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Article XVI

**MBTA Communities Multi-family Overlay District]**

**305-16.01. Purpose**

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is 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. 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.

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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.
- 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.

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- 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].



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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.
<b>Any Floor</b>
Residential (required component).

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

<b>Ground Floor</b>
Retail [greater than 10,000 SF]
Restaurant, café, and other eating establishments with a drive-through
<del>Multi-family housing at a maximum of 20 units per acre [requires 15% of the total units to satisfies the affordable requirements for inclusion under 760 CMR 56.03 (2)]</del> <i>This would require the town to undertake an Economic Feasibility Analysis, such an analysis will need to be approved by the state. The state model by-law adds an additional floor in order to allowing a higher percentage of affordable units.</i>

- 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. <i>In other states a common feature is a half floor under parking area (this may require an elevator and not be cost effect).</i>

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### 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	Existing B-2 standards	Proposed MCMOD Zone
Lot Size		
Minimum (SF)	20,000 SF	30,000 SF
Height		
Stories (Maximum)	2.5 Stories	4 Stories (with a 10 foot deep front and side wall step-back for the 4 <sup>th</sup> floor)
Feet (Maximum)	35 Feet	48 Feet
Minimum Open Space		
	20% in B-2, but 40% in WRPD	40% (WRPD Requirement)

Maximum Building Coverage		
	40%	40%

Maximum Lot Coverage		
	N/A	60% (WRPD Requirement)

Minimum Width and Frontage	150 feet	150 feet
Minimum Lot Depth	150 feet	150 feet
Front Yard Setback	40 feet	40 feet
Standard	Existing B-2 standards	Proposed MCMOD Zone
Side Yard Setbacks		
Min. Side yard	40 feet	30 feet
Min. Side when Abutting a residential zone	35 feet (see 305-6.05)	40 feet
Min. Interior to another property within in the MCMOD	N/A	15 feet
Rear Yard Setbacks		
Min. Rear Yard	40 feet	35 feet

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- 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



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- 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.

*(We don't need every development to have a bus pull over (minimum/maximum) distance for bus stops? Fox Run parcel 782 and the old Enterprise Dr. could work for a pull over bus stop locations.)*

### 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.

**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.**



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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 Municipality's 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 Planning Board.
3. Any payment to the 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

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shall assist the lottery agent, the applicant and the Marshfield Housing Trust. The Town's Building Commissioner shall be responsible for enforcement of the special permit.

### 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.

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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