

TOWN COUNCIL MEASURE SUBMITTAL

Date:	8/12/2024	Submitted by:	Town Manager Town Manager	Telephone #	508-699-0100
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MEASURE DESCRIPTION:

Multi-unit Residence Overlay District (MROD) Zoning Bylaw, in compliance with the Massachusetts Bay Transportation Authority (MBTA) Communities section 3A of MGL c.40A.AMENDED

Signed: **Michael Borg** Digitally signed by Michael Borg
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PURPOSE AND JUSTIFICATION:

The Commonwealth passed section 3A of MGL c.40A called "MBTA Communities" that requires certain municipalities to have multi-family zoning permitted by-right. North Attleborough is considered an Adjacent Small Town under the MBTA Communities Act. A municipality that does not comply with Section 3A is not eligible for funding from MassWorks, the Local Capital Projects Fund, Housing Choice Initiative, and other critical state aid. The legislation impacts 175 municipalities in the Commonwealth.

In accordance with the MBTA Communities legislation, North Attleborough must zone a minimum of 50 acres for multi-family housing by-right and at least half of the the total zoned land area must be contiguous. Each land area must be at least 5 acres. The Planning Board and Town Planner has finalized the zoning bylaw and zoning map the MROD proposal (attached) to accomplish this requirement.

SPECIAL REQUIREMENTS:

This Zoning Bylaw proposal requires a Public Hearing by the Town Council and the Planning Board

ATTACHMENTS:

Multi-unit Residence Overlay District Bylaw and Zoning Map

REFER TO SUB-COMMITTEE:

Bylaw Subcommittee, Planning Board

§ 290-10 Multi-unit Residence Overlay Districts (MROD)

A. Purpose

The Multi-unit Residence Overlay District (MROD) is herein established to increase the multi-unit housing stock and add more housing options in North Attleborough. This zoning provides for as-of-right multi-unit housing to accomplish the following purposes:

1. Provide additional housing options to residents at all life stages;
2. Promote higher density and pedestrian-friendly development near commercial areas;
3. Encourage alternative and varied development in the Route 1 area; and
4. Comply with M.G.L. c. 40A § 3A “MBTA Communities”.

B. Establishment and Applicability

The MROD is an overlay district that has two sub-districts superimposed on the underlying zoning districts. The two sub-districts are:

1. Route 1 Central
2. Route 1 North

The regulations for use, dimensions, and all other provisions of the Zoning By-laws governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right in the MROD. Uses that are not identified in Section V – Use Regulations are governed by the requirements of the underlying zoning district(s).

C. Definitions.

For purposes of this section, the following definitions shall apply.

1. **Affordable unit.** A multi-unit housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.
2. **Affordable housing.** Housing that contains Affordable Units as defined by this Section § 290-10 F. Affordable Housing.
3. **Applicant.** A person, business, or organization that applies for a building permit or Site Plan Review.
4. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of North Attleborough as defined by the U.S. Department of Housing and Urban Development (HUD).
5. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

6. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
7. **Development standards.** Provisions of § 290-10 F. Development Standards made applicable to projects within the MROD.
8. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities, DHCD's successor agency.
9. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
10. **Multi-unit housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
11. **Multi-unit zoning district.** A zoning district, either a base district or an overlay district, in which multi-unit housing is allowed as of right.
12. **Open space.** Contiguous undeveloped land within a parcel boundary.
13. **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.
14. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
15. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
16. **Site plan review authority.** The Planning Board.
17. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

D. Permitted Uses

1. **Uses Permitted As of Right:** Multi-unit housing.
2. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section D.1: Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

E. Dimensional Standards

1. **Multi-Building Lots.** In the MROD, lots may have more than one principal building.

Exceptions. The limitation on height of buildings shall not apply to ventilators, towers, spires, or other ornamental features of buildings, which are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.

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

Lot Size (SF)	
Minimum	40,000
Height	
Stories (Maximum)	5
Feet (Maximum)	60
Density (unit/acre)	
Route 1 Central	22
Route 1 North	29
Dimensional (ft.)	
Minimum Frontage	40
Front Yard Setback	30
Side Yard Setback	20
Rear Yard Setback	20
Building Area	
Max. Building Coverage	20%
Max. Impervious Surface Coverage	60%
Minimum Open Space	40%
Parking	1.5 spaces per unit

F. Development Standards

1. Development standards are applicable to all development in the MROD and are reviewed in the Site Plan Review process.
2. **Site Design.**
 - a. **Connections.** Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking. Pedestrian amenities such as benches, bicycle racks, planters, trash receptacles, etc., are required.
 - b. **Vehicular access.** Curb cuts shall be minimized, and shared driveways encouraged.
 - c. **Open Space.** Acceptable activities within the minimum required Open Space include natural areas (including wetlands and surface waters), wildlife and native plant habitats, landscape plantings, agricultural activities, low-impact design stormwater management, non-motorized trails, and other low-impact activities. Open Space shall not contain habitable structures.
 - d. **Screening for Parking.** Landscaping and tree planting is required at surface parking locations to provide some screening and relief from continuity of parking spaces. Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width for the healthy establishment of trees, shrubs, and perennials at no less than six feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk. Chain link fence is prohibited.
 - e. **Parking Materials.** The parking surface shall be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
 - f. **Plantings at Right-of-way.** Trees shall also be planted along the right-of-ways for landscaping. Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
 - g. **Lighting.** Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.
 - h. **Mechanicals.** Rooftop mechanical equipment is preferred. Rooftop mechanical equipment shall be screened and not be visible from the public right-of-way. Mechanical equipment at ground level shall be screened by a combination of fencing and plantings.
 - i. **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points

shall be located within the building.

- j. **Stormwater management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, if applicable, additional requirements under the North Attleborough MS4 Permit for projects that disturb more than one acre and discharge to the municipal stormwater system, are required, as well as an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

3. **Buildings: General.**

- a. **Position relative to principal street.** The primary building shall be oriented parallel or perpendicular to the street and/or village green or common.
- b. **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.
- c. **Roof.** Long continuous roof lines are prohibited. Varying roof lines and forms are required.

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

- a. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- b. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- c. The orientation of multiple buildings on a lot shall reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- d. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

5. **Buildings: Shared Outdoor Space.** Multi-unit housing shall have common outdoor space that all residents can access. Such space shall be located in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.

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

- a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
- b. All façades visible from a public right-of-way shall be treated with similar care and

attention in terms of entries, fenestration, and materials.

- c. Fire exits serving more than one story shall not be located on either of the street-facing façades.
7. **Buildings: Infill Lots.** If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of § 290-10 E. Dimensional Standards. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.
8. **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and located away from the principal building façade. Blank facades are not permitted. Changes in plane or material and techniques such as offsets, projections, and recesses shall be used to avoid the appearance of a blank wall and provide a pedestrian scale in areas. The front facades, side, and rear shall have a subtle change in architectural expression.
 - a. **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way.
 - b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - c. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-unit buildings shall be subordinate in design and placement to the multi-unit building(s) on the lot.
- G. **Design Guidelines.** The Site Plan Review Authority may adopt and amend, by simple majority vote, Design Guidelines which shall be applicable to all rehabilitation, redevelopment, or new construction within the MROD. to address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. The Design Guidelines may include both required and encouraged items. Design Guidelines may contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.
- H. **Affordable Housing.** Development in the MROD shall require ten percent (10%) of the total number of units to be set as affordable housing at eighty percent (80%) area median income, as set by the EOHLC guidelines. It is intended that the affordable housing units that result from this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Executive Office of Housing and Livable Communities, and that such units count towards the Town's requirements under MG.L. c 40B § 20-23, and the Subsidized Housing Inventory (SHI) list. A deed restriction for the affordable units to be affordable in perpetuity shall be required.

Affordable housing units must be equitably integrated and proportionally dispersed throughout the project of which they are part of, across all residential buildings, floors, distinct unit types, and with respect to the gross floor area in accordance with EOHLC requirements.

I. Site Plan Review

1. **Applicability.** Applications under the MROD shall follow the submittal requirements and meet the review criteria in accordance with § 290-26 Section VI.H.3. Submission and Plan Requirements, § 290-26 Section VI.H.5 Review Criteria, and § 290-26 Section VI.H.6 Plan Review and Approval Process. Provided, however, that applications under the MROD are by-right and shall not be subject to any special permit requirements.
2. **Submission Requirements.** The application materials and submittal for Site Plan Review shall follow § 290-26 Section VI.H.3. Submission and Plan Requirements. In addition, site plan applications shall have:
 - a. Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by Municipality for Site Plan Review.
 - b. Elevations of the building(s) showing the architectural design of the building.
 - c. Narrative describing compliance with the development standards in this section § 290-10 F.
3. **Pre-application.** Before submitting an application under MROD, the applicant shall meet informally with the Planning Board and discuss a concept plan or multiple concept plans. The concept plan should show the overall building envelope areas, open space and natural resource areas, amenities, and general site features. The applicant shall show concept architectural elevations of the building and its compliance with the development standards. The pre-application meeting is intended as a tool to work with the Planning Board before investment in final design.
4. **Site Plan Approval.** Site Plan approval for uses listed in Section § 290-10 D. Permitted Uses shall be granted upon determination by the Site Plan Review Authority. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
 - a. the Applicant has submitted the required application materials as set forth in § 290-26 Section VI.H Site Plan Reviews;
 - b. the Applicant has satisfied § 290-26 Section VI.H.5 Review Criteria and § 290-26 Section VI.H.6 Plan Review and Approval Process; and
 - c. the project as described in the application meets the development standards set forth in Section § 290-10 F. Development Standards.

5. **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of § 290-10 H. Affordability Requirements.
 6. **Waivers.** Upon an Applicant's request, the Site Plan Review Authority may waive the requirements of the MROD, including § 290-10 F. Development Standards in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation meets the overall purpose and objectives of the MROD. Waiver requests are encouraged to be brought forward as early as possible and must be made in writing with justification by the developer.
- J. **Severability.** If any provision of this § 290-10 Multi-unit Residence Overlay District is found to be invalid by a court of competent jurisdiction, the remainder of it shall not be affected and shall remain in full force.