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

To: Board of Selectmen
From: Planning Board
Date: August 10, 2021
Re: Zoning Amendments for 2021 Special Town Meeting Warrant

The Planning Board voted (5 to 0) at a regular Board meeting held on August 9, 2021 to request the Board of Selectmen to place the following zoning articles on the Fall Special Town Meeting Warrant.

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

Amend Article 305-7.05.B. by replacing existing paragraph with a new one as follows.

B. One **two-sided** standing sign for each lot **with** street frontage, provided it shall **not exceed 40 square feet in surface area on each side and shall** be set back at least 15 feet from any street lot line; it shall not be erected so that any portion of it is over 15 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally or by indirect method with white light only. **Where a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one standing sign.**

Article Explanation: *This article is to clarify that pole signs in the industrial district are limited to 40 square feet per side and that said pole signs are limited to two sides.*

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

Amend Article 305-7.04.D. by replacing existing paragraph with a new one as follows.

D. One **two-side** standing sign for each lot **with** street frontage of a business establishment in the Highway Business District, provided it shall not exceed 40 square feet in surface area **on each side;** no por**t**ion of it shall be set back at least 10 feet from any street lot line; it shall not rise to more than 12 feet from the ground or sidewalk, and it shall be illuminated internally or by indirect method with white ~~or blue~~ light only. Where a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one standing sign.

Article Explanation: *This article is to clarify that pole signs in the business district are limited to two sides.*

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

Amend Article 5.04 Table of Use (Wholesale, transportation and Industrial) by adding a "S" in the PMUD column and a S in the WRPD column for "#21 Large-scale ground-mounted photovoltaic installations producing 250 KW DC or greater" as follows.*

Use	Residential				Business					Industrial		Overlay		
Wholesale, Transportation and Industrial	R -1	R -2	R -3	RB	B -1	B -2	B -3	B -4	OP	I-1	A	PMUD	WRPD	BRVO
21. Large-scale ground-mounted photovoltaic installations producing 250 KW DC or greater ***Only in the WRPD within the I-1, A or PMUD.**	-	-	-	-	-	-	-	-	-	P*	S	**S**	**S ***	-

Article Explanation: *This article clarifies if a large scale solar farm could be built in the Planned Mixed Use Development and would allow a solar farm in the Water Resource Protection Overlay in limited underlying districts.*

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

Amend the Zoning Bylaws by moving Article 305-11.05 Planned Mixed Use Development from Article 305-11 to Article 305-13.06 Planned Mixed Use Development and renumber all references to current 305-11.05 Planned Mixed Use Development in the Zoning Bylaws to 305-13.06.

Article Explanation: *The Planned Mixed Use Development (PMUD) is an overlay district that allows a number of additional uses to the Industrial district by means of a special permit process. This article would move the PMUD special permit language to Section 13 Superimposed districts where the special permit language for the other overlay districts are located. There is no changes other than numbering in the PMUD language as part of this article.*

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

Amend Article 5.04 Table of Use (Residential) by adding a new # 9 Affordable Village as follows.

Use	Residential				Business					Industrial		Overlay		
Residential	R -1	R -2	R -3	RB	B -1	B -2	B -3	B -4	OP	I-1	A	PMUD	WRPD	BRVO
9. Affordable Village attached dwellings (see 305-11.05 PMUD) ****Affordable Village only in the WRPD within the PMUD.**	-	-	-	-	-	-	-	-	-	-	-	**S**	**S ***	-

Article Explanation: *This article adds a use category for the creation of an Affordable Village in the PMUD overlay district by means of a special permit from the Planning Board. Twenty percent of the total units must meet DHCD guidelines and have resale restrictions to protect affordability. These units would count towards the Town's 10% affordable housing requirement under Chapter 40B.*

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

Amend Article 11 Section 05 Planned Mixed Use Development by replacing the current language with the following.

Section 11.05 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 tract**s** 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 ~~(or combination of elements)~~ within the Plan**ned** 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 (7) acres in size and contain at least 150 feet of frontage. An element can be planned for and developed in phases. ~~Existing~~ **Completion or modification of approved** elements shall not require the minimum tract size. ~~An element may be a single use or group of uses and may be broken into phases.~~ 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.

3. 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 6 units per acre (subject to affordability requirements under ~~Section 11.05.6~~ **Sub-section F** below); Age Restricted Adult Village residential units with a base density of ~~4~~ 3 units per acre (subject to affordability requirements under Sub-section F below); **Affordable Village at a density of 3**

units per acre (subject to affordability requirements under Sub-section 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 ~~a proposed development or elements~~ 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.**

~~Maximum percentage of land area allowed by use within the Planned Mixed-Use Development overlay district.~~

~~Use~~	~~Maximum percentage allowed within the PMUD~~	~~Maximum in acres allowed within the PMUD~~
~~Major Retail and Service (including Grocery Store)~~	~~8%~~	~~17.3~~
~~Retail and Service Mixed-use (including but not limited to residential units above)~~	~~22% or a maximum of 75 residential units above whichever is more restrictive~~	~~48~~
~~Office/ Research/ Medical~~	~~35%~~	~~75.6~~
~~Age-Restricted Adult Village~~	~~5%~~	~~10.8~~
~~Nursing Home/ Assisted Living~~	~~10%~~	~~21.6~~
~~Hotel/ Motel (with conference center)~~	~~5%~~	~~10.8~~
~~Educational Campus (including residential units above)~~	~~5%~~	~~10.8~~
~~Profit Recreation~~	~~10%~~	~~21.6~~
~~Total~~	~~100%~~	~~216.5 Acres~~

~~Development of the future elements within the PMUD shall be required to balance commercial and other non-residential developments with residential elements. Future elements that are all residential (Age-Restricted Adult Village) shall be preceded by a minimum of 10,000 sq. ft. of commercial development.~~

(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 ~~section 11.05.6~~ **Sub-section 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 50-foot wide raised and landscaped buffer. Parking lots and loading areas shall be appropriately screened from roadways within the overlay district by a minimum 20-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 twenty (20) percent of those parking spaces required under normal application of requirements for the non-residential 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 & Affordable Village)** residential units are required to provide affordable housing in compliance with ~~Section 11.05.6~~ **Sub-section 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)** LIP Program. Affordable housing units will count toward the Town's Subsidized Housing Inventory, in accordance with M.G.L. CH. 40B.

(10) ~~All residential units~~ **The maximum density in an Affordable Village shall be 3 units per acre. Affordable Village developments shall provide 20% of the total number of units as affordable under DHCD 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 twenty-five (25 %) percent and rounded up to the next even number divided by two. (Example: A base density of 9 units will result in 9 base density units plus 4 units (.25 x 9 units = 2.25 units rounded up to 4 units, 2 Affordable units and 2 Density Bonus units) or 13 units in total. A base density of 31 units will result in 31 base density units plus 8 units (.25 x 31 units = 7.5 units rounded up to 8 units, 4 Affordable units and 4 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' 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) ~~The~~ **Commercial and mixed use** building~~'s~~ 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 ~~buildings'~~ 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 façades in excess of forty (40) feet shall incorporate recesses and projections, of a minimum of two (2) feet in depth or otherwise be designed, to break up the building's mass and scale.

(20) A minimum of ~~60~~ **40**% of **a commercial or mixed use** ~~the~~ building~~'s~~ **that faces a** public green(s) and/or street side façade shall contain windows ~~and other appropriate architectural elements~~, excluding the façade 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 façade; 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 (7AM to 5 PM) residential collection hours.

(26) ~~Individual~~ Special permit applications shall comply with Section **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 façade 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 one-half (½) acre in size per every seven (7) 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 (ft.)
Public Green (where applicable)	5
Front	20
Front (Mixed-use)	5
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 ~~Sec. 6.10~~ 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:**

Affordable Village and AVAR Setbacks	
Buffered Setback	**Minimum (Feet)**
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.

~~(31) In cases where the proposed traffic mitigation is deemed by the Planning Board to be out of character for the town, the applicant may propose additional open space from within the PMUD district or adjacent districts, or may donate an amount equal to the cost of the proposed mitigation to the Town for the purpose of open space acquisition. Where permanently protected open space is provided in lieu of traffic mitigation, said open space shall be at least equal in area to the total acreage of land of said proposed use.~~

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, may approve fees-in-lieu-of construction of Affordable housing units as satisfying the requirements of Sub-Section 4.0 above. The applicant shall make the payment of the fee-in-lieu of construction to the Marshfield Housing Authority 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.

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 Section 11.14.9 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. The Housing Partnership 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 may require modifications of the marketing plan or, if it determines the plan to be satisfactory, may forward it to DHCD with a favorable recommendation. Following the approval of the marketing plan by DHCD, the Housing Partnership shall notify the Planning Board and the Lottery Agent. The special permit and building permits may be granted prior to receiving DHCD 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.

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 Section 11.14.9 of this Bylaw. Applicants may use a lottery agent from a list of DHCD 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.

(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~~ **an** applicant may propose to pay a fee-in-lieu of construction of affordable housing units to the Marshfield Housing Authority. 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 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 ~~sixty-five~~ **forty** percent (~~65%~~ **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 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.

(Section 11.05. 8. Amended 10/19/09 Article 11 STM)

(Section 11.05 Amended 10/27/14 Article 18 STM)

(Section 11.05 Amended __/__/2021 Article __ STM)

Article Explanation: *This article modifies the existing PMUD section by changing the residential cap (decrease of 10 units from the original cap of 75), removing residential units created by the Chapter 40B process from the cap and allowing affordable village development along the south side of Commerce Way with a mixed of attached housing with a wider affordable price range through a special permit process at the density of 3 units per acre. A design requirement of the Affordable Village would be for the density to be lower (duplex) in the eastern portion of the property with triplex units and then fourplex units as you head west towards the existing Modera development. The reduction in the fee-in-lieu from 65% to 40% reflects a previous change the Planning Board did in several other sections of the Bylaw.*

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

Amend Article 2 Definitions by removing the definition Dwelling, Mixed Use and replacing the current definition of Mixed-Use Building with the following:

Mixed-Use Building – A building that includes both commercial and residential **(on the second and third floors)** uses within a single building. **Mixed-Use Buildings are allowed as specified in the 305 – 5.04 Table of Use.**

Article Explanation: *This article is to clarify the districts where mixed use building with residential above would be allowed. Currently the Mixed Use Buildings with residential above are allowed in the PMUD and BRVO. There are several other articles that would allow the mixed use building (residential above) in the B-1 district.*

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

Amend Article 2 Definitions by replacing the current definition of Mixed-Use District with the following:

Mixed-Use District - A zoning district where the location of more than one permitted principal use in one building may be allowed by special permit. Mixed Use districts include the B-1 ~~Business mixed Use Zoning District -~~**,** Planned Mixed Use Development **and Brant Rock Village Overlay districts.**

Article Explanation: *This article is to clarify the districts where mixed use building with residential above would be allowed. Currently the Mixed Use Buildings with residential above are allowed in the PMUD and BRVO. This article would also allow the mixed use building (residential above) in the B-1 district.*

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

Amend Article 5.04 Table of Use by

Use	Residential				Business					Industrial		Overlay		
Residential	R -1	R -2	R -3	RB	B -1	B -2	B -3	B -4	OP	I-1	A	PMUD	WRPD	BRVO
7. Mixed - Use Building in the PMUD (see 305-11.05) * also requires a WRPD special permit (see 305-13.03) when located inside the WRPD overlay.	-	-	-	-	-	-	-	-	-	-	-	S	S *	-

Article Explanation: *This article replaces the existing #7 and is to clarify that Mixed Use Buildings are only allowed in the portion the Water Resource Protection District (WRPD) overlay that is within the Planned Mixed Use Development (PMUD) zone.*

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

Amend Article 5.04 Table of Use (Residential) by adding a new # 9 Mixed-Use Building in the B-1 District as follows.

Use	Residential				Business					Industrial		Overlay		
Residential	R -1	R -2	R -3	RB	B -1	B -2	B -3	B -4	OP	I-1	A	PMUD	WRPD	BRVO
8. Mixed - Use Building in the B-1 District (see 305-11.16)	-	-	-	-	S	-	-	-	-	-	-	-	-	-

Article Explanation: *This article adds a use category to allow residential above commercial in the B-1 Business mixed use district by means of a special permit from the Planning Board. The second and third floors could have residential units added and assist with the reinvestment and redevelopment in the downtown.*

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

Amend Article 11 by adding a new Section 16 Mixed-Use Building in the B-1.

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 2 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. 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 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 forty percent (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/ 3 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 historic 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 (6) 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.

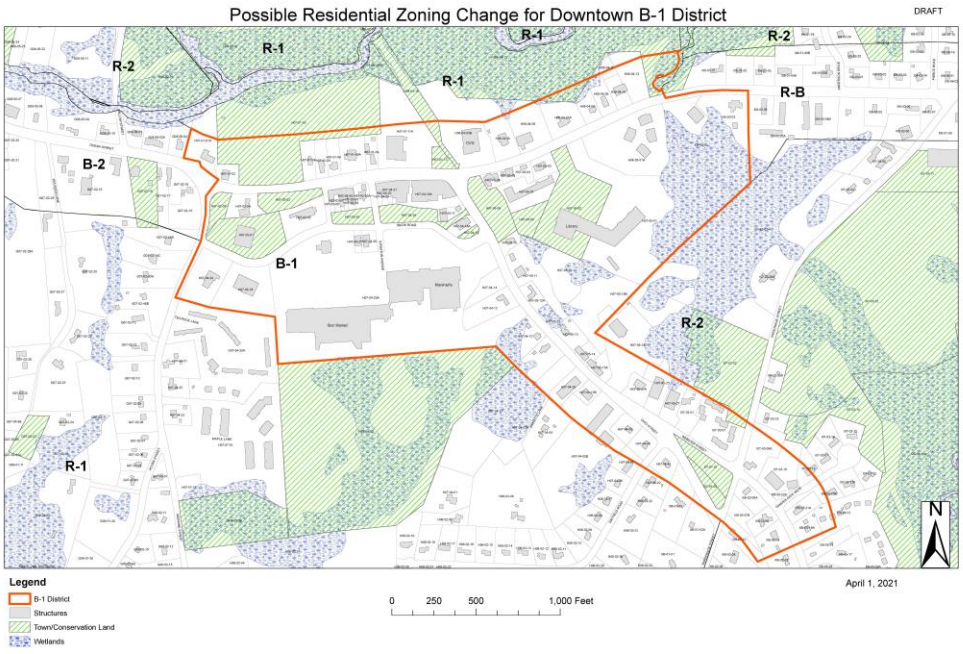
(14) Signage shall comply with section 305-7.03 of this bylaw.

(15) Lighting shall comply with Section 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 Section 9 and Section 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.

Article Explanation: *This article adds a new section (11.16) to the Zoning Bylaw. This new section provided design and review standards to the Special Permit process that would allow residential units above commercial in the B-1 Business mixed use district by means of a special permit from the Planning Board. The second and third floors could have residential units added and assist with the reinvestment and redevelopment in the downtown.*



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

Amend Article 13 Section 05 Brant Rock Village Overlay District by replacing the current language with the following.

§ 305-13.05. Brant Rock Village Overlay District.

A. Purpose. The purpose of the Brant Rock Village Overlay (BRVO) District is to protect and enhance the public health, safety, environment and general welfare by establishing minimum requirements for new development and redevelopment of existing properties and uses located in the BRVO District. New development and redevelopment within the BRVO District are intended to reduce the impacts from actual and projected coastal flooding. ~~In addition, these regulations are intended to promote certain types of mixed-use buildings, as defined in Article II, Definitions, to provide for commercial uses on the first floor and residential uses on the second floor~~. The Village of Brant Rock has a historical development pattern that contains both commercial and residential uses within a single building and other geographical areas which are substantially residential. ~~Many of the existing buildings have these preexisting nonconforming uses.~~ The BRVO will authorize certain mixed uses within a single building provided such buildings can be designed and constructed in a manner that preserves and respects the historic New England architecture of the Brant Rock Village and reduces damage caused by chronic flooding that is prevalent in the BRVO District.

B. Scope of Authority. The Brant Rock Village Overlay District (BRVO) is hereby established as an overlay district and shall be superimposed over the existing Business Waterfront (B-4) Zoning District. All regulations of the Marshfield Zoning Bylaw applicable to the underlying districts shall remain in effect, except that where the Brant Rock Village Overlay District allows for mixed-use buildings, these regulations shall prevail.

C. District boundaries. The boundaries of the Brant Rock Village Overlay District are delineated on the Official Zoning Map. The overlay district boundaries shall follow the boundaries of the existing Business Waterfront (B-4) Zoning District in the Brant Rock Village area.

D. Applicability.
BRVO provides a development alternative for property owners within the overlay district if they are floodproofing a structure at or above the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) one- hundred-year storm event established base flood elevation (BFE).

(1) Any new building construction, reconstruction or additions to structures within the BRVO that include floodproofing at or above the BFE have the option to build a mixed-use building with commercial uses **and access, storage and parking for the residential uses above are** allowed on the first floor. **Mixed Use Buildings would be designed to have a minimum of 40% of the first floor to be commercial use. The** residential uses **are** allowed on the second floor **and third floors**. Mixed-use buildings shall be subject to the following BRVO regulations.

E. Allowed uses.

(1) All uses permitted in the B-4 District.

(2) **Mixed use buildings with** residential **above** ~~use of 2 1/2 stories~~ by special permit issued by the **Planning Board** ~~Board of Appeals~~ subject to the building height requirements in Subsection G below.

F. Design requirements.

(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.

(2) Outside boardwalk, **walkway, porch, or deck**. All **new mixed use** buildings shall provide an outdoor boardwalk, farmer's porch or similar structure, elevated above the BFE, set back from the street or sidewalk. The boardwalk or porch on the first floor shall be a minimum of 10 feet wide measured from the inside edge of the top of the stairs to the outermost wall of the commercial first floor building **and exclusive of seating areas**. **Wherever possible the public access feature should be connected to adjacent buildings.**

G. Intensity and dimensional regulations. All new buildings, redeveloped buildings, or additions for proposed mixed use shall comply with the following intensity and dimensional regulations:

(1) Setbacks.

a. Front. A ten-foot setback is required. No setback from the front property line is required for stairs or ramps leading above the BFE or any boardwalk or porch located above the BFE.

b. Side. No side line setbacks are required for buildings providing the ability to have a continuous boardwalk to abutting buildings. Adjoining property owners are encouraged to connect boardwalks and porches to create a continuous elevated pedestrian walkway within the BRVO. For buildings that do not provide the ability to connect to abutting buildings, a five-foot setback is required. Driveways are allowed within the setback.

c. Rear. A fifteen-foot building setback is required. Parking spaces and maneuvering lanes are allowed within the setback.

(2) Density. Residential dwelling units on the second **and third** story are allowed by special permit at a density of up to three dwelling units per 10,000 square feet of underlying land area.

(3)Lot size. The minimum lot size for a mixed-use building is 10,000 square feet.

(4) Building height. The maximum building height **for a mixed use building under the special permit process** is ~~2.5~~ **3** stories/ 35 feet measured above the FEMA FIRM base flood elevation **plus 1 foot**.

H. Architecture. New buildings, additions and reconstruction where mixed uses are proposed shall be designed to incorporate ~~the design elements in the following design sketch:~~ **A six (6) 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.**

I. Mixed use.

(1) Buildings shall be designed to reflect the traditional New England coastal village architecture found within the region. The mass, proportion, and scale of the building, roof shape, roof pitch, proportions and relationships between doors and windows should be harmonious among themselves.

(2) Architectural details of new construction and proposed reconstruction as well as any additions to existing buildings should be harmonious with the building's overall architectural style and should preserve and enhance the historic character of Marshfield.

(3) Wherever possible, the building's location shall be oriented parallel to Ocean Street and Dyke Road, unless there is a compelling reason to do otherwise that will enhance the proposed project. Building facades in excess of ~~30~~ **40** feet wide shall incorporate recesses and projections, of a minimum of two feet in depth, to break up the building's mass. The building roofline should include variations in pitch and height and include dormers, turrets and decks. All building materials shall be moisture and rot resistant in consideration of the coastal weather conditions.

J. Landscaping. Landscape plantings shall be comprised of native plant species that have adapted to coastal site conditions such as wind, salt spray, flooding and burial. Plantings that provide a variation of seasonal colors are encouraged in elevated planters at both the boardwalk and sidewalk levels.

K. Parking. ~~Parking shall be provided as required in Article VIII, Off- Street Parking and Loading and Lighting Regulations.~~ In the BRVO 1**.25** parking space for each bedroom in all residential units is required. **Residential parking should be separate from commercial parking areas and should be sited to the sides or rear of the building. Commercial and residential parking shall be provide on-site. It is recommended that residential parking be located above the Base Flood Elevation.** ~~Existing public parking spaces located within 300 feet of the street frontage for the property may be counted toward meeting the minimum parking requirements for commercial uses, by special permit pursuant to § 305-8.05 of the bylaw.~~

L. Signs. All commercial signs shall comply with Article VII, Signs.

M. Accessibility. All commercial units and boardwalks shall comply with the requirements of the Americans with Disabilities Act (ADA) and the State Architectural Access Board.

N. Affordable housing. Mixed-use buildings shall provide **a minimum of ten (10%) percent of the total units as** affordable housing for low- or moderate-income individuals as defined in Article II, Definitions and sub-section F of the PMUD overlay requirements. ~~The construction of all residential housing shall include affordable housing in compliance with § 305-11.14, Inclusionary zoning for affordable housing. The number of affordable units required shall be in accordance with the requirements of § 305-11.14D, Provision of affordable units; bonuses and incentives. If the residential units are for rent, the provisions of § 305-11.14D(2)(b), Fees in lieu of construction, are not applicable.~~

O. **Review and Decision. The Planning Board shall act on applications according to the time and public hearing requirements specified in MGL C.40A Section 9 and Section 11. The Planning Board shall adopt and from time to time amend rules relative to the**

issuance of such permit.

Article Explanation: *This article modifies the existing Brant Rock Village Overlay language with the following changes:*

- *Allowing a full 3 floors for the building,*
- *Allowing a portion of the first floor to be used for access, parking and storage for the residential units,*
- *Requiring a 6 foot stepback on the front and rear sides of the 3 floor,*
- *Requiring onsite parking recommending residential parking be located above the base flood elevation,*
- *Simplifying the affordable housing language to a straight 10% of the number of units versus a more complicated formula with a density bonus.*
- *Changing the Special Permit granting Authority to the Planning Board.*

Article: **_ M__**
To see if the Town will vote to amend the Marshfield Zoning Bylaws as follows:

Amend Article 11.09 Residential Accessory Apartments by replacing the current language with the following.

Section 305-11.09 Residential Accessory Apartments

A. Purpose - The creation of an~~y~~ accessory apartment within an ~~existing~~ owner occupied one-family detached dwelling may be authorized by Special Permit in order to achieve the following objectives:

(1) To enable home owners who wish to remain in their homes and neighborhoods to do so.

(2) To promote more efficient use of the existing housing stock by allowing flexibility in response to changing household size.

(3) To promote wider price range of ~~affordable~~ rental housing and home ownership for small households.

(4) To protect and maintain the character of the surrounding neighborhood.

(5) Not to unduly alter the density of the neighborhood or the population of the Town with its related impacts to water supply, traffic and waste generation.

B. Applicability – **A** Special Permit~~s~~ may be granted within R-1, R-2, R-3, B-1 and B-2 districts by the Board of Appeals, acting as the Special Permit Granting Authority (SPGA), when the plan submitted meets the review criteria contained in Section 3.

C. Review Criteria - In reviewing and evaluating the plan, and in making a final determination regarding the Special Permit application, the SPGA may grant a Special Permit, provided that the following criteria are met. These criteria are the minimum over and above any other criteria which may be set forward in any portion of this bylaw which is specifically necessary to carry out the stated purposes for owner-occupied accessory apartments.

(1) Only one accessory apartment shall be allowed per **lot.** ~~single family dwelling unit~~;

(2) The accessory apartment shall occupy no more than forty percent (40%) of the total living area of the single family dwelling **and shall be limited to one (1) bedroom.**

(3) The accessory apartment shall be designed so that the appearance of the building remains that of a one-family residence, must be self-contained, and must have a separate entrance. In general, any new entrance shall be located on the side or rear of the building. Reasonable deviation from this condition shall be allowed in order to facilitate access and mobility for disabled persons;

(4) Compliance with Board of Health policies and regulations;

(5) Approved water conservation devices shall be required for new installations. This would include low flow shower heads and water efficient toilets;

~~The Residential single family home dwelling must be in existence, and not substantially altered, for a period of three years prior to the filing of the Application for Special Permit;~~

(6) Required minimum lot size for accessory unit shall be for property in zones B1 and R3 - 10,000 square feet; in zone B2 and R2 - 20,000 square feet and in zone R1 – 40,000 square feet;

(7) Sufficient parking space shall be provided on the lot, including at least one additional space to serve each bedroom of the accessory apartment. Said additional space shall have access to the driveway serving the principal dwelling;

(8) The principal dwelling or accessory apartment shall be occupied by the ~~applicant/~~owner as his or her principal residence;

(9) **The unit shall comply** with the State Building Code.

(10) **The property with the addition of the accessory unit and parking shall meet the minimum open space requirements of the district it is located in.**

(11) **Neither the principal dwelling nor the accessory apartment may be sold or otherwise conveyed or transferred separately from the other.**

D. Plan Requirements - The applicant shall comply with Section 10.10 Special Permits of this by law.

In addition, the following information shall be furnished:

(a) The existing and proposed square footage of each dwelling unit;
(b) The existing and proposed floor layouts of each **dwelling** unit;
(c) Any proposed changes to the exterior of the **existing** building;
(d) Proposed site plan showing new and existing buildings setbacks, parking, grading, drainage, wastewater and landscaping;
(e) All plans should be prepared by a registered land surveyor; and
~~f. Requirements for open space should be maintained.~~

(f) The minimum open space area requirement under 305-6.10 Table of Dimensional and Density Regulations shall be maintained.

E. Transfer of Ownership of a Dwelling with an Accessory Apartment.
(1) The Special Permit for an accessory apartment in a single family dwelling shall terminate upon the sale of property or transfer of title of the dwelling.

(2) The new owner(s) shall be required to apply for a new approval of a Special Permit for an accessory apartment and shall submit a written request to the SPGA.

F. Recertification of Owner Occupancy - Not later than January 31 of each year following issuance of a Special Permit for an accessory apartment, the owner of the premises must certify under the pains and penalties of perjury on forms to be available at the office of the Building Inspector that the premises continue to be occupied by the owner as his or her principal residence. Failure to recertify in a timely manner shall result in the automatic termination of the Special Permit.

Article Explanation: *This article modifies the existing Residential Accessory Apartments Bylaw by removing the waiting period (previously 3 years) for allowing an accessory apartment for new (or substantial) construction.*

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

Amend Article 15 Floodplain Zoning by replacing the current language of Section 15.19 Special Permits with the following.

Section 15.19 Special Permits

The Board of Appeals may grant a special permit modifying the performance standards in §§ 305-15.08 and 305-15.09 for the ~~following~~:

~~a) Nonresidential structures such as boathouses, boat yards, and structures designed for education and research, the nature of which requires their location within the Floodplain District.~~

~~b) R~~ **r**estoration and reconstruction of structures listed in the National or State Register of Historic Places.

Special permits shall only be issued upon a determination by the Board of Appeals that:

1. Failure to grant the special permit would result in exceptional hardship to the applicant.
2. The granting of a special permit will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or conflict with existing bylaws.
3. The relief granted is the minimum necessary considering the flood hazard.
4. All subdivision proposals are designed to assure that such proposals minimize flood damage, all public utilities and facilities are located and constructed to minimize or eliminate flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

Any applicant to whom a special permit is granted shall be given written notice that the proposed development may result in increased risk to life and property and increased flood insurance premium rates.

The Board of Appeals, as the special permit granting authority (SPGA), may adopt rules and regulations relative to the issuance of such special permits and file a copy with the Town Clerk. The Board shall follow the procedural requirements for special permits as set forth in MGL c. 40A, § 9.

Article Explanation: *This article modifies the existing Floodplain Zoning Bylaw by subtracting language required by the State and FEMA. By approving this change the town would remain in the FEMA flood insurance program.*

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

Amend Article 2 Definitions by adding a new Definition as follows:

Yield Plan: Means a residential site plan, drawn to an engineering scale, which shows the layout of streets, drainage areas, and the maximum number of lots that can be obtained on the proposed development site by applying the minimum lot dimensional requirements and other applicable provisions of this zoning bylaw for the zoning district in which the property is located. A yield plan approved by the Planning Board shall establish the base density of the subject property.

Article Explanation: *This article adds a new definition clarify what is a yield plan. Yield plans are used in Adult Restricted Adult Villages and Open Space Residential developments.*

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

Amend Article 11.04 Open Space Residential developments, (2) density/number of dwelling Units by replacing the current section as follows:

(2) Density/number of dwelling units.

(a) The number of dwelling units permitted shall not exceed that which would be permitted under a conventional subdivision that complies with the Marshfield Zoning Bylaw and the Subdivision Rules and Regulations of the Planning Board **without waivers** and other applicable laws and regulations of the Town or the state. ~~The total number of dwelling units shall be determined by the following formula:~~

~~**[Total area of land subject to the application] – [Area of wetlands/water bodies] = Applicable land area**~~

~~[Applicable land area] x [0.90] divided by minimum lot area = Total number of dwelling units~~

(b) ~~A preliminary subdivision plan may~~ **A yield plan shall** be submitted to ~~assist in~~ demonstrat**e**~~ing~~ the allowable number of units. If the parcel lies in more than one zoning district, the total for each district shall be calculated separately.

Article Explanation: *This article clarifies that is a yield plan is used to determining the maximum density on a property when submitting an Open Space Residential development application.*

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

*Amend Article 5, Section 04, Table of Use of the Zoning Bylaw by replacing the word **"Facility"** in the title for "**Establishment**" under the use category Community Facilities # 21, # 22, and #23 as follows.*

Use	Residential				Business					Industrial		Overlay		
Community Faclities	R -1	R -2	R -3	RB	B -1	B -2	B -3	B -4	OP	I-1	A	PMUD	WRPD	BRVO
22. Recreational Marijuana Establishment (see 305-12.06) *only in the WRPD within the I-1 district excluding the PMUD.	-	-	-	-	-	-	-	-	-	S	-	-	S*	-

Use	Residential				Business					Industrial		Overlay		
Community Faclities	R -1	R -2	R -3	RB	B -1	B -2	B -3	B -4	OP	I-1	A	PMUD	WRPD	BRVO
23. Combined Medical and Recreational Marijuana Establishment (shall meet the requirements of both 305-12.05 and 305-12.06) *only in the WRPD within the I-1 district excluding the PMUD.	-	-	-	-	-	-	-	-	-	S	-	-	S*	-

Article Explanation: *This article modifies the existing table of use for Recreational and combined marijuana facilities by changing the word "Facility" to "Establishment". This change will match the titles for Marijuana uses found in the State Regulations and the Town's General Bylaws with the Zoning By-Law. There is no changes to the uses or the Zoning Districts where these uses are allowed as part of this article.*

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

Amend Article 120, Section 06, Recreational Marijuana Retailer, of the Zoning Bylaw by replacing the current language with the following.

§ 305-12.06 **Recreational marijuana ~~retailer~~ establishment.**
[Added 4-23-2018 ATM by Art. 17]

A. Purpose.

(1) To provide for the placement of recreational marijuana ~~retailers~~ **establishments** in appropriate places under conditions in accordance with the provisions of MGL c. 94G.

(2) To minimize the adverse impacts of a recreational marijuana ~~retailers~~ **establishment** on adjacent properties, residential neighborhoods, schools, other places where children congregate and other sensitive land uses.

(3) To regulate the siting, design, placement, security, safety, monitoring, modification and discontinuance of a recreational marijuana ~~retailers~~ **establishment**.

B. Applicability.

(1) No recreational marijuana ~~retailers~~ **establishment** shall be established except in compliance with the provisions of 305 Attachment 1 (Table of Use Regulations) and this § 305-12.0~~5~~**6**, Recreational marijuana ~~retailers~~ **establishment**.

(2) Nothing in this section shall be construed to supersede federal or state laws governing the sale and distribution of narcotic drugs.

(3) If any provision of this section or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

C. General requirements.

(1) All recreational marijuana ~~retailers~~ **establishments** shall be contained within a secure building or structure.

(2) The hours of operation of the recreational marijuana ~~retailers~~ **establishment** shall be set by the Zoning Board of Appeals.

(3) No recreational marijuana ~~retailers~~ **establishment** shall be located within 500 feet of a property boundary line of any lot in use as a private or public school, college, licensed day-care facility, library, park, playground, recreational or athletic fields or the Boy's and Girl's Club or similar place where children typically congregate. The distance shall be measured in a straight line from property boundary line to property boundary line.

(4) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises.

(5) No recreational marijuana ~~retailers~~ **establishment** shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a car, van, truck, trailer cargo container.

(6) Recreational marijuana ~~retailers~~ **establishments** shall not have drive-through service.

(7) No signage shall be permitted that contains designs or symbols that depict or display in any way marijuana products, equipment or plants, or other similar materials.

(8) No outside displays or storage of marijuana, related supplies or promotional materials are allowed.

(9) All recreational marijuana ~~retailers~~ **establishments** shall be ventilated in such a manner that no:

(a) Pesticides, insecticides, or other chemicals or products used in cultivation or processing are dispersed into the outside atmosphere.

(b) Odor from marijuana can be detected by a person with a normal sense of smell at the exterior of the building.

D. Special permit requirements.

(1) A recreational marijuana ~~retailers~~ **establishment** shall only be allowed by special permit from the Zoning Board of Appeals in accordance with MGL c. 40A, § 9, the Marshfield Zoning Bylaws and subject to the following regulations, requirements and conditions.

(2) No special permit shall be issued without a site plan approval (§§ 305-3.05 through 305-12.02) by the Zoning Board of Appeals. At a minimum, said site plan shall meet all dimensional, parking, landscaping and signage requirements.

(3) The special permit shall limit the recreational marijuana ~~retailers~~ **establishment** to one or more of the following uses:

(a) Marijuana retailer.

(b) Marijuana product manufacturer.

(c) Marijuana transportation or distribution facility as conditioned by the Zoning Board of Appeals with review by the Police Department.

(d) Marijuana cultivator.

(4) In addition, an application for a recreational marijuana ~~retailers~~ **establishment** shall include the following:

(a) Name and address with contact phone number and email of owner/applicant of the facility.

(b) Copies of all approved required licenses and permits (to said same owner of the facility) by the Commonwealth of Massachusetts Cannabis Control Commission and any of its other agencies for the facility.

(c) Evidence of the applicant's right to use the site as a recreational marijuana ~~retailer facility~~ **establishment** by means of a purchase and sales agreement, deed, owners authorization or lease.

(d) Proposed security measures for the recreational marijuana ~~retailer facility~~ **establishment,** including lighting, fencing, gates, alarms, surveillance cameras, etc., to ensure the safety of persons and products from theft. A letter from the Marshfield Police Chief, or designee, acknowledging review and approval of the recreational marijuana ~~retailer facility~~ **establishment** and its security is required. To extent allowed by law, all such documents submitted by the applicant to the Police Chief shall be confidential.

(e) All application requirements for site plan approval as specified in §§ 305-3.05 through 305-12.02 unless waived by the Zoning Board of Appeals.

(f) Provide the Police Department with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or keyholders.

E. Findings. The Zoning Board of Appeals shall not issue a special permit for a recreational marijuana ~~retailer~~ **establishment** unless it finds the following:

(1) The establishment is designed to minimize any adverse impacts on abutters and other parties of interest, as defined in MGL c. 40A, § 11.

(2) The establishment demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state and local laws and regulations.

(3) The applicant has satisfied all of the conditions, findings and requirements set forth herein.

F. Transfer of special permit. A special permit granted under this section shall have a term limited to the duration of the applicant's ownership of the recreational marijuana retail facility. A special permit may be transferred only by the approval of the special permit granting authority after a public hearing and supported by all updated information required herein.

G. Abandonment or discontinuance of use. A special permit shall lapse if not exercised within one year of issuance. A recreational marijuana ~~retailer facility~~ **establishment** shall be required to remove all materials, plants, equipment and other paraphernalia within three months of ceasing operations.

Article Explanation: *This article would make two changes to the existing section 12.06. The first change is to replace the word "retailer" with the word "establishment". This would allow section 12.06 to match the Zoning By-Law's Table of Use, the State Regulations and the Marshfield General Code. The second change under D.3.(d) would allow a Recreational Marijuana Establishment to have cultivation as one of the related uses.*