board, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

<b>Market-Rate Unit %</b>	<b>Affordable Housing Unit %</b>
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

Fractions of units shall not be counted

- (b) Compliance with this requirement shall be monitored by the Building Commissioner/Zoning Enforcement Officer and the auditing agency (see Subsection J), on the basis of building permits issued and certificates of occupancy requested for both the

affordable housing units and market-rate units. Certificates of occupancy for any market-rate housing units or nonresidential space shall not be issued if the required affordable housing units are not being provided in accordance with this schedule.

- (4) Marketing plan for affordable units.
  - (a) Applicants shall submit a marketing plan which describes the number of affordable housing units, their approximate sales price or rent level, the means for selecting buyers or tenants of the affordable units, how the applicant will accommodate local preference requirements and the method of affirmatively marketing the affordable units (including the marketing of such units) to minority households, in a manner that complies with the LIP Guidelines. This requirement is further addressed in Subsection I of this bylaw.
  - (b) The marketing plan shall be developed by the applicant with the assistance of the lottery agent and submitted to the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust**. The ~~Housing Partnership~~ **Marshfield Affordable Housing Trust** shall review the marketing plan to determine its appropriateness in addressing the affordable housing needs within the community and its compliance with applicable federal and state statutes and regulations, the LIP Guidelines and this bylaw. The ~~Housing Partnership~~ **Marshfield Affordable Housing Trust** may require modifications of the marketing plan or, if it determines the plan to be satisfactory, may forward it to ~~DHCD~~ **EOHLC** with a favorable recommendation. Following the approval of the marketing plan by ~~DHCD~~ **EOHLC**, the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust** shall notify the Planning Board and the lottery agent. The special permit and building permits may be granted prior to receiving ~~DHCD~~ **EOHLC** approval so as to facilitate the construction of the development; however, certificates of occupancy, whether for affordable or market-rate units, shall not be issued until such time as the marketing plan has been approved by ~~DHCD~~ **EOHLC**.
  - (c) Applicants shall comply with the requirements of the lottery agent and certify their acceptance and willingness to comply with the lottery process or other requirements of the lottery agent for the selection of qualified housing buyers or renters for the affordable units. The lottery system and requirements are further addressed in Subsection I of this bylaw.
- G. Provision for fees in lieu of construction of affordable housing units.
  - (1) Fees in lieu of construction of affordable housing units. An applicant may propose to pay a fee in lieu of construction of affordable housing units to the Marshfield ~~Housing Authority~~ **Affordable Housing Trust**. The fee in lieu of construction shall be for the sole purpose of ~~converting non-affordable housing units to~~ **creating** affordable housing units in the Town as part of the Local Initiative Program and shall be held in trust and ~~in separate interest-bearing accounts~~ by the Marshfield ~~Housing Authority~~ **Affordable Housing Trust** for such purpose.
  - (2) For each affordable unit for which a fee in lieu of construction is paid, the cash payment per unit shall be equal to ~~65%~~ **40%** of the average price being asked for the market-rate

units in the applicable development.

- (3) The fee in lieu of construction shall not result in an increase in the total number of market-rate units contained in the application for the special permit approved by the Planning Board.
  - (4) ~~The Marshfield Housing Authority shall submit to the Housing Partnership, annually and upon request, reports and other documentation of the use of or its financial accounting for the fees in lieu of construction.~~
  - (5) ~~The Marshfield Housing Authority shall hold all fees in lieu of construction of affordable housing units paid to it and all investment income and profit thereon received by it separately from all other monies of the Marshfield Housing Authority. It shall cause such fees, income and profit to be audited at least once a year by an independent certified public accountant or independent firm of certified public accountants experienced in auditing accounts of governmental entities (which may be its regular auditor if such regular auditor meets the foregoing criteria), such audit to be completed no later than the general audit of the Marshfield Housing Authority's financial statements for the applicable fiscal year, and a copy of such audit shall be promptly submitted to the Town Accountant, the Town Treasurer/Collector, the Town Administrator, the Board of Selectmen, the Housing Partnership, and the Planning Board. Such audit may be combined with the general audit of the Marshfield Housing Authority as long as all matters relating to such fees, income and profit are set forth separately from all other accounts of the Marshfield Housing Authority. [Amended 4-24-2017 ATM by Art. 12]~~
  - (6) Schedule of fees in lieu of payments. Fees in lieu of construction payments shall be made according to the schedule set forth in Subsection **F(3)** above.
- H. Preferences applicable to buyer/renter selection.
- (1) Local preference.
    - (a) Local preference shall be given to local residents in the selection of eligible applicants for 70% of the affordable units in a development.
    - (b) Verification of local residency may require several forms of verification. The lottery agent shall make the determination as to the types of documentation required for verification of residency.
    - (c) The application of local preference shall be in compliance with all applicable fair housing laws and LIP Guidelines.
  - (2) Minority preference.
    - (a) Affirmative marketing goal. An affirmative marketing goal established for the Town by the **DHCD EOHLC** shall be made part of the selection criteria for residents in all developments to which this bylaw applies.



I. Lottery selection of buyer/renter.

- (1) The Marshfield Housing Authority or its designee shall serve as the lottery agent and shall assist in the development of a marketing plan as provided in Subsection **F(4)** for each development to which this bylaw applies. The marketing plan shall describe the buyer selection process for the affordable units, including any lottery or similar procedure for choosing among eligible purchasers, and will provide for affirmative fair marketing of affordable housing units. The marketing plan shall include local preference as provided in Subsection **F(4)**.
- (2) The lottery agent shall determine income and asset eligibility of all applicants for affordable housing according to LIP Guidelines and LIP Regulations, age restrictions, when applicable, and local preference described in Subsection **H** when conducting its marketing and lottery. There shall be no discrimination on the basis of race, creed, color, sex, age, handicap, marital status, sexual preference, national origin, or any other basis prohibited by law in the selection of occupants for the affordable housing units.
- (3) Prior to marketing or otherwise making available for sale or rental of any of the units, the applicant and the lottery agent must obtain ~~DHCD~~**EOHLC**'s approval of the marketing plan. When submitted to the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust** for approval, the marketing plan shall be accompanied by a letter from the Board of Selectmen to the effect that the Town will perform any aspects of the marketing plan which are set forth therein as responsibilities of the Town.
- (4) The lottery agent shall be compensated by the applicant for its services as lottery agent in the amount and in the manner described in the approved marketing plan and schedule of fees established in accordance with Subsection **L** of this bylaw.

J. Auditing agency.

- (1) The Marshfield Housing Authority or its designee shall serve as the auditing agency for all developments approved under this bylaw and shall represent the interest of the Town and the Local Initiative Program. The auditing agency shall audit all applicable developments to determine compliance with the affordability and other requirements of the LIP, this bylaw, and to conditions relating to affordability, special permit, regulatory agreement, and use restrictions, for all applicable developments.
- (2) Initial sale. The auditing agency will review the initial sales data and determine the compliance of the development with the affordability requirements, as described in the LIP Guidelines and LIP Regulations. The auditing agency shall also ensure the applicant's compliance with the approved marketing plan and lottery process. Upon completion of its review of initial sales data, the auditing agency will deliver to the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust** a copy of such data together with the auditing agency's determination of whether the affordability requirements have been met.
- (3) Resale. The auditing agency shall audit resales of affordable units, including appraisal and

selling price, deeds, use restriction, regulatory agreement and other applicable documents, for compliance with LIP Guidelines and LIP Regulations. The auditing agency shall evaluate the affordability of the unit and whether the unit should remain affordable or funds should be recaptured and turned over to the Town. Upon completion of its review of resales information, the auditing agency will deliver to the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust** a copy of its findings together with its recommendations. The ~~Housing Partnership~~ **Marshfield Affordable Housing Trust** shall make a determination as whether the unit is to remain affordable or whether the excess proceeds should be returned to the Town. If the determination of the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust** is to retain the unit as affordable, the auditing agency shall locate and select an eligible buyer in compliance with the approved LIP Guidelines and LIP Regulations, marketing plan and lottery process.

- (4) Annual report. The auditing agency shall prepare and deliver, annually, an annual compliance report with respect to each development to which this bylaw pertains to the ~~Housing Partnership~~ **Marshfield Affordable Housing Trust** regarding the construction progress (where applicable) of the applicant with respect to any affordable units to be provided on site and any handicapped accessible units required to be provided and compliance of the applicant with all matters to be reviewed by the auditing agency as set forth in Subsection **J(1)** through **(3)** above. The annual compliance report shall indicate the extent of any noncompliance with such matters, describe efforts being made by the applicant to remedy such noncompliance and, if appropriate, recommend possible enforcement action against the applicant. The auditing agency shall deliver the annual compliance report within 120 days of the end of each calendar year.
- (5) The applicant and the Town shall submit any information, documents or certifications requested by the auditing agency which the auditing agency shall deem necessary or appropriate to evidence the continuing compliance of the applicant and the Town with the LIP and this bylaw.
- (6) The Marshfield Housing Authority shall be compensated by the applicant for its services provided as auditing agency in the amount and in the manner described in the approved marketing plan and the schedule of fees as set forth in Subsection **L** of this bylaw.

**K. Maximum incomes and selling prices; initial sale.**

- (1) To ensure that only eligible households purchase affordable housing units, potential buyers are required to submit all income and asset documentation to the lottery agent, as requested by the lottery agent, necessary and appropriate to determine whether the annual income exceeds the maximum level as established by the ~~DHCD~~ **EOHLC**, and as may be revised from time to time.
- (2) The price of an affordable unit shall be determined in accordance with the most current LIP Guidelines and LIP Regulations.
- (3) The occupants of an affordable unit shall provide promptly to the auditing agency all

documentation requested by the auditing agency, for the determination of initial and continued eligibility and any other matter regarding compliance with the LIP or this bylaw.

- (4) The method of determining the sale price for an affordable unit shall be recorded on the deed as a use restriction on the resale of the affordable unit.
- (5) The Town shall have the right of first refusal to either find a qualified buyer for the affordable unit or to purchase the unit to ensure that it remains affordable, should a qualified buyer not be found. The right of first refusal shall be recorded on the deed as a use restriction.

L. Fees.

- (1) A schedule of fees shall be developed and maintained by the Planning Board in consultation with the auditing agency, lottery agent, ~~Housing Partnership~~ **Marshfield Affordable Housing Trust** and Board of Selectmen.
- (2) Fees established by the Planning Board shall include, but not be limited to, administrative fees, consultant fees, legal fees and any additional fees the Planning Board may determine to be appropriate for the issuance of the special permit and the administration of this bylaw and the Local Initiative Program. Fees established by the Planning Board shall be subject to a public hearing prior to their adoption by the Planning Board.
- (3) The lottery agent and auditing agency shall establish a fee schedule to defray the cost of implementing and auditing the lottery system and the affordable units in consultation with the Planning Board, ~~Housing Partnership~~ **Marshfield Affordable Housing Trust** and Board of Selectmen. A copy of the fee schedule shall be forwarded to the Planning Board.

M. Criteria for review and approval.

- (1) The Planning Board shall review all applications for inclusionary zoning for affordable housing to determine compliance of the proposal with the following criteria:
  - (a) Subsection **A**, Purpose;
  - (b) Subsection **E**, Standards and dimensional regulations;
  - (c) Compatibility through design, architecture and buffering with surrounding neighborhood;
  - (d) Acceptability of road layout and site design;
  - (e) Preservation of important natural, historic and/or archaeological resources;
- (2) The Board's findings, including the basis of such findings, shall be stated in the written decision of approval, conditional approval or denial of the special permit. The Board shall impose conditions in its decision as needed to ensure compliance with the bylaw.

- N. Conflict with other bylaws. The provisions of this section of the bylaw shall be considered supplemental to the other provisions of the Zoning Bylaw. To the extent that any conflict exists between this section of the bylaw and others, the more restrictive provision shall apply.
- O. Severability. If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Town's Zoning Bylaw.

*Article Explanation: The changes in this section of the Zoning by-law are a result of recent actions by the State (replacing the Department of Housing and Community Development (DHCD) with this new Executive Office of Housing and Livable Communities) and the Town replacing the Housing Partnership with Housing Trust.*

Please Note: in this article language to be remove is shown in **Red with strikeout**.  
New language to be added is shown in **Blue in Bold**.

## **Article K**

To see if the Town will vote to amend the Marshfield Zoning Bylaws as follows:

*To remove the current Article § 305-11.16 Mixed-use building in B-1.*

*by replacing the current language with the following language.*

### **§ 305-11.16 Mixed-use building in B-1.**

- A. Purpose. The purpose of this section is to allow for the reintroduction of mixed-use buildings (commercial-residential) in the B-1 District by special permit. This special permit process would allow for design review and site planning of mixed-use buildings and adding more flexibility in the use of buildings in this district by allowing residential above commercial to assist in the redevelopment of older properties in the downtown.
- B. Process. The applicant files a special permit application with the Planning Board acting as the special permit granting authority.
  - (1) For properties that meet the minimum lot and dimensional requirements the Board shall use the following maximum density requirement of 10 units per acre. For units created under this standard the applicant shall provide 20% of the units that meet the state's affordable housing affordability requirements for low-or moderate-income individuals as defined in Article II, Definitions of this Bylaw.
  - (2) For older pre-existing non-conforming lots under 10,000 square feet in size with existing buildings the Board may allow by the special permit the creation of one residential unit per 4,000 square feet of lot area. If more than two residential units are created under this pre-existing non-conforming standard, the applicant shall provide 10% of the units that meet the state's affordable housing requirements.

- (3) An applicant may propose to pay a fee-in-lieu of construction of affordable housing units to the Marshfield ~~Housing Partnership/Marshfield Housing Authority~~ **Affordable Housing Trust**. A fee-in-lieu of construction shall be for the sole purpose of creating Affordable Housing in the Town of Marshfield that meet the state's LIP and adds to the Town's Subsidized Housing Inventory ~~as determined by the Housing Partnership~~. The fee-in-lieu of construction shall be held in trust ~~and in separate interest bearing accounts~~ by the ~~Marshfield Housing Authority~~ **Marshfield Affordable Housing Trust** for such purpose.
- (4) For each affordable unit for which a fee-in-lieu of construction is paid, the cash payment per unit shall be equal to 40% of the average price being asked for the market-rate units in the applicable development.
- (5) The fee-in-lieu of construction shall not result in an increase in the total number of units contained in the application for the special permit approved by the Planning Board.

C. Required performance standards.

- (1) Meets existing front, side, rear yard setbacks and maximum height of 35 feet/three stories.
- (2) Mixed-use buildings would be designed to have a minimum of 40% of the first floor to be commercial use. The upper two floors to become residential units.
- (3) Residential units would gain access on the first floor to the side or rear of the building.
- (4) Residential units shall provide a minimum of 1.25 parking space per bedroom. Residential parking spaces can be designed in tandem per unit when providing covered parking.
- (5) Residential parking should be separate from commercial parking areas and should be sited to the sides or rear of the building.
- (6) Residential parking shall be provide on-site.
- (7) Architectural details, including elevation plans of all sides (including textures of siding and roofing) shall be harmonious with the building's overall architectural style and should preserve and enhance the historic coastal character of Marshfield.
- (8) Applicants with historic structures shall work with the Historical Commission on addressing additions or alterations.
- (9) Building facades in excess of 40 feet in length shall incorporate recesses or projections of a minimum of two in depth or otherwise be designed to break up the buildings mass and scale.
- (10) A six-foot step-back of the third floor from the lower two floors on the front and rear of the building(s) shall be provided to reduce the visual height appearance.

- (11) The residential units shall be provided with an outdoor common area with seating and other amenities separated from areas open to the general public.
  - (12) All building utilities (including but not limited to heating/air conditioning, ventilation, transformers and dumpster) shall appropriately screened from the public.
  - (13) Landscaping shall enhance the shading and buffering of the residential units and common area.
  - (14) Signage shall comply with § **305-7.03** of this bylaw.
  - (15) Lighting shall comply with § **305-8.08** of this bylaw.
- D. Review and decision. The Planning Board shall act on applications according to the time and public hearing requirements specified in MGL C.40A §§ 9 and 11. The Planning Board shall adopt and from time to time amend rules relative to the issuance of such permit.
  - E. Severability. The provisions of this section are severable, and in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect, or take any other action relative thereto.

*Article Explanation: The changes in this section of the Zoning by-law are a result of recent actions by the State (replacing the Department of Housing and Community Development (DHCD) with this new Executive Office of Housing and Livable Communities) and the Town replacing the Housing Partnership with Housing Trust.*



**Legend**

 MBTA Overlay District

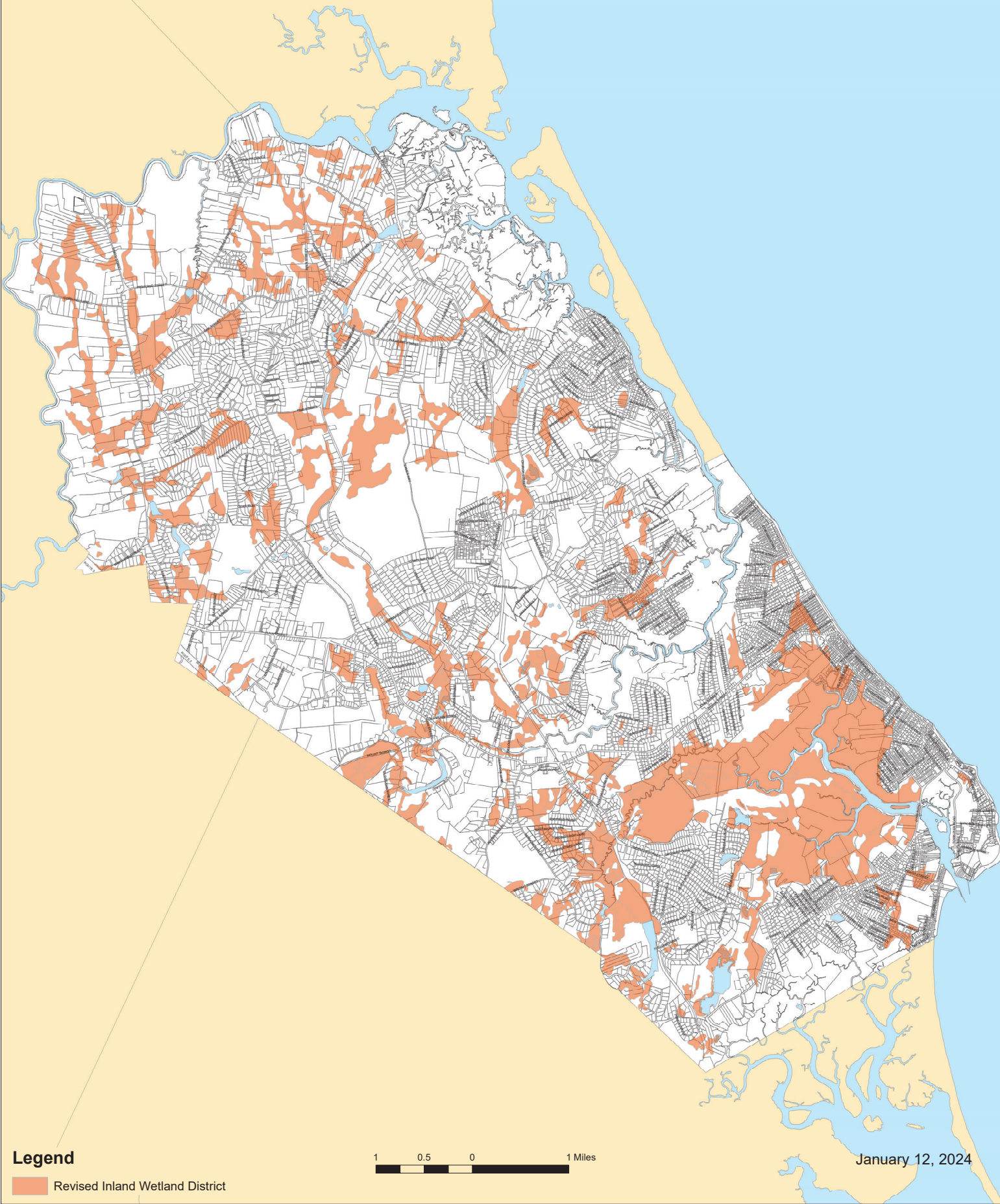
 Town Owned Land and Conservation Land

0.15 0.075 0 0.15 Miles

December 8, 2023

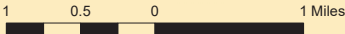


# Revised Inland Wetland District



**Legend**

Revised Inland Wetland District



January 12, 2024