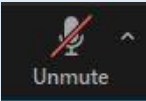
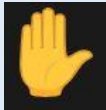




March 18, 2024

Planning Board public hearing on the proposed zoning changes for the April Town Meeting

- If new to Zoom, please locate the bar on the bottom of the screen.



- This bar gives you several tools for interacting in the public hearing.
- To use a function hover over the symbol and click on it. To undo the action, click on it again.
- Please mute  your computer, until called to speak by the Planning Board Chair Mike Biviano.
- If you want to speak please use the Hand symbol 
- You can find the hand symbol inside the Reaction symbol  on the right side of the bar
- When asked to speak, Unmute and please state your name and address for the minutes
- You can also type in you question by using the Chat symbol  Please add your name and address

Zoning Articles for April Town Meeting

March 18, 2024

Topics for this Evening:

- Draft MBTA Communities Zoning Change and Map change (**on the Special Town Meeting warrant**).
- Updating the Table of Use to reflect ATM 2019 changes to 11.04 Open Space Residential Developments and 11.08 Age Restricted Adult Village.
- Change to 13.05 Brant Rock Village Overlay subsection F.1. on Flood proofing.
- Map change, updating the Inland Wetlands District overlay with the newer Natural Resources Conservation Service (formerly Soil Conservation Service) soil data for poorly drained soils.
- 5 Clerical Articles addressing the change from Housing Partnership to Housing Trust and changing from DHDC to EOHLC. These changes are located in the following sections
 - 2.01 Definitions,
 - 11.08 Age Restricted Adult Village (ARAV),
 - 11.14 Inclusionary Zoning for Affordable Housing,
 - 11.16 Mixed Use Buildings in B-1,
 - 13.06 Planned Mix Use Developments (PMUD).

A blurred photograph of a red and white MBTA commuter train moving along tracks. The train is the central focus, with its front and side visible. The background is out of focus, showing some trees and a clear sky. The text "MBTA Communities" is overlaid in the center of the image.

MBTA Communities

Chapter 40A, Section 3A

- Section 18 of Chapter 358 of the Acts of 2020 added a new section (Section 3A) to Chapter 40A (State Zoning Act).

(a) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by Section 40 of Chapter 131 and Title 5 of the state environmental code established pursuant to Section 13 of Chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

Section (a) Breakdown (Continued)

An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right;

2. *Said district..* shall have a minimum gross density of 15 units per acre ;
3. *Said district shall..* be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable
4. Housing can't have age restrictions
5. Housing has to be suitable for families with children

Originally, there is no requirement for any of these units to be affordable or count towards Town's required 10% affordable housing under Chapter 40B. **This issue has been changed and the MBTA Guidelines now allow communities to ask for at least 10% of the units to be affordable.**

Section (b) Discretionary Grant Funds

Originally, there were 3 discretionary grants tied to the MBTA Communities Zoning change.

- a) Housing Choice grant program
- b) The Local Capital Fund
- c) The MassWorks Infrastructure Program

On August 17, 2023 the State (EOHLC) revised the MBTA Communities Guidelines to include the following 13 discretionary grants:

- a) Community Planning Grants, EOHLC,
- b) Mass Downtown Initiative, EOED,
- c) Urban Agenda, EOED,
- d) Rural and Small Town Development Fund, EOED,
- e) Brownfields Redevelopment Fund, MassDevelopment,
- f) Site Readiness Program, MassDevelopment,
- g) Underutilized Properties Program, MassDevelopment,
- h) Collaborative Workspace Program, MassDevelopment,
- i) Real Estate Services Technical Assistance, MassDevelopment,
- j) Commonwealth Places Programs, MassDevelopment,
- k) Land Use Planning Grants, EOEEA,
- l) Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA,
- m) Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

Section (c) Guidelines

Compliance Guidelines for the MBTA Communities. These guidelines add more information and more requirements on communities than the actual language passed by the House and the Senate.

In these guidelines **EOHLC** * expects the four types of communities to provide the following percent of multi-family units of the total housing stock:

Rapid Transit Communities	25%
Bus Service Communities	20%
Commuter Rail Communities	15%
Adjacent Communities	10%

* EOHLC Executive Office of Housing and Livable Communities has replaced DHCD.



Commonwealth of Massachusetts
DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT
Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

DRAFT Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act

1. Overview of Section 3A of the Zoning Act

Section 18 of chapter 358 of the Acts of 2020 added a new section 3A to chapter 40A of the General Laws (the Zoning Act) applicable to MBTA communities (referred to herein as "Section 3A"). Subsection (a) of Section 3A provides:

An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

The purpose of Section 3A is to encourage MBTA communities to adopt zoning districts where multi-family zoning is permitted as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCD promulgated preliminary guidance on January 29, 2021. DHCD updated that preliminary guidance on December 15, 2021. These guidelines provide further information on how MBTA communities may achieve compliance with Section 3A.

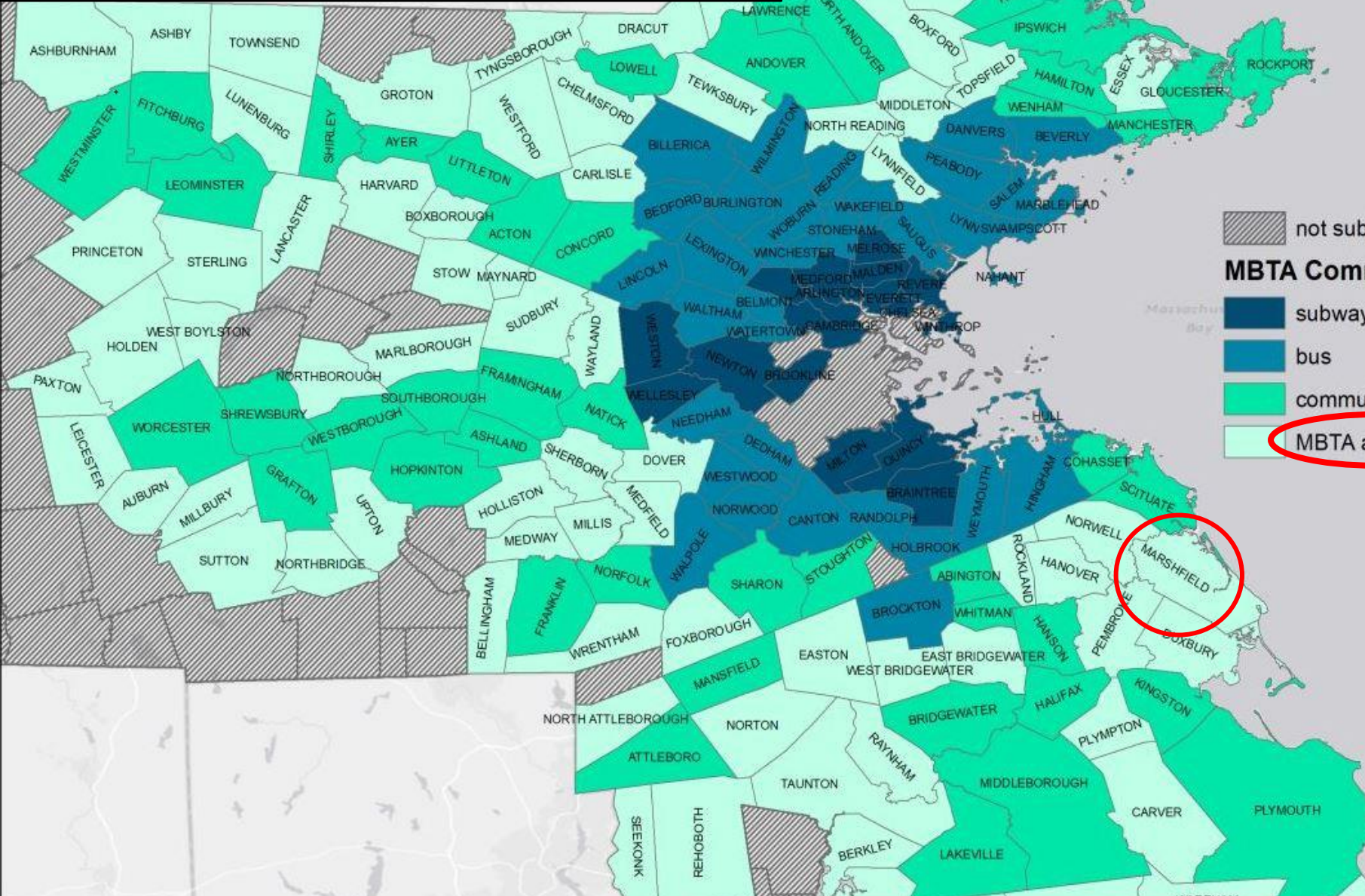
2. Definitions

"Adjacent community" means an MBTA community with no transit station within its border or within 0.5 mile of its border.

The map displays the following counties and their MBTA service status:

- Subway (Dark Blue):** Suffolk, Essex, Middlesex, and parts of Norfolk and Worcester.
- Bus (Medium Blue):** Middlesex, Essex, and parts of Suffolk, Norfolk, and Worcester.
- Commuter Rail (Light Blue):** Most other counties, including Franklin, Hampshire, Hampden, Barnstable, Dukes, Nantucket, and parts of the surrounding states.
- MBTA Area (White):** The central urban area around Boston, including parts of Suffolk, Essex, Middlesex, and Norfolk.

A red circle highlights the area around Boston, including Suffolk, Essex, and parts of Middlesex and Norfolk counties.



Show entriesSearch:

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
Mansfield	Commuter Rail	9,282	1,392	50	327	40%
Marblehead	Adjacent community	8,965	897	27	-	0%
Marlborough	Adjacent community	17,547	1,755	50	-	0%
Marshfield	Adjacent community	11,575	1,158	50	-	0%
Maynard	Adjacent community	4,741	474	21	-	0%

At 15 units per acre Marshfield would need to rezone at least 77 acres could be more likely closer to 80+ acres in order to provide for screen buffer and parking requirements.

Showing 81 to 85 of 175 entries

[Previous](#)[1](#)[...](#)[16](#)[17](#)[18](#)[...](#)[35](#)[Next](#)

* Minimum multi-family unit capacity for most communities will be based on the 2020 housing stock and the applicable percentage for that municipality's community type. In some cases, the minimum unit capacity is derived from an extrapolation of the required minimum land area multiplied by the statutory minimum gross density of 15 dwelling units per acre. In cases where the required unit capacity from these two methods would exceed 25% of the community's housing stock, the required unit capacity has instead been capped at that 25% level.

** Minimum land area is 50 acres for all communities in the rapid transit, commuter rail and adjacent community types. There is no minimum land area requirement for adjacent small towns. Where 50 acres exceeds 1.5% of the developable land area in a town, a cap has been instituted that sets minimum land area to 1.5% of developable land area in the town.

*** Developable station area is derived by taking the area of a half-mile circle around an MBTA commuter rail station, rapid transit station, or ferry terminal and removing any areas comprised of excluded land.

**** This data table was updated on 10/21/2022 to correct a minor data error that affected the posted unit capacity and land area requirements for two municipalities (Lincoln, and Manchester-by-the-Sea).

Compliance Model Process

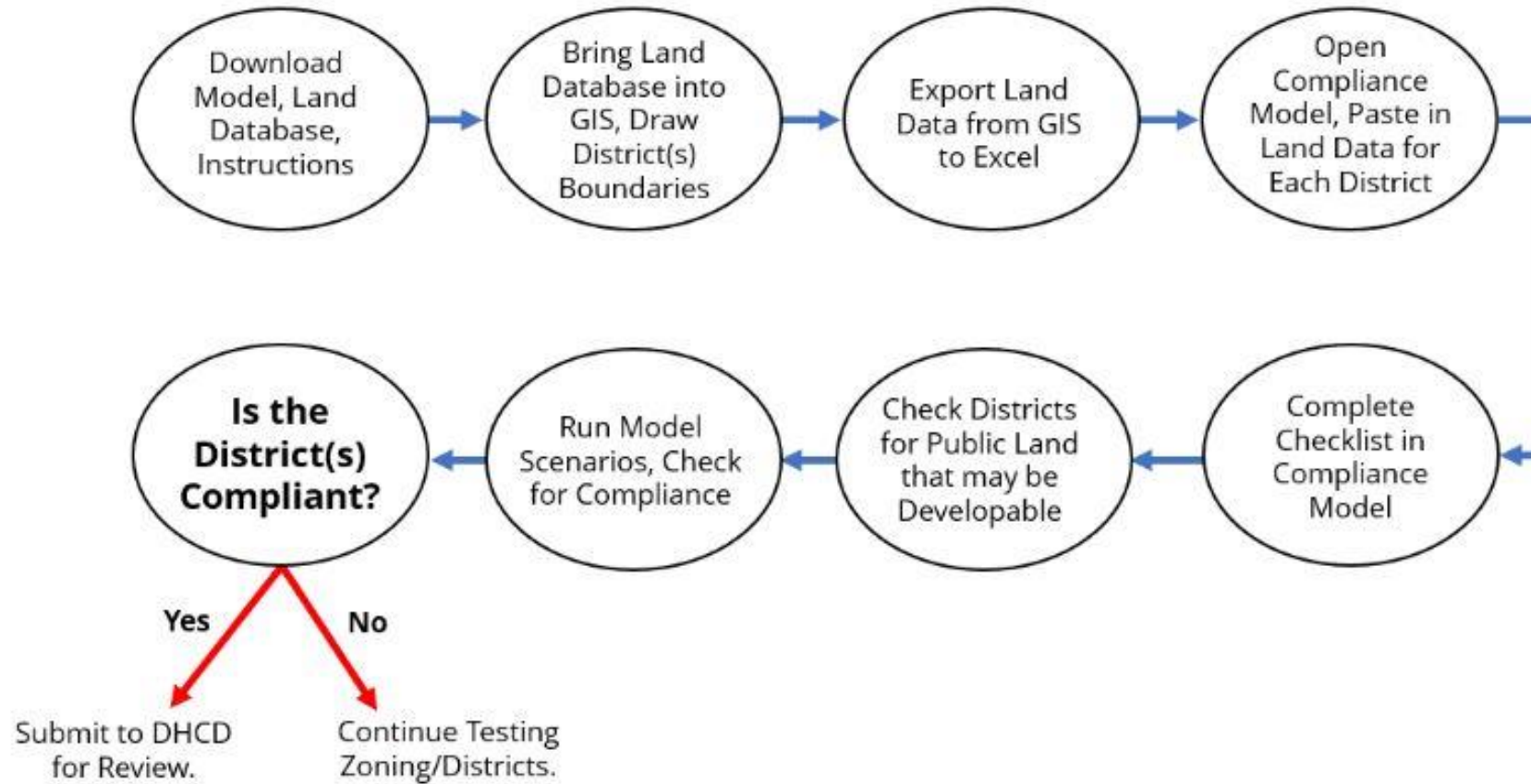


Figure 1 Compliance Model Process Outline

This is the EOHLC process the planning staff has used to identify possible areas and check for area and unit compliance.

The State guidelines are very prescriptive and provides little flexibility for communities. Early State guidance required a minimum district must be fifty acres in size. This was modified to be at a minimum half the district land area must be contiguous.

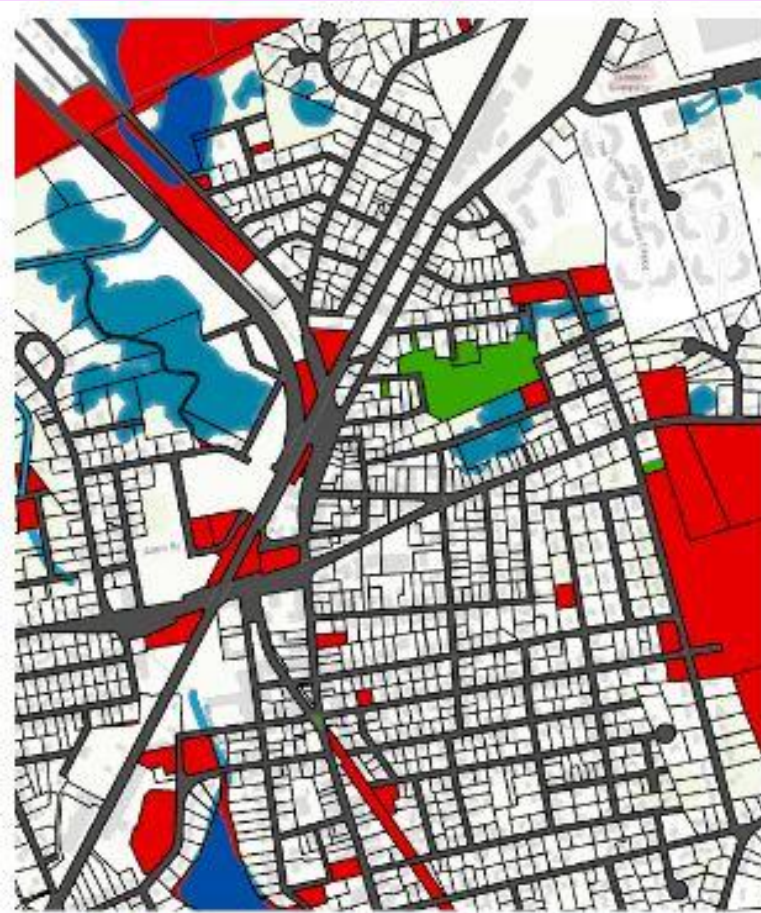


Figure 3 Map section showing excluded and sensitive land

Excluded land includes:

- Hydrological features
- Protected/restricted open space
- Wellhead Protection Areas (Zone I only)
- Title 5 setbacks and Surface Water Protection Zone A
- Rights of way
- Most public land, except certain types

Sensitive land includes:

- Wellhead Protection Areas (Zone II and Interim Wellhead Protection Areas)
- Special Flood Hazard Areas (A or V flood zones)
- Active Farmland
- Priority Habitats of Rare Species
- Surface Water Protection Zones B & C



X

Do not create partial lots. Several lots on the right of the map are split by the district boundary. This district will not work properly in the model.



✓

Aim for including complete lots. This district will work properly in the model. No lot records are split by the district boundary.

Figure 4 Include only complete parcels in the district

The Town's existing Zoning map does have a number of partial lots.

The State does allow a community to include land already developed.

Excluded and Sensitive Areas

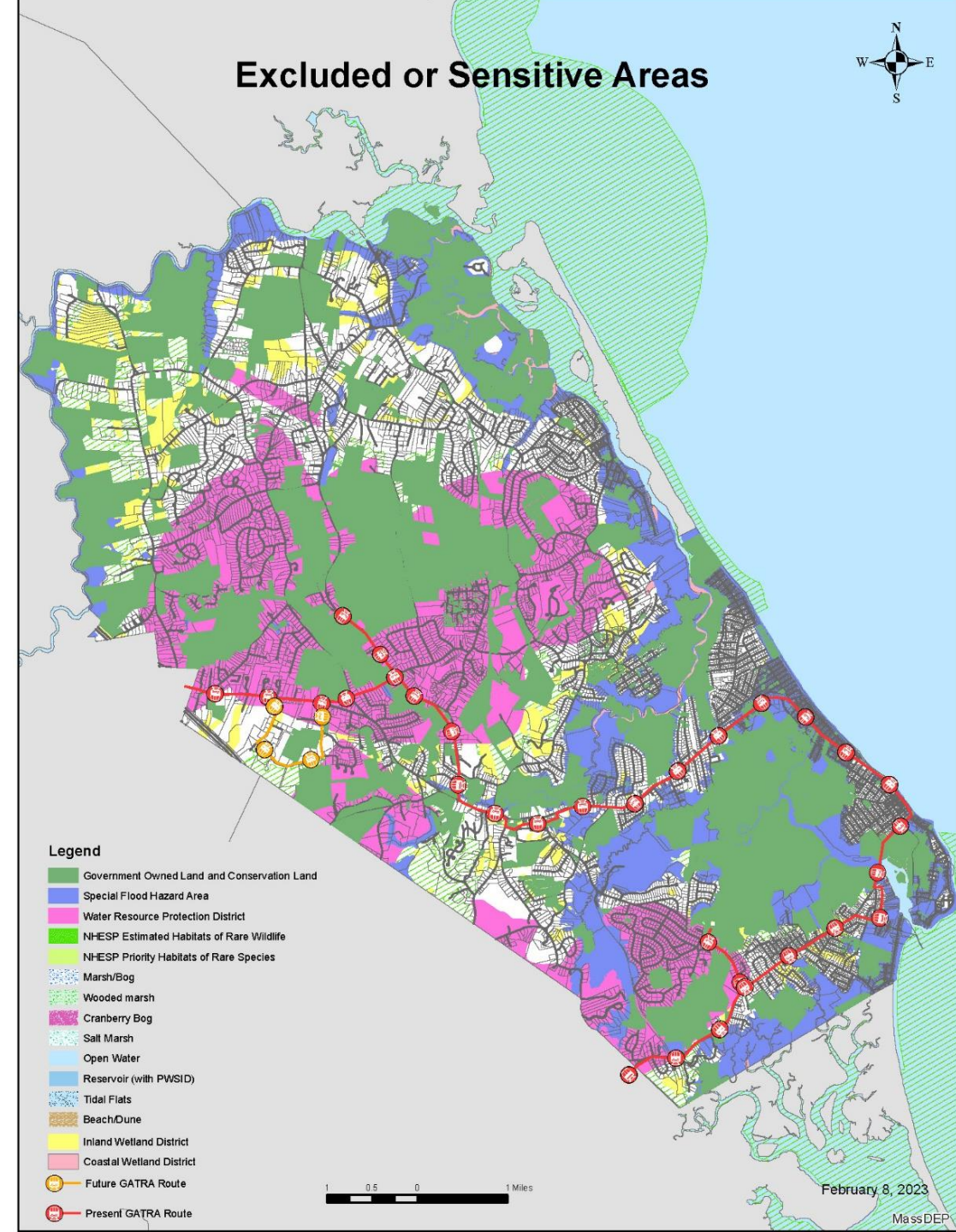
The State would like the Adjacent Communities to locate MBTA Community zones:

- **within a half mile of a station**
- **along transit routes**
- **walking distance to stores and services**
- **In village or downtowns**
- **along commercial zoned areas.**

We do not have a MBTA station within a mile and a half of the Town line. The map shows the GATRA Sail route.

Following the Section 3A Compliance Model User Guide you can see how much of the Town is either Excluded or Sensitive areas.

There were no areas in town that met the minimum contiguous land requirement and a suitable by **avoiding both Excluded and Sensitive areas and including the points (listed above) required by the State.**

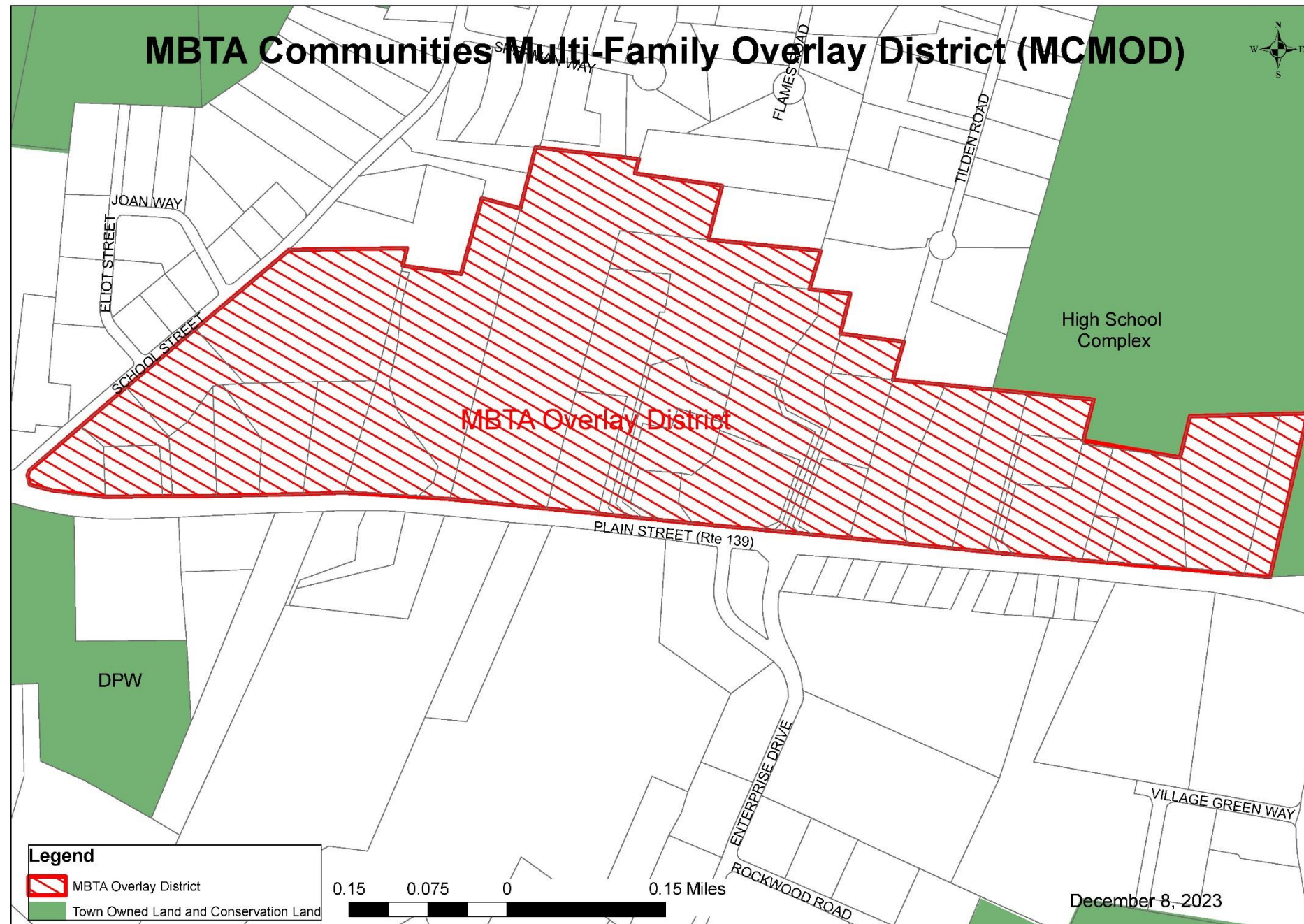


So for the second attempt to locate a MBTA Communities district the planning staff used the following principles when trying to identify possible locations:

- Try to locate along the existing GATRA Sail Route,
- **Areas within walking distance to stores and services,**
- **Check the village centers,**
- **Check Commercial zoned,**
- **Avoid excluded lands,**
- Try to avoid sensitive areas,
- Try not to overload any one area of Town,
- Try to improve existing land uses if possible (ie: existing grandfathered land uses like automotive repairs in a water resource protection district)

* **Items in bold are same as recommended by the MBTA Communities Guidelines**

MBTA Communities Multi-Family Overlay District (MCMOD)



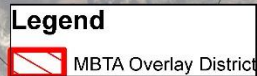
After additional review and discussion the planning staff narrowed it down the area on the north side of Route 139 from roughly School Street east to the High School and Middle School.

This area meets most of the requirements of the MBTA Communities law, it is along the GATRA route, close to Route 3, the High School and Middle School, Town Ballfields, the Boys & Girls Club, a supermarket, restaurants, other businesses and the Town dog park.

MBTA Communities Multi-Family Overlay District (MCMOD)



MBTA Overlay District



0.15 0.075 0 0.15 Miles

December 8, 2023

- This area outlined in red has no excluded land areas but is a sensitive area due to it being located within the Zone II for Furnace and Union Street Wells.
- A development will need to install an upgraded waste water system or package treatment plant as part of the development.
- This area is 84 acres in size and slightly exceeds both the land area requirement and the required number of units.

EOHLC provided communities with model MBTA zoning language. Staff has used this language as a guide and created a new section in the Zoning By-law (Article 16). This new zoning articles just deals with the MBTA Communities law and staff made some modifications to the model, to better fit Marshfield. Some of those changes include:

- Using an overlay district over the existing B-2 district versus creating a whole new district;
- Capping the height at four floors (the State Model allowed up to six floors);
- Capping density at 16 units per acre (State Model only has a minimum threshold of 15 units per acre);
- Minimum lot area of 30,000 sq. ft. (the State Model suggested it could have no minimum lot area);
- Keeping the Water Resource Protection District requirements for nitrogen loading and lot coverage in place. The Town's Zoning By-law has a higher nitrogen loading requirement (5 PPM) versus the State's Title V requirement (10 PPM).
- That applicants contribute towards creating safe bus stops along Route 139 or financial assistance towards creating a second GATRA Route to the Greenbush Commuter Rail station.
- Requiring 10% of the units approved to meet the State's eligibility requirements to be added to EOHLC's Subsidized Housing Inventory.

The MBTA Communities Zoning language and Map change are on the Special Town Meeting Warrant and are expected to be discussed and voted on April 22nd .

The next two articles are updates to the Table of Use to reflect with text changes made at the 2019 ATM dealing with where 11.04 Open Space Residential Developments (OSRD) and 11.08 Age Restricted Adult Village (ARAV) could be located.

OSRD developments have reduced lot sizes in order to preserve half of the property as open space. From previous Open Space Development submittals it was determined that lot sizes under 15,000 sq. ft. were very difficult to fit the size home most builders and buyers were looking for in a residential subdivision. Therefore, reducing the lots sizes in the R-2 and R-3 districts to 10,000 and 5,000 Sq. ft. seemed problematic.

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
2. Open Space Residential Development (see 305-11.04)	S	—	—	—	—	—	—	—	—	—	—	—	S	—
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	—

Based on the remaining land in the R-3 and R-B districts, having higher density Age Restricted Developments did not seem prudent.

The Next article is a change requested by the Building Department to the flood proofing requirement in the Brant Rock Overlay District.

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

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.

Revised Inland Wetland District



During Covid (2021) the Natural Resource Conservation Service (formerly known as the Soil Conservation Service) of United States Department of Agriculture updated the soil maps that the Town's Inland Wetland layer is based on.

The updated Inland Wetland District is an overlay that is superimposed over any other zoning district. 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.

This new information is much more accurate than the older layer. Updating the Inland Wetlands map will result with the following changes:

- 400 acres will come out of the inland wetland district
- 414 structures will come out of the district
- 133 structures will come into the district but all of these structures are pre-existing and will be grandfathered.

- 5 Clerical Articles addressing the change from Housing Partnership to Housing Trust and changing from DHDC to EOHLC. These changes are located in the following sections
 - 2.01 Definitions,
 - 11.08 Age Restricted Adult Village (ARAV),
 - 11.14 Inclusionary Zoning for Affordable Housing,
 - 11.16 Mixed Use Buildings in B-1,
 - 13.06 Planned Mix Use Developments (PMUD),

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.

The language below is an example of the changes in the 11.08 Age Restricted Adult Village, 11.14 Inclusionary Zoning for Affordable Housing, 11.16 Mixed Use Buildings in B-1 and 13.06 Planned Mixed Use Developments. All changes in these sections are clerical in nature and are related to changing the functions of the Housing Partnership and some of the functions of the Housing Authority over to the Affordable Housing Trust.

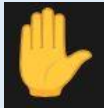
Mandatory affordable housing. All affordable housing created by this bylaw shall be Local Initiative Program (LIP) dwelling units in compliance with the requirements of the Massachusetts ~~Department of Housing and Community Development~~ **Executive Office of Housing and Livable Communities** LIP Program. 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.

Next:


The Chair will ask Planning Board Members if they have any questions or comments,

The Chair will then ask the public if they have any questions or comments,

Please use the hand function  if you would like to speak,

Please wait until you are recognized by the chair and unmute  yourself,

Please remember to state your name and address.

After everyone who wishes to speak is finished, the Board will look at questions and comments from the Chat function  **Again, if using the chat function please start with your name and address**

before your question or comment.

After hearing all questions and comments the Planning Board will close the Public Hearing and prior to Town Meeting the Board will discuss at a posted public meeting the zoning articles and vote on it's recommendation to Town Meeting.