

# Multi-Family

---

## Is multi-family housing allowed by right in any part of the municipality?

**Issue Overview** Multi-family housing comes in a wide variety of forms and sizes. The ways municipalities define and categorize “multi-family” housing varies widely, as do the use-regulations that govern multi-family housing development. This study includes as “multi-family” any building with three or more dwelling units, with the exception of townhouses that this study treats in a separate category (single family attached). Multi-family dwelling units can be rental or condominium. They can be in a freestanding residential building or part of a mixed-use building, new construction or conversion of a preexisting building. Zoning documents usually specify what kinds of buildings qualify for conversion to multi-family housing: single family houses, two family houses, mills, schools, churches, municipal buildings or other types of facilities. Freestanding new development is also listed in a range of categories: high-rise apartments, garden apartments, or just “multi-family.”

There are a number of municipalities that technically allow multifamily housing by listing it as a permitted use in the zoning regulations, but where development of multi-family housing in practice is not feasible, for a range of reasons. First, some zoning bylaws/ordinances list a “multi-family” district, but do not zone it on the map; town meeting or city council would need first to re-zone land before multi-family housing could be developed. Second, some regulations require a parcel size (up to 50 acres) that is larger than could feasibly be assembled in the municipality. Third, the land zoned for multi-family housing is often already “built out” with multi-family housing to the full capacity that is allowed (so re-development could yield no additional units.) Finally, dimensional restrictions on height, lot area per dwelling unit, etc. could make its development unfeasible.

Zoning bylaws/ordinances list multi-family housing either as an “as-of-right” use or as requiring a special permit. Often, a municipality will allow some multi-family by right and some by special permit, based on the zoning district, intensity of use, and development types. For example, a municipality could allow multi-family by right in the multi-family district and by special permit in the business district; three units by right and 4 – 8 units by special permit; or conversion of single family dwelling to three family by right and garden apartments by special permit.

Unlike a variance which enables a property to be used in a way that is otherwise not allowed, special permits are to be used in a manner expressly authorized by the bylaw/ordinance. While “as-of-right” uses are allowed uniformly throughout a district, special permits are designed for uses that are generally compatible with a particular zone, but that the municipality would not want to allow as a matter of right in any location in the zone. The special permit mechanism gives municipalities leverage over an applicant – approval can be made contingent on an applicant meeting certain conditions.

Massachusetts General Law Chapter 40A, Section 9 “Special Permits” establishes municipal authority to provide special permits: “Section 9. Zoning ordinances or by-laws shall provide for specific types of uses which shall only be permitted in specified districts upon the issuance of a special permit. Special permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or by-law, and shall be subject to general or specific provisions set forth therein; and such permits may also impose conditions, safeguards and limitations on time or use. Zoning ordinances or by-laws may also provide for special permits authorizing increases in the permissible density of population or intensity of a particular use in a proposed development; provided that the petitioner or applicant shall, as a condition for the grant of said permit, provide certain open space, housing for persons of low or moderate income, traffic or pedestrian improvements, installation of solar energy systems, protection for solar access, or other amenities. Such zoning ordinances or by-laws shall state the specific improvements or amenities or locations of proposed uses for which the special permits shall be granted, and the maximum increases in density of population or intensity of use which may be authorized by such special permits.”

**Research Coding** Regulations for multi-family housing can be found in the table of uses, use regulations, cluster and PUD provisions, age-restricted provisions, or in mixed use, adaptive reuse and downtown overlays. Sometimes combined business/dwellings are listed in the table of uses under the “business” heading, not “residential.” The “as-of-right” uses are more frequently located only in the use regulations and use table, while special permit uses are both in the “use regulation” section and in the overlays and other special regulations.

If a municipality includes townhouses in a broader definition of multi-family housing, but in practice only allows townhouses, the answer is coded that the municipality allows multi-family housing. Assisted living facilities, congregate care homes, dormitories and lodging houses are not counted in this study as multi-family housing.

If multifamily housing is listed as a use, but its development is not feasible given the regulations, it is still coded as allowed.

## Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

Issue  
Overview  
Research  
Coding

### Abington

#### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Multifamily housing zoned by right in the Central Business District. The intent of the Central Business District as set forth in the Town of Abington Zoning Bylaws, Article III, Section 175-20(K), is, "Central Business District, CBD - To allow for the reasonable use, enhancement, expansion and redevelopment of those areas of the Town that are currently developed in a building intensive manner where parking is available on-street as well as in common lots. (See § 175-38.) [Added 4-7-2003 ATM by Art. 25]" See Town of Abington Zoning Bylaws, Table of Use Regulations, Section 175-21, for the table of permitted uses in each zoning district.

Definition of multi-family housing: "A building containing three or more dwelling units constructed on a single lot," as set forth in the Town of Abington Zoning Bylaws, Article II, Section 175-4. Additionally, the same section defines apartment as, "APARTMENT - A building exclusively for residential use with three or more dwelling units for rent."

According to the table of uses, the following Residential Uses are allowed in the following districts BY RIGHT:

"Attached dwelling occupied by not more than one family in each unit between side walls, provided that no row of such units shall consist of more than four such units" - in CBD district.

"Multi-unit dwellings" - in CBD district.

"Conversion of an existing dwelling to accommodate not more than three families, provided that the exterior design of structure is not changed from the character of a single-family unit and further provided that each dwelling unit resulting from such conversion shall comply with section 175-28" in CBD, TOD, and TC.

\*\*\*

Is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?

According to Dan Crane, Abington Town Planner, (6/29/04) there is available land for multi-family development.

#### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to the table of uses, the following Residential Uses are allowed in the following districts BY RIGHT:

"Attached dwelling occupied by not more than one family in each unit between side walls, provided that no row of such units shall consist of more than four such units" - in CBD district.

"Multi-unit dwellings" - in CBD district.

"Conversion of an existing dwelling to accommodate not more than three families, provided that the exterior design of structure is not changed from the character of a single-family unit and further provided that each dwelling unit resulting from such conversion shall comply with section 175-28" in CBD, TOD, and TC.

The following Residential Uses are allowed in the following districts BY SPECIAL PERMIT:

"Attached dwelling occupied by not more than one family in each unit between side walls, provided that no row of such units shall consist of more than four such units" - in R-20, FW, TOD, MUPDD.

"Multi-unit dwellings" - R-20, FW, TOD, MUPDD.

"Conversion of an existing dwelling to accommodate not more than three families, provided that the exterior design of structure is not changed from the character of a single-family unit and further provided that each dwelling unit resulting from such conversion shall comply with section 175-28" in R-20, FW.

\*\*\*

Multifamily housing zoned by right in the Central Business District. The intent of the Central Business District as set forth in the Town of Abington Zoning Bylaws, Article III, Section 175-20(K), is, "Central Business District, CBD - To allow for the reasonable use, enhancement, expansion and redevelopment of those areas of the Town that are currently developed in a building intensive manner where parking is available on-street as well as in common lots. (See § 175-38.) [Added 4-7-2003 ATM by Art. 25]"

Definition of multi-family housing: "A building containing three or more dwelling units constructed on a single lot," as set forth in the Town of Abington Zoning Bylaws, Article II, Section 175-4. Additionally, the same section defines apartment as, "APARTMENT - A building exclusively for residential use with three or more dwelling units for rent."

**SPECIAL PERMIT:**

According to the Town of Abington Zoning Bylaws, there are areas zoned for multifamily use by special permit: H-20 High Density Residential District, the TOD Transit Oriented Business District, and the MUPDD Multiple Use Planned Development District.

The only mention of lot sizes in the MUPDD relates to the minimum tract size of 10 acres.

The minimum size requirements for apartments are, "[t]he primary apartment unit within an apartment building shall have a minimum interior floor area of 600 square feet; each additional apartment unit shall have a minimum interior floor area of 400 square feet." according to Article VI, Section 175-28. According to Section 175-30, the density requirements for apartments are: "y. For each dwelling unit constructed on a lot/premises, the following minimum land space requirements are required: "(1) First eight units: 10,000 sq. ft./unit. (2) Each additional unit: 5,000 sq. ft./unit. "

For the TOD District, governed by Town of Abington Zoning Bylaws, Article , Section 175-37(C)(3)(a), the following dimensional requirements apply, "For each dwelling unit constructed on a lot/premises, except those in accordance with § 175-37C(2), a minimum of 2,500 SF of lot area shall be provided for each unit in addition to the minimum lot area required by Article VI, § 175-29."

Section 175-32 regarding apartments states the following: "The applicant shall file a request for a special permit with the Board of Appeals. The Zoning Board of Appeals may grant, only after a public hearing with due notice, a special permit for the construction of an attached dwelling, apartment or condominium development, only in the zoning districts indicated in § 175-21A(4)."

\*\*\*

From ordinance.com:

§ 175-32. Attached dwellings, apartments, condominiums.

**A. Administration:**

(1) The applicant shall file a request for a special permit with the Board of Appeals. The Zoning Board of Appeals may grant, only after a public hearing with due notice, a special permit for the construction of an attached dwelling, apartment or condominium development, only in the zoning districts indicated in § 175-21A(4).

(2) The applicant shall also simultaneously file a copy of the application with the Planning Board and the Town Clerk.

(3) The applicant shall file with the Planning Board and the Zoning Board of Appeals a site plan of the proposed development in accordance with § 175-77.

(4) Within 45 days of filing said application, the Planning Board shall evaluate the application and site plan with regard to the conditions and standards set forth in the bylaw and shall submit an advisory report to the Board of Appeals. The Board of Appeals shall not render a decision without considering the report of the Planning Board unless 45 days expire without receipt of such report.

**B. Minimum lot size.** The lot shall have not less than 200 feet of frontage nor contain less than 40,000 square feet of land area.

**C. Density.** For each dwelling unit constructed on a lot/premises, the following minimum land space requirements are required:

(1) First eight units: 10,000 sq. ft./unit.

(2) Each additional unit: 5,000 sq. ft./unit.

**D. Dimensional requirements.** Any building shall be at least:

(1) Sixty feet from any lot line that abuts the proposed development;

(2) Sixty feet from any street line;

(3) Fifteen feet from any parking area;

(4) Fifty feet apart in the event a variance for more than one building on a lot is granted by the Zoning Board of Appeals; and

(5) Not more than 35 feet in height.

E. Building design/placement. Any building shall insure maximum compatibility with surrounding land uses and structures. Where the site adjoins single family residential areas, the Board of Appeals may adjust building heights and side yard requirements in certain portions of the development. There shall be no more than 12 units per building.

F. Screening and buffers. See § 175-66.

G. Parking. See Article VIII.

H. Drainage. See § 175-63.

§ 175-37. Transit Oriented Development District.

A. Purpose and intent. The purpose of this district is to encourage the development of land uses that compliment both the existing commuter rail line and the established residential areas surrounding the station, by providing for a mix of small uses on well buffered sites to support commuters and adjacent residential development, encourage the continued use of rail service, increase the number of pedestrian and bicycle trips, while decreasing the number of automobile trips within the Town.

B. Design considerations.

(1) Buildings shall be set close to the street to provide for convenient pedestrian access while also enhancing the visual aspects of the Town. Building facades and streetscapes shall be pedestrian oriented.

(2) Parking shall not be located in the front yard area. The number of parking spaces shall be provided according to the requirements contained herein that supersede Article VIII of this Zoning Bylaw.

(3) Common access driveways and shared parking facilities shall be provided where possible to minimize traffic problems.

(4) Pedestrian connections to adjacent properties and the rail station shall be provided where possible and appropriate as determined by the Planning Board as part of the site plan review process. When multiple uses exist on a lot covered walkways should be provided to protect pedestrians from the weather shall be incorporated into the building design. Benches for public seating should also be provided on the site plan.

(5) Landscaping for and architectural elements of the proposed development shall be of high quality and reflect the historical New England character of the Town's Central Business District. Use of street trees and ground level lighting are required.

(6) Existing residential development adjacent to uses under this bylaw shall be adequately buffered in accordance with Article X, § 175-66 and 175-67 of this Bylaw.

C. Uses.

(1) Mixed-use developments in accordance with the uses identified in § 175-21, Table of Use Regulations. Residential uses are allowed within the district only as part of a larger, mixed-use development and not as a stand-alone principal use except by special permit from the Planning Board. Residential components may not exceed 25% of the total gross floor area of a proposed development except where the residential use is located on the upper floors of commercial buildings in accordance with § 175-37C(2).

(2) Residential units may be located on the upper floors of commercial buildings as part of a mixed-use development without limitation as to percentage of total gross floor area provided that:

(a) The building is connected to the public sewer system.

(b) One parking space is provided for each dwelling unit.

(c) No units are located on street level or within a basement.

(d) There shall be no more than two bedrooms per unit.

(e) Units must have a means of egress separate from the commercial use. No access to the units shall be through a commercial establishment.

(f) All units must meet the minimum requirements of the building and health codes for habitable space.

(3) Residential uses within the TOD District are not subject to the requirements of Article VII, § 175-32A, B, C, D or E of this Zoning Bylaw. The following supersede those standards.

(a) For each dwelling unit constructed on a lot/premises, except those in accordance with § 175-37C(2), a minimum of 2,500 SF of lot area shall be provided for each unit in addition to the minimum lot area required by Article VI, § 175-29.

(b) All buildings shall be a minimum of 15 feet from any parking area.

(c) All buildings shall be a minimum of 25 feet from any lot line that abuts the proposed development including the street line.

(4) No single retail use shall exceed 2,000 SF of total floor area [exclusive of any residential use in accordance with Subsection C(2) above], except by the issuance of a special permit from the Planning Board.

(5) The maximum floor area for retail and/or commercial use on a single lot shall not exceed 20,000 SF unless approved as part of a master site development plan approved by special permit by the Planning Board.

#### D. Parking.

(1) The number of parking spaces required by Article VIII, § 175-52 of this bylaw for commercial uses may be reduced by up to 50% without the requirement for a special permit provided that the requirements of § 175-53B and C are met.

(2) One ten-unit bicycle rack shall be provided for each proposed use. The racks shall be sheltered from the weather and conveniently located.

## Acton

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** The answer is based on the following section of Acton's June 19, 2004 ACTON COMMUNITY DEVELOPMENT PLAN: "Acton has one of the most innovative, thoughtfully conceived zoning bylaws in Massachusetts. The town encourages a variety of residential uses, including density incentives by special permit for clustered residential development, senior housing and provision of affordable housing. Acton also allows accessory dwellings by right in all residential districts, multi-family housing by right in four zoning districts and by special permit in two zoning districts, and single-family to multi-family conversions by special permit in all residential and village districts." (p. 8)

From the Code of The Town of Acton  
MIDDLESEX COUNTY, MASSACHUSETTS  
ZONING BY-LAW  
Amended through January 2001

#### SECTION 3. TABLE OF PRINCIPAL USES, PRINCIPAL USE DEFINITIONS AND ACCESSORY USE REGULATIONS 3.1 Provisions for Table of PRINCIPAL USES and PRINCIPAL USE Definitions

A USE is permitted by right in any district under which it is denoted by the letter "Y". A USE is prohibited in any district under which it is denoted by the letter "N". A USE denoted by the letters "SPA" may be permitted by special permit from the Board of Appeals. A USE denoted by the letters "SPP" may be permitted by special permit from the Planning Board. A USE denoted by the letters "SPS" may be permitted by special permit from the Board of Selectmen.

This answer is confirmed in the "TABLE OF PRINCIPAL USES" which shows

Multifamily Dwelling:  
Y = R-AA, SAV, WAV  
SPS = R-A  
SPA = VR

Using Transfer of Development Rights (TDR), multifamily dwellings are allowed in EAV and NAV.

Two-Family Dwelling:  
Y = R-A, R-AA, VR, SAV, and WAV

#### DEFINITION:

3.3.5 Multifamily Dwelling - A BUILDING for residential USE, other than a dwelling conversion, containing more than two DWELLING UNITS. A BUILDING or STRUCTURE, housing an ACCESSORY USE to a multifamily dwelling USE, owned and operated by the owner or the residents of a multifamily dwelling USE located on the same LOT or on an adjacent LOT, such as building and grounds maintenance facilities, wastewater disposal facilities, recreation facilities, or club houses.

\*\*\*

#### 3.5 Business USES

3.5.6 Combined Business and Dwelling - A LOT used for business USES and for not more than four DWELLING UNITS. Business USES and DWELLING UNITS may be in the same BUILDING or in separate BUILDINGS. In the EAV District, the limit of four DWELLING UNITS shall not apply provided that the DWELLING UNITS are in the same BUILDING as business USES, or that not more than four DWELLING UNITS are within a multifamily dwelling. In the NAV District the limit of four DWELLING UNITS shall not apply where dwelling units are created through the application of Sections 5.4 and 5:5.

\*\*\*

In response to the question "is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?" Kristin Alexander, Assistant Town Planner wrote in an email on 7/26/04:

"There are a handful of vacant parcels still available in Acton where multifamily housing is zoned by right (in the village zoning districts). The handful of vacant parcels still available, however, probably could not reach full development potential because of other constraints such as wetlands and wetlands setbacks."

\*\*\*

From the Code of The Town of Acton  
MIDDLESEX COUNTY, MASSACHUSETTS  
ZONING BY-LAW  
Amended through January 2001

SECTION 3. TABLE OF PRINCIPAL USES, PRINCIPAL USE DEFINITIONS AND ACCESSORY USE REGULATIONS  
3.1 Provisions for Table of PRINCIPAL USES and PRINCIPAL USE Definitions  
TABLE OF PRINCIPAL USES

SECTION 5 DIMENSIONAL REGULATIONS  
TABLE OF STANDARD DIMENSIONAL REGULATIONS

5.3.2 Residence A District, Residence AA District and Multifamily Dwellings:

5.3.2.1 In the R-A District, residential USES may be established at a density of up to five DWELLING UNITS per acre, subject to the standards set forth in the Table of Standard Dimensional Regulations. If such USES are established as single FAMILY DWELLING UNITS, the standards set forth in the Table of Standard Dimensional Regulations may be reduced provided that the following alternative standards are met: a) Minimum LOT area: 8,000 square feet; b) Minimum LOT FRONTAGE: 50 feet; c) Minimum Front Yard: 15 feet; d) All other dimensional regulations: as set forth for the R-2 District.

5.3.2.2 In the R-AA District, residential USES may be established at a density of up to fifteen DWELLING UNITS per acre, subject to the standards set forth in the Table of Standard Dimensional Regulations.

5.3.2.3 In all other districts, the following dimensional regulations must be met or maintained for any LOT used for five or more multifamily dwellings which were in existence prior to June 1, 1983: a) Minimum LOT area: the greater of either 80,000 square feet; or 4,500 square feet per one bedroom DWELLING UNIT plus 3,000 square feet for each additional bedroom per DWELLING UNIT; b) Minimum FRONTAGE: 200 feet; c) Minimum LOT width: 200 feet; d) Minimum front yard: 30 feet; e) Minimum side and rear yards: 30 feet.

No changes may be made to the boundaries of any such LOT, or to the boundaries of any land adjoining such LOT which is held in common ownership, until the above requirements have been met for each multifamily dwelling, unless such changes bring the multifamily dwelling more nearly into compliance with these standards.

\*\*\*

Researcher notes on density allowed for multifamily housing:

District R-AA VILLAGE RESIDENTIAL:  
Minimum Lot Area: 10,000 sq ft

WEST ACTON VILLAGE WAV District:  
No specific minimum or maximum regulation

SOUTH ACTON VILLAGE SAV District:  
No specific minimum or maximum regulation; (2) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling. At least one of the DWELLING UNITS shall be occupied by the owner of the property. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes. In the VR District a Site Plan Special Permit shall not be required.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Acton's June 19, 2004 ACTON COMMUNITY DEVELOPMENT PLAN:

"Acton has one of the most innovative, thoughtfully conceived zoning bylaws in Massachusetts. The town encourages a variety of residential uses, including density incentives by special permit for clustered residential development, senior housing and provision of affordable housing. Acton also allows accessory dwellings by right in all residential districts, multi-family housing by right in four zoning districts and by special permit in two zoning districts, and single-family to multi-family conversions by special permit in all residential and village districts." (p. 8)

From the Code of The Town of Acton  
MIDDLESEX COUNTY, MASSACHUSETTS  
ZONING BY-LAW  
Amended through January 2001

SECTION 3. TABLE OF PRINCIPAL USES, PRINCIPAL USE DEFINITIONS AND ACCESSORY USE REGULATIONS  
3.1 Provisions for Table of PRINCIPAL USES and PRINCIPAL USE Definitions

A USE is permitted by right in any district under which it is denoted by the letter "Y". A USE is prohibited in any district under which it is denoted by the letter "N". A USE denoted by the letters "SPA" may be permitted by special permit from the Board of Appeals. A USE denoted by the letters "SPP" may be permitted by special permit from the Planning Board. A USE denoted by the letters "SPS" may be permitted by special permit from the Board of Selectmen.

This answer is confirmed in the "TABLE OF PRINCIPAL USES" which shows

Multifamily Dwelling:  
Y = R-AA, SAV, WAV  
SPS = R-A  
SPA = VR

Using Transfer of Development Rights (TDR), multifamily dwellings are allowed in EAV and NAV.

Two-Family Dwelling:  
Y = R-A, R-AA, VR, SAV, and WAV

DEFINITION:

3.3.5 Multifamily Dwelling - A BUILDING for residential USE, other than a dwelling conversion, containing more than two DWELLING UNITS. A BUILDING or STRUCTURE, housing an ACCESSORY USE to a multifamily dwelling USE, owned and operated by the owner or the residents of a multifamily dwelling USE located on the same LOT or on an adjacent LOT, such as building and grounds maintenance facilities, wastewater disposal facilities, recreation facilities, or club houses.

\*\*\*

3.5 Business USES

3.5.6 Combined Business and Dwelling - A LOT used for business USES and for not more than four DWELLING UNITS. Business USES and DWELLING UNITS may be in the same BUILDING or in separate BUILDINGS. In the EAV District, the limit of four DWELLING UNITS shall not apply provided that the DWELLING UNITS are in the same BUILDING as business USES, or that not more than four DWELLING UNITS are within a multifamily dwelling. In the NAV District the limit of four DWELLING UNITS shall not apply where dwelling units are created through the application of Sections 5.4 and 5.5.

\*\*\*

In response to the question "is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?" Kristin Alexander, Assistant Town Planner wrote in an email on 7/26/04:

"There are a handful of vacant parcels still available in Acton where multifamily housing is zoned by right (in the village zoning districts). The handful of vacant parcels still available, however, probably could not reach full development potential because of other constraints such as wetlands and wetlands setbacks."

\*\*\*

From the Code of The Town of Acton  
MIDDLESEX COUNTY, MASSACHUSETTS  
ZONING BY-LAW  
Amended through January 2001

SECTION 3. TABLE OF PRINCIPAL USES, PRINCIPAL USE DEFINITIONS AND ACCESSORY USE REGULATIONS  
3.1 Provisions for Table of PRINCIPAL USES and PRINCIPAL USE Definitions  
TABLE OF PRINCIPAL USES

SECTION 5 DIMENSIONAL REGULATIONS  
TABLE OF STANDARD DIMENSIONAL REGULATIONS

5.3.2 Residence A District, Residence AA District and Multifamily Dwellings:

5.3.2.1 In the R-A District, residential USES may be established at a density of up to five DWELLING UNITS per acre, subject to the standards set forth in the Table of Standard Dimensional Regulations. If such USES are established as single FAMILY DWELLING UNITS, the standards set forth in the Table of Standard Dimensional Regulations may be reduced provided that the following alternative standards are met: a) Minimum LOT area: 8,000 square feet; b) Minimum LOT FRONTAGE: 50 feet; c) Minimum Front Yard: 15 feet; d) All other dimensional regulations: as set forth for the R-2 District.

5.3.2.2 In the R-AA District, residential USES may be established at a density of up to fifteen DWELLING UNITS per acre, subject to the standards set forth in the Table of Standard Dimensional Regulations.

5.3.2.3 In all other districts, the following dimensional regulations must be met or maintained for any LOT used for five or more multifamily dwellings which were in existence prior to June 1, 1983: a) Minimum LOT area: the greater of either 80,000 square feet; or 4,500 square feet per one bedroom DWELLING UNIT plus 3,000 square feet for each additional bedroom per DWELLING UNIT; b) Minimum FRONTAGE: 200 feet; c) Minimum LOT width: 200 feet; d) Minimum front yard: 30 feet; e) Minimum side and rear yards: 30 feet.

No changes may be made to the boundaries of any such LOT, or to the boundaries of any land adjoining such LOT which is held in common ownership, until the above requirements have been met for each multifamily dwelling, unless such changes bring the multifamily dwelling more nearly into compliance with these standards.

\*\*\*

Researcher notes on density allowed for multifamily housing:

District R-AA VILLAGE RESIDENTIAL:  
Minimum Lot Area: 10,000 sq ft

WEST ACTON VILLAGE WAV District:  
No specific minimum or maximum regulation

SOUTH ACTON VILLAGE SAV District:  
No specific minimum or maximum regulation; (2) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling. At least one of the DWELLING UNITS shall be occupied by the owner of the property. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes. In the VR District a Site Plan Special Permit shall not be required.

\*\*\*

From the Code of The Town of Acton  
MIDDLESEX COUNTY, MASSACHUSETTS  
ZONING BY-LAW  
Amended through January 2001

5.3.2 Residence A District, Residence AA District and Multifamily Dwellings:

5.3.2.1 In the R-A District, residential USES may be established at a density of up to five DWELLING UNITS per acre, subject to the standards set forth in the Table of Standard Dimensional Regulations. If such USES are established as single FAMILY DWELLING UNITS, the standards set forth in the Table of Standard Dimensional Regulations may be reduced provided that the following alternative standards are met: a) Minimum LOT area: 8,000 square feet; b) Minimum LOT FRONTAGE: 50 feet; c) Minimum Front Yard: 15 feet; d) All other dimensional regulations: as set forth for the R-2 District.

5.3.2.2 In the R-AA District, residential USES may be established at a density of up to fifteen DWELLING UNITS per acre, subject to the standards set forth in the Table of Standard Dimensional Regulations.

5.3.2.3 In all other districts, the following dimensional regulations must be met or maintained for any LOT used for five or more multifamily dwellings which were in existence prior to June 1, 1983: a) Minimum LOT area: the greater of either 80,000 square feet; or 4,500 square feet per one bedroom DWELLING UNIT plus 3,000 square feet for each additional bedroom per DWELLING UNIT; b) Minimum FRONTAGE: 200 feet; c) Minimum LOT width: 200 feet; d) Minimum front yard: 30 feet; e) Minimum side and rear yards: 30 feet.

No changes may be made to the boundaries of any such LOT, or to the boundaries of any land adjoining such LOT which is held in common ownership, until the above requirements have been met for each multifamily dwelling, unless such changes bring the multifamily dwelling more nearly into compliance with these standards.

\*\*\*

Notes on density allowed for multifamily by special permit:

R-A RESIDENCE AA District:  
Minimum Lot Area: 8,000 sq ft  
Max density of 5 dwelling units per acre

VR VILLAGE DISTRICTS:  
Minimum Lot Area: 5,000

\*\*\*

From the Code of The Town of Acton  
MIDDLESEX COUNTY, MASSACHUSETTS  
ZONING BY-LAW  
Amended through January 2001

## SECTION 5 DIMENSIONAL REGULATIONS

### 5.3.8 Nursing Homes in the Residential Districts

5.3.8.1 Nursing Homes in the R-2, RA R-8, R-8/4, R-10, R-10/8 and VR Districts shall be built according to the following dimensional standards: minimum LOT area - 100,000 sq. ft minimum LOT FRONTAGE - 200 feet; minimum LOT width - 200 feet; minimum front, side and rear yards - 60 feet; minimum setback of pavement areas other than ACCESS driveways from the front LOT line - 45 feet; minimum setback of pavement areas from the side and rear LOT lines - 60 feet; minimum OPEN SPACE - 35 percent; maximum FLOOR AREA RATIO - 0.20; maximum height of STRUCTURES - 36 feet; number of stories above finished ground level - 2. 5.3.8.2 Nursing Homes on LOTS in the R-A and R-AA Districts shall be built according to the standards set forth in the Table of Standard Dimensional Regulations and the maximum FLOOR AREA RATIO on such LOTS shall not exceed 0.20. 5.3.9 Child Care Facilities in Residential Districts - In addition to the standards set forth in the Table of Standard Dimensional Regulations, the following standards shall apply to child care facilities located in Residential Districts:

Minimum OPEN SPACE not including outdoor play areas - 35 percent;  
Maximum FLOOR AREA RATIO - 0.10;  
Maximum NET FLOOR AREA - 1000 square feet.

#### 5.3.11 Full Service Retirement Communities:

5.3.11.1 Full Service Retirement Communities in the R-2, RA R-8, R-8/4, R-10, R-10/8 and VR Districts shall be built according to the following dimensional standards: minimum LOT area - 100,000 sq. ft.; minimum LOT FRONTAGE - 200 feet; minimum LOT width - 200 feet; minimum front yard - 45 feet; minimum side and rear yard for BUILDINGS - 20 feet; containing one or two DWELLING UNITS minimum side and rear yard for all other BUILDINGS 60 feet; minimum setback of pavement areas other than - 45 feet; ACCESS driveways and walk ways from the front LOT line minimum setback of pavement areas, other than - 60 feet; walkways, from the side and rear LOT lines minimum separation of BUILDINGS within the LOT - 20 feet; minimum OPEN SPACE - 35 percent; maximum FLOOR AREA RATIO - 0.30; maximum height of STRUCTURES - 36 feet.

Maximum total NET FLOOR AREA occupied by allowed - the smaller of 10,000 sq. Business USES such as Retail Store, Restaurant, ft. or 10% of the total and Services NET Services FLOOR AREA in the full service retirement community

5.3.11.2 Full Service Retirement Communities in all other Zoning Districts shall be built according to the dimensional standards set forth in Section 5 and the Table of Standard Dimensional Regulations except that the Minimum Side and Rear Yard for BUILDINGS containing one or two DWELLING UNITS shall be the lesser of 20 feet or the dimension required in the Table of Standard Dimensional Regulations; the Minimum OPEN SPACE shall be the lesser of 35% or the percentage set forth in the Table of Standard Dimensional Regulations; the Maximum FLOOR AREA RATIO shall be the greater of 0.30 or the FLOOR AREA RATIO set forth in the Table of Standard Dimensional Regulations; and the limit on the number of DWELLING UNITS in the R-A and R-AA Districts shall not apply.

5.3.12 Assisted Living Residences in Residential Districts - In Residential Districts Assisted Living Residences with more than 10 residents shall be subject to the same dimensional standards as Nursing Homes in Residential Districts.

## SECTION 9B SENIOR RESIDENCE

### 9B.1 Purpose

The purpose of SENIOR Residence is to enhance the public welfare by: a) encouraging the development of choices of independent living accommodations for SENIORS in general; b) encouraging the development of housing that is suitable for SENIORS with disabilities; c) encouraging the development of affordable housing for SENIORS with low and moderate income; While: d) protecting Acton's New England character by development of land in clusters and villages, which is in greater harmony with Acton's historic development patterns and less demanding on its natural resources; e) preserving land for conservation, open space, recreation, agriculture and forestry; f) preserving significant land and water resources, natural areas, scenic vistas, and historic or archeological sites; g) reducing the typical costs of providing municipal services to residential developments.

### 9B.2 Special Permit

The Planning Board may grant special permits for the development and construction of a SENIOR Residence development in the R-2, R-4, R-8, R-8/4, and R-10/8 Districts in accordance with this Section and MGL, Ch. 40A, s.9.

9B.2.1 Application for a Special Permit - Any person who desires a SENIOR Residence Special Permit shall submit a written application with a site plan that meets the requirements set forth herein and in the Rules and Regulations for SENIOR Residence special permits.

9B.2.2 Subdivision - If a SENIOR Residence development requires approval under the Subdivision Control Law, MGL, Ch. 41, the application shall contain a definitive subdivision plan as required by the Acton Subdivision Rules and Regulations. The applications for a SENIOR Residence special permit and a definitive subdivision approval plan shall be filed concurrently. To the extent permitted by law, the Planning Board shall consider both applications at the same time.

### 9B.3 Planning Board Action

In evaluating a proposed SENIOR Residence development, the Planning Board shall consider the general objectives of this bylaw and of this section 9B in particular; the existing and probable future development of surrounding areas; and the appropriateness of the proposed site plan in relation to the topography, soils and other characteristics and resources of the TRACT OF LAND in question. The Planning Board may grant a special permit for a SENIOR Residence development if it finds that it: a) protects and enhances Acton's New England character, its environmental and historic resources, and scenic vistas; b) provides Common Land that benefits the residents of the Town and the SENIOR Residence development; c) provides quality housing for SENIORS with a range of incomes and physical abilities; d) provides for the safety of vehicular movement, and for the safety and convenience of pedestrians in a manner that is compatible with Acton's New England character and the needs of SENIORS; e) is consistent with the Acton Master Plan as amended; f) is in harmony with the purpose and intent of this bylaw; g) will not be detrimental or injurious to the neighborhood in which it is to take place; h) is appropriate for the site in question; i) complies with the applicable requirements of the bylaw; and j) meets the purpose of this section 9B.

The Planning Board may require changes to the SENIOR Residence site plan and impose additional conditions, safeguards and limitations as it deems necessary to secure the objectives of this bylaw.

### 9B.4 Allowed USES

Only the following USES shall be allowed in a SENIOR Residence development: 9B.4.1 Single FAMILY dwellings. 9B.4.2 Single FAMILY dwellings with one apartment.

9B.4.3 Multifamily dwellings.

9B.4.4 ACCESSORY USES typically associated with residential USES.

9B.4.5 Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, recreation and leisure facilities, a community center, or food service. 9B.4.6 Convenience services intended primarily for its residents, such as Retail Stores, Banks, Restaurants, and Services provided that not more than 10% of the total NET FLOOR AREA of the development is dedicated to such uses. 9B.4.7 Allowed USES on the Common Land as set forth herein.

### 9B.5 Dimensional Regulations

A SENIOR Residence development shall comply with the following dimensional regulations for the area of the TRACT OF LAND, density, BUILDINGS, and STRUCTURES:

9B.5.1 Minimum TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.

9B.5.2 Maximum density: 4 DWELLING UNITS per acre in the R-2 District, and 3 DWELLING UNITS per acre in the R-4, R-8, R-8/4, and R-10/8 Districts, based on the total development site including the Common Land.

9B.5.3 Minimum setbacks for BUILDINGS and STRUCTURES: 45 feet from any existing STREET; 15 feet from a STREET, way or common drive within the site; 30 feet from any lot line and the Common Land boundary.

9B.5.4 Minimum separation of BUILDINGS: 20 feet.

9B.5.5 Maximum height of BUILDINGS and STRUCTURES: 36 feet.

9B.5.6 Maximum number of DWELLING UNITS per BUILDING: 4.

9B.5.7 Maximum horizontal dimension of a BUILDING: 200 feet.

9B.5.8 Each DWELLING UNIT shall have at least two separate exterior entrances at ground level.

...

\*\*\*

1.3.15 SENIOR : An individual who is 55 years of age or older

\*\*\*

According to the table of principal uses, "dwelling conversions" are allowed by special permit from the board of appeals in R2, R-4, R-8, R-8/4, R-10, R-10/8, R-A, R-AA, VR, EAV, EAV-2, NAV, SAV, WAV, KC, LB.

\*\*\*

3.3.4 Dwelling Conversions - A single FAMILY dwelling or other residential BUILDING in existence prior to April 1, 1971 with less than four DWELLING UNITS. may be altered and used for not more than four DWELLING UNITS if the LOT on which the BUILDING is located contains not less than 10,000 square feet per DWELLING UNIT and if one of the units occupied by the owner of the property. In the R-A, R-AA, VR,. SAV, WAV, NAV, EAV and KC Districts the preceding requirement that the LOT on which the BUILDING is located shall contain not less than 10,000 square feet per DWELLING UNIT shall not apply.

## Amesbury

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** "Dwelling, Multifamily: A building containing three or more dwelling units." (Bylaw, Section II, Definitions)

\*\*\*

"L. Planned Unit Development (PUD) Districts:

1. Permitted Uses: In Planned Unit Development (PUD) Districts shown on the Zoning Map, the following uses are permitted as of right:

a. Multi-family dwellings and attached dwellings of all types; provided, however, that except for preexisting buildings or structures on a lot, all multifamily dwellings and attached dwelling units shall be limited to four (4) dwelling units for each building or structure

b. All other uses, including mixed uses, permitted in Section V.D., Table of Use Regulations.

2. Applicability of Section XI: In addition to special conditions set forth in other sections of this Bylaw, in Planned Unit Development (PUD) Districts shown on the Zoning Map, only the provisions of Section X.B, C. , G., H.16, H.18, and H.19 shall be applicable."

Amesbury Zoning Bylaw and Map, Adopted April 12, 1071 with Revisions Through October 14, 2003. Section XI.L

\*\*\*

Mixed Use: For the purposes of this Bylaw mixed use shall apply to those developments that are a combination of commercial and residential uses in the same structure.

\*\*\*

According to table of uses:

Conversion of one family dwelling units to 2 or 3 family dwelling units - by special permit from board of appeals in R-8, r-20; By right in ESOD.

Cluster residential - by special permit from planning board in R-8, R-20, R-40, R-80, IL; by right in RC.

Multifamily - by special permit from planning board in CBD, IC (with site plan review)

In law apartment - by special permit from board of appeals in R-8, R-20, R-40, R-80, RC, CBD.

"Planned Unit Development by special permit" - by special permit from planning board in CBD, IC (Site plan review required)

"Planned Unit Development" - by right in PUD (site plan required)

\*\*\*

According to the municipal planner, is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?

According to Amesbury Town Planner Nipun Jain, "yes, there is, and there is currently a proposal for it. PUD district development

requires site plan approval" (E-mail communication, 1/06/05)

\*\*\*

"7. The gross floor area in a multifamily dwelling shall not be less than 450 square feet for one bedroom dwelling units, 600 square feet for two bedroom units, and 768 square feet for three bedroom or larger units." (Bylaws, Section VI.F.7)

\*\*\*

Footnotes relating to PUDs in Table of Dimensional and Density Regulations.

2. In the Planned Unit Development (PUD) Districts shown on the Zoning Map the minimum lot area required by Section VI, Table of Dimensional and Density Regulations may be satisfied by combining lots in such districts in common ownership on separate parcels, separated by existing public or private ways, up to but not exceeding the minimum lot area required in a PUD district shown on the Zoning Map, provided, however, that any such separate lot or portion of a lot used in satisfying the minimum lot area requirement is within 300 feet of the property line of the largest lot used to calculate the minimum lot area and further provided that existing public and private ways need not constitute boundaries of a lot for purposes of calculating minimum lot area.

3. Where a PUD abuts a residential zone the side yard setback shall be 50 feet.

4. In Planned Unit Development (PUD) Districts where the building area of preexisting structures or buildings on a lot exceeds 35% of lot area, the allowable maximum building area shall be increased by 10% of the building area of such preexisting structures or buildings, up to a maximum of 40%.

5. The required minimum open space for the PUD District shall be subject to all the requirements set forth for usable open space, Section XI.H.16 of this Bylaw."

Amesbury Zoning Bylaw and Map, Adopted April 12, 1971 with Revisions Through October 14, 2003. Section V. Use Regulations

\*\*\*

Minimum lot area: 5 acres  
Maximum building area: 35%  
Minimum Open Space: 30%

#### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** "Dwelling, Multifamily: A building containing three or more dwelling units." (Bylaw, Section II, Definitions)

\*\*\*

"L. Planned Unit Development (PUD) Districts:

1. Permitted Uses: In Planned Unit Development (PUD) Districts shown on the Zoning Map, the following uses are permitted as of right:

a. Multi-family dwellings and attached dwellings of all types; provided, however, that except for preexisting buildings or structures on a lot, all multifamily dwellings and attached dwelling units shall be limited to four (4) dwelling units for each building or structure

b. All other uses, including mixed uses, permitted in Section V.D., Table of Use Regulations.

2. Applicability of Section XI: In addition to special conditions set forth in other sections of this Bylaw, in Planned Unit Development (PUD) Districts shown on the Zoning Map, only the provisions of Section X.B, C, G., H.16, H.18, and H.19 shall be applicable."

Amesbury Zoning Bylaw and Map, Adopted April 12, 1971 with Revisions Through October 14, 2003. Section XI.L

\*\*\*

Mixed Use: For the purposes of this Bylaw mixed use shall apply to those developments that are a combination of commercial and residential uses in the same structure.

\*\*\*

According to table of uses:

Conversion of one family dwelling units to 2 or 3 family dwelling units - by special permit from board of appeals in R-8, r-20; By right in ESOD.

Cluster residential - by special permit from planning board in R-8, R-20, R-40, R-80, IL; by right in RC.

Multifamily - by special permit from planning board in CBD, IC (with site plan review)

In law apartment - by special permit from board of appeals in R-8, R-20, R-40, R-80, RC, CBD.

"Planned Unit Development by special permit" - by special permit from planning board in CBD, IC (Site plan review required)

"Planned Unit Development" - by right in PUD (site plan required)

\*\*\*

Elm Street Overlay District (ESOD), Residence 8 and Residence 20: Conversions from 1 or 3 to 3 units allowed by Special Permit of the Planning Board.

In Central Business District (CBD) and Central Industrial District (IC), Multifamily allowed by Special Permit of the Planning Board. Also in CBD and IC, Planned Unit Developments, including apartment units, allowed by Special Permit. Site Plan review required.

Cluster Residential includes multifamily up to 4 units per structure. Allowed by Special permit in R-8, R-20, R-40, R-80, and Rural Cluster.

\*\*\*

"XI. H. Planned Unit Development (PUD) by Special Permit: 1. Authority to Grant Permits: The Planning Board may grant a special permit for the construction of a Planned Unit Development (PUD) in the following districts: Central Business District and Central Industrial District. The special permit shall conform to this title and to Chapter 40A, Section 9, General Laws, and to regulations which the Planning Board shall adopt for carrying out its requirements under this title.

2. Applicability: The requirements of Section XI.H shall apply only to applications for special permits for PUD, provided, however, that Section XI.H.16, XI.H.18 and XI.H.19 shall apply to Planned Unit Development (PUD) Districts shown on the Zoning Map. Planned Unit Development (PUD) Districts shown on the Zoning Map shall conform in all respects to any other pertinent sections of the Zoning Bylaw.

3. Purpose: The purpose of the PUD special permit is to provide a mixture of land usage within the Town with the possibility of greater density and intensity than would normally be allowed provided that the land usage can be shown to be in the public good and a) will improve and/or reinforce the liveability and aesthetic qualities of the surrounding neighborhood and/or environment; b) is consistent with the objectives of this Bylaw; c) promotes the development of housing in Amesbury; and d) preserve, promote and encourage use of public and private open space. I. Pre-application Conference [ ... ] 5. Preliminary Plan Submittal [ ... ] 6. Preliminary Plan Contents [ ... ] 7. Final Plan Submittal [ ... ] 8. Final Plan Contents [ ... ] 9. Final Plan - Planning Board Considerations [ ... ] 10. Denial of Special Permit [ ... ] 11. Term of Special Permit [ ... ] 12. Changes from Recorded Plan [ ... ] 13. Conditions for Approval [ ... ]

14. Permitted Uses: In the PUD, the following uses are permitted: a. Residential: apartments in existing buildings only and only on floors above the ground floor; residential uses on the same floor as a commercial use are prohibited: the ground floor shall be devoted to permitted business uses. b. Attached dwelling units shall not exceed four units per structure. c. Business: restaurants, excluding fast-food restaurants; theaters; general retail sales and services, excluding medical and dental laboratories or centers. d. Expansion of buildings or rehabilitation of existing interiors: 1. Special permits can be granted to PUD projects that are essentially an expansion of the existing building; and if the project meets all parking and Site Plan criteria required by the Planning Board. 2. Special permits can be granted to PUD projects that are essentially a major renovation of an existing building if the major renovation involves 80% of the gross floor area, excluding basements, and if the project meets all parking and Site Plan criteria that may be required by the Planning Board.

15. Site Area: For new construction and expansion, a minimum lot size shall be 25,000 square feet. All portions of the project area must be zoned as Central Business District, or Central Industrial District, or a combination of both. 16. Usable Open Space: a. Usable open space shall be defined as a part or parts of land or structure with a PUD which are reserved for permanent active or passive recreation use. This space shall exclude parking areas, but include required setbacks, waterways, walkway, and be open and unobstructed to the sky. Trees, planting, arbors, flagpoles, sculpture, fountains, swimming pools, atriums, open-air recreation facilities, and similar objects shall not be considered "obstructions." b. In all PUDs that are new construction, at least 30% of the land shall be set aside as permanent usable open space, for the use of the PUD occupants, or for the community. The required open space may be conveyed to the Amesbury Conservation Commission, to a nonprofit conservation organization, or to a corporation or trust representing the ownership of the PUD and shall be protected by the conservation restriction as required in Chapter 40A, Section 9, General Laws, for common open space in cluster developments. A covenant shall be placed on the land such that no part of the PUD can be built, sold or occupied

until such time as a satisfactory written agreement has been executed for protection of the open space. c. Open space requirements do not apply for PUD projects which are expansions of existing buildings or are major internal renovations. It shall be the objective of this section in cases where private open space has been traditionally utilized by the public; and where the public has been allowed the use of the area as open space, that said open space should not be included as part of the building expansion and is subject under this section of the Bylaw. 17. Setback Requirements [ ... ] 18. Height [ ... ] 19. Off-Street Parking [ ... ]"

\*\*\*\*\*

"L. Planned Unit Development (PUD) Districts:

d. The use must be carried on strictly within the principal building.

1. Permitted Uses: In Planned Unit Development (PUD) Districts shown on the Zoning Map, the following uses are permitted as of right:

a. Multi-family dwellings and attached dwellings of all types; provided, however, that except for preexisting buildings or structures on a lot, all multifamily dwellings and attached dwelling units shall be limited

to four (4) dwelling units for each building or structure  
b. All other uses, including mixed uses, permitted in Section V.D.,  
Table of Use Regulations.  
2. Applicability of Section XI: In addition to special conditions set forth in  
other sections of this Bylaw, in Planned Unit Development (PUD) Districts  
shown on the Zoning Map, only the provisions of Section X.B, C, G., H.16,  
H.18, and H.19 shall be applicable."

\*\*\*\*\*

"XI.J. Multi-Family Special Permit:

1. Objectives: The objective of this subsection are to:

- a. Allow maximum flexibility for the provision of housing in Amesbury, and
  - b. In the Central Industrial (IC) and Central Business District (CBD) zones only, allow for mixed residential and commercial uses in existing, or expanded multi-story buildings and further to allow for the conversion of existing, or expanded mixed use, industrial or commercial buildings to residential buildings.
2. Applicability: The Planning Board may grant a special permit for dwelling units located over commercial use in existing, or expanded multi-story buildings in the Central Business District and the Central Industrial zones. In no instance, however, may a permit be granted that would allow industrial and residential uses to occupy the same structure.
3. Procedural Requirements: These procedural requirements shall be in addition to the general requirements for a special permit specified in Section X.J of this Bylaw.
- a. Pre-Application Review: Potential applicants are encouraged to meet with the Planning Board and describe their project. The Planning Board shall then specify the written or mapped material they may require.
  - b. Application: The applicant shall submit to the Planning Board an original and ten (10) copies of all materials requested by the Planning Board, and all materials required for a Site Plan Review as described in Section XI.C of this Bylaw.
  - c. Parking Plan: Applicant for this special permit shall submit an original and ten (10) copies of a parking plan at a scale no larger than 1"= 100 feet which shall clearly show the relationship of off-street parking requirements to the building concerned. Such plan shall indicate lighting and landscaping if required by the Planning Board.
4. Permit Criteria:
- a. Number of dwelling units: The maximum allowable number of units shall be determined by the Planning Board. The decision of the Planning Board in this regard shall consider: 1) size and location of commercial space, if any; 2) physical limitations of building and lot; 3) provision of off-street parking; 4) traffic conditions in the general area; and 5) other conditions specified by the Planning Board.
  - b. Allowable Uses: All Commercial uses allowed by the district in which the building is located and residential dwelling units located over commercial uses in multi-story buildings, or conversion of existing buildings into free standing residential buildings. Construction of new free standing multifamily structures is not allowed.
  - c. Dimensional Regulations: The building and lot shall meet the dimensional regulations for commercial or industrial uses in the zoning district in which the building and lot are located except that the Planning Board may increase in part or totally said dimensional regulation when, in their opinion, the public interest would be served.
  - d. Parking Requirements: The Planning Board may require that offstreet parking spaces and loading requirements for commercial uses shall be the same as required in Section VIII of this Bylaw. In addition the applicant shall provide one and a half (1 1/2) off-street parking space for each residential dwelling unit therein either on the lot or in a public offstreet parking area located within 500 feet of the building and lot. Applicants planning to use public off-street parking areas to meet the requirements of this subsection must be prepared to demonstrate that prior special permits granted for this use do not exceed the capacity of the public off-street parking area. The Planning Board may choose to limit the amount of parking in public off-street parking areas, if in their opinion, there would not be sufficient space to serve the general public."

\*\*\*\*\*

"XI.K.1. Residential Conversions:

In the R-8 and R-20 Zoning Districts a special permit may be granted by the Board of Appeals for the conversion of one-family dwellings into two-family dwellings and of two-family into three-family dwellings in accordance with the following provisions:

1. In no instance shall the lot be less than 12,000 square feet.
2. The minimum lot frontage be at least 80 feet in the R-8 zone, and not less than the required minimum in all other zones.
3. There be at least a minimum off-street parking for three (3) vehicles.
4. All other dimensional requirements of the zoning district on which the conversion is proposed are met.
5. The maximum number of dwelling units allowed in any previously existing one-family dwelling shall be two, and two-family dwelling shall be three.
6. In instances where the Board of Appeals is requested to permit three (3) dwelling units in a residential structure the Board of Appeals shall require a Site Plan that indicates off-street parking for at least five (5) vehicles; and said plan shall indicate that no designated off-street parking spaces are located in the required front yard setback of the zoning district in question.
7. For all conversions, all health and safety regulations of the Town and Commonwealth shall be met, and a report to that effect shall be obtained by the applicant from the Building Inspector.
8. No applicant for a residential conversion special permit shall apply to the Building Inspector for a building permit or occupancy permit, unless and until a special permit for conversions is approved by the Board of Appeals. Further, all building permits and occupancy permits issued by the Building Inspector shall be in conformance with the conditions, if any, stipulated in the special permit approval.
9. All proposals for conversions are subject to the special permit requirements and procedures set forth in Section X.J of this Bylaw."

## Andover

### Is multi-family housing allowed by right in any part of the municipality?

**No** According to Code of the Town of Andover Massachusetts, Part II, Article VIII, Section Appendix A, Table 1, Section 3.1.3. (as amended 2003), there is no land zoned by right for multifamily dwellings.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to the table of use regulations, the following multifamily uses are allowed by special permit:

Conversion of a one-family to a two- or more family dwelling (see Section 7.6.2) by special permit by the board of appeals in SRA, SRB, MU.

Multiple dwelling (Apartment building) (See section 7.6.3) by special permit from the board of appeals in APT district.

Planned Development - Multifamily or Mixed Use (See section 7.2) by special permit from the planning board in GB and MU.

Conversion of existing structure of 50,000 square feet gross floor area or more to multifamily use (See section 7.5) by special permit from the board of appeals in SRA and SRB.

New multifamily dwelling construction - Attached cluster (See section 7.3) by special permit from the planning board in SRA, SRB, and SRC.

\*\*\*

Also - under the heading "Elderly housing," independent living residence is allowed by special permit from the planning board in SRA, SRB.

\*\*\*

#### 9.5. SITE PLAN REVIEW

9.5.1. Purpose. The purposes of the site plan review are:

1. To administer the provisions of this by-law;
2. To ensure that development will be designed and constructed in a manner which promotes the appropriate use of land and upholds the purposes and objectives of G.L. c. 40A.

9.5.2. Applicability. Except as provided in Section 10.0 for major non-residential projects and for new multifamily construction under Section 7.3, no building permit shall be issued for new construction or enlargement of a building in which commercial, industrial, institutional and/or multifamily use or uses are located unless and until a site plan review certificate of approval has been issued in conformance with this section. Said approval shall be required for the following projects:

1. where the gross floor area of an existing building is increased up to two thousand square feet.
2. where the gross floor area of a proposed building or of all buildings proposed totals ten thousand square feet or less.

A project which results in less than three hundred square feet of new gross floor area shall not be subject to the provisions of this section.

\*\*\*

DWELLING, MULTIFAMILY : A building containing three or more dwelling units.

\*\*\*

According to the Code of the Town of Andover Massachusetts, Part II, Article VIII, Section 10 (as amended 2003), Multifamily Dwelling Apartment Buildings are allowed by special permit in the APT and in the GB, MU districts. They are not allowed in the any of the single family residential districts. New Multifamily Dwelling units in an attached cluster are allowed by special permit in the SRA, SRB and

SRC districts.

Additionally, the Code of the Town of Andover Massachusetts, Part II, Article VIII, Section 4.1.4(as amended 2003) states as follows:

"In the Apartment Districts, the following additional rules apply:

"The minimum lot area and frontage requirements shall be the same as applies to the adjoining single residence sharing the longest common boundary. In the event there is no adjoining single residence district, the requirements of the nearest single residence district shall apply.

b.For multiple dwellings, there shall be at least thirty-five hundred square feet of lot area for each dwelling unit. See Section 7.6.3 of this by-law."

Code of the Town of Andover Massachusetts, Part II, Article VIII, Section 7.6.3 (as amended 2003) states as follows: " 1. No more than twelve dwelling units shall be contained in any building in an Apartment District.

2. There shall be a minimum of thirty-five hundred square feet of lot area per dwelling unit.

3. There shall be a paved driveway or paved walk adequate to accommodate emergency vehicles, within fifty feet of the outside entrance to each dwelling unit.

4. No dwellings shall be nearer to each other at any point than the sum of the heights of their opposing exterior walls unless both such walls are unpierced, and walls shall be considered opposing if the angle between them is less than 30 degrees.

5. No structure shall be built within thirty feet of any way, and no structure or parking space shall be built or maintained within twenty feet of any other exterior property line.

6. Off-street parking shall be provided as per Appendix A, Table 3, subsection A.4.b."

With regards to multifamily cluster developments, according to Code of the Town of Andover Massachusetts, Part II, Article VIII, Section 7.3 (as amended 2003), the lot size is set based on acres while the density is set as follows: " The maximum base number of dwelling units shall be determined by dividing the buildable area by the minimum lot size allowed in the zoning district. For each base dwelling unit of one thousand square feet or less, the applicant is entitled to a credit of fifty percent (50%) of an additional dwelling unit of smaller size. Buildable area is calculated by subtracting from the total area of the lot a number which is ninety percent (90%) of the area shown as wetlands on the Town of Andover wetland maps."

\*\*\*

Notes on density:

Apartments (multifamily):

APT (3500 sq. ft. per unit )

GB (3500 sq. ft. per unit )

MU( 3500 sq. ft. per unit)

Multiple Family Attached Clusters:

SRA (each lot not less than 10 acres, not more than 25 acres)

SRB (each lot not less than 10 acres, not more than 25 acres)

SRC (each lot not less than 10 acres, not more than 25 acres)

\*\*\*

From ordinance.com:

#### 7.4. ELDERLY HOUSING

7.4.1. Purpose. The objectives of this section are to achieve the following public purposes:

1. To provide for the development and use of alternative housing and nursing care for the elderly in accordance with the Town's Master Plan.

2. To create home health care, housing and other supportive services for the elderly population outside of an institutional setting.

3. To encourage the preservation of open space.

4. To provide alternative housing for the elderly that cause relatively little demand on town services.

5. To preserve the town's residential character.

6. To provide such accommodations in a manner harmonious with the surrounding land uses while protecting natural resources and open space.

7. To provide housing which is affordable to the elderly population who are Andover Residents.

7.4.2. Applicability. The Planning Board may grant a special permit for elderly housing as described in Section 7.4.

1. This section shall not apply to assisted living residences existing on the date of adoption of this section.

7.4.3. Assisted Living Residences - Dimensional Requirements and Design Standards. Dimensional requirements and design standards shall be as follows:

1. Minimum Lot Size. An assisted living facility shall be permitted in a SRA and SRB District only within a single lot containing a total area of not less than 5 acres. In the MU District, the minimum lot size shall be 2 acres. There shall be no minimum lot size required for the GB District.
2. Density. The maximum allowable density shall be three thousand square feet of lot area per assisted living unit.
3. Building Height. Any addition or new construction shall not exceed thirty-five feet in height as measured in accordance with the State Building Code or three stories. This does not preclude the reuse and renovation of existing structures which may exceed this height limit.
4. Building Coverage. The maximum building coverage, including accessory buildings, shall not exceed thirty percent (30%) of the lot area for new construction or expansion of existing structures.
5. Building Setbacks. In the SPA and SRB Districts, buildings shall be set back a minimum of fifty feet from all property lines. In the MU District, the building setback will be twenty feet. Buildings in the G9 District shall be setback as required in Section 4.1.4.2.b of this by-law.
6. Setback from Residential Dwellings. In the SRA and SRB Districts, all buildings associated with the assisted living facility shall be no closer than two hundred feet from existing residential dwellings; however, with respect to accessory structures not greater than three hundred square feet in said districts, the SPGA, in its discretion, may reduce said setback by an amount up to but not greater than one hundred feet if it determines that said structure will not adversely impact the use and enjoyment of the existing residential dwelling. In the MU and GB districts, the setback shall be fifty feet.
7. Minimum Lot Frontage. The minimum lot frontage shall conform to the requirements of the district where such use is located.
8. Town Services. Assisted living residences shall be serviced by public water and sewer of sufficient capacity to serve the project. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.
9. Transportation Services. The operator of the assisted living residence shall be required to provide or arrange for transportation to town services and facilities.
10. Common Open Space: In the SPA and SRB Districts, there shall be an area of common open space equal to at least thirty percent (30%) of the lot area. The common open space shall be retained in perpetuity for conservation or passive recreation use. No more than twenty-five percent (25%) of the minimum required open space shall be situated within wetlands. A permanent conservation restriction running to or enforceable by the town shall be recorded for the common open space area and shall include restrictions that the land be retained in perpetuity for conservation and/or passive recreation.

...

\*\*\*

Note: Section 7.4.8 - Independent living residence.

\*\*\*

## 7.6. MULTIPLE DWELLINGS

7.6.2. Conversions. For the conversion of a structure with one dwelling unit or a structure with two or more dwelling units, the following eligibility criteria apply;

1. The building must have existed prior to March 10, 1941,
2. There shall be twenty-five hundred square feet of lot area for each family.
3. Parking shall be provided as required by Appendix A, Table 3.
4. The building may not be increased in area, footprint, height or otherwise enlarged beyond the existing framework, except as may be necessary for secondary egress in the form of an outside stairway.

\*\*Webmasters Note: The previous subsection has been added as per an ordinance approved at a town meeting held on 4/22/02.

\*\*\*

According to the table of use regulations, such conversions are allowed by special permit in SRA and SRB.

# Arlington

## Is multi-family housing allowed by right in any part of the municipality?

**No** The Table of Use Regulations was not included in the zoning bylaw posted on the Arlington website, so the researcher used the Table posted on ordinance.com. Three-family dwellings and town house structures are allowed only by special permit in the R3, R4, R5, R6, and R7 zones, as well as most of the business zones. Apartment houses are allowed by special permit in R5, R6, R7, as well as most of the business zones.

Zoning Bylaw Town of Arlington, Article II (on Arlington website as of August, 2004)

ART. 81, ATM 4/80

Three-Family Dwelling:

A house containing three (3) dwelling units.

Town House Structure:

A row of at least three (3) one-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row, or town house, may be owned by a separate owner and shall have its own at grade access.

Zoning Bylaw Town of Arlington, Article 2 (on Arlington website as of August, 2004) - Definitions

Apartment House:

A building designed or intended or used as the home or residence of four or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Zoning Bylaw Town of Arlington, Section 3.02 (on Arlington website as of August, 2004)

R3 - Three-Family District

The Three-Family District is composed of all those areas so designated on the official zoning map. The predominant use is a three-family dwelling with locations along Massachusetts Avenue and Broadway. It is the intent that no businesses be located in the R3 district. Uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this bylaw, are discouraged.

R4 - Town House Districts

The Town House District is composed of all those areas so designated on the official zoning map. It is located along arterials or in the Center area. The predominant uses are one- and two-family dwellings in large, older houses. Conversions of these old homes to apartments or offices is allowed to encourage their preservation. Town house construction is permitted at the same density as the apartment conversions, and at a scale in keeping with the older houses. Uses which would detract from the desired residential character, or otherwise interfere with the intent of this bylaw, are discouraged.

R5 - Apartment District - Low Density

The Low-Density Apartment District is composed of all those areas so designated on the official zoning map. The predominant use is two- to three-story garden apartments located along or near principal arterials. Small-scale offices would be allowed on principal arterials only. Uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this bylaw, are discouraged.

R6 - Apartment District - Medium Density

ART. 91, ATM 3/79

The Medium Density Apartment District is composed of all those areas so designated on the official zoning map. The predominant use is apartments up to four stories high with offices permitted at a smaller scale. Locations are principally Massachusetts Avenue and Pleasant Street. Uses which would detract from the desired residential and office character, or otherwise interfere with the intent of this bylaw, are discouraged.

R7 - Apartment District - High Density

ART. 93, ATM 3/78

The High Density Apartment District is composed of those areas so designated on the official zoning map. The predominant use is apartments up to 5 stories high, although offices are also permitted at the same scale. Locations are principally within or adjacent to Arlington center. Uses which would detract from the desired character, such as large-scale retail uses, or otherwise interfere with the intent of this bylaw, are discouraged.

Section 5.04: Table of Use Regulations

This table, declared to be a part of this Bylaw, is too wide to be rendered in HTML, and it is too complex to be rendered effectively in Acrobat. To see this table, you must go to the Planning Department, first floor, Town Hall Annex, and request it. We apologize for this inconvenience.

## Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** The Table of Use Regulations was not included in the zoning bylaw posted on the Arlington website, so the researcher used the Table posted on ordinance.com. Three-family dwellings and town house structures are allowed only by special permit in the R3, R4, R5, R6, and R7 zones, as well as most of the business zones. Apartment houses are allowed by special permit in R5, R6, R7, as well as most of the business zones.

Zoning Bylaw Town of Arlington, Article II (on Arlington website as of August, 2004)

ART. 81, ATM 4/80

Three-Family Dwelling:

A house containing three (3) dwelling units.

Town House Structure:

A row of at least three (3) one-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row, or town house, may be owned by a separate owner and shall have its own at grade access.

Zoning Bylaw Town of Arlington, Article 2 (on Arlington website as of August, 2004) - Definitions

Apartment House:

A building designed or intended or used as the home or residence of four or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Zoning Bylaw Town of Arlington, Section 3.02 (on Arlington website as of August, 2004)

R3 - Three-Family District

The Three-Family District is composed of all those areas so designated on the official zoning map. The predominant use is a three-family dwelling with locations along Massachusetts Avenue and Broadway. It is the intent that no businesses be located in the R3 district. Uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this bylaw, are discouraged.

R4 - Town House Districts

The Town House District is composed of all those areas so designated on the official zoning map. It is located along arterials or in the Center area. The predominant uses are one- and two-family dwellings in large, older houses. Conversions of these old homes to apartments or offices is allowed to encourage their preservation. Town house construction is permitted at the same density as the apartment conversions, and at a scale in keeping with the older houses. Uses which would detract from the desired residential character, or otherwise interfere with the intent of this bylaw, are discouraged.

R5 - Apartment District - Low Density

The Low-Density Apartment District is composed of all those areas so designated on the official zoning map. The predominant use is two- to three-story garden apartments located along or near principal arteries. Small-scale offices would be allowed on principal arteries only. Uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this bylaw, are discouraged.

R6 - Apartment District - Medium Density

ART. 91, ATM 3/79

The Medium Density Apartment District is composed of all those areas so designated on the official zoning map. The predominant use is apartments up to four stories high with offices permitted at a smaller scale. Locations are principally Massachusetts Avenue and Pleasant Street. Uses which would detract from the desired residential and office character, or otherwise interfere with the intent of this bylaw, are discouraged.

R7 - Apartment District - High Density

ART. 93, ATM 3/78

The High Density Apartment District is composed of those areas so designated on the official zoning map. The predominant use is apartments up to 5 stories high, although offices are also permitted at the same scale. Locations are principally within or adjacent to Arlington center. Uses which would detract from the desired character, such as large-scale retail uses, or otherwise interfere with the intent of this bylaw, are discouraged.

Section 5.04: Table of Use Regulations

This table, declared to be a part of this Bylaw, is too wide to be rendered in HTML, and it is too complex to be rendered effectively in Acrobat. To see this table, you must go the Planning Department, first floor, Town Hall Annex, and request it. We apologize for this

inconvenience.

\*\*\*

Notes on density:

In R3, town houses must have 2,500 sf per dwelling unit.

In R4, town houses must have 2,500 sf per dwelling unit, and conversion to apartments requires 2,500 sf per dwelling unit.

In R5, town houses and apartment houses require 1,450 sf per dwelling unit.

In R6, town houses and apartments must have 700 sf per dwelling unit.

In R7, "any permitted principal structure" must have 550 sf per dwelling unit.

In the business districts, minimum lot area requirements per dwelling unit vary from 550 sf to 1,450 sf.

## Ashland

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Ashland Town Bylaws, Chapter 282, Zoning Bylaw, Section 282-41. Multifamily dwellings.

A. Administration. The Board of Appeals may grant a special permit for the construction and occupancy of multifamily dwellings on any parcel in excess of five (5) contiguous acres in a Multifamily District subject to the following regulations and conditions.

\*\*\*

Section 282-21. Residential districts.

A. Permitted uses. In Residential Districts, only the following uses are allowed:

(1) Permitted residential uses:

(b) In Residential B and Multifamily Dwelling Districts only, two-family dwelling or conversion of one-family to two-family dwelling.

B. Uses permitted on special permit from the Board of Appeals.

(2) In Multifamily Districts only, multifamily dwellings in compliance with Section 282-41.

Section 282-22. Commercial districts.

B. Uses permitted on special permit from the Board of Appeals, Highway Commerce (CA), Downtown Commerce (CB), and Village Commerce (CC):

(3) In Commercial B only, public housing for the elderly, irrespective of dwelling type but having lot area of not less than two thousand (2,000) square feet per dwelling unit and yards not less than building height or as provided in Subsection C, whichever is more restrictive.

E. Neighborhood Commerce.

(5) Uses permitted on special permit from the Board of Appeals:

(a) Conversion of existing single- and two-family dwellings to additional units to a maximum of four (4) units.

\*\*\*

Section 282-45 Wildwood Mixed Use Special District

A. Purpose. The Wildwood Mixed Use Special District in Ashland is established to:

(1) allow for a high aesthetic design standard for development that encourages interaction among activities located within this district, to enhance business vitality, and encourage residential uses in conjunction with commercial activities in a park like setting in order to create an active street life, and reduce vehicular traffic;

(2) encourage a blend of land uses that are compatible and create a livable community that includes multi-unit housing, senior housing, continuing care facilities, retail, offices, light industrial, commercial, and municipal uses;

- (3) promote opportunities for a mixture of uses within buildings in this district;
- (4) encourage a more pedestrian-friendly environment;
- (5) promote the development of flexible space for small and emerging businesses within the buildings in this district;
- (6) preserve the district's unique natural setting with its wetland, scenic, and historic assets by encouraging the development of open spaces and civic areas to accommodate workers, residents, student populace, pedestrians, shoppers, and others;
- (7) advocate the originality, flexibility, and innovation in site design and development within the district;
- (8) facilitate the integration of physical design and promote a high level of aesthetic design quality for architecture and landscaping within this district; and,
- (9) ensure that the appearance and effects of buildings and uses are harmonious with the character of the area in which they are located.

B. This district is to be applied to the area referenced on the Zoning Map as Mixed Use Special District

\*\*\*

In the Wildwood Mixed Use Special District, the following uses are allowed (among others):

Age restricted, attached (as defined in 282-49C)... by right in A and B, not allowed in C.

Age restricted, mixed use building - defined as including one, a portion of a building containing more than one dwelling unit used for occupancy by individuals living independently of each other containing at least one dwelling unit owned or occupied by at least one person who is fifty-five years of age or older; and no more than one additional occupant who may be under fifty five years of age, unless otherwise qualifying as a handicapped adult; two, as portion of the building for occupancy of commercial uses... by right in A and B, not in C.

Age restricted, multifamily (as defined in 282-49C.)... by right in A, not in B or C.

Dwelling, multifamily... by right in A, not in B or C.

Dwelling, multifamily in a mixed use building - defined as including one, a portion of a building containing more than one dwelling unit; two, a portion of the building for occupancy of commercial uses.... by right in A and B, not C.

Public housing for the elderly... by right in A

Affordable housing (defined as housing meeting affordability standards of the Commonwealth of Massachusetts Department of Housing and Community Development)... by right in A.

\*\*\*

From definitions:

DWELLING, MULTIFAMILY OR APARTMENT A structure containing three (3) or more dwelling units, irrespective of ownership or tenure.

\*\*\*

Section 282-6 Site plan review and design plan review.

A. Projects requiring site plan review. No building permit shall be issued for any of the following uses.

- (1) The construction of a commercial or industrial structure in the Commercial A, Commercial B or Industrial Zoning District;
- (2) The enlargement of floor area or change of use of a commercial or industrial structure in the Commercial A, Commercial B or Industrial Zoning District;
- (3) The change of use of a residential structure in the Commercial A, Commercial B or Industrial Zoning District;
- (4) The construction, exterior alteration or change of use of a structure in the Commercial A or B Zoning District so as to contain a mixture of residential and nonresidential uses;
- (5) All applications for building permits including six (6) or more parking spaces, unless a site plan and design plan review have been endorsed by the Planning Board after consultation with other boards, departments and committees, including but not limited to the following Inspector of Buildings, Board of Health, Board of Selectmen, Town Planner, Town Engineer, Water and Sewer Commission, Town Manager, Conservation Commission, Highway Department, Fire Department, Police Department and Technical Review

Committee The Planning Board may waive any or all requirements of site plan review and design plan review for external or internal alterations of less than twenty-five percent (25%) of the existing floor area.

\*\*\*

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Ashland Town Bylaws, Chapter 282, Zoning Bylaw, Section 282-41. Multifamily dwellings.

A. Administration. The Board of Appeals may grant a special permit for the construction and occupancy of multifamily dwellings on any parcel in excess of five (5) contiguous acres in a Multifamily District subject to the following regulations and conditions.

\*\*\*

Section 282-21. Residential districts.

A. Permitted uses. In Residential Districts, only the following uses are allowed:

- (1) Permitted residential uses:
- (b) In Residential B and Multifamily Dwelling Districts only, two-family dwelling or conversion of one-family to two-family dwelling.

B. Uses permitted on special permit from the Board of Appeals.

- (2) In Multifamily Districts only, multifamily dwellings in compliance with Section 282-41.

Section 282-22. Commercial districts.

B. Uses permitted on special permit from the Board of Appeals, Highway Commerce (CA), Downtown Commerce (CB), and Village Commerce (CC):

(3) In Commercial B only, public housing for the elderly, irrespective of dwelling type but having lot area of not less than two thousand (2,000) square feet per dwelling unit and yards not less than building height or as provided in Subsection C, whichever is more restrictive.

E. Neighborhood Commerce.

(5) Uses permitted on special permit from the Board of Appeals:

- (a) Conversion of existing single- and two-family dwellings to additional units to a maximum of four (4) units.

\*\*\*

Section 282-45 Wildwood Mixed Use Special District

A. Purpose. The Wildwood Mixed Use Special District in Ashland is established to:

(1) allow for a high aesthetic design standard for development that encourages interaction among activities located within this district, to enhance business vitality, and encourage residential uses in conjunction with commercial activities in a park like setting in order to create an active street life, and reduce vehicular traffic;

(2) encourage a blend of land uses that are compatible and create a livable community that includes multi-unit housing, senior housing, continuing care facilities, retail, offices, light industrial, commercial, and municipal uses;

(3) promote opportunities for a mixture of uses within buildings in this district;

(4) encourage a more pedestrian-friendly environment;

(5) promote the development of flexible space for small and emerging businesses within the buildings in this district;

(6) preserve the district's unique natural setting with its wetland, scenic, and historic assets by encouraging the development of open spaces and civic areas to accommodate workers, residents, student populace, pedestrians, shoppers, and others;

(7) advocate the originality, flexibility, and innovation in site design and development within the district;

(8) facilitate the integration of physical design and promote a high level of aesthetic design quality for architecture and landscaping within this district; and,

(9) ensure that the appearance and effects of buildings and uses are harmonious with the character of the area in which they are located.

B. This district is to be applied to the area referenced on the Zoning Map as Mixed Use Special District

\*\*\*

In the Wildwood Mixed Use Special District, the following uses are allowed (among others):

Age restricted, attached (as defined in 282-49C)... by right in A and B, not allowed in C.

Age restricted, mixed use building - defined as including one, a portion of a building containing more than one dwelling unit used for occupancy by individuals living independently of each other containing at least one dwelling unit owned or occupied by at least one person who is fifty-five years of age or older; and no more than one additional occupant who may be under fifty five years of age, unless otherwise qualifying as a handicapped adult; two, as portion of the building for occupancy of commercial uses... by right in A and B, not in C.

Age restricted, multifamily (as defined in 282-49C.)... by right in A, not in B or C.

Dwelling, multifamily... by right in A, not in B or C.

Dwelling, multifamily in a mixed use building - defined as including one, a portion of a building containing more than one dwelling unit; two, a portion of the building for occupancy of commercial uses.... by right in A and B, not C.

Public housing for the elderly... by right in A

Affordable housing (defined as housing meeting affordability standards of the Commonwealth of Massachusetts Department of Housing and Community Development)... by right in A.

\*\*\*

From definitions:

DWELLING, MULTIFAMILY OR APARTMENT A structure containing three (3) or more dwelling units, irrespective of ownership or tenure.

\*\*\*

Section 282-6 Site plan review and design plan review.

A. Projects requiring site plan review. No building permit shall be issued for any of the following uses.

(1) The construction of a commercial or industrial structure in the Commercial A, Commercial B or Industrial Zoning District;

(2) The enlargement of floor area or change of use of a commercial or industrial structure in the Commercial A, Commercial B or Industrial Zoning District;

(3) The change of use of a residential structure in the Commercial A, Commercial B or Industrial Zoning District;

(4) The construction, exterior alteration or change of use of a structure in the Commercial A or B Zoning District so as to contain a mixture of residential and nonresidential uses;

(5) All applications for building permits including six (6) or more parking spaces, unless a site plan and design plan review have been endorsed by the Planning Board after consultation with other boards, departments and committees, including but not limited to the following Inspector of Buildings, Board of Health, Board of Selectmen, Town Planner, Town Engineer, Water and Sewer Commission, Town Manager, Conservation Commission, Highway Department, Fire Department, Police Department and Technical Review Committee The Planning Board may waive any or all requirements of site plan review and design plan review for external or internal alterations of less than twenty-five percent (25%) of the existing floor area.

\*\*\*

Ashland Town Bylaws, Chapter 282, Zoning Bylaw, Section 282-41. Multifamily dwellings.

A. Administration. The Board of Appeals may grant a special permit for the construction and occupancy of multifamily dwellings on any parcel in excess of five (5) contiguous acres in a Multifamily District subject to the following regulations and conditions.

D. Dimensional requirements. Required lot area, frontage, setback and yards shall be governed by requirements in effect as of the date of special permit approval for that development. For multifamily dwellings authorized on special permits subsequent to May 23, 1984, the following shall apply:

(1) No multifamily dwelling shall be built in a Multifamily District, except in compliance with the following:

(a) Lot area shall equal not less than five thousand (5,000) square feet per dwelling unit, plus two thousand five hundred (2,500) square feet per bedroom.

(b) Lot frontage shall equal at least three hundred (300) feet or one hundred fifty (150) feet if abutting other premises developed for multifamily use.

(c) Front, side and rear yards shall be not less than fifty (50) feet, except that no multifamily structure or parking area serving a multifamily structure shall be less than three hundred (300) feet from any existing public street or less than two hundred (200) feet from any other premises not zoned RM.

(d) Within the three-hundred-foot street setback, there shall be no development, except for access drives essentially perpendicular to the street, and no removal of trees having trunk diameter of six (6) inches or greater, except as essential for access and safe visibility for egressing vehicles and to remove unhealthy trees.

\*\*\*

Notes:

Multifamily District (5000 sq. ft. per dwelling unit, plus 2,500 sq. ft. per bedroom)

\*\*\*

Ashland Town Bylaws, Chapter 282, Zoning Bylaw, Section 282-48: " D. GENERAL REQUIREMENTS. The following general requirements shall apply to Senior Residential Communities:

(1) A Senior Residential. Community District, consisting of single-family residences, supplemented by appropriate amenities as described herein, shall be superimposed as an overlay district in zoning districts Residential A (RA, allowing single family), Residential B (RB, allowing single and two-family), Commercial A (CA, allowing single-family), Commercial B (CB, allowing single and two-family) as well as within the non-industrial-type components established in 282-45 (Mixed Use Special District.)"

\*\*\*

Section 282-48. Senior Residential Community (SRC).

[Added 5-13-1998 ATM, Art. 34]

A. PURPOSE. The purpose of this section is to promote alternative housing for a maturing population; to provide a type of housing which reduces residents' hardships of property maintenance and which reduces demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, safety, protection of nature attributes and environmental values and utilization of land in harmony with neighboring properties.

B. OCCUPANCY QUALIFICATIONS. Any application for a SRC shall indicate, and ensuing use shall sustain, compliance with MGL, Chapter 151B, 4, 6. Provided housing shall be individually owned and occupied by at least one (1) person who is fifty-five (55) years of age, or older; and more than one (1) additional occupant who shall be under fifty five years of age, unless otherwise qualifying as a handicapped adult, or as herein further provided. In addition, and only in proven cases of family emergency, as determined by majority vote of any homeowner's association management board, no more than two (2) additional persons, above the number which is specifically herein authorized, who are under age fifty-five (55) and directly related, shall be allowed to be an occupant of any dwelling unit for more than six (6) months duration. Extensions of such minimum time duration may be granted by majority vote of such board. Occupancy requirements shall be exclusive of nurses or other persons to provide health care services to any occupant of said dwelling unit. In the event of the death of the qualifying owner/occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit in a SRC, a two (2) year exemption shall be allowed for the transfer of the unit to another eligible household.

C. DEFINITIONS. Appropriate definitions of terms used in this section are found in Section 282-99. (Terms defined)

The proposed dwellings/structures meant to be provided in this section (Section 282-48) commonly are not constructed within the separate lot framework associated with the definitions of the terms 'Lot,' 'Lot Area,' 'Lot Coverage,' 'Lot Frontage,' and 'Yard (front, rear and side) as listed in Section 282-99 (Definitions) of this Chapter. Such terminology, as used in this section (Section 282-48), is meant only to associate with the definitions as if the included dwellings/structures were to be provided on separate lots. [Amended 5/12/99]

D. GENERAL REQUIREMENTS. The following general requirements shall apply to Senior Residential Communities:

(1) A Senior Residential. Community District, consisting of single-family residences, supplemented by appropriate amenities as described herein, shall be superimposed as an overlay district in zoning districts Residential A (RA, allowing single family), Residential B (RB, allowing single and two-family), Commercial A (CA, allowing single-family), Commercial B (CB, allowing single and two-family) as well as within the non-industrial-type components established in 282-45 (Mixed Use Special District.) Use shall be authorized by Special Permit issued by the Planning Board, hereunder, if application is in compliance with the following provisions:

# Attleboro

## Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to City of Attleboro Zoning Ordinance §17-3.4 TABLE OF USE REGULATIONS, Multifamily housing is zoned by right in the CB district.

7. Mixed Residential/Business uses where all dwelling units are above the first floor level and the business use is permitted by-right or is allowed by special permit: permitted in CB, by special permit in GR and GB.  
[City of Attleboro Zoning Bylaws, last amended November 2002]

According to table of uses:

"Multifamily dwellings"... by special permit from board of appeals in GR.

"Conversion of existing dwellings to two family dwellings"... by right in GR, by special permit from board of appeals in SR, CB, GB, PHB, I.

"Conversion of existing dwellings to multifamily dwellings"... by special permit from the board of appeals in GR, GB.

"Mixed residential/business uses where all of the dwelling units are above the first floor level and the business use is permitted by right or is allowed by special permit"... by special permit from the board of appeals in GR, GB and by right in CB.

"Downtown residential cluster dwellings whereby residential units on the first floor level are regulated by special permit and residential units above the first floor level are permitted by right"...by special permit from the board of appeals in CB.

"Open Space Residential Development"... by special permit from the planning board in GR, SR.

"Multifamily dwellings primarily for the elderly and handicapped"... by special permit from the board of appeals in GR, SR, CB, GB.

"Planned Unit Residential Development"... by special permit from the planning board in SR.

\*\*\*

### §17-10.8 REUSE OF PUBLIC BUILDINGS

A. In order to permit greater flexibility in the reuse of surplus municipal buildings while maintaining the integrity of the single residential districts, all uses allowed by right or special permit in the General Residence use districts shall be allowed by in the Single Residence use districts by special permit from the Board of Appeals. Further, in order to maximize reuse potential in mixed use areas, all uses allowed by right or special permit in the Business and Industrial/Business Park use districts shall be allowed in the General Residence use districts by special permit from the Municipal Council. Public buildings located in "General Residence", "Central Business", "Planned Highway Business" and "Industrial" zoning districts shall be developed in accordance with §17-3.4 TABLE OF USE REGULATIONS.

B. For the purpose of this ordinance, public buildings shall be defined as municipally owned properties for including but not limited to schools, libraries and fire stations.

C. The Board of Appeals or Municipal Council may grant said special permit after public hearing and in accordance with the provisions of §17-9.0 SPECIAL PERMITS only when it is satisfied that the proposed reuse is in the best interests of the residents of the area as well as the City of Attleboro. Said special permit shall be for the reuse of existing buildings only. All dimensional and density regulations required in the underlying use district shall be enforced notwithstanding the granting of any such special permit.

### §17-10.9 REUSE OF INDUSTRIAL BUILDINGS

A. In order to permit greater flexibility in the reuse of industrial buildings, this section allows, by special permit, the conversion of such buildings for multi-family residential use with a higher density than permitted in "General Residence" zoning districts. This provision applies only to those buildings in "General Residence" zoning districts that contain a minimum of 30,000 square feet.

B. For the purpose of this ordinance, industrial buildings shall be defined as: factories, warehouses, mills, and plants.

C. The Board of Appeals may grant said special permit after public hearing and in accordance with the provisions of §17-9.0 SPECIAL PERMITS. Said special permit shall be for the reuse of the existing building and may, at the discretion of the Board of Appeals, allow new construction provided that the applicant has shown that the existing building is used to its capacity.

D. The dimensional, density, and parking regulations for this provision are as follows:

1. The dimensional regulations for this section shall be those required in the underlying use district (see §17-4.0 DIMENSIONAL AND DENSITY REGULATIONS).

2. The minimum lot size for this section shall be 10,000 square feet plus 2,000 feet for each unit more than two.

3. The minimum number of off-street parking spaces shall be established in the special permit.

CITY OF ATTLEBORO, ZONING ORDINANCE PAGE 48

### §17-10.10 DOWNTOWN RESIDENTIAL CLUSTER DWELLINGS

A. In order to permit greater flexibility for the development of high-density multi-family residential buildings in the "Central Business" use district while maintaining the integrity of the business zone, residential dwelling units on the first floor level may be allowed by special permit in the "Central Business" use district from the Board of Appeals.

B. The Board of Appeals may grant said special permit after public hearing and in accordance with the provisions of §17-9.0

SPECIAL PERMITS only when it is satisfied that the proposed development of residential dwelling units on the first floor level is in the best interests of the "Central Business" use district as well as the City of Attleboro. Said special permit shall apply only to the first floor level residential dwelling units.

C. All dimensional and density regulations required in the underlying use district pursuant to §17-4.0 DIMENSIONAL AND DENSITY REGULATIONS shall prevail notwithstanding the granting of any such special permit. All off-street parking regulations required in the underlying use district pursuant to §17-5.10 TABLE OF OFF-STREET PARKING REGULATIONS shall prevail notwithstanding the granting of any such special permit unless otherwise specified by the Board of Appeals. First floor level façades of such residential buildings, as well as the style of related architectural and landscape features, shall consist of a design and quality so as to complement and enhance the integrity of the adjoining uses and the character of the downtown.

\*\*\*

Dwelling, Attached Single Family: A building containing two, three or four dwelling units.

Dwelling, Downtown Cluster Dwellings: A residential building containing a minimum of eight (8) attached dwelling units, including apartment house and garden apartment house, whereby residential units on the first floor level are regulated by special permit and residential units above the first floor level are permitted by right.

Dwelling, Multifamily: A building containing three or more dwelling units and including apartment house and garden apartment house.

Dwelling, Multi-Family; Primarily For The Elderly And Handicapped: Any multifamily dwelling in which the elderly and handicapped shall at all times be given priority in occupancy, and which at no time shall have less than fifty (50%) percent of the units occupied by the elderly, and which at no time shall have more than fifteen (15%) percent of the units occupied by those other than the elderly and handicapped. The word "elderly" as used herein is defined as any person who is 55 years or older, and the word "handicapped" as used herein is defined as any person whose impairment –

- a. is expected to be of continued and definite duration,
- b. substantially impedes her/his ability to live independently, and
- c. is such that his/her ability to live independently could be improved by more suitable housing.

\*\*\*

City of Attleboro Zoning Ordinance §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

Multi-Family Dwellings 6,000

Mixed Residential/Business 6,000(a)

Downtown Residential Cluster Dwelling 6,000

(a) plus 1,000 square feet for each unit more than 1

[City of Attleboro Zoning Bylaws, last amended November 2002]

#### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to City of Attleboro Zoning Ordinance §17-3.4 TABLE OF USE REGULATIONS, Multifamily housing is zoned by right in the CB district.

7. Mixed Residential/Business uses where all dwelling units are above the first floor level and the business use is permitted by-right or is allowed by special permit: permitted in CB, by special permit in GR and GB.

[City of Attleboro Zoning Bylaws, last amended November 2002]

According to table of uses:

"Multifamily dwellings" ... by special permit from board of appeals in GR.

"Conversion of existing dwellings to two family dwellings" ... by right in GR, by special permit from board of appeals in SR, CB, GB, PHB, I.

"Conversion of existing dwellings to multifamily dwellings" ... by special permit from the board of appeals in GR, GB.

"Mixed residential/business uses where all of the dwelling units are above the first floor level and the business use is permitted by right or is allowed by special permit" ... by special permit from the board of appeals in GR, GB and by right in CB.

"Downtown residential cluster dwellings whereby residential units on the first floor level are regulated by special permit and residential units above the first floor level are permitted by right" ... by special permit from the board of appeals in CB.

"Open Space Residential Development" ... by special permit from the planning board in GR, SR.

"Multifamily dwellings primarily for the elderly and handicapped" ... by special permit from the board of appeals in GR, SR, CB, GB.

"Planned Unit Residential Development" ... by special permit from the planning board in SR.

\*\*\*

§17-10.8 REUSE OF PUBLIC BUILDINGS

A. In order to permit greater flexibility in the reuse of surplus municipal buildings while maintaining the integrity of the single residential districts, all uses allowed by right or special permit in the General Residence use districts shall be allowed by in the Single Residence use districts by special permit from the Board of Appeals. Further, in order to maximize reuse potential in mixed use areas, all uses allowed by right or special permit in the Business and Industrial/Business Park use districts shall be allowed in the General Residence use districts by special permit from the Municipal Council. Public buildings located in "General Residence", "Central Business", "Planned Highway Business" and "Industrial" zoning districts shall be developed in accordance with §17-3.4 TABLE OF USE REGULATIONS.

B. For the purpose of this ordinance, public buildings shall be defined as municipally owned properties for including but not limited to schools, libraries and fire stations.

C. The Board of Appeals or Municipal Council may grant said special permit after public hearing and in accordance with the provisions of §17-9.0 SPECIAL PERMITS only when it is satisfied that the proposed reuse is in the best interests of the residents of the area as well as the City of Attleboro. Said special permit shall be for the reuse of existing buildings only. All dimensional and density regulations required in the underlying use district shall be enforced notwithstanding the granting of any such special permit.

§17-10.9 REUSE OF INDUSTRIAL BUILDINGS

A. In order to permit greater flexibility in the reuse of industrial buildings, this section allows, by special permit, the conversion of such buildings for multi-family residential use with a higher density than permitted in "General Residence" zoning districts. This provision applies only to those buildings in "General Residence" zoning districts that contain a minimum of 30,000 square feet.

B. For the purpose of this ordinance, industrial buildings shall be defined as: factories, warehouses, mills, and plants.

C. The Board of Appeals may grant said special permit after public hearing and in accordance with the provisions of §17-9.0 SPECIAL PERMITS. Said special permit shall be for the reuse of the existing building and may, at the discretion of the Board of Appeals, allow new construction provided that the applicant has shown that the existing building is used to its capacity.

D. The dimensional, density, and parking regulations for this provision are as follows:

1. The dimensional regulations for this section shall be those required in the underlying use district (see §17-4.0 DIMENSIONAL AND DENSITY REGULATIONS).

2. The minimum lot size for this section shall be 10,000 square feet plus 2,000 feet for each unit more than two.

3. The minimum number of off-street parking spaces shall be established in the special permit.

CITY OF ATTLEBORO, ZONING ORDINANCE PAGE 48

§17-10.10 DOWNTOWN RESIDENTIAL CLUSTER DWELLINGS

A. In order to permit greater flexibility for the development of high-density multi-family residential buildings in the "Central Business" use district while maintaining the integrity of the business zone, residential dwelling units on the first floor level may be allowed by special permit in the "Central Business" use district from the Board of Appeals.

B. The Board of Appeals may grant said special permit after public hearing and in accordance with the provisions of §17-9.0 SPECIAL PERMITS only when it is satisfied that the proposed development of residential dwelling units on the first floor level is in the best interests of the "Central Business" use district as well as the City of Attleboro. Said special permit shall apply only to the first floor level residential dwelling units.

C. All dimensional and density regulations required in the underlying use district pursuant to §17-4.0 DIMENSIONAL AND DENSITY REGULATIONS shall prevail notwithstanding the granting of any such special permit. All off-street parking regulations required in the underlying use district pursuant to §17-5.10 TABLE OF OFF-STREET PARKING REGULATIONS shall prevail notwithstanding the granting of any such special permit unless otherwise specified by the Board of Appeals. First floor level façades of such residential buildings, as well as the style of related architectural and landscape features, shall consist of a design and quality so as to complement and enhance the integrity of the adjoining uses and the character of the downtown.

\*\*\*

Dwelling, Attached Single Family: A building containing two, three or four dwelling units.

Dwelling, Downtown Cluster Dwellings: A residential building containing a minimum of eight (8) attached dwelling units, including apartment house and garden apartment house, whereby residential units on the first floor level are regulated by special permit and residential units above the first floor level are permitted by right.

Dwelling, Multifamily: A building containing three or more dwelling units and including apartment house and garden apartment house.

Dwelling, Multi-Family; Primarily For The Elderly And Handicapped: Any multifamily dwelling in which the elderly and handicapped shall at all times be given priority in occupancy, and which at no time shall have less than fifty (50%) percent of the units occupied by the elderly, and which at no time shall have more than fifteen (15%) percent of the units occupied by those other than the elderly and handicapped. The word "elderly" as used herein is defined as any person who is 55 years or older, and the word "handicapped" as used herein is defined as any person whose impairment –

- a. is expected to be of continued and definite duration,
- b. substantially impedes her/his ability to live independently, and
- c. is such that his/her ability to live independently could be improved by more suitable housing.

\*\*\*

City of Attleboro Zoning Ordinance §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

Multi-Family Dwellings 6,000

Mixed Residential/Business 6,000(a)

Downtown Residential Cluster Dwelling 6,000

(a) plus 1,000 square feet for each unit more than 1

[City of Attleboro Zoning Bylaws, last amended November 2002]

Minimum Lot Size

GR-A: 10,000 + 4,000 sq.ft. for each unit more than 2 to a maximum of 10 units per acre.  
GR-B: 12,000 sq.ft. + 5,000 sq.ft. for each unit more than 2 to a maximum of 8 units per acre.  
GR-C: 16,000 sq.ft. + 7,000 sq.ft. for each unit more than 2 to a maximum of 6 units per acre.

## Auburn

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Townhouses, apartments and congregate housing for the elderly and handicapped is permitted with EITHER site plan approval OR Special Permit in the Residence O (RO) District. It is not clear which is the case. There is a contradiction between the Table of Principle Uses, which calls for site plan approval, and Table 5.4, Dimensional Regulations, which indicates "multi-family are allowed provided that the SPGA criteria is met" for the Residence O district, suggesting that a Special Permit may in fact be required.

Town Planner Steve Antinelli states: "... you have identified one of several contradictions in our by-laws regarding the the level of review necessary to undertake certain uses. We hope to clean up such discrepancies soon, when we revise and update our by-laws."  
- e-mail communication, 12/17/04 abd confirmed in phone conversation 1/3/05

"3.2.2.2 Town House – A one-family dwelling in a row of at least three such units in which each unit has its own access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more fire resistant walls.

3.2.2.3 Apartments – One or more rooms with private bath and kitchen facilities comprising an independent, self-containing dwelling unit in a building containing more than two dwelling units.

Multifamily – A building containing three or more dwelling units, each of which has direct access to the outside or to a common hall."

- Auburn Zoning By-law. As amended through August, 2004. Section 3.2.2 Residential Uses

4.4.4 Permitted Uses – In a Mixed Use Development, the following uses are permitted:

4.4.4.1 Residential – Apartments, only on floors above the ground floor. However, in areas where the multi-use project abuts a residential zone, apartments are allowed on all floors on the side of the parcel facing the residential zone.

\*\*\*

· What is the maximum allowable density for MF?

"The maximum number of units per [apartment] buidling in the RO district shall be (four)4" - Table of Principle uses.

- Auburn Zoning By-law. As amended through August, 2004. Table 5.4 Dimentional Requirements, and Table of Principle Uses

Residential Office; 19,000\*; MF by Site Plan Approval

\* Min lot size given for unsewered lots with 2-family residence.

\*\*\*

· In which districts is MF allowed by special permit?

Townhouses: RA, RB, OS

Apartments: RA, RB, LB, HB, OS

Elderly Congregate: RA, RB, RC, RR, LB, HB

Townhouses may have no more than 12 dwelling units, except in the RO district, where it is no more than 4;

Apartments may have no more than 12 dwelling units, and no more than 4 in the RO district.

Special Permit granting rules of administration:

"9.3.6 Multi-family dwellings will be allowed in the RA and RB Districts, and the RO, LB and HB districts, provided that, in addition to the criteria listed in 9.3.5, the Special Permit Granting Authority finds that:

9.3.6.1 Such dwelling will have a maximum height of 25 feet.

9.3.6.2 The lot contains not less than 10,000 sq. ft. per dwelling unit in the Residence A, Residential Office, Local Business or Highway Business districts; not less than 20,000 sq. ft. per dwelling unit in Residence B, or not less than 10,000 sq. ft. per dwelling unit if in an Open Space Residential development;

9.3.6.3 Only one multifamily dwelling structure per lot is allowed.

9.3.6.4 No single dwelling structure contains more than 12 apartment units or more than eight attached houses in the RA and RB Districts. No single dwelling structure contains more than four apartment units or more than four attached houses in the RO District.

9.3.6.5 Access driveways are safe, access streets are safe and have paved sidewalks and adequate to serve the additional traffic expected and to permit passage of emergency vehicles.

9.3.6.6 The neighborhood will not be affected by surface runoff, dust, glare, undue impairment of light or view by other nuisance to a degree substantially greater than would be expected of single-family development.

9.3.6.7 Such dwellings are sewered."

- - Auburn Zoning By-law. As amended through August, 2004. Table of Principle Uses. and 5.4 Dimensional Regulations Table 1. and Section 9.3.6, Special permit granting rules of administration.

District; lot size; MF - if allowed

Residence A; 10,000; MF by special permit  
Residence B; 30,000\*; MF by special permit

Local Business; 5,000; MF by Special Permit  
Highway Business; 10,000; MF by Special Permit  
Open Space Residential District; MF by Special Permit  
Mixed Use Development District; 6 acres; MF by Special Permit

\* Min lot size given for unsewered lots with 2-family residence.

\*\*\*

"Only one small section of Auburn is designated RO, that portion of Auburn Street from Oxford Street North to Southbridge Street, 200 feet on either side of the street. It is almost entirely developed, and most of it has been developed commercially or institutionally (Auburn High School.)"

- e-mail correspondence with Steve Antinelli, Auburn Town Planner

#### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Townhouses, apartments and congregate housing for the elderly and handicapped is permitted with EITHER site plan approval OR Special Permit in the Residence O (RO) District. It is not clear which is the case. There is a contradiction between the Table of Principle Uses, which calls for site plan approval, and Table 5.4, Dimensional Regulations, which indicates "multi-family are allowed provided that the SPGA criteria is met" for the Residence O district, suggesting that a Special Permit may in fact be required.

"3.2.2.2 Town House – A one-family dwelling in a row of at least three such units in which each unit has its own access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more fire resistant walls.

3.2.2.3 Apartments – One or more rooms with private bath and kitchen facilities comprising an independent, self-containing dwelling unit in a building containing more than two dwelling units.

Multifamily – A building containing three or more dwelling units, each of which has direct access to the outside or to a common hall."

- Auburn Zoning By-law. As amended through August, 2004. Section 3.2.2 Residential Uses

4.4.4 Permitted Uses – In a Mixed Use Development, the following uses are permitted:

4.4.4.1 Residential – Apartments, only on floors above the ground floor. However, in areas where the multi-use project abuts a residential zone, apartments are allowed on all floors on the side of the parcel facing the residential zone.

\*\*\*

· What is the maximum allowable density for MF?

"The maximum number of units per [apartment] building in the RO district shall be (four)4" - Table of Principle uses.

- Auburn Zoning By-law. As amended through August, 2004. Table 5.4 Dimensional Requirements, and Table of Principle Uses

Residential Office; 19,000\*; MF by Site Plan Approval

\* Min lot size given for unsewered lots with 2-family residence.

\*\*\*

· In which districts is MF allowed by special permit?

Townhouses: RA, RB, OS

Apartments: RA, RB, LB, HB, OS  
Elderly Congregate: RA, RB, RC, RR, LB, HB

Townhouses may have no more than 12 dwelling units, except in the RO district, where it is no more than 4;  
Apartments may have no more than 12 dwelling units, and no more than 4 in the RO district.

Special Permit granting rules of administration:

"9.3.6 Multi-family dwellings will be allowed in the RA and RB Districts, and the RO, LB and HB districts, provided that, in addition to the criteria listed in 9.3.5, the Special Permit Granting Authority finds that:

9.3.6.1 Such dwelling will have a maximum height of 25 feet.

9.3.6.2 The lot contains not less than 10,000 sq. ft. per dwelling unit in the Residence A, Residential Office, Local Business or Highway Business districts; not less than 20,000 sq. ft. per dwelling unit in Residence B, or not less than 10,000 sq. ft. per dwelling unit if in an Open Space Residential development;

9.3.6.3 Only one multifamily dwelling structure per lot is allowed.

9.3.6.4 No single dwelling structure contains more than 12 apartment units or more than eight attached houses in the RA and RB Districts. No single dwelling structure contains more than four apartment units or more than four attached houses in the RO District.

9.3.6.5 Access driveways are safe, access streets are safe and have paved sidewalks and adequate to serve the additional traffic expected and to permit passage of emergency vehicles.

9.3.6.6 The neighborhood will not be affected by surface runoff, dust, glare, undue impairment of light or view by other nuisance to a degree substantially greater than would be expected of single-family development.

9.3.6.7 Such dwellings are sewerred."

-- Auburn Zoning By-law. As amended through August, 2004. Table of Principle Uses. and 5.4 Dimensional Regulations Table 1. and Section 9.3.6, Special permit granting rules of administration.

District; lot size; MF - if allowed

Residence A; 10,000; MF by special permit  
Residence B; 30,000\*; MF by special permit

Local Business; 5,000; MF by Special Permit  
Highway Business; 10,000; MF by Special Permit  
Open Space Residential District; MF by Special Permit  
Mixed Use Development District; 6 acres; MF by Special Permit

\* Min lot size given for unsewered lots with 2-family residence.

## Avon

### Is multi-family housing allowed by right in any part of the municipality?

**No** Multifamily housing is not allowed by right in either of the two residential districts in Avon.

\*\*\*

DWELLING, MULTI-FAMILY : A building containing three or more dwelling units.

\*\*\*

According to Section 5-3, Table of Use Regulations, "Attached dwelling occupied by not more than one family in each unit between side walls" is allowed by special permit in R-25, R-40, and B; "apartments" are allowed by special permit in R-25, R-40, and B.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** DWELLING, MULTI-FAMILY : A building containing three or more dwelling units.

\*\*\*

According to Section 5-3, Table of Use Regulations, "Attached dwelling occupied by not more than one family in each unit between side walls" is allowed by special permit in R-25, R-40, and B; "apartments" are allowed by special permit in R-25, R-40, and B.

\*\*\*

Apartments, Multiple or Attached Dwellings

The Planning Board, as a Special Permit Granting Authority, may issue a Special Permit for the construction of a building or buildings intended to be used for three or more dwelling units provided that the following conditions are met with respect to any particular parcel of land:

1. The lot shall have not less than two hundred feet of frontage and shall contain not less than forty thousand square feet of land.
2. For each dwelling unit to be constructed the following land space requirements shall apply:
  - a. First eight units ..... 10,000 square feet, per unit.
  - b. Each additional unit (9 to 15). 5,000 square feet, per unit.
  - c. Each additional unit thereafter 3,000 square feet, per unit.
  - d. Front Yard Depth ..... 45 feet
3. A space, not less than twenty feet in width along each sideline, the rear yard lot line and not less than forty-five feet from the front lot line, except for entrance and exit driveways, shall be maintained with grass, trees, shrubs, flowers and other plantings and landscape features.

\*\*\*

Multifamily is allowed by special permit in the two residential districts and business district. The size requirements for the residential districts are

- (1) 25,000 minimum lot size as well as 25,000 per dwelling unit [Residential District A]
- (2) 40,000 minimum lot size as well as 40,000 per dwelling unit [Residential District B]
- (3) 8,000 minimum lot size as well as 8,000 per dwelling unit [Business District]

\*\*\*

Section 7 - Special Permits  
SECTION VI DIMENSIONAL AND DENSITY REGULATIONS

\*\*\*

Avon does not have any areas which are zoned by right or special permit for multifamily which are restricted by age.

## Ayer

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** From definitions:

TOWNHOUSE, ROWHOUSE OR ATTACHED HOUSE : A residential structure attached to, but separated from, one or more comparable structures by party walls and having separate entrances and space for front and rear yards.

ZERO LOT LINE : Dwellings on separate lots with no side yard on the side of the dwelling unit that shares a party wall or double wall with the adjacent dwelling unit.

\*\*\*

According to the table of uses:

"Apartments over commercial space" by right in A1, A-2, GR, DB, GB, LI, HI. [This does not make a lot of sense since the following is in another part of the table...]

"Apartments over office/commercial space" by right in DB, GB.

"Conversion of a single family dwelling to a two family dwelling" by special permit in A1.

"Multifamily dwelling townhouses" by right in GR and by special permit in GB.

Note: The table of uses specifies that all of the above special permit are to be granted by the "zoning board." Zoning board is not defined. Researcher assumes the "zoning board" is the Board of Appeals.

\*\*\*

ARTICLE XII. SITE PLAN APPROVAL BYLAW  
Section 1. Projects Requiring Site Plan Approval

No special permit as define in Article VII Section B of the Zoning Bylaws of the Town of Ayer, and no occupancy permit as defined in Article VII Sections A and D of the Zoning Bylaws of the Town of Ayer, and no building permit as defined in the Massachusetts State Building code 780CMR Section 114 shall be issued for any of the following uses:

- (a) The construction or external enlargement of a commercial or industrial structure having a gross floor area exceeding 1200 square feet or a building volume greater than 30,000 cubic feet.
- (b) The construction or enlargement of a parking area having eight or more spaces;
- (c) Residential developments requiring approval under the Subdivision Control Law (MGL C 41)
- (d) Any other use specified in the Schedule of Use Regulations as referred in the Town of Ayer Zoning Bylaws as amended which indicates a Site Plan Approval is required.

\*\*\*

Building Commissioner and Zoning Enforcement Officer Gabirel Vallente stated that it is unlikely there is undeveloped land in the General Residence district, since it is the oldest part of town. He reported that the only new developments have been tear-downs of existing distressed housing, and redevelopment as large single family residences.

-Personal communication, 12/09/04

\*\*\*

General Residence (GR):  
10,000 sf  
plus 3,000 sf for each additional dwelling unit

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** From definitions:

TOWNHOUSE, ROWHOUSE OR ATTACHED HOUSE : A residential structure attached to, but separated from, one or more comparable structures by party walls and having separate entrances and space for front and rear yards.

ZERO LOT LINE : Dwellings on separate lots with no side yard on the side of the dwelling unit that shares a party wall or double wall with the adjacent dwelling unit.

\*\*\*

According to the table of uses:

"Apartments over commercial space" by right in A1, A-2, GR, DB, GB, LI, HI. [This does not make a lot of sense since the following is in another part of the table...]

"Apartments over office/commercial space" by right in DB, GB.

"Conversion of a single family dwelling to a two family dwelling" by special permit in A1.

"Multifamily dwelling townhouses" by right in GR and by special permit in GB.

Note: The table of uses specifies that all of the above special permit are to be granted by the "zoning board." Zoning board is not defined. Researcher assumes the "zoning board" is the Board of Appeals.

\*\*\*

ARTICLE XII. SITE PLAN APPROVAL BYLAW  
Section 1. Projects Requiring Site Plan Approval

No special permit as define in Article VII Section B of the Zoning Bylaws of the Town of Ayer, and no occupancy permit as defined in Article VII Sections A and D of the Zoning Bylaws of the Town of Ayer, and no building permit as defined in the Massachusetts State Building code 780CMR Section 114 shall be issued for any of the following uses:

- (a) The construction or external enlargement of a commercial or industrial structure having a gross floor area exceeding 1200 square feet or a building volume greater than 30,000 cubic feet.
- (b) The construction or enlargement of a parking area having eight or more spaces;
- (c) Residential developments requiring approval under the Subdivision Control Law (MGL C 41)
- (d) Any other use specified in the Schedule of Use Regulations as referred in the Town of Ayer Zoning Bylaws as amended which indicates a Site Plan Approval is required.

\*\*\*

Building Commissioner and Zoning Enforcement Officer Gabirel Vallente stated that it is unlikely there is undeveloped land in the General Residence district, since it is the oldest part of town. He reported that the only new developments have been tear-downs of existing distressed housing, and redevelopment as large single family residences.

-Personal communication, 12/09/04

\*\*\*

General Residence (GR):  
10,000 sf  
plus 3,000 sf for each additional dwelling unit

General Business (GB):  
15,000 sf

Downtown Business (DB):  
10,000 sf for residential

Cluster Development:  
10,000 sf

\*\*\*

"Section 9. Floor Area

All dwelling units except single family houses shall provide a minimum habitable floor area as follows:

- a. Seven hundred and fifty (750) square feet for a dwelling unit on one (1) floor.
- b. Five hundred (500) square feet on the first floor of a dwelling unit of one and one-half (1 1/2) floors.
- c. Four hundred (400) square feet on the first floor of a dwelling unit on two (2) floors.f "

- Land Use Ordinance of Ayer, 3/13/73 (as amended). Art. V (Dimention Regulations)

\*\*\*

"6.134 Allowed Density (density entitlement)

The density entitlement for dwelling units shall be calculated in two ways. First, it shall be calculated in the manner of a conventional non-cluster subdivision, citing Article V, Section 12, ZBL. Second, it shall be calculated by means of the following formula: take the total parcel area less seventy five percent (75%) of the wetland resource areas (as defined by the MA Wetlands Protection Act, Chapter 131 M.G.L., and 310 CMR) and land sloped more than twenty (20%) percent, less ten (10) percent of that area (for roadways) and dividing that number by the minimum lot area of the zoning district in which the parcel is located and round it to the nearest whole number. The greater density entitlement of the two shall constitute the allowed number of units."

Table: "Area Regulations for Cluster Development"

Minimum GR parcel size: 1.5 acres

Min. Lot Area Single Family (for density entitlement calculation purposes): 10,000sf

- Land Use Ordinance of Ayer, 3/13/73 (as amended). Art. VI.6 (Special Provisions, Cluster Development)

"c. G.R. The G.R. General Residential District is intended to allow and regulate higher density housing and public facilities in centrally-located or very accessible and well-served areas of the town. It includes multi-unit and townhouse development by special permit at higher densities of about 12 units/acre."

- Land Use Ordinance of Ayer, 1973 (as amended) Art. III.2.c, (Purposes and Characteristics of Districts.)

\*\*\*

"Section 3. More Than One Building on a Parcel

Every building shall have frontage on a way, public or private, except that with planning board approval it may use a clear unobstructed passageway at least twenty (20) feet wide over the lot on which it is located, to said way. If a building is located in the rear of another building located on the same lot, it shall meet the side and rear yard requirements of the district in which it is located and the open space between such buildings shall be at least fifty (50) percent greater than the rear yard requirement for the district."

- Land Use Ordinance of Ayer, 3/13/73 (as amended). Art. V (Dimension Regulations)

## Bedford

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Richard Joly, Director of the Planning Department, said (9/2/04): "Yes there is. It is allowed above retail in the business districts."

\*\*\*

Researcher located provisions for multifamily in the Mixed Business and Residential zone, on ordinance.com:

#### 4.5.16 Mixed Business and Residential

The use of an existing or a new structure for mixed business and residential uses provided the following conditions are met:

- (a) All dwelling units shall be above the first floor level (the street level which faces the street with the highest traffic use);
- (b) Business uses mixed with residential uses on the same floor shall be limited to office uses only;
- (c) Business uses shall be limited to only those business uses allowed by right in the district in which the building is located;
- (d) Mixed business and residential uses shall be regulated by the parking requirements of section 7.4.1.12;
- (e) Balconies and decks, other than those required for access or by the State Building Code, shall not be placed on the front of the building;
- (f) Extra floors added to the building shall be in harmony with the design and character of the existing structure and the area. The maximum height shall not exceed the height limitations for the district;
- (g) The design and size of each unit shall conform to all applicable building, health, and other codes, and the gross floor area shall not exceed 750 square feet;
- (h) Mixed uses shall comply with the site plan review requirements of Section 7.5.

\*\*\*

Table 1 Use Regulations -

Mixed Business and Residential is allowed in LB and GB business districts by right, with site plan review.

\*\*\*

Richard Joly, Director of the Planning Department, said: "We did a buildout analysis that showed there is significant buildout potential in the business district."

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** "Mixed Business and Residential" is allowed in LB and GB business districts by right, with site plan review. Two family dwelling unit are allowed by right in all of the residential districts and the Limited Business district.

Cluster Development, Planned Residential Development, and Housing for Elderly are allowed by special permit in the four residential districts.

Multifamily housing is allowed by special permit in the Industrial Mixed Use zone.

Town of Bedford Zoning Bylaw, Section 15 (from ordinance.com, updated 2002)

## 15. INDUSTRIAL MIXED USE

### 15.1 Purpose

Industrial Mixed Use allows by Special Permit from the Planning Board an alternative pattern of land development to the pattern normally permitted in the underlying District. It is intended to create mixed commercial, residential, and open space areas where the visual and physical dominance of the automobile is made secondary to pedestrian needs; to encourage pedestrian activity by creating a pleasant, rich and diverse experience for pedestrians; to reduce traffic congestion and air pollution by providing opportunities for retail services, housing and employment in close proximity; and to encourage the sharing of parking lots and driveway curb cuts, minimizing the amount of paved parking surface area, and reducing traffic congestion.

### 15.2 Authority.

The Planning Board shall be the Special Permit Granting Authority for Industrial Mixed Use developments. The Planning Board may vary the dimensional and parking requirements of this section if, in its opinion, such change will result in an improved design of the development. This authority continues subsequent to occupancy.

### 15.3 Permitted Uses

The following types of uses (and non other) shall be permitted in Mixed Use developments. These uses may be commingled into a single structure or structures or may be located in separate structures on the site.

#### 15.3.1 Business and Professional Office

#### 15.3.2 Research Facility

#### 15.3.3 Multifamily Dwellings

No less than 25 percent of the total number of units shall be affordable to households at or below 80 percent of the median household income for the Boston Metropolitan Area as determined by the most recent calculation of the United States Department of Housing and Urban Development. The affordable units must be subject to Use Restrictions to ensure that the units remain available in perpetuity, exclusively to persons with qualifying incomes. The units must be sold or rented on a fair and open basis and the owners of the units must adopt an affirmative fair marketing plan. The minimum area for any of the residential units within the Mixed Use Overlay District shall be no less than 550 square feet and the maximum area shall not exceed 1000 square feet. The average size shall be 750 square feet (plus or minus 25 square feet). Residential Units shall be developed under the Local Initiative Program of the Massachusetts Department of Housing and Community Development or another subsidy program that allows the housing to count towards the affordable housing requirements of Chapter 40B of the Massachusetts General Law.

#### 15.3.4 Retail Store not exceeding 2000 square feet of sales floor area

#### 15.3.5 Personal Service Shop

#### 15.3.6 Restaurant

#### 15.3.7 Child Care Facility

#### 15.3.8 Bank

#### 15.3.9 Private Recreation

#### 15.3.10 Municipal Use

#### 15.3.11 Underground and Above Ground Utilities

#### 15.3.12 Parking Facility

Paragraph 7.3.2.2 of this bylaw applies with respect to the Planning Board's consideration of the grant of a Special Permit for the Mixed Use Overlay development.

### 15.4 Density.

15.4.1 The following uses shall be permitted a maximum combined floor area ratio (FAR) of 25 percent. A minimum of 5% FAR shall be provided for these uses. Any of the allowable floor area not provided for these uses may be added to the Multifamily Dwellings FAR.

#### 15.4.1.1 Business and Professional Office

#### 15.4.1.2 Research Facility

15.4.2 Multifamily Dwellings shall have a maximum FAR of 15 percent exclusive of the allocation of additional area allowed under 15.4.1.

15.4.3 The following uses shall have a maximum combined FAR of 10 percent.

15.4.3.1 Retail Store not exceeding 2000 square feet of sales floor area

15.4.3.2 Personal Service Shop

15.4.3.3 Restaurant

15.4.3.4 Child Care Facility

15.4.3.5 Bank

15.4.3.6 Private Recreation

15.4.3.7 Municipal Use

15.5 Dimensional Requirements

The dimensional requirements below shall apply.

15.5.1 Minimum contiguous area of the Industrial Mixed Use development shall be 4 acres (Paragraph 6.2.2 applies. ). The site of any new principal structure shall be completely within an ellipse which ellipse shall :

1. Be completely within the lot;
2. Have an area of at least 3 acres.
3. Have a minor diameter of at least 200 feet.
4. The ratio of the minor diameter to the major diameter shall be no greater than 5.

15.5.2 Minimum lot frontage shall be 200 feet.

15.5.3 Minimum lot width shall be 200 feet.

15.5.4 The maximum front yard shall be 20 feet and there is no minimum front yard.

15.5.5 Minimum rear yard shall be 15 feet and there is no minimum side yard. There shall also be at least 15 feet separation between any two structures in the development and the areas behind and between all structures shall be clear and accessible to the Town's fire suppression vehicles.

15.5.6 Maximum height shall be 42 feet.

15.5.7 Maximum lot coverage shall be 35 percent.

15.5.8 Minimum landscaping shall be 25 percent, and shall meet the requirements of Section 6.2.12 of these bylaws.

15.5.9 Maximum floor area ratio shall be 50 percent.

15.6 Parking and Curb Cut Requirements

Parking and circulation requirements shall be in accordance with Section 7.4 of this Bylaw except as described below.

15.6.1 In all Mixed Use developments adequate off-street parking shall be provided. The Planning Board and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the Board shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the

15.6.2 Parking may be provided at ground level, underground or in a parking garage. Parking garages can be free standing or as part of buildings dedicated to other permitted uses. Parking spaces must be assigned to specific uses (including shared uses) at the time of the submission of the Final Plan.

15.6.3 Parking shall be primarily located at the rear or at the side of buildings.

15.6.4 There shall be only one curb cut providing access to the development from any public way. A development having frontage on two of more streets may be permitted additional curb cuts if deemed necessary by the Planning Board. Whenever possible there shall be shared curb cuts with adjacent developments.

15.6.5 There shall be 1.5 parking spaces for each dwelling unit.

15.6.6 Section 7.4.3 concerning the granting of relief from parking regulations by the Zoning Board of Appeals shall not apply. See

paragraph 15, 2.

#### 15.7 Application

Any person who desires a Special Permit for a Mixed Use development shall submit 14 copies of the application in such form as the Planning Board may require which shall include the following:

##### 15.7.1 Development Statement

A Development Statement shall consist of a petition, a list of the parties in interest with respect to the tract, a list of the development team and a written statement describing the major aspects of the proposed development.

##### 15.7.2 Development Plans

Development plans bearing the seal of a Massachusetts Registered Architect, Registered Civil Engineer or similar professional as appropriate and consisting of

(a) Site plans and specifications showing all site improvements and meeting the requirements set forth for a Site Plan under Section 7.5.

(b) Site perspective, sections, elevations 1/8 inch= 1 foot.

(c) Detailed plans for disposal of sanitary sewage and surface drainage; and

(d) Detailed plans for landscaping.

##### 15.7.3 Additional information as the Board may determine.

#### 15.8 Planning Board Findings

A special permit shall be issued under this Section if the Planning Board finds that the development is in harmony with the purpose, and intent of this Section and that it contains a compatible mix of uses sufficiently advantageous to the Town to render it appropriate to depart from the requirements of the Bylaw otherwise applicable to the Industrial District in which the development is located.

#### 15.9 Amendments

After approval, the developer may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the Planning Board. It shall be a finding of the Planning Board, not subject to dispute by the applicant, whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of an amended special permit application.

\*\*Webmasters Note: The previous section, 4.5.17 Industrial Mixed Use, has been added as per Case No. 1977 from town meeting date 3/25/02.

\*\*\*

#### Notes on density:

In the Industrial Mixed Use overlay district, multifamily is allowed by special permit. The minimum area for residential units within the overlay shall be no less than 550 square feet, and maximum no greater than 1000 square feet. The average size shall be 750 square feet. Residential units shall be developed under the LIP program. Multifamily dwelling units shall have a maximum FAR of 10 percent.

4 acres are required to do an Industrial Mixed Use development.

\*\*\*

Although it appeared in August that there was no age-restricted zoning, in November the researcher found it in the bylaw. In the Table of Use Regulations, it appears as 4.2.5 Housing for the Elderly, a use allowed by special permit in each of the residential districts, but not in the business and industrial districts.

#### 4.2.5 Housing for Elderly

Single family detached other than a single family dwelling in accordance with Subsection 4.2.1 and attached, and multi-unit structures of all types which will be owned and operated by the Bedford Housing Authority and for which it is the applicant, provided that the Board shall find that the proposed design is generally consonant with the purposes of this Bylaw.

ELDERLY : Two or more persons sharing a household, the older of which is 55 years of age or over or a single person who is 55 years of age or over.

\*\*\*

Bedford Comprehensive Plan, December 2002, Chapter 3: Housing. Proposals and recommendations.

### 3-1. Pass Active Seniors Housing Provision

Draft a Zoning bylaw to encourage the construction of housing for Bedford's "active seniors", those in the 55+ age group. This housing would include different price ranges and fewer bedrooms per unit than typical units. This proposal would serve a segment of the population that is not adequately served by Bedford's housing supply. In addition, this proposal would result in a positive fiscal benefit to the town since very few school age children would reside in this housing. To provide an incentive for developers, a density bonus would be allowed for this type of housing with a special permit. This increase in density would be offset by the fact that seniors typically make fewer automobile trips generating less traffic and at off-peak hours.

\*\*\*

Town of Bedford Zoning Bylaw, Section 10 (from ordinance.com, updated 2002)

## 10. NURSING CARE FACILITY

### 10.1 Purpose

Nursing Care Facility (NCF) allows by Special Permit from the Board a greater flexibility in development from the pattern otherwise permitted in Residence Districts, provided that an application for such use is approved by the Town Meeting. It is intended to encourage the preservation of open spaces while at the same time allowing a greater mixture of buildings, structures and uses with regard to density than is permitted in Residence Districts with special attention given to the concerns of the ill and elderly. Attention also shall be given by the Board as to whether site layout, number, type and size of buildings and structures constitute a suitable project for the neighborhood within which it is to be located and enhance the quality of living for the NCF residents, the immediate neighborhood and the Town generally.

### 10.2 Definitions

10.2.1 NURSING/SPECIAL CARE FACILITY : A facility for the care of persons requiring daily attention by medical or nursing personnel or for reasons of ill health or physical incapacity.

10.2.2 HOSPITAL FACILITY : A facility or institution where sick or injured persons are given medical and surgical care.

10.2.3 CONGREGATE LIVING FACILITY : A facility providing private or communal lodging for persons requiring limited medical attention or supervision and who ordinarily are ambulatory. In addition to bed space such facilities may include semi-private or private food preparation facilities, common dining facilities and common semi-private or private bath and toilet facilities.

10.2.4 INDEPENDENT LIVING FACILITY : A facility providing independent dwelling for a retired or elderly couple or individual. In addition to bed space such facilities ordinarily would include private toilet, bath, food preparation facilities and a private dining area.

10.2.5 ELDERLY : Two or more persons sharing a household, the older of which is 55 years of age or over or a single person who is 55 years of age or over.

\*\*\*

From ordinance:

## 4. CLASSIFICATION OF PRINCIPAL USES

### 4.2.5 Housing for Elderly

Single family detached other than a single family dwelling in accordance with Subsection 4.2.1 and attached, and multi-unit structures of all types which will be owned and operated by the Bedford Housing Authority and for which it is the applicant, provided that the Board shall find that the proposed design is generally consonant with the purposes of this Bylaw.

\*\*\*

### 10.3 Standards

#### 10.3.1 Minimum Tract Size

Nursing Care Facility shall be permitted upon a single tract in one ownership with definite boundaries ascertainable from a recorded deed or record plan which has an area of not less than 50 acres. Existing public or private ways need not constitute boundaries of the tract, but the area within such ways shall not be counted in determining minimum tract size.

#### 10.3.2 Permissible Density

The density in a Nursing Care Facility shall not exceed an average of eight and one-half persons per acre exclusive of land situated within Flood Plain/Wetland District.

### 10.3.3 Permitted Uses

#### 10.3.3.1 Principal Uses:

- (a) Nursing/Special Care Facilities;
- (b) Hospital Facilities;
- (c) Congregate Living Facilities;
- (d) Independent Living Facilities, provided that no more than 33% of the gross residential population shall be housed in such facilities;
- (e) Day Care Center for elderly persons;
- (f) Facilities for medical, rehabilitative, recreational, social and nutritional programs, dining rooms, kitchen facilities and laundry facilities; and
- (g) Any other uses permitted in a Residence District.

#### 10.3.3.2 Accessory Uses

Accessory uses incidental to the principal uses indicated above, including the following, provided that in all cases such accessory uses shall be for the benefit of the NCF residents and retired or elderly persons and shall be limited in size and character necessary to serve such persons;

- (a) Limited administrative and professional offices which are required for the operation of any of the principal or accessory uses;
- (b) Lounge, snack bar and related kitchen facilities, barber shop, beauty parlor and pharmacy;
- (c) Facilities for the sale of services and merchandise;
- (d) Places of public assembly, including auditorium and chapel facilities; and
- (e) Lodging facility in a free-standing building, with not less than four, nor more than six bedrooms, for persons visiting a Nursing Care Facility, or its residents, provided that such lodging facility contains not more than one kitchen and provided, further, that space in a lodging facility not used for bedrooms or kitchen may be used as otherwise permitted by Section 10.3.3.2.

#### 10.3.4 Frontage and Yard Requirements

No parking, building or other above ground structure shall be located within 100 feet of the NCF tract perimeter. Such areas, except for road or utility crossing, shall provide a continuous landscaped perimeter, provided that nothing shall prevent the projection of walls and fences.

#### 10.3.5 Height

The maximum height of any structure shall not exceed 35 feet.

#### 10.3.6 Maximum Coverage

The maximum permitted coverage of all structure shall not exceed 30% of the land situated outside the Common Open Space and no more than 5% of the maximum coverage may be used for accessory structures.

#### 10.3.7 Common Open Space

All land within the Nursing Care Facility tract which is not specifically reserved for the support of the NCF facilities and which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as private yards, patios, or gardens for residents shall be Common Open Space. The area of Common Open Space shall equal at least 35% of the total area of the NCF tract and no more than 50% off the minimum required Common Open Space shall be situated within the Flood Plain/Wetland District. The Common Open Space shall have a shape, dimension, character and location suitable to enable its enjoyment and use for conservation or agricultural purposes by the residents of the NCF and the inhabitants of the Town. Provisions shall be made so that the Common Open Space is owned by the owners of the NCF, the Town or otherwise as the Board may direct and readily accessible to all residents in the NCF and the inhabitants of the Town. In all cases, a perpetual restriction of the type described in MGL Ch 184, Section 31 (including future amendments thereto and corresponding provisions of future laws) shall be recorded in respect to such Common Open Space. Such restrictions shall provide that the Common Open Space shall be retained in perpetuity for use by residents in the NCF and the inhabitants of the Town for the purposes of conservation or agriculture. The restriction shall specifically prohibit the use of the Common Open Space for all terrain vehicles, snowmobiles, motorbikes, motorcycles and similar vehicles. It shall prohibit the construction of any above ground structures, buildings, roads and paved areas, except for the construction and maintenance of duck-walks, bicycle, equestrian and foot paths or similar facilities for the benefit of the residents. Such restrictions shall be in such form and substance as the Board shall prescribe and may contain such additional restrictions on development and use of the Common Open Space as the Board may deem appropriate.

### 10.3.8 Parking

Except as provided in this section, all parking shall comply to the extent applicable with the provisions of Subsection 7.4 Parking Regulations.

#### 10.3.8.1 Nursing/Special Care or Hospital Facility

One parking space for every sleeping room for single or double occupancy or where not divided into such rooms, one parking space for each two beds.

#### 10.3.8.2 Congregate Living Facility

One parking space for each 20 beds.

#### 10.3.8.3 Independent Living Facility

One parking space for each dwelling unit.

#### 10.3.8.4 Employee

One parking space for each three employees which can be reasonably expected at any one time on the premises.

#### 10.3.8.5 Public Assembly

One parking space for each four seats of rated capacity in the largest place designated for regular use as a place of public assembly.

#### 10.3.8.6 Visitor

One parking space for each 20 residents in the congregate living or independent living facilities.

### 10.4 Procedure for Approval

#### 10.4.1 Application

After approval by the Town Meeting in accordance with SubSection 14.8, any person who desires a Special Permit for a NCF shall submit an application in writing in such form as the Board may require which shall include the following:

##### 10.4.1.1 Development Statement

A Development Statement shall consist of a petition, a list of parties in interest with respect to the NCF tract, the names and specific functions of the development team and a site evaluation statement. In the event the Statement shall set forth the development concept in detail, including in tabular form the number of facilities, type, estimated resident population, size, (number of bedrooms, floor area) ground coverage, the area of the NCF and Common Open Space, specifying the portions of each which is situated within the Flood Plain/Wetland District as a percentage of the total area of the NCF tract and a development schedule for all site improvements together with copies of all proposed instruments, including the Common Open Space perpetual restriction.

##### 10.4.1.2 Plans

Development plans bearing the seal of a Massachusetts Registered Architect, Registered Civil Engineer or similar professional as appropriate and consisting of:

(a) Site Plans and Specifications showing all site improvements and meeting, to the extent applicable, the requirements set forth for a Definitive Plan in the Subdivision Rules and Regulations of the Planning Board;

(b) Site perspective, sections, elevations 1/8 inch = 1 foot and typical floor plan(s) 1/4 inch = 1 foot;

(c) Detailed plans for disposal of sanitary sewer and surface drainage; and

(d) Detailed plans for landscaping.

##### 10.4.2 Referral for Reports

The Board shall, within ten days of receipt of an application under Section 10, refer the application to the Planning Board, Conservation Commission, Board of Public Works, Board of Health and Inspector of Buildings for written reports and recommendations and no decisions shall be made until such reports are returned or 35 days have elapsed following such referral without receipt of such reports.

##### 10.4.3 Planning Board Report and Recommendation

The Planning Board shall review the petition and preliminary plans and shall submit in writing to the Board its report and recommendations relating to the proposed development, including at least the following:

#### 10.4.3.1 Site Evaluation

An evaluation of the natural terrain of the NCF tract and surrounding areas and of the neighborhood in which the tract is situated.

#### 10.4.3.2 Development Evaluation

An evaluation of the proposed development, including the design and use of buildings, roads, utilities, drainage, and of the open spaces, of pedestrian and vehicular circulation, of the location and adequacy of parking and of the provisions for, grading, landscaping and screening.

#### 10.4.3.3 Restricted Land

An evaluation and opinion upon the degree to which any land restricted for the benefit of the NCF residents and the inhabitants of the Town:

- (a) Provides, or will in the future provide, additions to areas of open space between developed sections of the Town;
- (b) Makes available land desirable for future public use; or
- (c) Conforms to the Town's long-range land use plan.

#### 10.4.3.4 Opinion of Suitability

Its opinion as to whether the proposed site layout, number, type, size and configuration of housing and other structures constitute a suitable development for the neighborhood within which it is located.

#### 10.4.3.5 Effect on Town's Infrastructure

The effect of the proposed layout on the Town's existing roadways, water supply and sewage disposal facilities.

#### 10.4.3.6 Adequacy of Plan

A statement that the applicant's plans comply with the Design Standards of the Subdivision Rules and Regulations of the Planning Board or, wherever such plans do not comply, a statement of the respects in which they do not so comply.

#### 10.4.3.7 Recommendations

Recommendations for the granting or denial of the Special Permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the Special Permit.

#### 10.4.4 Conservation Commission's Report and Recommendations

The Conservation Commission shall review the petition and plans and shall submit in writing to the Board its report and recommendations upon the degree to which the proposed project enhances the conservation of significant environmental qualities, including at least:

##### 10.4.4.1 Environmental Impact

An evaluation and opinion upon the degree to which the project itself affects critical environmental areas.

##### 10.4.4.2 Open Space Evaluation

An evaluation and opinion upon the degree to which the Common Open Space conserves:

- (a) Critical environmental areas and provides a valuable outdoor resource;
- (b) Enhances the long-term conservation of critical environmental areas, unique natural features, scenic vistas or potential or existing farmland; or
- (c) Provides a valuable addition to the open space resources of the Town.

#### 10.4.5 Board

A Special Permit may be issued under this Section only if the Board finds that the NCF conforms to the requirements and is in harmony with the general purpose and intent of this Section, and that the site layout, number, type and size of buildings and structures constitute a suitable development for the neighborhood in the vicinity of the NCF. If a Special Permit is granted, the Board may impose as a condition thereof that the installation of municipal services and construction of interior drives within the NCF shall comply, to the extent

applicable, with the requirements of the Subdivision Rules and Regulations of the Planning Board, may require sufficient security to ensure such compliance and the completion of planned recreational facilities and site amenities and may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board or Conservation Commission or upon its own initiative. The Board shall give due consideration to the reports of the Planning Board and Conservation Commission and where the decision of the Board differs from the recommendations of the Planning Board or Conservation Commission, the reasons therefor shall be stated in writing.

## Bellingham

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Public housing is allowed by right.

According to Table 2400, other types of multifamily housing is not allowed by right in Bellingham.

#### Section V - Definitions

Dwelling, Multifamily: A structure containing three or more dwelling units, whether for rental, condominium ownership, or other form of tenure, but not including public housing.

Dwelling, Single-Family: A detached residential building containing a single dwelling unit, or a single dwelling unit plus a family apartment as authorized by Section 4130.

Dwelling, Townhouse: A multifamily dwelling containing at least three but not more than eight dwelling units, each unit having a separate exterior entrance and being held in separate and distinct ownership (such as in a condominium) or being owned by a Massachusetts cooperative and held by separate and distinct shares.

Dwelling, Two-Family A detached residential building intended and designed to be occupied exclusively by two families.

#### 4400. Special Residential Uses.

Special residential uses are Townhouses, Assisted Elderly housing, Public Housing, and Other Multi-Family Housing.

#### 4410. Townhouse Dwellings.

As provided in Section 2400 Use Regulation Schedule, townhouse dwellings may be allowed on special permit in all except the Industrial District. Such special permits shall be acted on by the Planning Board, subject to the following:

4411. Minimum lot area shall be 10,000 sq. ft. per bedroom, but in no case shall lot area be less than 20 acres.

4412. Approval of the special permit shall be based upon the criteria of Section 4455 Decision.

#### 4420. Assisted Elderly Housing.

As provided in Section 2400 Use Regulation Schedule, Assisted Elderly housing may be allowed on special permit in all except the Industrial District. Such special permits shall be acted on by the Planning Board, subject to the following:

4421. For units designated as 'targeted' by the Planning Board under Section 2690, lot area and frontage requirements shall be as specified in that Section, rather than Section 2600 Intensity of Use Schedule.

4422. The following information shall be submitted in addition to the submittal requirements of Sec.1423

- (a) A description of the proposed management of the facility.
- (b) A description of the services to be provided to the residents and how such services are to be supplied.
- (c) A description of all common or shared areas.

4423. Approval of the special permit shall be based upon the criteria of Section 4455 Decision.

#### 4430. Public Housing.

As provided in Section 2400 Use Regulation Schedule, Public Housing is a permitted use in all districts except the Industrial district. Public housing is exempt from the minimum requirements of Section 2600, Intensity of Use Schedule.

#### 4440. Other Multifamily Dwellings.

As provided in Section 2400 Use Regulation Schedule, multifamily dwellings other than townhouse dwellings, assisted multifamily housing, or public housing are allowed only:

- (a) in the Multifamily District, or
- (b) through conversion of an existing dwelling in any other district, upon determination by the Board of Appeals that the structure could not reasonably be used or altered for any other use (see Section 2400 footnote 10).

4441. New Multifamily Districts (M) shall each be created only by vote of the Town Meeting amending the Zoning Map. Each such district shall not be less than 20 acres in extent, shall front for at least 500 feet on an arterial street, and shall contain not less than 70%

vacant or agricultural land.

4442. Minimum lot area for other multifamily dwellings shall be 40,000 square feet for up to four dwelling units, and 3,000 square feet additional lot area for each additional family accommodated.

4443. Approval of the special permit shall be based upon the criteria of Section 4455 Decision.

4450. Special Residential Use Requirements.

The following shall apply to all Special Residential Uses (Townhouse Dwellings, Assisted Elderly Housing, and Other Multifamily Dwellings) except not to Public Housing.

4451. Major Development. Special permits resulting in either 50 or more dwelling units or 100 or more bedrooms on that and abutting parcels which have been in common ownership at any time subsequent to January 1, 1989, shall be construed to be Major Proposals, and therefore may be approved only following concept plan approval as provided in Section 3400.

4452. Bedroom Limitation. Not more than 10% of the cumulative number of dwelling units on the premises having been granted occupancy permits at any point in time may have three bedrooms (except assisted elderly, which may have none) and none may have more than three bedrooms, unless (except in the case of assisted multifamily) the Special Permit originally allowing the development explicitly authorizes occupancy permits for more or larger units. Said authorization shall be granted only where lot area will equal at least 10,000 square feet per bedroom.

Section V - Definitions

Public Housing

Housing operated by a public body created pursuant to Section 26K of Ch. 121, or corresponding provisions of earlier laws.

Code of By-Laws, Division II Zoning

<http://www.bellinghamma.org/townclerkbylzo.htm>

(Revised by Town Clerk 09/2002)

\*\*\*

According to the table of uses, the following are allowed:

Townhouse by special permit from the planning board in A, S, R, M, B1, and B2.

Other multifamily by special permit from the planning board in M.

Public housing by right in A, S, R, M, B1, and B2.

Major residential development by special permit from the planning board in A, S, R, M, B1, and B2.

A footnote to the "other multifamily" states: "10. Except that an existing dwelling may, on Special Permit from the Board of Appeals, be altered to house up to four families or for boarding or lodging, provided that the Board of Appeals shall find that the structure could not reasonably be used or altered and used for any permitted purpose." This footnote indicates that such alterations are allowed in A, S, R, B-1, B-2, I.

Another footnote to "other multifamily" states: "11. Except that multifamily shall not include public housing."

4430. Public Housing.

As provided in Section 2400 Use Regulation Schedule, Public Housing is a permitted use in all districts except the Industrial district. Public housing is exempt from the minimum requirements of Section 2600 Intensity of Use Schedule.

\*\*\*

4450. Special Residential Use Requirements.

The following shall apply to all Special Residential Uses (Townhouse Dwellings, Assisted Elderly Housing, and Other Multifamily Dwellings) except not to Public Housing.

4451. Major Development. Special permits resulting in either 50 or more dwelling units or 100 or more bedrooms on that and abutting parcels which have been in common ownership at any time subsequent to January 1, 1989, shall be construed to be Major Proposals, and therefore may be approved only following concept plan approval as provided in Section 3400.

4452. Bedroom Limitation. Not more than 10% of the cumulative number of dwelling units on the premises having been granted occupancy permits at any point in time may have three bedrooms (except assisted elderly, which may have none) and none may have more than three bedrooms, unless (except in the case of assisted multifamily) the Special Permit originally allowing the development explicitly authorizes occupancy permits for more or larger units. Said authorization shall be granted only where lot area will equal at least 10,000 square feet per bedroom.

4453. Submittals. The application for a Special Permit shall be accompanied by six copies of:
- (a) a Site Plan including the items required under Section 1423(a) (but they may be at a concept rather than final level of detail);
  - (b) a proposed staging plan, if building permits are not to be immediately sought for all units; and
  - (c) a ground floor plan and architectural elevations of all proposed buildings, prepared by a registered Architect.

Those materials shall be circulated for review as provided at Section 1422(b). No special permit shall be decided upon within 35 days of such referral without receipt of advisory reports, from each of those agencies regarding compliance of the proposal to local rules, regulations, and Bylaws as well as good practice within their area of concern.

4454. Special Permit Lapse. The Special Permit shall lapse upon transfer of ownership or within 12 months of Special Permit approval (plus such time required to pursue or await the determination of an appeal referred to in Sec. 17, Ch. 40A, G.L., from the grant thereof) if a substantial use thereof or construction has not begun, except for good cause.

4455. Decision. In deciding on a Special Permit for Townhouse, Assisted Elderly housing, or Other Multifamily dwellings, the following more detailed criteria shall be used rather than those of Section 1530. Such Special Permit shall be granted only if the Planning Board determines that the proposal would serve

Town interests better than would single-family development of the same area, considering the following:

- (a) Municipal costs and revenues.
- (b) Effect on the range of available housing choice.
- (c) Service to identified housing needs.
- (d) Service to current Bellingham residents.
- (e) Support for local business activity and jobs.
- (f) Impact on the natural environment, especially on ground and surface water quality and level.
- (g) Impacts on traffic safety and congestion, adequacy of water service, and need for school facilities.
- (h) Impacts on the visual environment through preservation or displacement of visual assets, and

consistency with existing development in area.

4456. Development Rate. In authorizing Townhouse Dwellings and other Multifamily Dwellings the Planning Board shall establish an annual limit for the number of such dwelling units to be authorized, taking into consideration the Town-wide building rate experienced over the previous two years and anticipated over the next half-dozen years, the needs which the housing will serve, the ability of the Town to provide services in a timely manner, the housing cost and feasibility consequences of the limitation, and the considerations of Section 3420 for Major Proposals. Such development rate may be less than but not more than that contained in the Concept Plan, if any, approved by Town Meeting.

\*\*\*

Major Residential Development

Either of the following:

- Development of ten or more dwelling units on a single lot, or
- One or more divisions of land (whether or not a 'subdivision' requiring Planning Board approval) that would cumulatively result in an increase by ten or more lots (excluding any restricted from residential use) above the number existing twenty-four months earlier on a parcel or a set of contiguous parcels which were in common ownership as of October 10, 2001, except that if each resulting lot has both lot area and frontage at least 50% greater than that required under Section 2600 Intensity of Use Schedule the land division shall not be considered to be a Major Residential Development.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Public housing is allowed by right.

According to Table 2400, other types of multifamily housing is not allowed by right in Bellingham.

Section V - Definitions

Dwelling, Multifamily: A structure containing three or more dwelling units, whether for rental, condominium ownership, or other form of tenure, but not including public housing.

Dwelling, Single-Family: A detached residential building containing a single dwelling unit, or a single dwelling unit plus a family apartment as authorized by Section 4130.

Dwelling, Townhouse: A multifamily dwelling containing at least three but not more than eight dwelling units, each unit having a separate exterior entrance and being held in separate and distinct ownership (such as in a condominium) or being owned by a Massachusetts cooperative and held by separate and distinct shares.

Dwelling, Two-Family A detached residential building intended and designed to be occupied exclusively by two families.

4400. Special Residential Uses.

Special residential uses are Townhouses, Assisted Elderly housing, Public Housing, and Other Multifamily Housing.

4410. Townhouse Dwellings.

As provided in Section 2400 Use Regulation Schedule, townhouse dwellings may be allowed on special permit in all except the Industrial District. Such special permits shall be acted on by the Planning Board, subject to the following:

4411. Minimum lot area shall be 10,000 sq. ft. per bedroom, but in no case shall lot area be less than 20 acres.

4412. Approval of the special permit shall be based upon the criteria of Section 4455 Decision.

4420. Assisted Elderly Housing.

As provided in Section 2400 Use Regulation Schedule, Assisted Elderly housing may be allowed on special permit in all except the Industrial District. Such special permits shall be acted on by the Planning Board, subject to the following:

4421. For units designated as 'targeted' by the Planning Board under Section 2690, lot area and frontage requirements shall be as specified in that Section, rather than Section 2600 Intensity of Use Schedule.

4422. The following information shall be submitted in addition to the submittal requirements of Sec.1423

- (a) A description of the proposed management of the facility.
- (b) A description of the services to be provided to the residents and how such services are to be supplied.
- (c) A description of all common or shared areas.

4423. Approval of the special permit shall be based upon the criteria of Section 4455 Decision.

4430. Public Housing.

As provided in Section 2400 Use Regulation Schedule, Public Housing is a permitted use in all districts except the Industrial district. Public housing is exempt from the minimum requirements of Section 2600, Intensity of Use Schedule.

4440. Other Multifamily Dwellings.

As provided in Section 2400 Use Regulation Schedule, multifamily dwellings other than townhouse dwellings, assisted multifamily housing, or public housing are allowed only:

- (a) in the Multifamily District, or
- (b) through conversion of an existing dwelling in any other district, upon determination by the Board of Appeals that the structure could not reasonably be used or altered for any other use (see Section 2400 footnote 10).

4441. New Multifamily Districts (M) shall each be created only by vote of the Town Meeting amending the Zoning Map. Each such district shall not be less than 20 acres in extent, shall front for at least 500 feet on an arterial street, and shall contain not less than 70% vacant or agricultural land.

4442. Minimum lot area for other multifamily dwellings shall be 40,000 square feet for up to four dwelling units, and 3,000 square feet additional lot area for each additional family accommodated.

4443. Approval of the special permit shall be based upon the criteria of Section 4455 Decision.

4450. Special Residential Use Requirements.

The following shall apply to all Special Residential Uses (Townhouse Dwellings, Assisted Elderly Housing, and Other Multifamily Dwellings) except not to Public Housing.

4451. Major Development. Special permits resulting in either 50 or more dwelling units or 100 or more bedrooms on that and abutting parcels which have been in common ownership at any time subsequent to January 1, 1989, shall be construed to be Major Proposals, and therefore may be approved only following concept plan approval as provided in Section 3400.

4452. Bedroom Limitation. Not more than 10% of the cumulative number of dwelling units on the premises having been granted occupancy permits at any point in time may have three bedrooms (except assisted elderly, which may have none) and none may have more than three bedrooms, unless (except in the case of assisted multifamily) the Special Permit originally allowing the development explicitly authorizes occupancy permits for more or larger units. Said authorization shall be granted only where lot area will equal at least 10,000 square feet per bedroom.

#### Section V - Definitions

##### Public Housing

Housing operated by a public body created pursuant to Section 26K of Ch. 121, or corresponding provisions of earlier laws.

##### Code of By-Laws, Division II Zoning

<http://www.bellinghamma.org/townclerkbylzo.htm>

(Revised by Town Clerk 09/2002)

\*\*\*

According to the table of uses, the following are allowed:

Townhouse by special permit from the planning board in A, S, R, M, B1, and B2.

Other multifamily by special permit from the planning board in M.

Public housing by right in A, S, R, M, B1, and B2.

Major residential development by special permit from the planning board in A, S, R, M, B1, and B2.

A footnote to the "other multifamily" states: "10. Except that an existing dwelling may, on Special Permit from the Board of Appeals, be altered to house up to four families or for boarding or lodging, provided that the Board of Appeals shall find that the structure could not reasonably be used or altered and used for any permitted purpose." This footnote indicates that such alterations are allowed in A, S, R, B-1, B-2, I.

Another footnote to "other multifamily" states: "11. Except that multifamily shall not include public housing."

#### 4430. Public Housing.

As provided in Section 2400 Use Regulation Schedule, Public Housing is a permitted use in all districts except the Industrial district. Public housing is exempt from the minimum requirements of Section 2600 Intensity of Use Schedule.

\*\*\*

#### 4450. Special Residential Use Requirements.

The following shall apply to all Special Residential Uses (Townhouse Dwellings, Assisted Elderly Housing, and Other Multifamily Dwellings) except not to Public Housing.

4451. Major Development. Special permits resulting in either 50 or more dwelling units or 100 or more bedrooms on that and abutting parcels which have been in common ownership at any time subsequent to January 1, 1989, shall be construed to be Major Proposals, and therefore may be approved only following concept plan approval as provided in Section 3400.

4452. Bedroom Limitation. Not more than 10% of the cumulative number of dwelling units on the premises having been granted occupancy permits at any point in time may have three bedrooms (except assisted elderly, which may have none) and none may have more than three bedrooms, unless (except in the case of assisted multifamily) the Special Permit originally allowing the development explicitly authorizes occupancy permits for more or larger units. Said authorization shall be granted only where lot area will equal at least 10,000 square feet per bedroom.

4453. Submittals. The application for a Special Permit shall be accompanied by six copies of:

(a) a Site Plan including the items required under Section 1423(a) (but they may be at a concept rather than final level of detail);

(b) a proposed staging plan, if building permits are not to be immediately sought for all units; and

(c) a ground floor plan and architectural elevations of all proposed buildings, prepared by a registered Architect.

Those materials shall be circulated for review as provided at Section 1422(b). No special permit shall be decided upon within 35 days of such referral without receipt of advisory reports, from each of those agencies regarding compliance of the proposal to local rules, regulations, and Bylaws as well as good practice within their area of concern.

4454. Special Permit Lapse. The Special Permit shall lapse upon transfer of ownership or within 12 months of Special Permit approval (plus such time required to pursue or await the determination of an appeal referred to in Sec. 17, Ch. 40A, G.L., from the grant thereof) if a substantial use thereof or construction has not begun, except for good cause.

4455. Decision. In deciding on a Special Permit for Townhouse, Assisted Elderly housing, or Other Multifamily dwellings, the following more detailed criteria shall be used rather than those of Section 1530. Such Special Permit shall be granted only if the Planning Board determines that the proposal would serve

Town interests better than would single-family development of the same area, considering the following:

- (a) Municipal costs and revenues.
- (b) Effect on the range of available housing choice.
- (c) Service to identified housing needs.
- (d) Service to current Bellingham residents.
- (e) Support for local business activity and jobs.
- (f) Impact on the natural environment, especially on ground and surface water quality and level.
- (g) Impacts on traffic safety and congestion, adequacy of water service, and need for school facilities.
- (h) Impacts on the visual environment through preservation or displacement of visual assets, and

consistency with existing development in area.

4456. Development Rate. In authorizing Townhouse Dwellings and other Multifamily Dwellings the Planning Board shall establish an annual limit for the number of such dwelling units to be authorized, taking into consideration the Town's wide building rate experienced over the previous two years and anticipated over the next half-dozen years, the needs which the housing will serve, the ability of the Town to provide services in a timely manner, the housing cost and feasibility consequences of the limitation, and the considerations of Section 3420 for Major Proposals. Such development rate may be less than but not more than that contained in the Concept Plan, if any, approved by Town Meeting.

\*\*\*

Major Residential Development

Either of the following:

- Development of ten or more dwelling units on a single lot, or
- One or more divisions of land (whether or not a 'subdivision' requiring Planning Board approval) that would cumulatively result in an increase by ten or more lots (excluding any restricted from residential use) above the number existing twenty-four months earlier on a parcel or a set of contiguous parcels which were in common ownership as of October 10, 2001, except that if each resulting lot has both lot area and frontage at least 50% greater than that required under Section 2600 Intensity of Use Schedule the land division shall not be considered to be a Major Residential Development.

## Belmont

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** From Land Use Ordinance of Belmont, Section 3. Use Regulations, 3.3 Schedule of Use Regulations (4/28/03), there are 3 options for multi-family housing -- (1) Conversion of large public buildings or public or private school buildings, (2) Elderly housing, and (3) Other apartment house. These are only allowed by special permits in certain districts.

There is also affordable multi-family housing allowed by special permit in a certain section of Belmont.

Town of Belmont Zoning Bylaws, Section 6.9 (November 8, 1999): 6.9 Affordable Housing  
[Amended 3/9/99; approved 11/8/99]

The Planning Board may grant a special permit for any tract of land in a General Residence District located adjacent to the McLean District, which special permit shall allow:

- (a) the construction and use of an apartment house or other multi-family dwellings which contain at least 25% "affordable units" as defined in Section 6A.2.2(b) and which contain up to 40 dwelling units overall; and
- (b) the modification of any intensity or dimensional requirements set forth in Section 4.2 or Section 4.3 as necessary in the determination of the Planning Board to permit such development to contain the greatest practical number of affordable units, but in no event so as to allow more than 40 dwelling units overall

\*\*\*

Definition from ordinance.com:

APARTMENT HOUSE - A dwelling containing no fewer than five dwelling units.

\*\*\*

According to the Table of Use Regulations on ordinance.com:

SP (Special Permit) - Use allowed under a Special Permit by the Board of Appeals as provided hereafter.

Conversion of large public buildings or public or private school buildings... allowed by special permit in SR-A,B,C,D, GR, AH, LBI, LBII, LBIII, GB.

Elderly housing... allowed by special permit in SR-A,B,C,D, GR, AH.

Cluster development... allowed by special permit in SR-A,B,C,D.

Other apartment house... allowed by special permit in AH.

\*\*\*

Notes on density:

(1) Conversion of large public buildings or public or private school buildings (A) c) It contains not less than 10,000 square feet in gross floor area (B) has a minimum of 1,200 square feet of lot area per dwelling unit. However, a minimum 1,000 square feet is allowed if the developer meets the following affordable housing requirements. The fifth housing unit and every third unit thereafter shall be an affordable housing unit; except that beginning with the 23rd unit, that 23rd unit and every fourth unit thereafter shall be an affordable housing unit. Nothing in this section shall preclude a developer from providing more affordable housing units than required under the provisions of this by-law.

(2) General Residence: 7,000 sq ft (Min Lot Area), 70 (Min Lot Frontage Ft), 30% (Max Area Lot Coverage of Lot), 40% (Min Open Space)

(3) Apartment House: 85,000 sq ft (Min Lot Area), 100 (Min Lot Frontage Area), 30% (Max Area Lot Coverage Lot), 40% (Min Open Space)

\*\*\*

## Berkley

### Is multi-family housing allowed by right in any part of the municipality?

**No** Multi-family housing is only described (not defined) in the following section:

SECTION 3. USE REGULATIONS ...

c. Special Permit Uses. The following uses shall require a special permit to be located in Berkley on a lot of one and one-half acre or greater area, as may be specified by the Special Permit Granting Authority:

- (1) public and private recreational uses;
- (2) multi-family dwellings, not to exceed four dwelling units per building and provided that the area shall comprise at least one and one-half acres (65,340 square feet) per dwelling unit;...

Information from: Ordinance for Town of Berkley, MA (last updated 9/18/2002) at: [www.ordinance.com](http://www.ordinance.com).

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Multi-family housing is only described (not defined) in the following section:  
SECTION 3. USE REGULATIONS ...  
c. Special Permit Uses. The following uses shall require a special permit to be located in Berkley on a lot of one and one-half acre or greater area, as may be specified by the Special Permit Granting Authority:  
(1) public and private recreational uses;  
(2) multi-family dwellings, not to exceed four dwelling units per building and provided that the area shall comprise at least one and one-half acres (65,340 square feet) per dwelling unit;...

Information from: Ordinance for Town of Berkley, MA (last updated 9/18/2002) at: [www.ordinance.com](http://www.ordinance.com).

## Berlin

**Is multi-family housing allowed by right in any part of the municipality?**

**Yes** According to the Table of Use Regulations, multiple dwellings are allowed in the MD district by right, subject to site plan review.

DWELLING, MULTIPLE : Any dwelling which houses more than one (1) housekeeping unit.

550 MULTIFAMILY DWELLINGS

551 Building Design

551.1 No multifamily dwelling structure shall contain more than twelve dwelling units.

551.2 Each building entrance shall give access to no more than two dwelling units.

551.3 Not more than five percent (5%) of the dwelling units in a multifamily development shall have more than two (2) bedrooms.

551.4 No floor except an unoccupied basement shall be below grade at its entire perimeter.

680 ADDITIONAL REGULATIONS FOR MULTIFAMILY DWELLINGS

681 Setback Relation to Building Height

No portion of any enclosing wall of any building and no portion of any permissible structure shall be nearer to the lot line than the distance equal to one and one-half times the height of the building.

682 Separation Between Principal Structures

Principal buildings on a lot in single ownership shall be no less than one hundred (100) feet apart from each other.

[Town of Berlin Zoning Bylaws - revised through 2004] bylaws obtained from [ordinance.com](http://ordinance.com)

\*\*\*

80,000 sf for the first 3 units, plus 10,000 sf for each additional unit

\*\*\*

According to the municipal planner, is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?

Both the Town Clerk Eloise Salls and the Planning Board Chairman Timothy Wheeler answered "Yes" to this question.

According to the town's Housing Survey of 2003 and the Central Massachusetts Regional Planning Commission's Year 2000 buildout, the Town of Berlin has 4184 acres of vacant, developable, residentially zoned land.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the Table of Use Regulations, multiple dwellings are allowed in the MD district by right, subject to site plan review.

DWELLING, MULTIPLE : Any dwelling which houses more than one (1) housekeeping unit.

550 MULTIFAMILY DWELLINGS

551 Building Design

551.1 No multifamily dwelling structure shall contain more than twelve dwelling units.

551.2 Each building entrance shall give access to no more than two dwelling units.

551.3 Not more than five percent (5%) of the dwelling units in a multifamily development shall have more than two (2) bedrooms.

551.4 No floor except an unoccupied basement shall be below grade at its entire perimeter.

#### 680 ADDITIONAL REGULATIONS FOR MULTIFAMILY DWELLINGS

##### 681 Setback Relation to Building Height

No portion of any enclosing wall of any building and no portion of any permissible structure shall be nearer to the lot line than the distance equal to one and one-half times the height of the building.

##### 682 Separation Between Principal Structures

Principal buildings on a lot in single ownership shall be no less than one hundred (100) feet apart from each other.

[Town of Berlin Zoning Bylaws - revised through 2004] bylaws obtained from ordinance.com

\*\*\*

80,000 sf for the first 3 units, plus 10,000 sf for each additional unit

\*\*\*

According to the municipal planner, is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?

Both the Town Clerk Eloise Salls and the Planning Board Chairman Timothy Wheeler answered "Yes" to this question.

According to the town's Housing Survey of 2003 and the Central Massachusetts Regional Planning Commission's Year 2000 buildout, the Town of Berlin has 4184 acres of vacant, developable, residentially zoned land.

## Beverly

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** The City of Beverly defines multifamily in two ways, according to Beverly Zoning Ordinance, Section 28-2(B)(19)(e) and (f) (as amended through 2003) there is multi-family dwellings and multiple group dwellings. Multi-family dwellings are defined as, "a dwelling containing three or more dwelling units." A Multiple Group Dwelling is, "a group of two or more multi-family dwellings occupying a parcel of land in one or common ownership and having common open space."

Multi-Family Housing (of both types) is allowed by right in the RMD (Multifamily Residential Development District), the RHD (Multifamily Residential Development District), the RSD (Special Residential Development District) and the WD (Waterfront Development District).

\*\*\*

According to the Table of Principal Uses, the following uses are allowed:

Multifamily... by right in RMD, RHD, RSD, WD and by special permit in CC.

Multifamily/commercial... by right in CN, CC, CG.

Planned Residential Development... by special permit in R90, R45, R22, R15, RMD. By right in RSD.

Subsidized elderly housing... by special permit in R90, R45, R22, R15, R10, R6, CN, CG, IR, IG, and HD and by right in RMD, RHD, RSD and CC.

\*\*\*

From definitions:

19. DWELLING - One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single family, with permanent provisions for living, sleeping, eating, cooking and sanitation. The term shall not include hotel, motel, bed and breakfast, rooming house, hospital, or other accommodations used for transient lodging. (Amended 3/14/00)

- a. Dwelling Unit - A building or portion thereof having housekeeping facilities for one family and having a minimum of 600 square feet in gross floor area.
- b. Dwelling, One-Family or Single-Family - A detached dwelling, other than a stationary trailer or mobile home, containing only one dwelling unit.
- c. Dwelling, Two-Family - Two attached dwelling units in one building.
- d. Dwelling, Semi-detached - A one-family dwelling attached by no more than one common wall to another one-family dwelling and each dwelling may be on separate lots.
- e. Dwelling, Multi-Family - A dwelling containing three or more dwelling units.
- f. Dwelling, Multiple Group - A group of two or more multi-family dwellings occupying a parcel of land in one or common ownership and having common open space.

\*\*\*

In response to the question "According to the municipal planner, is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?" Beverly Planner Tina Cassidy wrote in an email on 6/21/04:

"Yes, although I cannot point you to them exactly. There would be vacant undeveloped parcels scattered throughout the four districts (some research in the assessors' office would be required if you wanted to identify them specifically), and there are also lots of possibilities where single family or two family units exist in multifamily zones that could be converted to more units, if the owners wanted to do that. Again, the assessors' records would show where single and two-families are located in the multifamily districts."

\*\*\*

More in details of the requirements for these sections may be found in the Beverly Zoning Ordinance (as amended 1993) in the following sections:

RMD (Section 29-13), RHD (Section 29-14), RSD (Section 29-15), and WD (Section 29-22).

\*\*\*

Notes on density:

RMD (8,000 sq. ft., plus 4,000 sq. ft. for each additional dwelling unit over 2), RHD (6,000 sq. ft. plus 3,000 sq. ft. for each additional unit over 2), RSD (the lot upon which the building or group of buildings are constructed shall have a minimum area of 3,600 sq. ft. for each dwelling unit in the development), and WD (no minimum lot area required).

#### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** The City of Beverly defines multifamily in two ways, according to Beverly Zoning Ordinance, Section 28-2(B)(19)(e) and (f) (as amended through 2003) there is multi-family dwellings and multiple group dwellings. Multi-family dwellings are defined as, "a dwelling containing three or more dwelling units." A Multiple Group Dwelling is, "a group of two or more multi-family dwellings occupying a parcel of land in one or common ownership and having common open space."

Multi-Family Housing (of both types) is allowed by right in the RMD (Multifamily Residential Development District), the RHD (Multifamily Residential Development District), the RSD (Special Residential Development District) and the WD (Waterfront Development District).

\*\*\*

According to the Beverly Zoning Ordinance, there is only one area zoned for multifamily housing by special permit. Most multifamily housing is allowed by right. The multifamily housing by special permit is in the CC (Central Business District). However, in this district the multifamily is allowed only if part of the building is used for commercial use.

\*\*\*

According to the Table of Principal Uses, the following uses are allowed:

Multifamily... by right in RMD, RHD, RSD, WD and by special permit in CC.

Multifamily/commercial... by right in CN, CC, CG.

Planned Residential Development... by special permit in R90, R45, R22, R15, RMD. By right in RSD.

Subsidized elderly housing... by special permit in R90, R45, R22, R15, R10, R6, CN, CG, IR, IG, and HD and by right in RMD, RHD, RSD and CC.

\*\*\*

From definitions:

19. DWELLING - One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single family, with permanent provisions for living, sleeping, eating, cooking and sanitation. The term shall not include hotel, motel, bed and breakfast, rooming house, hospital, or other accommodations used for transient lodging. (Amended 3/14/00)

a. Dwelling Unit - A building or portion thereof having housekeeping facilities for one family and having a minimum of 600 square feet in gross floor area.

b. Dwelling, One-Family or Single-Family - A detached dwelling, other than a stationary trailer or mobile home, containing only one dwelling unit.

c. Dwelling, Two-Family - Two attached dwelling units in one building.

d. Dwelling, Semi-detached - A one-family dwelling attached by no more than one common wall to another one-family dwelling and each dwelling may be on separate lots.

e. Dwelling, Multi-Family - A dwelling containing three or more dwelling units.

f. Dwelling, Multiple Group - A group of two or more multi-family dwellings occupying a parcel of land in one or common ownership and having common open space.

\*\*\*

In response to the question "According to the municipal planner, is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?" Beverly Planner Tina Cassidy wrote in an email on 6/21/04:

"Yes, although I cannot point you to them exactly. There would be vacant undeveloped parcels scattered throughout the four districts (some research in the assessors' office would be required if you wanted to identify them specifically), and there are also lots of possibilities where single family or two family units exist in multifamily zones that could be converted to more units, if the owners wanted to do that. Again, the assessors' records would show where single and two-families are located in the multifamily districts."

\*\*\*

More in details of the requirements for these sections may be found in the Beverly Zoning Ordinance (as amended 1993) in the following sections:

RMD (Section 29-13), RHD (Section 29-14), RSD (Section 29-15), and WD (Section 29-22).

\*\*\*

Notes on density:

RMD (8,000 sq. ft., plus 4,000 sq. ft. for each additional dwelling unit over 2), RHD (6,000 sq. ft. plus 3,000 sq. ft. for each additional unit over 2), RSD (the lot upon which the building or group of buildings are constructed shall have a minimum area of 3,600 sq. ft. for each dwelling unit in the development), and WD (no minimum lot area required).

CC (1000 sq. ft. of total lot area per dwelling unit for residential use)

## Billerica

### Is multi-family housing allowed by right in any part of the municipality?

**No** According to the Town of Billerica Zoning Bylaw, Section 5(f), Table of Use Regulations (Last Amended 2003), there is no multifamily residential use allowed by right in Billerica.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** From ordinance.com:

DWELLING UNIT : A dwelling or portion thereof providing complete living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

- One-family dwelling:

A. building designed for and occupied exclusively as a residence for one family.

- Two-family dwelling:

A. building designed for and occupied exclusively as a residence for two families. A two-family dwelling includes a duplex.

- Multi-family dwelling:

Any building containing more than two dwelling units.

\*\*Webmasters Note: The previous sentence has been amended as per an ordinance approved at a town meeting held on 10/2/01.

TOWNHOUSE : A dwelling unit with finished living space on more than one story.

\*\*Webmasters Note: The previous definition has been amended as per an ordinance approved at a town meeting held on 10/2/01.

\*\*\*

The sections on use regulations cover many pages. Below the researcher has pasted all of the sections that address residential development:

## SECTION 5. REGULATION OF USES, BUILDINGS, AND STRUCTURES

### C. USES, BUILDINGS, AND STRUCTURES PERMITTED IN THE MAIN ZONING DISTRICTS

#### 1. VILLAGE RESIDENCE DISTRICT

##### 1. RESIDENTIAL USES

(1) By right:

(a) Accessory residential uses

(b) Group home for six or less unrelated persons

(c) Rental of five or less rooms

(d) Single family dwelling

(e) Storage of one vehicle or trailer

(f) Temporary manufactured or mobile home that is used while a residence that was destroyed by fire or other natural holocaust is being rebuilt, so long as the manufactured or mobile home complies with the state sanitary code and such temporary residence does not exceed 12 months.

(2) By special permit:

(a) Assisted living residence

Required Findings:

The minimum lot size is five acres in the residential districts and three acres in the business and industrial districts

The density is 12 units/acre

Buildings are set back a minimum of 50 feet from all property lines and no building is closer than 200 feet to an existing residential dwelling

The minimum lot frontage is 150 feet

The maximum lot coverage is 25%

There is one parking space for each employee on the maximum shift and one parking space for every three assisted living units

Adequate site circulation is provided to and from the site, taking into consideration the adjacent sidewalks and streets and the accessibility of the site and buildings thereon for emergency vehicles.

The facility meets the green strips and green space requirements of this Zoning By-law

The facility is serviced by public water and sewer of sufficient capacity to serve the facility

(b) In-law apartment

Required Findings:

The living quarters are separate, but located in the principal building

The living quarters do not exceed 800 square feet

There are no more than two related persons as occupants

There is sufficient off-street parking for the use

The principal building in which the use is located retains its single family dwelling appearance

The use shall not continue upon vacation of the premises by the occupants

(c) Nursing home

Required Findings:

The minimum lot size is five acres in the residential districts and three acres in the business and industrial districts

Buildings are set back a minimum of 50 feet from all property lines

The minimum lot frontage is 150 feet

The maximum lot coverage is 25%

There is one parking space for each employee on the maximum shift and one parking space for every three beds

Adequate site circulation is provided to and from the site, taking into consideration the adjacent sidewalks and streets and the

accessibility of the site and buildings thereon for emergency vehicles.  
The facility meets the green strips and green space requirements of this Zoning By-law  
The facility is serviced by public water and sewer of sufficient capacity to serve the facility  
The nursing home will not constitute a hazard or a nuisance  
The nursing home will conserve the public health, safety, convenience, morals and welfare  
The nursing home will not have a detrimental or injurious effect on the neighborhood  
(d) Rental of five or more rooms

Required Findings:

The owner of record of the premises is the prime resident of the dwelling where the use takes place

(e) Storage of more than one vehicle or trailer

Required Findings:

The storage takes place in the rear yard only

## 2. NEIGHBORHOOD RESIDENCE DISTRICT

All uses permitted by right and by special permit in the Village Residence District are permitted by right and by special permit in the Neighborhood Residence District.

### 3. RURAL RESIDENCE DISTRICT

All uses permitted by right and by special permit in the Village Residence District are permitted by right and by special permit in the Rural Residence District.

### 4. GARDEN STYLE APARTMENT RESIDENCE DISTRICT

## 1. RESIDENTIAL USES

(1) By right:

All uses permitted by right in the Village Residence District are permitted by right in the Garden Style Apartment District

(2) By special permit:

(a) All uses permitted by special permit in the Village Residence District

(b) Multi-Family Use.

**\*\*Webmasters Note:** The previous subsection has been amended as per an update approved at a town meeting held on 10/7/03.

Requirements for Use:

#### AREA AND FRONTAGE

The minimum site size for such use shall be 1.5 acres.

The minimum frontage shall be 150 feet.

#### DENSITY

Buildings shall not cover more than 30% of the site.

At least 40% percent of the site shall be maintained as green space.

There shall be a minimum distance of 40 feet between residential buildings.

No open parking or driveway shall be closer than 15 feet to a wall containing habitable space.

A. minimum of 6,800 square feet of land shall be required for each dwelling unit.

**\*\*Webmasters Note:** The previous sentence has been amended as per an update approved at a town meeting held on 5/6/03.

The area used in the calculation shall not include any bordering vegetative wetlands defined by M.G.L., ch. 131, § 40 and by 310 CMR 10.00 or any flood plain as described in this Zoning Bylaw.

#### DENSITY INCENTIVE

In addition to the density allowed under this subsection, densities may be increased by 20% if at least half of all additional units created are affordable as defined by Section 2 of this by-law under the entry "Affordable Housing Unit". (As an example: If you can build 10 dwelling units by right or special permit then you could build twelve (12) if one (1) of the additional two (2) units is affordable. In cases where 10% affordable is required you would end up providing 2 affordable units and 10 market units).

**\*\*Webmasters Note:** The previous paragraph has been added as per an update approved at a town meeting held on 5/6/03.

#### YARDS

On each site there shall be provided a minimum setback of 35 feet from the front lot line, a minimum setback of thirty 30 feet from each of the side lot lines, and a minimum setback of thirty 30 feet from the rear lot lines.

Where a garden-style apartment development abuts a single family district, side and rear setbacks shall be increased to 50 feet, which shall be retained in its natural wooded state or landscaped along the perimeter of the site abutting the single family district. In all cases, a landscaped buffer strip shall be provided so as to protect adjoining properties from the effects of noise, light, air, or visual impact.

#### HEIGHT

Garden-style apartment buildings shall not exceed two and one-half stories or be more than 35 feet in height, provided that no habitable space shall be located below the mean finished grade of the ground adjoining the building or above the second story.

#### PARKING

There shall be a minimum of two parking spaces per dwelling unit.

#### INFRASTRUCTURE

All sites must be served by sewer and water as approved by the appropriate Town board, department, commission, or agent.

All sites shall have fire lanes as designated by the Billerica Fire Department for the purposes of fire protection.

#### ACCESS DRIVE

All access drives shall be designed and constructed in accordance with the criteria specified by the Billerica Department of Public Works.

#### AFFORDABLE HOUSING COMPONENT

Ten percent of the units created under these provisions shall be affordable as defined by Section 2. of this by-law under the entry "Affordable Housing Unit". The Billerica Housing Authority is exempt from this requirement because the units under their control are categorically affordable.

**\*\*Webmasters Note:** The previous paragraph has been amended as per an update approved at a town meeting held on 5/6/03.

## DWELLING UNITS

Garden-style apartments may be maintained as rental units or may be sold as condominiums. This shall not restrict the allocation of outdoor space adjacent to individual dwelling units for the exclusive use of the occupants of specific dwelling units.

### I. Affordable Housing Component

The SPGA may consider the provision of affordable housing (see section 2.2.1) as a criterion for the granting of approval under this by law. Prior to submission of an application for a special permit the applicant shall meet with the Billerica Housing Partnership Committee (BHPC) to discuss provision of affordable housing. A written recommendation from the BHPC shall be required as part of the application. The goal is to include 10% of the proposed units as affordable. The SPGA, in consultation with the BHPC, may modify this goal if it is in the best interest of the town.

#### 5. NEIGHBORHOOD BUSINESS DISTRICT

##### 1. RESIDENTIAL USES

###### (1) By right:

All uses permitted by right in the Village Residence District are permitted by right in the Neighborhood Business District

###### (2) By special permit:

All uses permitted by special permit in the Village Residence District are permitted by special permit in the Neighborhood Business District

#### 6. GENERAL BUSINESS DISTRICT

##### j. RESIDENTIAL USES

###### (1) By right:

All uses permitted by right in the Neighborhood Business District are permitted by right in the General Business District

###### (2) By special permit:

All uses permitted by special permit in the Neighborhood Business District are permitted by right in the General Business District

#### 7. COMMERCIAL DISTRICT

##### j. RESIDENTIAL USES

###### (1) By right:

(a) Temporary manufactured or mobile home that is used while a residence that was destroyed by fire or other natural holocaust is being rebuilt, so long as the manufactured or mobile home complies with the state sanitary code and such temporary residence does not exceed 12 months.

###### (2) By special permit:

(a) Assisted living residence subject to the Required Findings set forth under the Neighborhood Business District

(b) Nursing home subject to the Required Findings set forth under the Neighborhood Business District

#### 8. INDUSTRIAL DISTRICT

##### 1. RESIDENTIAL USES

###### (1) By special permit:

All uses permitted by special permit in the Commercial District are permitted by special permit in the Industrial District

#### D. USES, BUILDINGS, AND STRUCTURES PERMITTED IN THE SPECIAL ZONING DISTRICTS

##### 1. REFUSE TRANSFER STATION SPECIALTY DISTRICT

##### g. RESIDENTIAL USES

###### (1) By special permit:

All uses permitted by special permit in the Commercial District are permitted by right in the Refuse Transfer Station District

##### 2. PRIVATE & PUBLIC DUMPING GROUND DISTRICT

##### g. RESIDENTIAL USES

###### (1) By special permit:

All uses permitted by special permit in the Commercial District are permitted by right in the Private & Public Dumping Ground District

##### 3. ALCOHOL & DRUG REHABILITATION HOSPITAL DISTRICT

##### f. RESIDENTIAL USES

(1) By special permit: All uses permitted by special permit in the Commercial District are permitted by right in the Alcohol & Drug Rehabilitation Hospital District

##### 4. COMPOSTING DISTRICT

g. RESIDENTIAL USES

(1) By special permit:

All uses permitted by special permit in the Commercial District are permitted by right in the Composting District

5. ADULT ENTERTAINMENT DISTRICT

j. RESIDENTIAL USES

(1) By right:

(a) All uses permitted by right in the General Business District are permitted by right in the Adult Entertainment District

(2) By special permit:

(a) All uses permitted by special permit in the General Business District are permitted by special permit in the Adult Entertainment District

E. USES, BUILDINGS, AND STRUCTURES PERMITTED IN THE OVERLAY ZONING DISTRICTS

1. FLOOD PLAIN OVERLAY DISTRICT

2. HISTORIC OVERLAY DISTRICT

3. RESIDENTIAL CLUSTER OVERLAY DISTRICT

All uses permitted by right or by special permit in the underlying districts are permitted by right or by special permit in the Residential Cluster Overlay District, which is intended to encourage the conservation of open space and the efficient use of land in harmony with its natural features. In addition, the following RESIDENTIAL uses are permitted:

By right:

(1) Accessory residential uses

(b) By special permit:

(1) Cluster development

4. TOWNHOUSE OVERLAY DISTRICT

a. All uses permitted by right or by special permit in the underlying districts are permitted by right or by special permit in the Townhouse Overlay District.

b. In addition, the following RESIDENTIAL use is permitted by special permit:

(1) Townhouse

Requirements for Use:

OVERLAY APPLICATION

The Townhouse Overlay District maybe applied to the Village Residence, Neighborhood Residence, Rural Residence, Neighborhood Business, and General Business Districts.

AREA AND FRONTAGE

The minimum site size for such development shall be 200,000 square feet.

The Townhouse site shall have not less than 150 feet of frontage.

DENSITY

A.minimum of 6,800 square feet of land shall be required for each dwelling unit

4. ELDERLY HOUSING OVERLAY DISTRICT

a. All uses permitted by right or by special permit in the underlying districts are permitted by right or by special permit-in the Elderly Housing Overlay District.

b. In addition, the following RESIDENTIAL uses are permitted:

(1) By right:

(a) Accessory residential uses

(2) By special permit:

(a) Elderly housing for purposes of providing people over 55 years of age the opportunity to live in a development designed specifically for their needs, equipped with the appropriate amenities and located within reasonable proximity to shopping and services.

Requirements for Use:

OVERLAY APPLICATION

The Elderly Housing Overlay District may be applied to the Village Residence, Neighborhood Residence, Rural Residence, Neighborhood Business, and General Business Districts.

...

The site shall have not less than five contiguous acres of land and not less than 150 feet of frontage.

...

A.minimum of 6,800 square feet of land shall be required for each dwelling unit.

\*\*\*

According to the table of use regulations:

Townhouses are allowed by special permit from the planning board (subject to site plan approval) in the TH overlay.

Garden style apartments are allowed by special permit from the planning board (subject to site plan approval) in the MF district.

## Blackstone

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Bylaw for Town of Blackstone, MA (last updated 5/28/2002) at: [www.ordinance.com](http://www.ordinance.com)

ARTICLE V Definitions and Word Usage

Section 123-24. Definitions and word usage.

DWELLING, MULTIFAMILY : Three (3) or more dwelling units on a single lot, or in a single structure or set of contiguous structures, irrespective of ownership or tenure. [Added by 9-24-84 STM, Art. 1; amended by 11-19-84 STM, Art. 1]

According to table of uses:

Multifamily development - by special permit from the planning board in C district or at any location in the multifamily overlay district or the village overlay district.

Public housing - by right in R1, R2, R3, C.

Flexible residential development - by special permit from planning board in R1, R2, R3, C, I.

Major residential development - by special permit from planning board in R1, R2, R3, C.

Conversion of a municipal building - by special permit from Board of Appeals in R1, R2, R3, C, I.

\*\*\*

Section 123-22. Conversion of a municipal building.

[Added by 9-20-82 STM, Art. 5]

A building or portion of a building then or formerly in municipal use may be converted from that use to multifamily dwellings, business or professional office, or other business use not involving retail sales, provided that if the use is not allowed outright at that location, the following shall apply. A special permit must be obtained from the Board of Appeals, subject to the criteria of Section 123-4C and subject to the following..

A. Any building additions shall not increase lot coverage by more than five percent (5%) of lot area.

B. Offstreet parking must be provided to meet the requirements of Section 123-15.

C. In the case of multifamily dwellings, lot area plus contiguous land dedicated to public recreation or conservation use must equal at least five thousand (5,000) square feet per dwelling unit.

Section 123-23. Multifamily dwellings.

[Added by 9-24-84 STM, Art.1; amended by 11-19-84 STM, Art. 1; 4-28-86 ATM, Art. 10; 4-28-86 ATM, Art. 40]

A. Submittals. Applicants for a special permit for multifamily dwellings shall simultaneously file for site plan review, as provided at Section 123-2C. In addition to the information required there, the following shall also be submitted:

(1) Ground floor plan, sections, and elevations of all proposed buildings.

(2) Materials indicating the proposed number of dwelling units, distinguishing units by number of bedrooms and any special occupancies (elderly or handicapped); form of tenure; any subsidies anticipated; rent or sales prices including any commitments for price ceilings; methods of water supply and sewage disposal; time schedule for construction of units and improvements; service improvements proposed at the developer's and those anticipated at the Town's expense; and means, if any, of providing for design control.

(3) Analysis of the consequences of the proposed development, evaluating the following impacts at a level of detail appropriate to the number of units proposed.

(a) Natural Environment: groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially unusual species and mature trees), and wildlife habitats.

(b) Public Services: traffic safety and congestion, need for water or sewer system improvements, need for additional public recreation facilities, need for additional school facilities.

(c) Economics: municipal costs and revenues, local business activity, local jobs.

(d) Social Environment: rate of town population growth, range of available housing choice.

(e) Visual Environment: visibility of buildings and parking, visual compatibility with existing development in the area.

(4) In the case of proposals for thirty (30) or more dwelling units, a site analysis shall also be submitted, consisting of a series of site analysis drawings at the same scale as the site plan, each on a separate sheet, indicating analysis of hydrologic considerations, vegetative cover, slope and land form, soils and geology, and such other characteristics as the applicant deems advisable.

#### B. Locational requirements.

(1) Multifamily dwellings must be so located as to allow connection to the municipal sewerage system at the time of construction.

(2) Multifamily dwellings must be so located that the traffic they are projected to generate will not increase average daily traffic by more than ten percent (10%) on any existing street.

(3) Egress from multifamily developments of twenty-four (24) or more dwelling units must be so located that there is at least two hundred fifty (250) feet visibility in each travel direction at the curb line.

#### C. Intensity of use requirement. The following shall apply to multifamily dwellings instead of the requirements of Section 123-13.

(1) Minimum lot area per dwelling unit shall equal thirty percent (30%) of the required lot area for a single-family dwelling at that location plus ten percent (10%) of that required lot area per bedroom (e.g. a two-bedroom dwelling unit requires thirty percent (30%) + ten percent (10%) + ten percent (10%) or fifty percent (50%) of the lot area required for a single-family dwelling).

(2) Minimum lot frontage and maximum lot coverage shall be as required at Section 123-13.

(3) Front, side, and rear yards shall be as required at Section 123-13, except that front yard shall be not less than twice building height and side and rear yards shall be not less than building height, if more restrictive than the underlying requirement. No parking area for more than two (2) cars shall be located within a required yard unless that yard abuts a lot committed to multifamily use.

#### D. Site design requirements.

(1) Requirements of Section 123-2C(3) shall apply.

(2) Light intrusion shall be controlled by having no building floodlighting, and by having lighting for drives and parking areas employ shielded fixtures mounted not more than fifteen (15) feet high.

#### E. Building design requirements.

(1) No structure shall contain more than twelve (12) dwelling units.

(2) Not more than four (4) dwelling units shall be served from a single building entrance.

(3) No building shall exceed two hundred (200) feet in length, thirty-two (32) feet in height, or have an unbroken roof area of more than two thousand (2,000) square feet.

(4) No occupied floor shall be below grade at its entire perimeter.

F. Decision. In deciding on a special permit for multifamily dwellings, the following more detailed criteria shall be used rather than those of Section 123-4C. Such special permit shall be granted only if the Planning Board determines that the proposal would have beneficial effects which overbalance any adverse impacts on the neighborhood or the Town, considering the following:

(1) Municipal costs and revenues.

(2) Effect on the range of available housing choice.

(3) Service to identified housing needs.

(4) Support for local business activity and jobs.

- (5) Impact on the natural environment, especially on ground and surface water quality and level.
- (6) Impacts on traffic safety and congestion, adequacy of water service, and need for school facilities.
- (7) Impacts on the visual environment through preservation or displacement of visual assets., and consistency with existing development in area.
- (8) Architectural design compatible with the local area and the nature of the Town.

\*\*\*

MAJOR RESIDENTIAL DEVELOPMENT : The creation of more than eight lots (unless restricted from residential use) or construction of more than eight detached single-family dwelling units within a two-year period from or on a property or a set of contiguous properties in common ownership as of July 1, 1996. [Added by 5-28-96 ATM, Art. 22]

## Bolton

### Is multi-family housing allowed by right in any part of the municipality?

**No** According to the table of uses, single family homes, mobile homes and accessor apartments are the only residential uses in the town. They are each allowed by right, only in the residential district.

|                             |    |
|-----------------------------|----|
| Multi-family dwelling       |    |
| Residential                 | NO |
| Business                    | NO |
| Limited Business            | NO |
| Commercial                  | NO |
| Industrial                  | NO |
| Limited Recreation Business | NO |

No definition of multifamily provided.

Town of Bolton Bylaws, May 2004

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**No** According to the table of uses, single family homes, mobile homes and accessor apartments are the only residential uses in the town. They are each allowed by right, only in the residential district.

|                             |    |
|-----------------------------|----|
| Multi-family dwelling       |    |
| Residential                 | NO |
| Business                    | NO |
| Limited Business            | NO |
| Commercial                  | NO |
| Industrial                  | NO |
| Limited Recreation Business | NO |

No definition of multifamily provided.

Town of Bolton Bylaws, May 2004

## Boxborough

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Multi-family dwelling is allowed by right in R-1 Residential Districts\* and not any others (even by special permit).

\*2331. For multi-family dwelling in TC district reserved exclusively for elderly occupancy, density not to exceed 10 units/80,000 sq. ft.

land area.

2332. For bed and breakfast in TC district, not to exceed 4 guest rooms per acre, and to be designed as a single-family structure.

2333. For dwelling unit incidental to commercial use in TC district, density of the dwelling units shall not exceed 2 units/acre, and the proposed commercial use shall not adversely affect the residential units.

2334. For a multi-family dwelling located in a Residential - 1 District, the number of units shall not exceed a maximum density of three (3) units per 80,000 square feet of land area.

Symbols employed below shall mean the following:

Y - a permitted use.

N - an excluded or prohibited use.

SP - a use authorized under special permit as provided under section 5300.

Dwelling, Multi-Family shall mean a residential building designed for or occupied by three or more families, whether rental or owner occupied, with the number of families in residence not exceeding the number of dwelling units provided. (Article VI, Definitions, 6200)

Conversion to two family dwelling of dwelling in existence on 5/3/65 permitted by right in B, B1, TC

by special permit in AR (The conversion shall not be allowed where the proposed lot is less than 40,000 square feet in area, or where less than 600 square feet of floor space would be provided for each dwelling unit therein.), R1, IC

not at all in OP

5360. Special Permits for Conversions.

In making its determination with respect to a special permit for the conversion of dwellings in any Agricultural-Residential District, the Special Permit Granting Authority shall, in addition to other requirements specified in Section 5340 of this By-Law, deny any permit therefor where the conversion would substantially alter the external appearance of the structure from that of a single family dwelling. (Article V Special Permits 5360)

5430. Exemptions.

The following shall not require site plan approval:

5433. In all zones, normal maintenance or repair of any building or accessory structure.

5435. The construction or enlargement of any single-family dwelling or building accessory to such dwelling.

6200. Definitions.

Accessory Structure shall mean a detached building or structure, subordinate to the principal building or use and located on the same lot therewith, the use of which is customarily incidental to such principal building or use.

Accessory Use shall mean a use customarily incidental and subordinate to the principal building or use of the premises.

Two family houses are only allowed in TC districts and require a special permit.

4150. Special Permits.

The Special Permit Granting Authority shall be the Board of Appeals.

5214. To issue comprehensive permits. Comprehensive permits for construction may be issued by the Board of Appeals for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, upon the board's determination that such construction would be consistent with local needs, whether or not consistent with local zoning, building, health, or subdivision requirements, as authorized under G.L. c. 40B.

\*\*\*

A.

Minimum lot size requirements for multifamily by right are 80,000 sq. feet.

B.

2331. For multi-family dwelling in TC district reserved exclusively for elderly occupancy, density not to exceed 10 units/80,000 sq. ft. land area.

2334. For a multi-family dwelling located in a Residential - 1 District, the number of units shall not exceed a maximum density of three (3) units per 80,000 square feet of land area.

\*\*\*

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Multi-family dwelling is allowed by right in R-1 Residential Districts\* and not any others (even by special permit).

\*2331. For multi-family dwelling in TC district reserved exclusively for elderly occupancy, density not to exceed 10 units/80,000 sq. ft. land area.

2332. For bed and breakfast in TC district, not to exceed 4 guest rooms per acre, and to be designed as a single-family structure.

2333. For dwelling unit incidental to commercial use in TC district, density of the dwelling units shall not exceed 2 units/acre, and the proposed

commercial use shall not adversely affect the residential units.

2334. For a multi-family dwelling located in a Residential - 1 District, the number of units shall not exceed a maximum density of three (3) units per 80,000 square feet of land area.

Symbols employed below shall mean the following:

Y - a permitted use.

N - an excluded or prohibited use.

SP - a use authorized under special permit as provided under section 5300.

Dwelling, Multi-Family shall mean a residential building designed for or occupied by three or more families, whether rental or owner occupied, with the number of families in residence not exceeding the number of dwelling units provided. (Article VI, Definitions, 6200)

Conversion to two family dwelling of dwelling in existence on 5/3/65 permitted

by right in B, B1, TC

by special permit in AR (The conversion shall not be allowed where the proposed lot is less than 40,000 square feet in area, or where less than 600 square feet of floor space would be provided for each

dwelling unit therein.), R1, IC

not at all in OP

5360. Special Permits for Conversions.

In making its determination with respect to a special permit for the conversion of dwellings in any Agricultural-Residential District, the Special Permit Granting Authority shall, in addition to other requirements specified in Section 5340 of this By-Law, deny any permit therefor where the conversion would substantially alter the external appearance of the structure from that of a single family dwelling. (Article V Special Permits 5360)

5430. Exemptions.

The following shall not require site plan approval:

5433. In all zones, normal maintenance or repair of any building or accessory structure.

5435. The construction or enlargement of any single-family dwelling or building accessory to such dwelling.

6200. Definitions.

Accessory Structure shall mean a detached building or structure, subordinate to the principal building or use and located on the same lot therewith, the use of which is customarily incidental to such principal building or use.

Accessory Use shall mean a use customarily incidental and subordinate to the principal building or use of the premises.

Two family houses are only allowed in TC districts and require a special permit.

4150. Special Permits.

The Special Permit Granting Authority shall be the Board of Appeals.

5214. To issue comprehensive permits. Comprehensive permits for construction may be issued by the Board of Appeals for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, upon the board's determination that such construction would be consistent with local needs, whether or not consistent with local zoning, building, health, or subdivision requirements, as authorized under G.L. c. 40B.

Boxborough Zoning Bylaw (Adopted 1965, Amended 2004)

# Boxford

## Is multi-family housing allowed by right in any part of the municipality?

No

## Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** Survey received from Boxford on 3/21/05 marked that the only multifamily housing allowed is age restricted. Resercher called Leonard Phillips, Planning Board Administrator, (5/10/05) to ask about the multifamily listed in the Retail Business District. He confirmed that he was the one who reviewed the survey and said that the only multifamily housing allowed is age restricted.

\*\*\*

Section 196-14. B-1 Retail Business District.

(10) Subject to the grant of a special permit by the Board of Appeals as provided for in Article X below, the following:

(f) Multiple dwellings of not less than four and not more than 16 dwelling units; building lots to contain at least two acres for each dwelling unit and not more than one multiple dwelling unit to be placed on any single lot.

\*\*\*

Boxford Town Code, Chapter 196, Zoning, Article V, 196-13:

B. Permitted uses. The following shall be permitted uses in the R-A Residence-Agricultural District:

(1) One single-family detached dwelling which shall have adequate access (which need not be used for a driveway) from the frontage to the dwelling site. Every driveway shall be located entirely within the lot that it serves and shall not serve another lot except as provided, in Subsection B(11)(o) of this section. [Amended 5-20-1980 ATM, Art. 37; 5-12-1981 ATM, Art 32]

The elderly housing district: Boxford Town Code, Chapter 196, Zoning, Article V, Section 196-20. Elderly Housing District. [Added 5-9-1984 ATM, Art 24]

A. In an Elderly Housing District, no building or land shall be used and no building shall be erected or converted except:

(1) To provide housing for the elderly, such housing to be owned and operated by a private nonprofit organization. A "private nonprofit organization" shall mean a corporation, foundation or other. organization no part of the net earnings of which inures to the benefit of any private shareholder or individual and which has been organized pursuant to MGL c. 180, as amended.

(2) For any of the uses permitted in the R-A Residence-Agricultural District with the development regulations applicable to the R-A Residence-Agricultural District outlined in Article VI governing.

B. Accessory uses permitted in the Elderly Housing District shall include:

(1) Garages.

(2) One separate building, not exceeding one story in height, to house snow removal and mowing machines, garden and other tools and equipment required to maintain and service housing for the elderly.

(3) One building which may be used as a common building by the residents of the District, which building may include central kitchen and dining facilities providing meals to residents thereof and their guests and may also provide lounge and meeting rooms for the common use of the residents and their guests." But, there is no multifamily use allowed in that district nor in the RA District.

\*\*\*

The lot size requirements are as follows (from the Boxford Town Code, Chapter 196, Zoning, Article VI, 194-24):

(4) The minimum area of a lot within the Elderly Housing District shall be 24 acres.

(5) The maximum number of dwellings on any given lot within the Elderly Housing District shall be 104. [Amended 5-9-1990 ATM, Art. 25]

\*\*\*

From definitions on ordinance.com:

HOUSING FOR THE ELDERLY - Multifamily dwellings which contain no less than four nor more than 10 independent units consisting of a room or suite of rooms, its own bath and toilet facilities and its own kitchen facility. In one building, a unit may be included for occupancy by the manager of the project and his/her immediate family, one room of which. may be used as an office, and except for the unit to be occupied and used as aforesaid by the manager, no unit in any building shall be occupied unless at least one of the tenants is a person who is 60 years of age or over.

# Boylston

## Is multi-family housing allowed by right in any part of the municipality?

**No** No multifamily housing allowed by right or special permit.

Zoning Bylaws Town of Boylston, 2004, Section 1.04.15 Definitions: DWELLING

- a. One-Family: A building arranged for occupancy by one (1) family unit.
- b. Two-Family: A building arranged for occupancy by two (2) family units.
- c. Multi-Family: A building arranged for occupancy by more than two (2) family units.

### 3. APARTMENT BUILDING

Any building or any integrated group of buildings under the same ownership arranged, intended or designed to be leased or rented and occupied by three (3) or more families living independently of each other.

Zoning Bylaws Town of Boylston Section 4.03.03 Modification to Schedule of Use Regulations: ALL DISTRICTS

In any District no residential building shall contain more than two (2) dwelling units.

[Zoning Bylaws Town of Boylston - October 2004]

## Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**No** Zoning Bylaws Town of Boylston Section 4.03.03 Modification to Schedule of Use Regulations: ALL DISTRICTS  
In any District no residential building shall contain more than two (2) dwelling units.  
[Zoning Bylaws Town of Boylston - October 2004]

# Braintree

## Is multi-family housing allowed by right in any part of the municipality?

**Yes** Zoning Bylaw Town of Braintree, Article VI (Permitted Uses in Districts), Section 135-601 (Table of Principal Uses, (From Ordinance.com, Last updated 2003)

The researcher found in the "Table of Principal Uses" that "Apartment House 2 family/multifamily" is allowed by right in Residence District C.

\*\*\*

On 7/6/04, Peter Loppola, Director of Planning and Conservation, confirmed that Residence District C is a "catch all" for multifamily. In this zone, apartment houses and two-family houses can be built by right. He noted that while they are by right, the town requires site plan review. "We really do the reviews," he said. "Not an easy community."

\*\*\*

From ordinance.com:

APARTMENT HOUSE A multi-unit dwelling consisting of three or more families living independently of each other.

DWELLING, MULTIFAMILY A building designed and used for the living quarters for more than two families.

\*\*\*

135-711. SITE PLAN REVIEW (SPR) OF MULTI-FAMILY, APARTMENT, BUSINESS AND COMMERCIAL DEVELOPMENTS.

### A. PURPOSE

The purpose of a Site Plan Review conducted under this Section is to:

1. ensure that the design and construction of developments will not create detrimental impacts to the neighborhood or the environment;
2. ensure a development will be in harmony with surrounding areas;
3. ensure compliance with all the requirements set forth in this Chapter.

## B. APPLICABILITY

A site plan review shall be required prior to the issuance of a building permit for (1) all Special Permits as required under this Chapter, (2) all multi-family or apartment developments, and (3) all developments where the area of any new structure or extension of an existing structure is 500 square feet or more excluding single and two family homes that are not subject to Special Permit and related accessory structures. (ARTICLE 55 ATM 5/3/93)

\*\*\*

According to Peter Loppola, Director of Planning and Conservation, Residence District C could support some development, "there may be some left". He noted: "There are no large parcels, not that I'm aware of. Not much greater than a 1-acre lot, but we aren't fully built out."

\*\*\*

Zoning Bylaw Town of Braintree, Section 135-705. MULTI-FAMILY DWELLINGS. (From Ordinance.com, Last updated 2003)

135-705. MULTI-FAMILY DWELLINGS.

(Amended Art 18, STM 10/21/97)

Highway Business and Commercial Districts. As authorized in Section 135-601 multifamily dwellings may be erected in Residence C., Cluster I, II, and III, General Business, Highway Business and Commercial Districts. Minimum lot size shall be 43,560 SF [except Cluster I, II, and III which shall be five (5) acres], minimum frontage shall be one hundred (100) feet; minimum open space shall be two thousand (2,000) square feet per dwelling unit. For Residence C, General Business, Highway Business and Commercial Zoning Districts the number of multifamily units to be allowed on site shall be determined as follows: five thousand (5,000) square feet for each one (1) bedroom or studio unit plus one thousand (1,000) square feet for each additional bedroom in each unit. The 2,000 square foot open space requirement is not in addition to the 5,000 square foot space requirement. For Cluster I, II, and III Zoning Districts, the number of multifamily units to be allowed on site shall be determined by the standards established in Section 135-610.C. of this Chapter.

\*\*\*

Notes on density:

Multifamily housing is zoned by right only in the Residence C district. In Residence C, the minimum lot area must be 1 acre; minimum lot width 200 feet; minimum frontage 100 feet; minimum lot depth 200 feet; front setback 50 feet; side setback 30 feet; rear setback 50 feet; height 35 feet; 3 story maximum; maximum lot coverage 65%.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** Zoning Bylaw Town of Braintree, Article VI (Permitted Uses in Districts), Section 135-601 (Table of Principal Uses, (From Ordinance.com, Last updated 2003)

The researcher found in the "Table of Principal Uses" that "Apartment House 2 family/multifamily" is allowed by right in Residence District C.

\*\*\*

Zoning Bylaw Town of Braintree, Section 135-601 Table of Principal Uses and 135-701 Table of Dimensional and Density Regulations (From Ordinance.com, Last updated 2003)

According to the Table of Principal Uses, "Apartment House 2 family/multifamily" is allowed by special permit in the Cluster districts and in the General Business and Highway Business districts.

Cluster (Single/Multi-Family) is allowed by special permit in the Cluster districts.

\*\*\*

On 7/6/04, Peter Loppola, Director of Planning and Conservation, confirmed that Residence District C is a "catch all" for multifamily. In this zone, apartment houses and two-family houses can be built by right. He noted that while they are by right, the town requires site plan review. "We really do the reviews," he said. "Not an easy community."

\*\*\*

From ordinance.com:

APARTMENT HOUSE A multi-unit dwelling consisting of three or more families living independently of each other.

DWELLING, MULTIFAMILY A building designed and used for the living quarters for more than two families.

\*\*\*

135-711. SITE PLAN REVIEW (SPR) OF MULTI-FAMILY, APARTMENT, BUSINESS AND COMMERCIAL DEVELOPMENTS.

#### A. PURPOSE

The purpose of a Site Plan Review conducted under this Section is to:

1. ensure that the design and construction of developments will not create detrimental impacts to the neighborhood or the environment; 2. ensure a development will be in harmony with surrounding areas; 3. ensure compliance with all the requirements set forth in this Chapter.

#### B. APPLICABILITY

A site plan review shall be required prior to the issuance of a building permit for (1) all Special Permits as required under this Chapter, (2) all multi-family or apartment developments, and (3) all developments where the area of any new structure or extension of an existing structure is 500 square feet or more excluding single and two family homes that are not subject to Special Permit and related accessory structures. (ARTICLE 55 ATM 5/3/93)

\*\*\*

According to Peter Loppola, Director of Planning and Conservation, Residence District C could support some development, "there may be some left". He noted: "There are no large parcels, not that I'm aware of. Not much greater than a 1-acre lot, but we aren't fully built out."

\*\*\*

Zoning Bylaw Town of Braintree, Section 135-705. MULTI-FAMILY DWELLINGS. (From Ordinance.com, Last updated 2003)

135-705. MULTI-FAMILY DWELLINGS.

(Amended Art 18, STM 10/21/97)

Highway Business and Commercial Districts. As authorized in Section 135-601 multifamily dwellings may be erected in Residence C., Cluster I, II, and III, General Business, Highway Business and Commercial Districts. Minimum lot size shall be 43,560 SF [except Cluster I, II, and III which shall be five (5) acres], minimum frontage shall be one hundred (100) feet; minimum open space shall be two thousand (2,000) square feet per dwelling unit. For Residence C, General Business, Highway Business and Commercial Zoning Districts the number of multifamily units to be allowed on site shall be determined as follows: five thousand (5,000) square feet for each one (1) bedroom or studio unit plus one thousand (1,000) square feet for each additional bedroom in each unit. The 2,000 square foot open space requirement is not in addition to the 5,000 square foot space requirement. For Cluster I, II, and III Zoning Districts, the number of multifamily units to be allowed on site shall be determined by the standards established in Section 135-610.C. of this Chapter.

\*\*\*

Notes on density:

Multifamily housing is zoned by right only in the Residence C district. In Residence C, the minimum lot area must be 1 acre; minimum lot width 200 feet; minimum frontage 100 feet; minimum lot depth 200 feet; front setback 50 feet; side setback 30 feet; rear setback 50 feet; height 35 feet; 3 story maximum; maximum lot coverage 65%.

Multifamily housing can be built by special permit in the three cluster districts, as well as the general business and highway business districts. In the cluster districts, the parcel must be at least 5 acres. In GB district, the minimum lot area must be 15,000 square feet; in HB, 25,000 square feet. For habitable buildings in the business districts, the height limitation is 50 feet.

## Bridgewater

### Is multi-family housing allowed by right in any part of the municipality?

**No** Bridgewater Zoning Bylaws, Revised 2000

2.62 Definition of MULTIFAMILY BUILDING - A freestanding building exclusively for residential use with three or more dwellings.

Section 6.30

According to the table, there is no multifamily allowed by right or by special permit in any district in Bridgewater.

Bridgewater Building Inspector, David Moore, confirmed that there is no multifamily in Bridgewater. (10/04)

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**No** Bridgewater Zoning Bylaws, Revised 2000

2.62 Definition of MULTIFAMILY BUILDING - A freestanding building exclusively for residential use with three or more dwellings.

Section 6.30

According to the table, there is no multifamily allowed by right or by special permit in any district in Bridgewater.

Bridgewater Building Inspector, David Moore, confirmed that there is no multifamily allowed in Bridgewater. (10/2004)

## Brockton

**Is multi-family housing allowed by right in any part of the municipality?**

**Yes** Brockton allows multifamily housing by right in the R-2 and R-3 zones.

The Land Use Ordinance of Brockton (City)  
PLYMOUTH COUNTY, MASSACHUSETTS  
APPENDIX C ZONING  
Brockton Zoning Ordinance

ARTICLE IV PERMITTED USES

Sec. 27-26. R-2 Zones.

1. Principal permitted uses.
  - a. Any use permitted in the R-1 Zones.
  - b. Two- and three-family dwellings.
2. Permitted accessory uses. Any accessory use permitted in the R-1 Zones.
3. Permitted special uses.
  - a. Any special use permitted in the R-1 Zones, under the provisions of Article V, pursuant to Article VII.
  - b. Hospitals and nursing homes not including contagious diseases or psychiatric treatment.
  - c. Family day care home, as defined in M.G.L. chapter 28A, section 9.
  - d. Large family day care home, as defined in M.G.L. chapter 28A, section 9. (Code 1965, § 27-26; Ord. No. D127, 8-24-81; Ord. No. D254, 7-29-88; Ord. No. D433, § 2, 1-5-99)

Sec.27-27. R-3 Zones, multi-family residential zones .

1. Principal permitted uses.
  - a. Any use permitted in the R-2 Zones.
  - b. Multi-family.
2. Permitted accessory uses. Any accessory use permitted in the R-2 Zone.
3. Permitted special uses. The following special uses are permitted, under the provisions of Article V, pursuant to Article VII.
  - a. Tourist homes, but not hotels, motels or tourist cabins.
  - b. Reserved.
  - c. Hospitals and nursing homes.
  - d. Any special use permitted in the R-2 Zones under the provisions of Article V, pursuant to Article VII.
  - e. Multi-family dwellings at a density of up to one unit per one thousand two hundred (1,200) square feet of lot area with a minimum lot size of one acre.
  - f. Pay telephones.
  - g. Family day care home, as defined in M.G.L. chapter 28A, section 9.
  - h. Large family day care home, as defined in M.G.L. chapter 28A, section 9. (Code 1965, § 27-27; Ord. No. D254, 7-29-88; Ord. No. D375, 9-28-95; Ord. No. D433, § 2, 1-5-99)

\*\*\*

Notes on density:

Brockton does not list the minimum lot size requirements for multifamily housing in R-2 and R-3. The only dimensional requirements are the minimum lot area per dwelling unit.

The Land Use Ordinance of Brockton (City)  
PLYMOUTH COUNTY, MASSACHUSETTS  
APPENDIX C ZONING  
Brockton Zoning Ordinance

ARTICLE III. GENERAL REGULATIONS AND PERMITTED MODIFICATIONS

Sec. 27-9. Standards for residential zones (Table 1).  
TABLE 1. STANDARDS FOR RESIDENTIAL ZONES

R-2 (limited to 2 and 3 family dwelling units)  
Lot area per dwelling unit (minimum in square feet): 5,000

R-3:  
Lot area per dwelling unit (minimum in square feet): 5,000 two family; 12,000 for first 3 units in multi-family then 2,000 for each additional unit over 3

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Brockton allows multifamily housing by right in the R-2 and R-3 zones.

APPENDIX C ZONING  
Brockton Zoning Ordinance

ARTICLE IV PERMITTED USES

Sec. 27-26. R-2 Zones.

1. Principal permitted uses.
  - a. Any use permitted in the R-1 Zones.
  - b. Two- and three-family dwellings.
2. Permitted accessory uses. Any accessory use permitted in the R-1 Zones.
3. Permitted special uses.
  - a. Any special use permitted in the R-1 Zones, under the provisions of Article V, pursuant to Article VII.
  - b. Hospitals and nursing homes not including contagious diseases or psychiatric treatment.
  - c. Family day care home, as defined in M.G.L. chapter 28A, section 9.
  - d. Large family day care home, as defined in M.G.L. chapter 28A, section 9. (Code 1965, § 27-26; Ord. No. D127, 8-24-81; Ord. No. D254, 7-29-88; Ord. No. D433, § 2, 1-5-99)

Sec.27-27. R-3 Zones, multi-family residential zones .

1. Principal permitted uses.
  - a. Any use permitted in the R-2 Zones.
  - b. Multi-family.
2. Permitted accessory uses. Any accessory use permitted in the R-2 Zone.
3. Permitted special uses. The following special uses are permitted, under the provisions of Article V, pursuant to Article VII.
  - a. Tourist homes, but not hotels, motels or tourist cabins.
  - b. Reserved.
  - c. Hospitals and nursing homes.
  - d. Any special use permitted in the R-2 Zones under the provisions of Article V, pursuant to Article VII.
  - e. Multi-family dwellings at a density of up to one unit per one thousand two hundred (1,200) square feet of lot area with a minimum lot size of one acre.
  - f. Pay telephones.
  - g. Family day care home, as defined in M.G.L. chapter 28A, section 9.
  - h. Large family day care home, as defined in M.G.L. chapter 28A, section 9. (Code 1965, § 27-27; Ord. No. D254, 7-29-88; Ord. No. D375, 9-28-95; Ord. No. D433, § 2, 1-5-99)

\*\*\*

Multifamily is allowed by special permit in the R-3 Multi-Family Residential Zone and the C-3 Central Business Zone.

APPENDIX C ZONING  
Brockton Zoning Ordinance

ARTICLE IV PERMITTED USES

Sec.27-27. R-3 Zones, multi-family residential zones .

1. Principal permitted uses.
  - a. Any use permitted in the R-2 Zones.
  - b. Multi-family.

2. Permitted accessory uses. Any accessory use permitted in the R-2 Zone.
3. Permitted special uses. The following special uses are permitted, under the provisions of Article V, pursuant to Article VII.
  - a. Tourist homes, but not hotels, motels or tourist cabins.
  - b. Reserved.
  - c. Hospitals and nursing homes.
  - d. Any special use permitted in the R-2 Zones under the provisions of Article V, pursuant to Article VII.
  - e. Multi-family dwellings at a density of up to one unit per one thousand two hundred (1,200) square feet of lot area with a minimum lot size of one acre.
  - f. Pay telephones.
  - g. Family day care home, as defined in M.G.L. chapter 28A, section 9.
  - h. Large family day care home, as defined in M.G.L. chapter 28A, section 9. (Code 1965, § 27-27; Ord. No. D254, 7-29-88; Ord. No. D375, 9-28-95; Ord. No. D433, § 2, 1-5-99)

Sec. 27-30. C-3 Zones, central business zones.

1. Principal permitted uses.
  - a. Any use permitted in the C-2 Zone.
  - b. Community health centers/clinics as defined in Section 330 of the Public Health Service Act (42 U.S.C. 254c).
2. Permitted accessory uses. Any accessory use permitted in the C-2 Zone.
3. Permitted special uses.
  - a. Any special use permitted in C-2 Zone, subject to the same limitations.
  - b. Multi-family dwellings (three (3) or more dwelling units in a structure) subject to the space standards for the R-3 Zone (See Table 1).
  - c. Clinics, except as permitted in subsection 1.b above. (Code 1965, § 27-30; Ord. No. D254, 7-29-88; Ord. No. D344, 6-28-94)

\*\*\*

Notes on density:

Brockton does not list the minimum lot size requirements for multifamily housing in R-2 and R-3. The only dimensional requirements are the minimum lot area per dwelling unit.

APPENDIX C ZONING  
Brockton Zoning Ordinance

ARTICLE III. GENERAL REGULATIONS AND PERMITTED MODIFICATIONS

Sec. 27-9. Standards for residential zones (Table 1).

TABLE 1. STANDARDS FOR RESIDENTIAL ZONES

R-2 (limited to 2 and 3 family dwelling units)  
Lot area per dwelling unit (minimum in square feet): 5,000

R-3:  
Lot area per dwelling unit (minimum in square feet): 5,000 two family; 12,000 for first 3 units in multi-family then 2,000 for each additional unit over 3

R-3 Multi-Family Residential Zone:  
Multi-family dwellings at a density of up to one unit per one thousand two hundred (1,200) square feet of lot area with a minimum lot size of one acre.

C-3 Central Business Zone:  
12,000 for first 3 units in multi-family then 2,000 for each additional unit over 3

\*\*\*

From definitions:

CONVERSION . The reconstruction of all or parts of a structure resulting in an additional number of dwelling units therein.

From ordinance.com:

Sec. 27-36. Miscellaneous uses; conversions.

CONVERSIONS.

In R-1 Districts.

a. No conversions are permitted.

In R-2, R-3 Districts.

b. Conversions are permitted provided that:

1. There shall be not more than the maximum number of dwelling units than are permitted in the respective districts.
2. At least one off-street parking space shall be provided for each dwelling unit in the building.
3. There shall be at least four hundred (400) square feet of habitable dwelling space in each dwelling unit.
4. There shall be at least one bathroom including bathing, lavatory and toilet facilities in each dwelling unit.

## Brookline

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to Polly Selkoe, Planning Director, there is multifamily housing zoned by right in Brookline. (6-9-04 phone interview)

From ordinance.com, definitions:

(c) Dwelling, Multiple: A building or structure designed or occupied as a residence by more than two families, but not including groups of three or more attached dwellings; an apartment house.

\*\*\*

According to Section 4.30 Table of Use Regulations on ordinance.com:

"Attached dwelling occupied by not more than one family in each unit between side walls, provided that in T Districts no row of such units shall consist of more than six such units" allowed by special permit in T, M, L, O.

"Multiple or attached dwelling other than the preceding item divided into dwelling units each occupied by not more than one family but not including lodging house, hotel, dormitory, fraternity or sorority. \*Compliance with Section 4.40 required if containing 6 or more dwelling units. Special permit required if containing 10 or more dwelling units. Permitted by special permit in S-0.5P and S-0.75P Districts subject to Section 5.06. Not permitted below second floor in G-1.75(CC) District." allowed by right in M, L, G, I.

\*\*\*

Notes on density:

Table 5.01 in the Table of Dimensional Requirements in Brookline's Zoning Bylaw

In M-0.5 district there is a 4,000 sq. ft. minimum lot size for a one family detached dwelling, 5,000 sq. ft. for a two-family detached dwelling and each additional dwelling unit is 3,000 sq. ft. Any other structure or principal use is an additional 5,000 sq. ft.

In M 1.0 and M-1.0 CAM districts there is a 4,000 sq. ft. minimum for a one family detached dwelling a 5,000 sq. ft. minimum for a two family detached dwelling and an additional 1,000 sq. ft. for each additional dwelling unit. Any other structure or principal use has a 5,000 sq. ft. minimum.

In the M 1.5 a one family detached dwelling has a 4,000 sq. ft. lot minimum, a 2-family detached dwelling has a 5,000 sq. ft. minimum lot size.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to Polly Selkoe, Planning Director, there is multifamily housing zoned by right and special permit in Brookline. (6-9-04 phone interview)

From ordinance.com, definitions:

(c) Dwelling, Multiple: A building or structure designed or occupied as a residence by more than two families, but not including groups of three or more attached dwellings; an apartment house.

\*\*\*

According to Section 4.30 Table of Use Regulations on ordinance.com:

"Attached dwelling occupied by not more than one family in each unit between side walls, provided that in T Districts no row of such

units shall consist of more than six such units" allowed by special permit in T, M, L, O.

"Multiple or attached dwelling other than the preceding item divided into dwelling units each occupied by not more than one family but not including lodging house, hotel, dormitory, fraternity or sorority. \*Compliance with Section 4.40 required if containing 6 or more dwelling units. Special permit required if containing 10 or more dwelling units. Permitted by special permit in S-0.5P and S-0.75P Districts subject to Section 5.06. Not permitted below second floor in G-1.75(CC) District." allowed by right in M, L, G, I.

"Detached dwelling on a separate lot originally constructed for single family occupancy prior to the effective date of this By-law and containing a minimum gross floor area of 2,400 square feet and converted for occupancy by not more than two families, provided there is no external evidence of occupancy by more than one family" is allowed by right in SC, T and M residence districts and L and O business districts.

"Detached dwelling converted for two-family occupancy conforming to the requirements of the preceding item except that external evidence of conversion is required to conform to other codes" is allowed by special permit in SC and by right in T, M, L and O.

\*\*\*

Notes on density:

Table 5.01 in the Table of Dimensional Requirements in Brookline's Zoning Bylaw

In M-0.5 district there is a 4,000 sq. ft. minimum lot size for a one family detached dwelling, 5,000 sq. ft. for a two-family detached dwelling and each additional dwelling unit is 3,000 sq. ft. Any other structure or principal use is an additional 5,000 sq. ft.

In M 1.0 and M-1.0 CAM districts there is a 4,000 sq. ft. minimum for a one family detached dwelling a 5,000 sq. ft. minimum for a two family detached dwelling and an additional 1,000 sq. ft. for each additional dwelling unit. Any other structure or principal use has a 5,000 sq. ft. minimum.

In the M 1.5 a one family detached dwelling has a 4,000 sq. ft. lot minimum, a 2-family detached dwelling has a 5,000 sq. ft. minimum lot size.

\*\*\*

§5.06 - SPECIAL DISTRICT REGULATIONS 1. Multiple or Attached Dwelling Development in S-0.75P District a. For a multiple or attached dwelling development in an S-0.75P District, in addition to the special permit findings in §9.05, paragraph 1., the Board of Appeals must find that the development will preserve a substantial portion of the existing buildings on the site and significant architectural features thereof, particularly those buildings with historical significance. b. Such developments shall be subject to the Community and Environmental Impact and Design Review procedures and standards of §5.09, Design Review. c. For such developments, the Board of Appeals may grant by special permit a maximum gross floor area and a number of dwelling units higher than permitted in Table 5.01 where any of the following conditions obtain, provided that the increase shall not exceed 10% for each condition below and shall not exceed 20% in total beyond what is permitted in Table 5.01, but such floor space shall not be included in the gross floor area for the purpose of calculating parking requirements. 1) Setbacks of proposed buildings from abutting residential property: 1% bonus per 10% setback increase in excess of required. The setback shall be calculated as the weighted average setback based on the length of the proposed building(s) from the nearest lot line abutting or across the street from residential property. 2) Open space in excess of total required open space: 1% bonus per 10% extra open space (either landscaped, usable, or a combination thereof). 3) Concealed parking: 1% bonus per 5% of required parking concealed below grade or within a residential structure. 2. Coolidge Corner General Business District G-1.75 (CC) ARTICLE V, DIMENSIONAL REQUIREMENTS 5-8 ZONING BY-LAW TOWN OF BROOKLINE, MA

a. All applications in the G-1.75(CC) District shall be subject to §5.09, Design Review. The Preservation Commission, Transportation Board, or any other interested Town body may submit an advisory report to the Planning Board and Board of Appeals for their consideration. Any such reports shall be transmitted to the Board of Appeals with the Planning Board report and shall be considered therewith. b. For such applications, the Board of Appeals may grant by special permit an increase in gross floor area subject to the procedures, limitations, and conditions of Table 5.01 and §5.21. c. For such applications, the gross floor area of the building used to calculate the maximum permitted floor area ratio shall include the floor space at or above grade in an accessory building or in the main building intended and designed for the parking of motor vehicles, but such floor space shall not be included in the gross floor area for the purpose of calculating parking requirements. d. For such applications, the Board of Appeals may grant by special permit an increase in height in accordance with the procedures, limitations, and conditions of Table 5.01 and §5.32. e. For such applications, residential development shall be permitted above the first floor. 3. Multiple or Attached Dwelling Development in S-0.5P District a. For multiple or attached dwelling developments in an S-0.5P District, in addition to the Special Permit findings in §9.05, paragraph 1., the Board of Appeals must find that: 1) the development will preserve a parcel of land of seven (7) acres or more as a single lot, with not less than 6 acres as open space, which may be in condominium ownership, and will preserve significant exterior architectural features of significant historical buildings on the site, but excluding minor buildings such as sheds, garages, greenhouses etc., located on said parcel and significant landscape and topographic features, and 2) at least seventy-five percent (75%) of all parking spaces required by the Zoning By-law will be located in a subsurface parking garage. b. Such development shall be subject to the procedures and standards of §5.09, Design Review. c. For such development, the Board of Appeals may grant by Special Permit a maximum height greater than is permitted in Table 5.01 for building(s) on a single lot, provided that the maximum height shall not exceed 70 feet. The ARTICLE V, DIMENSIONAL REQUIREMENTS 5-9 ZONING BY-LAW TOWN OF BROOKLINE, MA

Board of Appeals, however, may require a greater front yard setback for any part of the building taller than 40 feet if necessary to reduce the impact on abutting single family residences to a reasonable degree. Notwithstanding any other provision of this By-law, for

the purpose of this §5.06, paragraph 3. only, height is defined as the vertical distance to the top of the highest roof ridge from the average of finished ground level adjoining the building at all exterior walls. §5.07 - DWELLINGS IN BUSINESS AND INDUSTRIAL DISTRICTS 1. Dwellings in business and industrial districts shall conform to the minimum usable open space and minimum side and rear yard requirements of the M district with the same maximum permitted floor area ratio as the business or industrial district in which the dwelling is located or of the M-2.0 district for dwellings in G-1.75 districts. However, if the Board of Appeals finds that a waiver of such dimensional requirements would promote reasonable development of the site compatible with adjacent buildings and the surrounding area, the Board may waive such requirements by special permit. §5.08 - EXCEPTIONS TO DIMENSIONAL REQUIREMENTS FOR USES 9 & 10 1. The floor area ratio requirements as applied to Uses 9 and 10 listed in §4.07 shall be less restrictive than as specified in Table 5.01 in the following respects: a. Where several lots in the same ownership and also in the same use district are separated from each other only by an adjacent street or intersecting adjacent streets, the area of all such lots may be aggregated in calculating floor area ratio. b. The floor area ratio shall be increased by one per cent for each 2,000 square feet of lot area exceeding the lot size minimum for the district under consideration, up to a maximum of 65 percent. 2. Under a special permit the Board of Appeals may permit further modifications in the dimensional requirements specified in Article V as applied to Uses 9 and 10 to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity.

## Burlington

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Researcher found in zoning bylaws under residential uses that "Garden Apartment dwelling units" can be built by right in the "RG" or "Garden Apartment District".

The Zoning Bylaws of the Town of Burlington, Section 4.2.0 (Adopted 1977, Amended 2003) - Principal use regulation schedule.

\*\*\*

From ordinance.com:

2.4 APARTMENT See Dwelling Garden Apartment

2.22 DWELLING, GARDEN APARTMENTS A residential building designed for or occupied by families with the number of families in residence not exceeding the number of dwelling units provided, and each unit containing independent cooking, bathroom and sleeping facilities.

\*\*\*

Kristin Hoffman, Assistant Planner, told researcher that the RG "Garden Apartment" district is mostly built out. She said: "It is an issue we are trying to figure out. There is not too much left in RG. A lot of what we are developing is in the planned development district, or by comprehensive permit [40B]." She said that "planned development" requires rezoning by the town meeting. The dimensional requirements and locations are different for each case.

\*\*\*

The Zoning Bylaws of the Town of Burlington, Section 5.1.3.2 (Adopted 1977, Amended 2003)

5.1.3 Additional Regulations and Exceptions for Garden Apartments and Dormitories

5.1.3.1 No building shall contain less than six (6) nor more than twelve (12) units.

5.1.3.2 No apartment dwelling unit shall contain more than two (2) bedrooms, and not less than fifty (50) percent of the apartment dwelling units in a district shall have one (1) bedroom only. Dormitories shall have one (1) bedroom units only and may have dining and lounging facilities.

5.1.3.3 No living spaces or rooms shall be located below the finish grade of the adjoining ground or above the second story.

5.1.3.4 Not more than three (3) buildings may be constructed in an attached group.

5.1.3.5 No space in an apartment building or dormitory shall be used for storage of gasoline powered vehicles and equipment or combustible materials not part of the building.

The Zoning Bylaws of the Town of Burlington, Section 5.2.0 (Adopted 1977, Amended 2003) The density requirements came from the Density Regulation Schedule in the zoning bylaw.

\*\*\*

Notes on density:

In the "RG" district (Garden Apartment District), the minimum lot area must be 120,000 square feet; minimum lot frontage 100 feet;

maximum building height 30 feet; Maximum aggregate building to ground area percentage is 25%.

Note: There is a bedroom restriction on the multifamily dwelling units. "No apartment dwelling unit shall contain more than two bedrooms, and not less than fifty percent of the apartment dwelling units shall have one bedroom only."

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** "Garden Apartment dwelling units" can be built by right in the "RG" or "Garden Apartment District".

The Zoning Bylaws of the Town of Burlington, Section 4.2.0 (Adopted 1977, Amended 2003) - Principal use regulation schedule.

\*\*\*

By special permit, the following multifamily units can be built in the following districts:  
"Garden apartment dwelling units purchased, or erected and maintained for the purpose of providing subsidized housing" in the Garden Apartment District; "Assisted Living, Congregate Living, Continuing Care Retirement Community" in the Continuing Care District; "Independent Living Facility" in the Continuing Care District; and "Custodial Care Facility, Group Care Facility" in the High Rise Industrial District.

\*\*\*

From ordinance.com:

**2.4 APARTMENT See Dwelling Garden Apartment**

**2.22 DWELLING, GARDEN APARTMENTS** A residential building designed for or occupied by families with the number of families in residence not exceeding the number of dwelling units provided, and each unit containing independent cooking, bathroom and sleeping facilities.

\*\*\*

Kristin Hoffman, Assistant Planner, told researcher that the RG "Garden Apartment" district is mostly built out. She said: "It is an issue we are trying to figure out. There is not too much left in RG. A lot of what we are developing is in the planned development district, or by comprehensive permit [40B]." She said that "planned development" requires rezoning by the town meeting. The dimensional requirements and locations are different for each case.

\*\*\*

The Zoning Bylaws of the Town of Burlington, Section 5.1.3.2 (Adopted 1977, Amended 2003)

**5.1.3 Additional Regulations and Exceptions for Garden Apartments and Dormitories**

- 5.1.3.1 No building shall contain less than six (6) nor more than twelve (12) units.
- 5.1.3.2 No apartment dwelling unit shall contain more than two (2) bedrooms, and not less than fifty (50) percent of the apartment dwelling units in a district shall have one (1) bedroom only. Dormitories shall have one (1) bedroom units only and may have dining and lounging facilities.
- 5.1.3.3 No living spaces or rooms shall be located below the finish grade of the adjoining ground or above the second story.
- 5.1.3.4 Not more than three (3) buildings may be constructed in an attached group.
- 5.1.3.5 No space in an apartment building or dormitory shall be used for storage of gasoline powered vehicles and equipment or combustible materials not part of the building.

The Zoning Bylaws of the Town of Burlington, Section 5.2.0 (Adopted 1977, Amended 2003) The density requirements came from the Density Regulation Schedule in the zoning bylaw.

\*\*\*

Notes on density:

In the "RG" district (Garden Apartment District), the minimum lot area must be 120,000 square feet; minimum lot frontage 100 feet; maximum building height 30 feet; Maximum aggregate building to ground area percentage is 25%.

Note: There is a bedroom restriction on the multifamily dwelling units. "No apartment dwelling unit shall contain more than two bedrooms, and not less than fifty percent of the apartment dwelling units shall have one bedroom only."

# Cambridge

## Is multi-family housing allowed by right in any part of the municipality?

**Yes** Res C, C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, C-3B  
Office 1, 2, 4, 3A  
Business A, A-1, A-2, B-1, B-2, C, C-1  
Industrial A-1, A-2  
(See Table of Use Regulations, Section 4.3)

Residence C:  
Min Lot Size-5,000 sq ft  
Min Lot Area/Dwelling Unit-1,800 sq ft

Residence C-1:  
Min Lot Size-5,000 sq ft  
Min Lot Area/Dwelling Unit-1,500 sq ft

Residence C-1A:  
Min Lot Size 5,000 sq ft  
Min Lot Area/Dwelling Unit-1,000 sq ft

Residence C-2:  
Min Lot Size-5,000 sq ft  
Min Lot Area/Dwelling Unit-600 sq ft

Residence C-2B:  
Min Lot Size 5,000 sq ft  
Min Lot Area per Dwelling Unit- 600 sq ft

Residence C-2A:  
Min Lot Size 5,000 sq ft  
Min Lot Area per Dwelling Unit – 300 sq ft

Residence C-3A:  
Min Lot Size 5,000 sq ft  
Min Lot Area per Dwelling Unit- 300 sq ft

Residence C-3:  
Min Lot Size-,000 sq ft  
Min Lot Area per Dwelling Unit-300 sq ft

Residence C-3B:  
Min Lot Size 5,000 sq ft  
Min Lot Area per Dwelling Unit-300 sq ft

Office 1:  
Min Lot Size 5,000 sq ft  
Min Lot Area per Dwelling Unit- 1,200 sq ft

Office 2:  
Min Lot Size 5,000 sq ft  
Min Lot Area per Dwelling Unit- 600 sq ft

Office 3A:  
Min Lot Size 5,000 sq ft  
Min Lot Area per Dwelling Unit- 300 sq ft

Office 3:  
Min Lot Size 5,000 sq ft  
Min Lot Area per Dwelling Unit- 300 sq ft

Business A-3:  
Min Lot Size 5,000 sq ft  
Min Lot Area per Dwelling Unit- 1,500 sq ft

Business A-1:  
no min lot size

Min Lot Area per Dwelling Unit- 1,200 sq ft

Business A-2:  
no min lot size  
Min Lot Area per Dwelling Unit- 600 sq ft

Business A:  
no min lot size  
Min Lot Area per Dwelling Unit- 600 sq ft

Business C-1:  
no min lot size  
Min Lot Area per Dwelling Unit- 450 sq ft

Business B-1:  
no min lot size  
Min Lot Area per Dwelling Unit- 300 sq ft

Business B-2:  
no min lot size  
Min Lot Area per Dwelling Unit- 300 sq ft

Business B:  
no min lot size  
Min Lot Area per Dwelling Unit- 300 sq ft

Industry A-1:  
Min Lot Size-5,000 sq ft  
Min Lot Area per Dwelling Unit- 700 sq ft

Industry A-2:  
Min Lot Size-5,000 sq ft  
No Min Lot Area per Dwelling Unit

"DWELLING, MULTIFAMILY . A building arranged, intended or designed to contain three or more dwelling units- However, any such building which consists of two or more semi-detached dwellings shall be considered a townhouse development and shall be subject to the requirements of Section 11.10, whether or not subdivided lots are to be created.

DWELLING, SEMI-DETACHED (OR TOWNHOUSE OR ROW HOUSE) . One of a series of buildings with a party wall or walls, common to adjoining buildings, which is constructed so that two opposite building faces, or in the case of corner units two adjoining faces, (applicable to the building as a whole and for each unit contained therein) have full outside exposure and so that each has separate entrances from the outside, and each building of which is arranged, intended or designed as the home or residence of one or two families." From the City of Cambridge Zoning Ordinance, Section 2 (Last Updated 2004).

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** By right:

Res C, C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, C-3B  
Office 1, 2, 4, 3A  
Business A, A-1, A-2, B-1, B-2, C, C-1  
Industrial A-1, A-2  
(See Table of Use Regulations, Section 4.3)

By special permit:

MF: Ind A, B-1, B-2, B-3, B, and C  
Townhouse: Ind A-1, A-2, A, B-1, B-2, B-3, B, and C

Additionally, depending on the scale of the project special permits may be required in the following districts:

MF: Res C, C-1, C-1A, C-2A, C-2B, C3, C-3A, C-3B; Office 1,2,3, 3A; Bus A-1, A-2  
Townhouse: Res B,C, C-1, C-1A, C-2A, C-2B, C3, C-3A, C-3B; Office 1,2,3, 3A; Bus A-1, A-2

"DWELLING, MULTIFAMILY . A building arranged, intended or designed to contain three or more dwelling units- However, any such building which consists of two or more semi-detached dwellings shall be considered a townhouse development and shall be subject to the requirements of Section 11.10, whether or not subdivided lots are to be created.

DWELLING, SEMI-DETACHED (OR TOWNHOUSE OR ROW HOUSE) . One of a series of buildings with a party wall or walls, common to adjoining buildings, which is constructed so that two opposite building faces, or in the case of corner units two adjoining faces, (applicable to the building as a whole and for each unit contained therein) have full outside exposure and so that each has separate entrances from the outside, and each building of which is arranged, intended or designed as the home or residence of one or two families." From the City of Cambridge Zoning Ordinance, Section 2 (Last Updated 2004).

From Section 12.52 of Cambridge's Zoning Ordinance:

"PUD Development Parcel Size. The minimum size of a development parcel for a planned unit development shall as indicated in each planned units development's individual regulations; however the Planning Board may, at its discretion, allow development parcels containing less than the minimum parcel size required but at least five times the minimum required area for a lot in the base zoning district in which the development would be located. The Planning Board shall permit a development parcel containing less than the minimum parcel size required only upon its written determination that public review and approval of such a small development is necessary for accomplishing the planning objectives of the PUD district in which the development is located."

Residence B (townhouse)  
Min Lot Size-5,000 sq ft  
Min Lot Area/Dwelling Unit-2,500

Industry C  
Min Lot Size-20,000  
No Min Lot Area/Dwelling Unit

Industry B-2  
Min Lot Size-5,000 sq ft  
No Min Lot Area/Dwelling Unit

Industry B-1  
Min Lot Size-5,000 sq ft  
No Min Lot Area/Dwelling Unit

Industry A  
No Min Lot Size  
No Min Lot Area/Dwelling Unit

Industry B  
No Min Lot Size  
No Min Lot Area/Dwelling Unit

\*\*\*

#### 4.26 Multifamily Special Permit Applicability

4.26.1 The construction of a multifamily dwelling containing twelve (12) or more dwelling units or of elderly oriented congregate housing containing twenty-four (24) or more separate living spaces in a Residence C, Residence C-1, Residence C-1A, Office 1, Business A-1 or Business A-3 district shall require a special permit granted by the Planning Board.

\*\*Webmasters Note: The previous subsection has been amended as per Ordinance No. 1269.

4.26.2 The construction of a multifamily dwelling or of elderly oriented congregate housing in a Residence C, Residence C-1, Residence C-1A, Office 1, Business A-1 or Business A-3 district which contains less than twelve (12) dwelling units or twenty-four (24) dwelling living spaces shall require a special permit if both of the following conditions pertain to the development.

\*\*Webmasters Note: The previous subsection has been amended as per Ordinance No. 1269.

(1) another permit for a multifamily dwelling or elderly oriented congregate housing has been granted within the twelve month period immediately preceding the date of permit application for the lot on which the development would be located or on an abutting lot;

(2) the development for which the permit is being sought would increase the total number of dwelling units on said lot(s) to twelve (12) or more, the total number of living spaces to twenty-four (24) or more, or the total number of dwelling units and living spaces to eighteen (18) or more.

4.26.3 The construction of multifamily dwellings and elderly oriented congregate housing in Industry A and A-2 districts, Industry B, B-1, and B-2 districts, and the Industry C district shall require a special permit granted by the Planning Board where any one of the following conditions exists:

1. The development exceeds fifty thousand (50,000) square feet of Gross Floor Area;
2. The lot area per dwelling unit proposed is less than one thousand, two hundred (1,200) square feet in an Industry C district, six

hundred (600) square feet in an Industry A or Industry B-2 district, or three hundred (300) square feet in an Industry A-2, Industry B or Industry B-1 district; or

3. Twelve (12) or more dwelling units are proposed where any portion of the development is located within one hundred (100) feet of a Residence A-1, A-2, B, C, or C-1 district.

4.26.4 A special permit from the Planning Board shall be required for development of elderly oriented housing if a building permit, special permit or variance application filed for construction of elderly oriented housing on a lot on which a permit to demolish a dwelling has been granted within the previous three (3) years and on which said dwelling was demolished or will be demolished prior to construction of said elderly oriented housing.

## Canton

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Roger Nicholas, Town Planner, said in an 8/18/04 interview: "Yes, General Residence. That was zoned industrial but that site was no longer viable for industrial. We rezoned it from industrial to general residence."

\*\*\*

In the Single Residence Districts, multifamily dwellings are not allowed by right or special permit. In the General Residence Districts, single family and two-family houses are allowed by right. Apartment houses are allowed by special permit. In the Business District, uses allowed in General Residence by special permit are allowed by right. Therefore, multifamily is allowed by right in the Business District.

In the Table of Use Regulations, (2.18), the following are allowed by right in the BD and CBD districts:

#### Apartment house

Apartment house, or building containing three or more dwelling units in combination with stores or other permitted uses, subject to the conditions that such building is located on a lot having an area larger than the minimum hereafter required for the construction of a one family house in the same district by an additional three thousand (3,000) square feet for each family in excess of one accommodated therein

Zoning Bylaw Town of Canton, Section 2.14.1 (C)(Adopted 1998, Amended 2003)

#### 2.14 Business District

##### 2.14.1 Permitted Uses.

In a Business District, the following uses are permitted as of right:

A. Any of the uses permitted as of right in any General Residence District.

B. Boarding or lodging house, convalescent or nursing home, tourist home.

C. Any of the additional uses permissible on special permit in any General Residence District (in Article II, Section 2.13.3), but without here requiring such special permit.

Zoning Bylaw Town of Canton, Section 2.13.2 (Adopted 1998, Amended 2003)

#### 2.13.2 Certain Residential Uses by Special Permit Only. 40

In a General Residence District, the Board of Appeals may, in a specific case, issue a special permit for any of the following residential uses:

A. Apartment house, provided that: 41

A.1 such dwelling is located on a lot having an area larger than the minimum hereafter required for the construction of a one-family house in the same district by an additional four thousand five hundred (4,500) square feet for each family in excess of one accommodated therein;

A.2 the lot has a total area of not less than two hundred seventeen thousand eight hundred (217,800) square feet

A.3 the lot has a minimum frontage of one hundred fifty (150) feet and at least two separate means of ingress/egress. In instances where frontage is not continuous, each means of ingress/egress shall have a continuous frontage of not less than seventy-five linear feet.

A.4 41.1 Notwithstanding the prior subsections of this by-law, the Board of Appeals may, in a specific case, issue a special permit for an apartment house on a lot with a total area less than two hundred seventeen thousand eight hundred feet (217,800) square feet provided (a) such lot already has a dwelling or commercial building on it to be razed and replaced, and (b) the lot has an area larger than the minimum required for the construction of a one-family house in the same district by an additional seven thousand (7,000) square feet for each family in excess of one accommodated thereon; and (c) the lot has a minimum frontage of seventy-five (75) feet.

In computing the size of the parcel all wetlands and flood plain areas shall be excluded.

No apartment house shall be constructed or externally enlarged except in conformity with a site plan bearing an endorsement of approval by the Board of Appeals. Said site plan shall show, among other things, a key location plan showing adjacent structures, all existing and proposed buildings, structures, parking area with spaces designated, driveway openings, driveways and other open uses, all facilities for sewage disposal and for surface water drainage, and all landscape features (such as walks, fences, walls, planting areas) on the lot. Procedure for approval shall be in accordance with Article III, Section 3.03.

B. Convalescent or nursing home, boarding or lodging house, or tourist home, provided that the building: 42

B.1 has the external appearance and general aspect of a one-family dwelling, or

B.2 is located on a lot that abuts a Non-Residential Zoning District, or

B.3 is located on a lot that abuts other lots containing buildings used for one or more of such purposes or occupied by more than two families.

C. Any other residential use permissible by special permit in Single Residence Districts (in Article II, Section 2.12.2), subject to the same provisions for authorizing each such use therein set forth.

#### Zoning Bylaw Town of Canton, Section 1 (Adopted 1998, Amended 2003)

1.15.9 Apartment House: A detached building designed for or occupied by three or more families and includes buildings in which the dwelling units are side by side with separate entrances as well as buildings in which some units share a common entrance. This definition shall include, when otherwise applicable, buildings in which the dwelling units are known as "condominiums" or "town houses" or otherwise.

\*\*\*

In response to the question "is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?" Roger Nicholas, Town Planner, said: "In the Canton Center Economic Opportunity District there is potential for development. [By special permit] There is some in the former industrial, now multifamily, zone. Not much, but that is misleading. There are single family homes in the district. A developer could tear them down and build multifamily. I'll tell you, 40% of the residential development over the last 7 or 8 years has been multifamily. The sheer numbers, you get a 20 lot subdivision, but then you get a 52-unit apartment. I expect in the future that half of all development will be multifamily. I'd hope to guide that to happen in the downtown."

\*\*\*

Notes on density:

Dimensions for Business and Commercial Districts for apartments would be the same as the density requirements in the abutting districts. In general residence district, the minimum lot size is 10,000 sf.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** In the Single Residence Districts, multifamily dwellings are not allowed by right or special permit. In the General Residence Districts, single family and two-family houses are allowed by right. Apartment houses are allowed by special permit. In the Business District, uses allowed in General Residence by special permit are allowed by right. Therefore, multifamily is allowed by right in the Business District.

In the Table of Use Regulations, (2.18), the following are allowed by right in the BD and CBD districts:

Apartment house

Apartment house, or building containing three or more dwelling units in combination with stores or other permitted uses, subject to the conditions that such building is located on a lot having an area larger than the minimum hereafter required for the construction of a one family house in the same district by an additional three thousand (3,000) square feet for each family in excess of one accommodated therein

Zoning Bylaw Town of Canton, Section 2.14.1 (C)(Adopted 1998, Amended 2003)

2.14 Business District

2.14.1 Permitted Uses.

In a Business District, the following uses are permitted as of right:

A. Any of the uses permitted as of right in any General Residence District.

B. Boarding or lodging house, convalescent or nursing home, tourist home.

C. Any of the additional uses permissible on special permit in any General Residence District (in Article II, Section 2.13.3), but without here requiring such special permit.

Zoning Bylaw Town of Canton, Section 2.13.2 (Adopted 1998, Amended 2003)

2.13.2 Certain Residential Uses by Special Permit Only. 40

In a General Residence District, the Board of Appeals may, in a specific case, issue a special permit for any of the following residential uses:

A. Apartment house, provided that: 41

A.1 such dwelling is located on a lot having an area larger than the minimum hereafter required for the construction of a one-family house in the same district by an additional four thousand five hundred (4,500) square feet for each family in excess of one accommodated therein;

A.2 the lot has a total area of not less than two hundred seventeen thousand eight hundred (217,800) square feet

A.3 the lot has a minimum frontage of one hundred fifty (150) feet and at least two separate means of ingress/egress. In instances where frontage is not continuous, each means of ingress/egress shall have a continuous frontage of not less than seventy-five linear feet.

A.4 41.1 Notwithstanding the prior subsections of this by-law, the Board of Appeals may, in a specific case, issue a special permit for an apartment house on a lot with a total area less than two hundred seventeen thousand eight hundred feet (217,800) square feet provided (a) such lot already has a dwelling or commercial building on it to be razed and replaced, and (b) the lot has an area larger than the minimum required for the construction of a one-family house in the same district by an additional seven thousand (7,000) square feet for each family in excess of one accommodated thereon; and (c) the lot has a minimum frontage of seventy-five (75) feet.

In computing the size of the parcel all wetlands and flood plain areas shall be excluded.

No apartment house shall be constructed or externally enlarged except in conformity with a site plan bearing an endorsement of

approval by the Board of Appeals. Said site plan shall show, among other things, a key location plan showing adjacent structures, all existing and proposed buildings, structures, parking area with spaces designated, driveway openings, driveways and other open uses, all facilities for sewage disposal and for surface water drainage, and all landscape features (such as walks, fences, walls, planting areas) on the lot. Procedure for approval shall be in accordance with Article III, Section 3.03.

B. Convalescent or nursing home, boarding or lodging house, or tourist home, provided that the building: 42

B.1 has the external appearance and general aspect of a onefamily dwelling, or

B.2 is located on a lot that abuts a Non-Residential Zoning District, or

B.3 is located on a lot that abuts other lots containing buildings used for one or more of such purposes or occupied by more than two families.

C. Any other residential use permissible by special permit in Single Residence Districts (in Article II, Section 2.12.2), subject to the same provisions for authorizing each such use therein set forth.

Zoning Bylaw Town of Canton, Section 1 (Adopted 1998, Amended 2003)

1.15.9 Apartment House: A detached building designed for or occupied by three or more families and includes buildings in which the dwelling units are side by side with separate entrances as well as buildings in which some units share a common entrance. This definition shall include, when otherwise applicable, buildings in which the dwelling units are known as "condominiums" or "town houses" or otherwise.

\*\*\*

In response to the question "is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?" Roger Nicholas, Town Planner, said: "In the Canton Center Economic Opportunity District there is potential for development. [By special permit] There is some in the former industrial, now multifamily, zone. Not much, but that is misleading. There are single family homes in the district. A developer could tear them down and build multifamily. I'll tell you, 40% of the residential development over the last 7 or 8 years has been multifamily. The sheer numbers, you get a 20 lot subdivision, but then you get a 52-unit apartment. I expect in the future that half of all development will be multifamily. I'd hope to guide that to happen in the downtown."

\*\*\*

Notes on density:

Dimensions for Business and Commercial Districts for apartments would be the same as the density requirements in the abutting districts. In general residence district, the minimum lot size is 10,000 sf.

In General Residence District, apartment houses allowed by special permit:

Same lot size as single family, plus 4,500 square feet for each additional family. Total lot size of 217,800 square feet.

CANTON CENTER ECONOMIC OPPORTUNITY DISTRICT

Apartment houses allowed by special permit.

Minimum lot size: 10,000 sf

One dwelling unit per 2000 sf of "buildable lot area"

3000 gross square feet of non-residential floor area per 10,000 sf of "buildable lot area"

## Carlisle

**Is multi-family housing allowed by right in any part of the municipality?**

**No** Written on survey received from Carlisle on 4/22/05:

Is multifamily housing allowed by right in any part of the municipality? (Buildings with 3+ dwelling units)

"Conversion from single to 2-family allowed by right in pre-1962 structures."

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Multi-family housing (only age-restricted) is allowed by special permit.

From definitions on ordinance.com:

MULTI-DWELLING : is a building containing two or more dwelling units, each of which is complete with living facilities for one family. A multi-dwelling may be a series of attached or semi-detached townhouses or row houses or a garden apartment building (dwelling units sharing a common entry hall or stairway).

According to the Town of Carlisle Zoning Bylaws, Section 5.1.1:"The purpose of Residence District M is to provide for the demonstrated needs of the Town for housing the elderly by making provision for appropriately located, specially designed and appropriately priced housing for occupancy by elderly persons who otherwise would not have such housing opportunities within the Town."

The name of the Residence M District, according to the Town of Carlisle Zoning Bylaw, Section 2.1, is Multi-Dwelling Housing for the Elderly.

From ordinance.com:

**5. SUPPLEMENTARY REGULATIONS**

**5.1 Residence District M - Multi-Dwelling Housing for the Elderly**

**5.1.1 Purpose**

The purpose of Residence District M is to provide for the demonstrated needs of the Town for housing the elderly by making provision for appropriately located, specially designed and appropriately priced housing for occupancy by elderly persons who otherwise would not have such housing opportunities within the Town.

**5.1.2 Designation of District**

[...]

**5.1.3 Uses Permissible on Special Permit in Residence District M**

The use of land within Residence District M for multi-dwelling housing for the elderly is not permitted as of right but may be authorized by special permit as provided in Section # 5.1.4

**5.1.4 Special Permit Procedure**

**5.1.4.1 Special Permit Granting Authority**

The Planning Board is designated as the special permit granting authority for Residence District M.

**5.1.4.2 Preliminary Plan**

A Preliminary Development Plan shall be prepared for consideration by the Planning Board at least sixty (60) days before filing the application as set forth below. The plan shall show in a general manner, but to scale, the boundaries and topography of the tract; access and vehicular and pedestrian circulation; type and mass of buildings; wetland and watercourses; proposed grading, drainage and open space. In addition, the Planning Board may require such further data as proposed dwelling unit density, total floor area, dwelling size and parking areas to be shown on the plan.

**5.1.4.3 Application, Review and Recommendations**

A person desiring such a permit shall file a written application with the Planning Board, furnishing a copy to the Town Clerk.

The application, and each copy shall be accompanied by a Final Development Plan which shall be prepared in the manner required for a Definitive Plan under the Planning Board's Rules and Regulations governing the subdivision of land and shall include:

5.1.4.3.1 A survey showing metes and bounds, and existing site features including wetlands and watercourses.

5.1.4.3.2 Site development plan with proposed grading, drainage, buildings, open space, location of drives, parking, walkways and

buffer areas and any other items generally required for definitive plans.

5.1.4.3.3 Architectural plans, showing building locations, typical floor plans, elevations and landscaping.

5.1.4.3.4 Summary of building statistics indicating number of units, floor area, dwelling units per building and per acre, percentage of site coverage: provided that no Final Development Plan shall contemplate more than five (5) dwelling units per acre or more than two (2) bedrooms in any one dwelling unit.

5.1.4.3.5 Developer information. giving a legal description of the development entity with documented financial information sufficient to establish the ability of the project to meet the purposes of the Residence District M classification and the developer's capability to complete all aspects of the project.

Copies of the application shall also be submitted to and reviewed by the Board of Selectmen and the Board of Health and, contingent upon their respective jurisdictions over the site, to the Conservation Commission and/or the Historical Commission. Such reviews may be held jointly. The foregoing agencies shall make such recommendations as they deem appropriate and shall send copies thereof to the Planning Board and to the applicant; provided that failure of any such agency to make recommendations within thirty-five (35) days of receipt by such agency of the application shall be deemed lack of opposition thereto.

5.1.4.4 Notice and Hearing

The Planning Board shall give notice, in the manner provided by Chapter 40A of the General Laws, as amended, of a public hearing to be held within sixty-five (65) days after the filing of the application and shall act within ninety (90) days following the public hearing. Failure by the Planning Board to take action within said ninety (90) days shall be deemed to be a grant of the permit applied for; otherwise, the issuance of special permits shall require a two-thirds vote of the Planning Board, failing which the permit shall be denied.

5.1.4.5 Necessary Findings

No special permit shall be granted hereunder unless the Planning Board shall make the applicable findings required by Section # 7.2.1 and shall further find that the multi-dwelling housing proposed by the applicant is consistent with the purpose of Residence District M set forth in Section # 5.1.1 and with the Preliminary Development Plan referred to in Section # 5.1.4.2 and, in particular that

5.1.4.5.1 The final Development Plan complies in all respects with the provisions of the general bylaws, including Articles IV and XI thereof, these zoning bylaws and the Regulations of the Board of Health.

5.1.4.5.2 The building and site layout are specially designed for the needs of the elderly and handicapped; access to the Town Center should be a major consideration.

5.1.4.5.3 The architectural design is in harmony with the scale, character and nature of the Town.

5.1.4.5.4 All improvements are place so as to preserve, as far as practicable, the unique natural features of the site, including watercourses, rock outcroppings, stone walls, major trees and wooded areas; and

5.1.4.5.5 The tract of land contains at least four (4) acres.

5.1.4.6 Conditions

The Planning Board may attach to special permits such conditions as, in its judgement, are designed to further the purposes set forth in Section # 5.1.1, and shall attach a condition limiting the occupancy of the housing to families at least one member of which is 62 years of age or older.

\*\*\*

5.7 Senior Residential Open. Space Community

Tracts of land in Residence District B may be considered eligible for this special permit.

5.7.1 Purpose

The Senior Residential Open Space Community is intended: to encourage residential development which meets the physical, emotional and social needs of senior citizens, and to encourage the preservation of rurality, open areas and natural settings, and to encourage energy efficient and cost effective residential development.

Definition

For the purposes of this section, dwelling unit is defined as a portion of a building, which portion is designed as the residence of one family.

5.7.3 Special Permit Granting Authority

The Planning Board shall be the Special Permit Granting Authority for the purposes of this section. It will develop rules and regulations

governing the process whereby the special permit for a Senior Residential Open Space Community may be granted.

#### 5.7.4 Conditions for Grant of Special Permit

In order to grant a permit for a Senior Residential Open Space Community, the Planning Board must find:

5.7.4.1 That the number of dwelling units will be no greater than 1.5 times the number of lots which the Planning Board, incorporating wetland considerations, determines would be allowed on the parcel were it to be developed as a subdivision according to the Rules and Regulations for the Subdivision of Land in Carlisle; but that the number of dwelling units will not exceed one half the number of acres in the tract.

5.7.4.2 That the total number of dwelling units permitted under this bylaw has not exceeded 3% of the total number of constructed dwelling units in the Town.

5.7.4.3 That the total tract area is at least 10 acres.

5.7.4.4 That the width of any lot shall be at least 40 feet between the point of physical access on a way which is acceptable for frontage under Chapter 41 and any building containing a dwelling unit.

5.7.4.5 That the entire Senior Residential Open Space Community tract is separated from adjacent property by intervening Open Space.

5.7.4.6 That the Open Space shall constitute at least 1.2 acres for every dwelling unit.

5.7.4.7 That the Open Space meets at least one of the following criteria:

5.7.4.7.1 It preserves some component of Carlisle's farm community, such as agricultural fields. 5.7.4.7.2 It preserves areas of open meadow, woodland, water bodies or ecotone. 5.7.4.7.3 It creates or preserves vistas or buffer areas. 5.7.4.7.4 It preserves valuable habitat for identifiable species of fauna and flora. 5.7.4.7.5 It preserves an artifact of historic value.

5.7.4.8 That the Open Space is of such shape, size and location as are appropriate for its intended use. In making this finding, the Planning Board may find it appropriate that the Open Space be used, in part, to create a visual buffer between the Senior Residential Open Space Community and abutting uses, and for small structures associated with allowed uses of the Open Space.

5.7.4.9 That the Open Space does not include any residential structures, or any appurtenant structures such as carports, septic systems, roads, driveways or parking, other than those which the Planning Board may allow under #5.7.4.8 above.

5.7.4.10 That the Open Space shall be conveyed to the Town of Carlisle for park or open space use, or conveyed to a non-profit organization the principal purpose of which is the conservation of open space, or conveyed to a corporation or trust composed of the owners of units within the Senior Residential Open Space Community. In the case where such land is not conveyed to the Town, the Board must find that beneficial rights in said Open Space shall be deeded to the owners, and a permanent restriction enforceable by the Town pursuant to M.G.L. Ch. 184, Section 32, providing that such land shall be kept in open or natural state, shall be recorded at the Middlesex North District Registry of Deeds.

5.7.4.11 That access from a way, of suitable width and location, has been provided to the Open Space.

5.7.4.12 That the Senior Residential Open Space Community will be composed of attached dwelling units which nevertheless reflect, in size and architecture, the character of Carlisle's single family residences. The buildings shall not have the appearance of apartments.

5.7.4.13 That each building in the Senior Residential Open Space Community has no more than four dwelling units, averaging no more than two bedrooms each, that no unit has more than three bedrooms, and that no building measures more than 6000 square feet. This calculation includes the area within the building that may be devoted to garage spaces.

5.7.4.14 That all residential buildings will have safe access from ways.

5.7.4.15 That provision has been made for at least two parking spaces per unit inclusive of any garage spaces.

5.7.4.16 That all residential buildings are located at least 100 feet from the boundary of the land subject to this special permit, and at least 50 feet from the Open Space, and at least 30 feet from other residential buildings.

5.7.4.17 That a Homeowners' Association will be formed which will have the legal responsibility for the management and maintenance of the development. This responsibility includes but is not limited to exterior maintenance of buildings, plowing, driveway, parking lot and road maintenance, landscape maintenance, and maintenance of common utilities, including septic systems and wells. In addition, the Homeowners' Association must accept responsibility for the maintenance of the Open Space if the Open Space is to be conveyed to a corporation or trust either of which is composed of unit owners.

5.7.4.18 The following age restrictions shall apply:

5.7.4.18.1 That each dwelling unit shall have in residence at least one person who has reached the age of 55 within the meaning of M.G.L.c.151B section 4, paragraph 6, and 42 USC section 3607(b)(2)(C).

5.7.4.18.2 That no resident of a dwelling unit shall be under the age of 18.

5.7.4.18.3 That in the event that there is no longer a qualifying resident of a unit, a two-year exemption shall be allowed for the transfer of the unit to another eligible household pursuant to Section 5.7.4.18.1

5.7.4.18.4 All condominium deeds, trusts or other documents shall incorporate the age restrictions contained in this Section 5.7.4.18.

.5.7.5 Submission Requirements

An applicant which desires a Special Permit under this section shall submit an application to the Town Clerk and to the Planning Board, accompanied by the following plans and documents:

5.7.5.1 A plan of the whole tract giving such information as the Planning Board requires in order to determine how many lots would be allowed were the tract to be divided under the Rules and Regulations Governing the Subdivision of Land in Carlisle.

5.7.5.2 A Land Use Plan for the entire Senior Residential Open Space Community, drawn in accordance with the rules and regulations of the Planning Board, which includes, but is not limited to, the following information: 1) the location, size, ownership, and uses of the proposed Open Space, designating the natural resources to be preserved; 2) the location and form of the access to the Open Space; 3) the lots to be developed; 4) a table including the number of residential buildings and dwelling units proposed, the maximum number of bedrooms, and the square footage of each dwelling unit and building; 5) the layout and placement of all roads, driveways, access ways, parking spaces, residential buildings, accessory buildings, septic tanks, leaching fields, wells, and any other proposed construction, including landscaping and lighting; 6) typical architectural plans and renderings, including plan, elevation and perspective views of a typical Senior Residential Open Space Community building; and 7) draft documents for the conveyance of the Open Space if it is to be given to the Town, or permanent restriction if it is not to be conveyed to the Town, a Homeowners' Maintenance agreement, an Open Space Maintenance Agreement, and a document detailing the ownership and maintenance of common areas.

5.7.6 Additional Conditions

5.7.6.1 Lots subject to a special permit under Section #5.7 shall be exempt from Sections 44. 1, #4.2, and #4.3 of these zoning bylaws.

5.7.6.2 As a condition of approval, the Board may require such changes in the proposed development plans and may impose such conditions and safeguards as it deems necessary to secure the objectives of this bylaw, and to protect the health, safety and welfare of the inhabitants of the neighborhood and of the Town of Carlisle.

5.7.6.3 No tract for which a special permit under this Section #5.7 has been granted shall be further subdivided unless and until the special permit lapses.

5.7.6.4 Change in Plans after grant of Special Permit

No change in any aspect of the approved plans shall be permitted. A new special permit will be required for any change.

5.7.6.5 Notwithstanding the requirements of Section #7.2, a special permit granted under this section shall lapse if, within two years from the grant thereof, a substantial use of the permit has not commenced. The Planning Board may extend the special permit for a period of no more than two years if it finds good cause.

## Carver

### Is multi-family housing allowed by right in any part of the municipality?

**No** Town of Carver Zoning Bylaws (Adopted 1963, Revised 2003)

ARTICLE II. USE, DIMENSIONAL, AND TIMING REGULATIONS  
2100 Districts

Multifamily housing is not listed as allowed by right in any of the districts.

According to table of uses:

Flexible development - by special permit from planning board in RA.

Conservation subdivision - by special permit from planning board in RA.

Townhouse development - by special permit from planning board in RA, HC, GB.

\*\*\*

ARTICLE VI. DEFINITIONS.

Dwelling, Multi-Family shall mean a single building containing at least three (3) dwelling units, but not more than five (5) units.

Townhouse shall mean a single building or group of buildings on a single lot, containing more than two (2) but not more than five (5) dwelling units per building, created in accordance with the provisions of Section 3900, herein.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**No** Only townhouses (single family attached) are allowed, not other types of multifamily housing.

Researcher emailed Jack Hunter to confirm this on 5/24/05. He indicated that other types of "multifamily" housing are allowed, but researcher thinks his response may be based on amendments passed in 2005.

Researcher's question in email: "It appears to me that townhouses are allowed, but not other types of multifamily - garden apartments, 3-family homes, etc. Is that right?"

Jack Hunter's response: "There is no distinction that I can read between Garden Apts, Condos etc. also there is no minimum so a three family could be done provided they meet the requirements"

Town of Carver Zoning Bylaws (Adopted 1963, Revised 2003)

ARTICLE II. USE, DIMENSIONAL, AND TIMING REGULATIONS  
2100 Districts

Multifamily housing is not listed as allowed by right or special permit in any of the districts.

According to table of uses:

Flexible development - by special permit from planning board in RA.

Conservation subdivision - by special permit from planning board in RA.

Townhouse development - by special permit from planning board in RA, HC, GB.

\*\*\*

ARTICLE VI. DEFINITIONS.

Dwelling, Multi-Family shall mean a single building containing at least three (3) dwelling units, but not more than five (5) units.

Townhouse shall mean a single building or group of buildings on a single lot, containing more than two (2) but not more than five (5) dwelling units per building, created in accordance with the provisions of Section 3900, herein.

## Chelmsford

**Is multi-family housing allowed by right in any part of the municipality?**

**No** Chelmsford allows by right single-family dwelling, two-family dwelling, conversion of dwelling, boardinghouse, mobile home, and accessory residential. Multifamily dwelling is not allowed by right in Chelmsford. It requires a special permit from the Planning Board.

The Land Use Ordinance of Chelmsford  
MIDDLESEX COUNTY, MASSACHUSETTS  
Chapter 195 ZONING

[HISTORY: Adopted by the Annual Town Meeting of the Town of Chelmsford 10-22-1998 by Arts. 22 to 26. Amendments noted where applicable.]

ARTICLE XX Terminology  
USE REGULATION SCHEDULE

\*\*\*

ARTICLE XII Multifamily Dwellings

Section 195-59. Objectives.

Multifamily dwellings may be allowed by special permit in RM Districts in Chelmsford to provide greater variety and choice in housing types, to broaden availability of housing for persons and families of limited income, to focus development at locations able to support it with relatively small environmental or municipal cost and to protect the town's natural environment, existing character and development and ability to provide public services.

Section 195-60. Creation of district.

A. RM Districts may be created by Town Meeting vote, but only if the proposed district meets the following criteria:

(1) At least five acres of land.

(2) Two hundred fifty linear feet of frontage upon one or more of the following: a state-numbered highway, a street having a right-of-way width of 60 feet or more or a street determined by the Planning Board to have current annual average daily traffic equal to 1,000 vehicles per day or more.

B. Except as part of a comprehensive reconsideration of the Zoning Map, the Planning Board shall neither sponsor nor favorably recommend any proposal to create an RM District unless it has had presented to it at a public hearing the information required in Section 195-61B.

Section 195-61. Special permit required; application procedure.

A. Multifamily dwellings may be allowed by special permit in the RM District by the Planning Board.

\*\*\*

ARTICLE XVII Facilitated and Independent Senior Living Facilities  
[Amended 10/16/00]  
Section 195-87. Purpose.

Facilitated and independent senior living facilities are allowed in a variety of zoning districts by special permit from the Planning Board. The intent of the by-law is to provide the opportunity for the development of the types of multifamily and communal housing most beneficial for the senior and elder population of Chelmsford. The provision of senior affordable housing is an important goal of the bylaw.

\*\*\*

ARTICLE XVIII Center Village Zoning  
[Added 10-21-1999 ATM by Art. 28]  
Section 195-98.1. Purpose.

CV (Center Village) zoning is intended to aid in revitalizing, preserving and expanding the village character of Chelmsford's traditional business districts.

A. The qualities that make up the character of a traditional New England village center are encouraged through:

(1) Maximum retail floor area to strengthen small business development.

(2) Shared parking to minimize curb cuts and maximize pedestrian safety.

B. Residential uses are allowed as an accessory use to reinforce downtown village character.

\*\*\*

DWELLING - A building designed and occupied as the living quarters of one or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one or two families, respectively. A multifamily dwelling shall be one designed for and occupied by three or more families.

\*\*\*

According to the table of use regulations:

Multifamily dwellings are allowed by special permit from the planning board in RM and CV.

Conversion of dwelling is allowed by special permit from the board of appeals in RB and RM.

Planned open space residential development is allowed by special permit from the planning board in RA, RB.

Facilitated and independent senior living is allowed by special permit from the planning board in RM, CA, CB, CC, CD, CV, IA.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the table of use regulations:

Multifamily dwellings are allowed by special permit from the planning board in RM and CV.

Conversion of dwelling is allowed by special permit from the board of appeals in RB and RM.

Planned open space residential development is allowed by special permit from the planning board in RA, RB.

Facilitated and independent senior living is allowed by special permit from the planning board in RM, CA, CB, CC, CD, CV, IA.

\*\*\*

ARTICLE XVII Facilitated and Independent Senior Living Facilities  
[Amended 10/16/00]  
Section 195-87. Purpose.

Facilitated and independent senior living facilities are allowed in a variety of zoning districts by special permit from the Planning Board. The intent of the by-law is to provide the opportunity for the development of the types of multifamily and communal housing most beneficial for the senior and elder population of Chelmsford. The provision of senior affordable housing is an important goal of the bylaw.

\*\*\*

ARTICLE XVIII Center Village Zoning  
[Added 10-21-1999 ATM by Art. 28]  
Section 195-98.1. Purpose.

CV (Center Village) zoning is intended to aid in revitalizing, preserving and expanding the village character of Chelmsford's traditional business districts.

A. The qualities that make up the character of a traditional New England village center are encouraged through:

- (1) Maximum retail floor area to strengthen small business development.
- (2) Shared parking to minimize curb cuts and maximize pedestrian safety.

B. Residential uses are allowed as an accessory use to reinforce downtown village character.

\*\*\*

DWELLING - A building designed and occupied as the living quarters of one or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one or two families, respectively. A multifamily dwelling shall be one designed for and occupied by three or more families.

\*\*\*

Multifamily dwellings are allowed by special permit from the Planning Board in Chelmsford in the RM and CV districts.

The Land Use Ordinance of Chelmsford  
MIDDLESEX COUNTY, MASSACHUSETTS  
Chapter 195 ZONING

[HISTORY: Adopted by the Annual Town Meeting of the Town of Chelmsford 10-22-1998 by Arts. 22 to 26. Amendments noted where applicable.]

ARTICLE XX Terminology

USE Regulation Schedule  
Footnote 12  
Table of Dimensional Requirements  
Footnote 1

ARTICLE XII Multifamily Dwellings  
Section 195-59. Objectives.

Multifamily dwellings may be allowed by special permit in RM Districts in Chelmsford to provide greater variety and choice in housing

types, to broaden availability of housing for persons and families of limited income, to focus development at locations able to support it with relatively small environmental or municipal cost and to protect the town's natural environment, existing character and development and ability to provide public services.

Section 195-60. Creation of district.

A. RM Districts may be created by Town Meeting vote, but only if the proposed district meets the following criteria:

- (1) At least five acres of land.
- (2) Two hundred fifty linear feet of frontage upon one or more of the following: a state-numbered highway, a street having a right-of-way width of 60 feet or more or a street determined by the Planning Board to have current annual average daily traffic equal to 1,000 vehicles per day or more.

B. Except as part of a comprehensive reconsideration of the Zoning Map, the Planning Board shall neither sponsor nor favorably recommend any proposal to create an RM District unless it has had presented to it at a public hearing the information required in Section 195-61B.

Section 195-61. Special permit required; application procedure.

A. Multifamily dwellings may be allowed by special permit in the RM District by the Planning Board.

B. Submittals. The following information shall be submitted as part of the application for a special permit:

- (1) A schematic site plan of the property, showing general shape and location of structures, parking, retained vegetation, wetlands and points of egress onto public ways.
- (2) Materials indicating proposals for methods of water supply and sewage disposal; number of dwelling units, distinguishing single-family and multifamily; a development schedule for dwellings and improvements; proposed form of tenure, whether rental, condominium, cooperative or other; means, if any, of providing for design control; and means, if any, of providing assurance of long-term conformity with present proposals.
- (3) A development phasing schedule indicating the maximum number of dwelling units proposed to be erected in each calendar year and the timing of construction of any proposed community facilities.
- (4) Analysis of the consequences of the proposed development, evaluating the following impacts at a level of detail appropriate to the number of units proposed and using, analysis materials provided by the Planning Board:
  - (a) Natural environment. Groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetative removal (especially unusual species and mature trees) and wildlife habitats.
  - (b) Public services. Traffic safety and congestion, need for water system improvements, need for public sewerage, need for additional public recreation facilities and need for additional school facilities.
  - (c) Economics. Municipal costs and revenues, local business activity and local jobs.
  - (d) Social environment. Rate of town population growth and range of available housing choice.
  - (e) Visual environment. Visibility of buildings and parking and visual consistency with existing development in the area.

Section 195-62. Review procedure.

The applicant shall transmit one copy of the materials required herein to each of the following for their review and recommendation, to be made not later than the public hearing: the Conservation Commission, Board of Selectmen and Fire Department. A special permit shall be approved by the Planning Board only after consideration of the criteria set forth in Section 195-103 and the following additional factors:

- A. Departure from the scale of single-family development is minimized through including not more than 24 dwelling units in a single structure, serving not more than six dwelling units from a single entrance, limiting building length to not more than 200 feet, having unbroken roof area of not more than 3,000 square feet and having parking areas individually contain not more than 36 parking spaces and be separated from all other parking areas by at least 50 feet.
- B. Visual separation from nearby premises is assured through providing yards of at least 1.5 times building height measured from each lot line, which shall contain no parking areas, and through use of outdoor lighting fixtures not higher than 15 feet.

Section 195-63. Density bonus.

For every one unit in 10 set aside for low and moderate-income persons and families in a multifamily housing project, the applicant may apply and the Planning Board may grant a bonus of one additional unit. To apply the applicant shall demonstrate to the Planning Board that:

- A. The rent required for the unit set aside shall meet the affordable rents established by the Department of Housing and Urban Development for the Chelmsford area;
- B. The unit set aside shall be made available to low and moderate-income persons and families for a period of no less than 10 years;
- C. The low and moderate-income level shall be as defined by the Department of Housing and Urban Development for the Chelmsford area; and
- D. The applicant shall work with the Housing Authority to rent units to eligible persons and families.

\*\*\*

Notes on density:

RM district: For multifamily dwellings, not less than 80,000 square feet (minimum lot area) or 5,000 square feet per dwelling unit whichever is greater

CV district: Minimum lot area shall be three acres, all other requirements for multifamily dwellings shall apply and all the requirements of Article II through XVIII A shall apply. Multifamily dwelling density shall be six units per acre on land zoned as CV.

## Chelsea

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to John DePriest, chief municipal planner, (6/10/04) there is multifamily housing zoned by right in Chelsea.

\*\*\*

APARTMENT BUILDING : A dwelling designed to accommodate four (4) or more dwelling units.

MULTIFAMILY : (See "Apartment Building".)

ROW HOUSE : (See "Attached Dwelling".) Screen: Shield from view in the manner described herein.

ATTACHED DWELLING : A single family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. Attached dwellings are also referred to as townhouses, townhouse dwellings or row houses.

TOWN HOUSE : (See "Attached Dwelling".)

\*\*\*

According to Appendix C Table of Principal Use Regulations in the Chelsea ordinance on ordinance.com, the following multifamily uses are allowed:

Three family dwelling- by right in R2, W

Multifamily dwelling with four or more [typo?] dwelling units - by right in BR, NHR and by special permit in R2, W

Dwellings containing six or fewer dwelling units - by right in NHR

Multifamily dwelling at a minimum density of 12 units and a maximum density of 35 units per acre - by right in W.

Conversion of a dwelling - by right in R1, R2

Dwelling above the first floor of a building containing retail or office use - by right in BR.

\*\*\*

From ordinance.com

### 7.0 SPECIAL RESIDENTIAL REGULATIONS

#### 7.1 CONVERSION OF DWELLING

7.1.1. General. No new dwelling unit created by the conversion of an existing dwelling into a greater number of units or by addition or enlargement of an existing dwelling shall be permitted unless the requirements of minimum lot area for each dwelling unit, maximum ratio of floor area to lot area, usable open space and off-street parking are satisfied for all dwelling units in existence and proposed in the dwelling after the conversion or enlargement.

7.1.2 Open Space. The requirements for usable open space may be waived to provide areas for off-street parking provided that such a waiver is requested in writing and approved by the Inspector of Buildings and provided that all other requirements of this Section are met.

\*\*\*

According to the Table of Principal Use Regulations, "conversion of a dwelling" is allowed by right in R1, R2.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to John DePriest, chief municipal planner, (6/10/04) there is multifamily housing zoned by right in Chelsea.

\*\*\*

APARTMENT BUILDING : A dwelling designed to accommodate four (4) or more dwelling units.

MULTIFAMILY : (See "Apartment Building".)

ROW HOUSE : (See "Attached Dwelling".) Screen: Shield from view in the manner described herein.

ATTACHED DWELLING : A single family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. Attached dwellings are also referred to as townhouses, townhouse dwellings or row houses.

TOWN HOUSE : (See "Attached Dwelling".)

\*\*\*

According to Appendix C Table of Principal Use Regulations in the Chelsea ordinance on ordinance.com, the following multifamily uses are allowed:

- Three family dwelling- by right in R2, W
- Multifamily dwelling with four or more [typo?] dwelling units - by right in BR, NHR and by special permit in R2, W
- Dwellings containing six or fewer dwelling units - by right in NHR
- Multifamily dwelling at a minimum density of 12 units and a maximum density of 35 units per acre - by right in W.
- Conversion of a dwelling - by right in R1, R2
- Dwelling above the first floor of a building containing retail or office use - by right in BR.

\*\*\*

Notes on density:

The minimum lot size requirements for multifamily by right are as follows:

- In the R2 district, the minimum lot size requirements for residences are 5,000 sq. ft. and 3,500 sq. ft. per dwelling
- In the R2 district, the minimum lot size requirements for apartments are 10,500 sq. ft. and 3,000 sq. ft. per dwelling
- In the BR district, there are no minimum lot area or minimum lot size requirements listed.
- In the NHR district, there are no minimum lot area or minimum lot size requirements listed.

The minimum lot size requirements for multifamily by special permit are as follows:

- In the R2 district, the minimum lot size requirements for residences are 5,000 sq. ft. and 3,500 sq. ft. per dwelling
- In the R2 district, the minimum lot size requirements for apartments are 10,500 sq. ft. and 3,000 sq. ft. per dwelling
- In the Waterfront district, there are no minimum lot area or minimum lot size requirements listed.

\*\*Apartments are also allowed by special permit in the PUD.

\*\*\*

According to the Table of Principal Use Regulations, the only multifamily use allowed by sp is:

"Multifamily dwelling with four or more dwelling units" is allowed by special permit in R2 and W.

## Clinton

### Is multi-family housing allowed by right in any part of the municipality?

**No** Town of Clinton Zoning Bylaws (Amended 2001)

DWELLING, MULTIFAMILY A building containing three or more dwelling units

According to table of uses:

"Three or more unit multifamily dwelling" by special permit from the planning board in each district: R2, R1, BR, C, I.

"Planned unit development/mill conversion" by special permit from the planning board in BR, C, I.

"Flexible development" by special permit from the planning board in each district.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Clinton Zoning Bylaws (Amended 2001)

DWELLING, MULTIFAMILY A building containing three or more dwelling units

According to table of uses:

"Three or more unit multifamily dwelling" by special permit from the planning board in each district: R2, R1, BR, C, I.

"Planned unit development/mill conversion" by special permit from the planning board in BR, C, I.

"Flexible development" by special permit from the planning board in each district.

**SECTION 7000. SPECIAL RESIDENTIAL REGULATIONS**

**7100. FLEXIBLE DEVELOPMENT**

7180. Development Standards. The following standards shall apply in all Flexible Developments

7181 Types of Buildings The Flexible Development may consist of any combination of single-family two-family and multifamily residential structures A multifamily structure shall not contain more than twelve (12) dwelling units, provided, however, that not more than ten percent of the dwelling units may be in multifamily structures with more than five (5) units The architecture of all multifamily buildings shall be residential in character

**7200. MILL CONVERSION/PLANNED DEVELOPMENT**

7210. General. Existing mill structures of more than twenty thousand (20,000) square feet of floor area can be converted to a Planned Development which may include the following uses dwelling units, retail offices, artist's lofts and hand crafts, and any other uses authorized as of right or by special permit in any zoning district

\*\*\*

7150. Modification of Lot Requirements. The Planning Board encourages applicants for Flexible Development to modify lot size, shape, and other dimensional requirements for lots within a Flexible Development, subject to the following limitations

7151 Lots having reduced area or frontage shall not have frontage on a street other than a street created by the Flexible Development, provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood

7160. Basic Maximum Number of Dwelling Units. The Basic Maximum Number of dwelling units allowed in a Flexible Development shall not exceed the number of lots which could reasonably be expected to be developed upon the site under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan

7170. Density Bonus. The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number The density bonus for the Flexible Development shall not, in the aggregate, exceed fifty (50%) percent of the Basic Maximum Number All dwelling units awarded as a density bonus shall be two bedroom units Computations shall be rounded to the lowest number A density bonus may be awarded in the following circumstances

7171 For each additional ten percent (10%) of the site (over and above the required twenty percent) set aside as contiguous open space, a bonus of five (5%) percent of the Basic Maximum Number may be awarded, provided, however, that this density bonus shall not exceed 25% of the Basic Maximum Number The 10% and 5% may be prorated

7172 For every two (2) dwelling units restricted to occupancy by persons over the age of fifty- five, one (1) dwelling unit may be added as a density bonus, provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number

7173 For every dwelling unit restricted as affordable to persons or families qualifying as low income, four (4) dwelling unit may be added as a density bonus For every dwelling unit restricted as affordable to persons or families qualifying as moderate income, three (3) dwelling unit may be added as a density bonus For every dwelling unit restricted as affordable to persons or families qualifying as median income, two (2) dwelling unit may be added as a density bonus Thus density bonus shall not exceed 15% of the Basic Maximum Number

7174 For every basic dwelling unit restricted to two (2) bedrooms, an additional two (2) bedroom unit may be added as a density bonus This density bonus shall not exceed 10% of the Basic Maximum Number

BEDROOM In a multifamily dwelling, any inhabitable room of 70 sq ft or more, other than the living room, dining room, kitchen, utility room, or bathroom Any dwelling unit in which no such room exists shall be construed to contain one bedroom

SECTION 7000. SPECIAL RESIDENTIAL REGULATIONS

7100. FLEXIBLE DEVELOPMENT ...

7110. Purpose. The purposes of this section, Flexible Development, are...

7118 to promote the development of housing affordable to low, moderate, and median income- families, and...

7173 For every dwelling unit restricted as affordable to persons or families qualifying as low income, four (4) dwelling unit may be added as a density bonus For every dwelling unit restricted as affordable to persons or families qualifying as moderate income, three (3) dwelling unit may be added as a density bonus For every dwelling unit restricted as affordable to persons or families qualifying as median income, two (2) dwelling unit may be added as a density bonus Thus density bonus shall not exceed 15% of the Basic Maximum Number

7223 If the conversion is to dwelling units, at least ten (10) percent of the units shall beset aside for low and moderate income housing as defined by the Commonwealth of Massachusetts and the Clinton Housing Authority

\*\*\*

District- code/ Minimum lot size

1.Residential Neighborhood - R1/

24,000 for 3 units plus 6,000 for 4th unit

2.Residential - R2/

36,000 for 3 units plus 9,000 for 4th unit

## Cohasset

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to the Town of Cohasset Zoning Bylaw, Section 4.1, Use Regulations, (Adopted 1978, Last Amended 2003), multifamily housing is allowed by right in the Downtown/Village Business (DB) district for "dwellings for more than one family including those in combination with stores or other permitted uses."

\*\*\*

From ordinance.com, under definitions:

DWELLING, MULTI-FAMILY A Building containing three or more dwelling units.

\*\*\*

According to the table of use regulations, the following multifamily uses are allowed:

"The conversion and/or use of a one-family dwelling existing on 1/5/55 as a dwelling for more than two families subject to Table 5.3.1" is allowed by special permit in R-A, R-B, R-C, DB and HB.

"Dwellings for more than one family including these in combination with stores or other permitted uses subject to Table 5.3.1 and 7.1." are allowed by right in DB and by special permit in WB and HB.

\*\*\*

Multifamily is also allowed as part of a cluser development:

#### 10.1 DEFINITIONS

CLUSTER DEVELOPMENT : An option which permits an applicant to build single family (and multifamily) dwellings with reduced lot area and frontage requirements so as to create a development in which the buildings and accessory uses are clustered together into one or more groups with adjacent common open land.

Multifamily is also allowed in the Senior Multi-Family Residence Overlay District.

#### Section 16: Senior Multi-Family Residence Overlay District

The Senior Multi-family Residence Overlay District created herein shall be deemed to be an overlay district. The location and boundaries of the Senior Multi-family Residence Overlay District are established and shown as the Residence B and Residence C Zoning Districts on a map entitled "Town of Cohasset, Massachusetts, Zoning District Map, March 2002" prepared by Amory Engineers, P.C. The requirements set forth below shall constitute an alternative means of development of land of appropriate area within the District, provided that a Special Permit in accordance with this Section 16 is granted by the Planning Board. If such a Special Permit is not sought, is not granted or lapses, all requirements of the underlying district shall apply to the land.'

\*\*\*

## 12.6 SITE PLAN REVIEW

4-2-77 Art.26 5-1-76 Art.40

1 No permit to build, construct, reconstruct or expand any buildings or structures: 4-8-85 Art. 38

a. In any district where the Building or structure is nonconforming by virtue of its use except where the construction, reconstruction, or expansion would neither increase nor change the nonconforming use or where the nonconforming use would thereby be eliminated; or,

b. In any business or light industry district where such construction, reconstruction, or expansion shall exceed a total gross floor area of two hundred (200) square feet, shall be issued by the Building Inspector until he shall have received from the Planning Board a written statement of final approval of the Planning Board in accordance with the provisions of this Section or until seventy-five (75) days have elapsed after an application for such plan approval has been filed with the Planning Board. This Section shall not include signs attached to a Building, or normal maintenance.

\*\*\*

In response to the question "Is multifamily housing zoned by right on any available/undeveloped land in the municipality," Bob Egan, Building Inspector said that there is not a lot of developable land, but there is some. (7/19/04)

\*\*\*

Notes on density:

The minimum lot size is 40,000 sq. ft. + 4,000 sq. ft for each additional family more than two for a dwelling for occupancy by more than one family.

### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the Town of Cohasset Zoning Bylaw, Section 4.1, Use Regulations, (Adopted 1978, Last Amended 2003), multifamily housing is allowed by right in the Downtown/Village Business (DB) district for "dwellings for more than one family including those in combination with stores or other permitted uses."

\*\*\*

From ordinance.com, under definitions:

DWELLING, MULTI-FAMILY A Building containing three or more dwelling units.

\*\*\*

According to the table of use regulations, the following multifamily uses are allowed:

"The conversion and/or use of a one-family dwelling existing on 1/5/55 as a dwelling for more than two families subject to Table 5.3.1" is allowed by special permit in R-A, R-B, R-C, DB and HB.

"Dwellings for more than one family including those in combination with stores or other permitted uses subject to Table 5.3.1 and 7.1." are allowed by right in DB and by special permit in WB and HB.

\*\*\*

Multifamily is also allowed as part of a cluster development:

### 10.1 DEFINITIONS

CLUSTER DEVELOPMENT : An option which permits an applicant to build single family (and multifamily) dwellings with reduced lot area and frontage requirements so as to create a development in which the buildings and accessory uses are clustered together into one or more groups with adjacent common open land.

Multifamily is also allowed in the Senior Multi-Family Residence Overlay District.

Section 16: Senior Multi-Family Residence Overlay District

The Senior Multi-family Residence Overlay District created herein shall be deemed to be an overlay district. The location and boundaries of the Senior Multi-family Residence Overlay District are established and shown as the Residence B and Residence C Zoning Districts on a map entitled "Town of Cohasset, Massachusetts, Zoning District Map, March 2002" prepared by Amory Engineers,

P.C. The requirements set forth below shall constitute an alternative means of development of land of appropriate area within the District, provided that a Special Permit in accordance with this Section 16 is granted by the Planning Board. If such a Special Permit is not sought, is not granted or lapses, all requirements of the underlying district shall apply to the land.'

\*\*\*

Notes on density:

As listed in the Town of Cohasset Zoning Bylaw, Sections 4.2 & 5.3 (Adopted 1978, Last Amended 2003).

The minimum lot size is 40,000 sq. ft. + 4,000 sq. ft for each additional family more than two for the conversion and/or use of a one-family dwelling existing on 1/5/55 as dwelling for more than two families.

In the Waterfront Business District, there is no minimum requirement for dwellings for more than one family with stores (mixed use).

In the Highway Business District, the requirement is 10,000 sq. ft. minimum lot size.

## Concord

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to Marcia Rasmussen, multifamily housing zoned by right in Concord was eliminated in the 1970's. (6/25/04)

Note: Combined business/residence is allowed by right in Commercial B and LB and by special permit in Commercial MP. Site plan approval required.

\*\*\*

From definitions on ordinance.com's zoning bylaw for Concord:

1.3.14 MULTI-UNIT DWELLING A structure containing more than two (2) dwelling units. This term shall include, but is not limited to, triplex, quadraplex, and townhouse structures containing three (3) or more dwelling units.

\*\*\*

#### 4.2 Residential Uses

4.2.7 Planned residential development: Single-family detached or attached dwelling or multi-unit structures of all types in accordance with the provisions of Section 10.

4.2.3 Combined business/residence: A dwelling unit or units may be located on the same lot where commercial uses are conducted provided that:

4.2.3.1 Each such unit is structurally part of the commercial building, having common walls, foundation, roof and floor; and

4.2.3.2 Open space shall be provided on the lot (apart from any paved area) equal to twice the gross floor area of the residential portion of the building provided, however, the Board may grant a special permit for a combined business/residence with open space equal to less than twice the gross floor area of the residential portion of the building if the Board finds significant open space available principally for use by the residents shall be provided on the lot (apart from any paved area) to be at least twenty-five (25) percent of the gross floor area of the residential portion of the building. Decks, balconies and rooftop gardens of greater than thirty (30) square feet shall be considered as open space.

4.2.4 Combined industrial/business/residence: A dwelling unit or units and retail store(s) may be located on the same lot where industrial uses and business uses are conducted provided that:

4.2.4.1 Each such unit is structurally part of the industrial and business building, having common walls, foundation, roof and floor;

4.2.4.2 Significant open space available principally for use by the residents shall be provided on the plot (apart from any paved area) to be at least twenty-five (25) percent of the gross floor area of the residential portion of the building. Decks, balconies and rooftop gardens of greater than thirty (30) square feet shall be considered as open space; and,

4.2.4.3 In a combined industrial/business/residence building, a retail store(s) may be allowed as a principal use and shall not exceed twenty-five (25) percent of the gross floor area of the building.

\*\*\*

According to the Table of Principal Uses, the following multifamily uses are allowed in Concord:

Combined business/residence by right in Commercial B and LB and by special permit in Commercial MP. Site plan approval required.

Combined industrial/business/residence by special permit in Industrial I. Site plan approval required.

Planned Residential Development by special permit in Residential Districts AA, A, B, C, Commercial B, and Industrial LIP. Site plan approval not required.

\*\*\*

From the section on PRD:

10.2.4 Permitted uses. There shall be permitted in any PRD:

10.2.4.1 Single-family detached and semidetached dwellings, two-family dwellings; and multi-unit dwellings of all types without regard to dwelling unit configuration or form of ownership; however, no multi-unit dwelling shall contain more than eight (8) dwelling units. No more than eighty percent (80 %) of the dwelling units within the PRD shall be in buildings of the same type.

### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** From definitions on ordinance.com's zoning bylaw for Concord:

1.3.14 MULTI-UNIT DWELLING A structure containing more than two (2) dwelling units. This term shall include, but is not limited to, triplex, quadraplex, and townhouse structures containing three (3) or more dwelling units.

\*\*\*

#### 4.2 Residential Uses

4.2.7 Planned residential development: Single-family detached or attached dwelling or multi-unit structures of all types in accordance with the provisions of Section 10.

4.2.3 Combined business/residence: A dwelling unit or units may be located on the same lot where commercial uses are conducted provided that:

4.2.3.1 Each such unit is structurally part of the commercial building, having common walls, foundation, roof and floor; and

4.2.3.2 Open space shall be provided on the lot (apart from any paved area) equal to twice the gross floor area of the residential portion of the building provided, however, the Board may grant a special permit for a combined business/residence with open space equal to less than twice the gross floor area of the residential portion of the building if the Board finds significant open space available principally for use by the residents shall be provided on the lot (apart from any paved area) to be at least twenty-five (25) percent of the gross floor area of the residential portion of the building. Decks, balconies and rooftop gardens of greater than thirty (30) square feet shall be considered as open space.

4.2.4 Combined industrial/business/residence: A dwelling unit or units and retail store(s) may be located on the same lot where industrial uses and business uses are conducted provided that:

4.2.4.1 Each such unit is structurally part of the industrial and business building, having common walls, foundation, roof and floor;

4.2.4.2 Significant open space available principally for use by the residents shall be provided on the plot (apart from any paved area) to be at least twenty-five (25) percent of the gross floor area of the residential portion of the building. Decks, balconies and rooftop gardens of greater than thirty (30) square feet shall be considered as open space; and,

4.2.4.3 In a combined industrial/business/residence building, a retail store(s) may be allowed as a principal use and shall not exceed twenty-five (25) percent of the gross floor area of the building.

\*\*\*

According to the Table of Principal Uses, the following multifamily uses are allowed in Concord:

Combined business/residence by right in Commercial B and LB and by special permit in Commercial MP. Site plan approval required.

Combined industrial/business/residence by special permit in Industrial I. Site plan approval required.

Planned Residential Development by special permit in Residential Districts AA, A, B, C, Commercial B, and Industrial LIP. Site plan approval not required.

\*\*\*

From the section on PRD:

10.2.4 Permitted uses. There shall be permitted in any PRD:

10.2.4.1 Single-family detached and semidetached dwellings, two-family dwellings; and multi-unit dwellings of all types without regard to dwelling unit configuration or form of ownership; however, no multi-unit dwelling shall contain more than eight (8) dwelling units. No more than eighty percent (80 %) of the dwelling units within the PRD shall be in buildings of the same type.

\*\*\*

Notes on lot size:

According to Martha Rasmussen, there are four different residential zoning districts in which multifamily housing is allowed by special permit and the requirement for minimum lot size is the minimum lot area multiplied by four.

The minimum lot size requirement for multifamily housing is as follows:

Residence AA district= 80,000 sq.ft. x4= 320,000 sq. ft.

Residence A: 40,000 sq. ft. x 4= 160,000 sq. ft.

Residence B= 20,000 sq. ft. x 4= 80,000 sq. ft.

Residence C=10,000 sq. ft. x 4= 40,000 sq. ft.

## Danvers

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Up to four residential units are allowed by right above commercial development in the Village District.

#### Section 16 VILLAGE DISTRICT

##### 16.1 Purpose

The purpose of the Village District is to provide a convenient center for business persons, professionals, craftsmen and residents to efficiently serve and be served by the community in a way which enhances the historic integrity of the area and the economic health of Danvers and to serve as a transition area between commercial and industrial development along Route 114 Corridor and the residential and historic homes along Centre Street.

##### 16.2 Uses Permitted by Right\*

1. Stores or establishments for the sale at wholesale or retail of antiques, business equipment, furniture and supplies, handmade or natural merchandise or goods.
2. Stores or establishments for the sale at retail only of merchandise or goods manufactured on the premises.
3. Stores or establishments for the repair of goods of every nature, light manufacturing,\*\* research and development and warehousing of products of every nature.
4. offices, stores and establishments for the sale or dispensing of services\*\*\* and including offices of all types of business and professions.
5. Caterers.
6. Day-care centers.
7. Tourist and lodging or boarding homes.
8. Up to four (4) residential units per building on second and subsequent floors, with commercial uses and the above-mentioned uses the only allowed use on the first floor. One (1) off-street parking space per residential unit must be provided.
9. Accessory uses normally incidental to permitted uses, including signs  
(see Section 40).

\*\*Webmasters Note: The note pertaining to gasoline stations, screen cinemas, vehicle repair or dealerships and public garages has been deleted as per an update approved at a town meeting held on 11/25/02.

\*Vehicle/car dealerships shall be excluded

\*\*Webmasters Note: The previous note has been added as per an update approved at a town meeting held on 11/25/02.

\*\*As defined in Section 24.2.1.

\*\*\*As defined in Section 24.4.1.g.

### 16.3 Uses Subject to Special Permit to the Zoning Board of Appeals

More than four (4) residential units on second and subsequent floors. one (1) off-street parking space per residential unit must be provided.

### 16.4 Dimensional and Density Requirements

Minimum lot size 2 acres

Minimum lot frontage 100 feet

Setbacks:

Front 50 feet

Side and rear 25 feet

From residential districts 50 feet

Maximum lot coverage by gross first floor area 50 percent

Maximum lot coverage by gross first floor area, driveways and parking 70 percent

Maximum heights 55 feet

No building or structure shall be more than four (4) stories in height or shall exceed fifty-five (55) feet in height, exclusive of church steeples.

\*\*\*

According to the Schedule of Uses, "Dwelling - Multifamily" is allowed by special permit in RI, RIA, RIIA, HW, V.

\*\*\*

(It appears that special permits for multifamily may be granted by the planning board or board of appeals, in different cases.)

\*\*\*

While the Danvers bylaw includes a simple table of uses, the bylaw takes another 100 pages to describe uses allowed per district. It was a challenge for the researcher to cover systematically all of the occurrences of multifamily in those sections.

Note: In the village district, residential units are allowed on second floors. Also, multifamily is allowed through PUDs.

\*\*\*

DWELLING - MULTIPLE FAMILY : A building or structure containing three (3) or more dwelling units intended or designed to be occupied by three (3) or more families.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to the Schedule of Uses, "Dwelling - Multifamily" is allowed by special permit in RI, RIA, RIIA, HW, V.

\*\*\*

(It appears that special permits for multifamily may be granted by the planning board or board of appeals, in different cases.)

\*\*\*

While the Danvers bylaw includes a simple table of uses, the bylaw takes another 100 pages to describe uses allowed per district. It was a challenge for the researcher to systematically cover all of the occurrences of multifamily in those sections.

Note: In the village district, residential units are allowed on second floors. Also, multifamily is allowed through PUDs.

\*\*\*

DWELLING - MULTIPLE FAMILY : A building or structure containing three (3) or more dwelling units intended or designed to be occupied by three (3) or more families.

\*\*\*

Notes on density:

According to the Town of Danvers Zoning By-Laws, Section 11.3 (Adopted 1987, Amended 2003), the minimum lot area for multifamily housing, in Residence District IA, is 80,000 sq. ft. and the minimum lot area per dwelling unit is 5,000 sq. ft. Note that the same regulation section has a provision for minimum common space per dwelling unit which is 1,000 square feet.

The Town of Danvers allows for multifamily housing by special permit in the Residence IIA-Multifamily District. According to Section 13.1, the purpose of the Residence IIA-Multifamily District is, "to provide an appropriate location for the development of moderate-density, multi-family residences in order to introduce variety and choice into residential development; to allow an increase in housing stock; to allow clustering of structures in order to preserve open space on site and facilitate economical and efficient provision of utilities."

The minimum lot size requirements as listed in Section 13.3 are: Minimum lot area-90,000 square feet, Minimum lot area per dwelling unit-15,000 square feet

There is a requirement for Minimum open space per dwelling unit which is 5,000 square feet. This "Minimum open space per dwelling unit" is further qualified as follows: "Open space shall be lot area not covered by any structure, other than a swimming pool, tennis court, or similar outdoor recreation facility, and not used for drives, parking or storage."

\*\*\*

## Dedham

### Is multi-family housing allowed by right in any part of the municipality?

**No** According to Arthur Noonan, Town Planner, in the completed questionnaire sent to researcher on 7-9-04, there is no multifamily housing zoned by right in Dedham.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to the Town of Dedham Bylaw, Section VI Dimensional and Open Space Requirements (Table of Dimensional Requirements):The minimum lot size requirements in the SRA district in Dedham, which permit multifamily by special permit are 40,000 sq. ft.

\*\*\*

From [www.ordinance.com](http://www.ordinance.com) - Dedham's Zoning Bylaw:

#### 7.3 MULTIFAMILY RESIDENTIAL COMPLEX

7.3.1 General. A Multifamily Residential Complex shall be allowed only in a Single Residence B (SRB) Zoning District and only by Special Permit issued by the Zoning Board of Appeals upon a determination that the following conditions and criteria have been satisfied:

1. Conversion of Existing Buildings/Structures: Except as provided in Paragraph 2 below, all dwelling units in a Multi-Family Residential Complex must be located within buildings or structures in existence as of the effective date of this By-Law (April 12, 1999). The floor area of such existing buildings or structures may be expanded provided that such expansion does not increase the floor area by more than 50% of such building or structure being so expanded and provided further that with respect to any abutting lots not included within the Multi-Family Residential Complex any such expansion shall conform to the minimum front, side or rear yard requirements for SRB Zoning District.

2. New Construction: Construction of a new building for a single dwelling unit may be allowed as part of a Multi-Family Residential Complex provided that with respect to any abutting lots not included within the Multi-Family Residential complex such new building must satisfy the minimum front, side and rear yard requirements for the SRB Zoning District.

3. Dimensional Regulations: Notwithstanding or any other section of the Zoning By-Law, the requirements set forth in Table 5 shall be

applicable to a Multi-Family Residential Complex:

4. Infrastructure:

A. Water and Sewer - the Multi-Family Residential Complex shall be connected to municipal water and sewer systems. All costs associated with the costs of these services shall be borne by the developer or applicant.

B. Roads - all traveled ways within the Multi-Family Residential Complex shall not be considered streets or ways as defined in Section 10.0 and shall be privately maintained with respect to roadway upkeep and snow and ice removal. No such ways shall connect to two or more public street or ways.

C. Refuse and Recycling - collection and disposal of all refuse and recycling material shall be provided privately.

5. Landscape Requirements:

A. All outdoor refuse collection and loading areas shall be screened from adjoining streets and abutting properties by a visually impermeable six foot high landscape screen or fence.

B. All outdoor parking areas shall be screened from adjoining streets and abutting properties by an opaque fence at least five feet high or by a densely planted landscaped buffer at least five feet wide.

6. Open Space: A contiguous area of not less than five (5%) per cent of the total land area of the Multi-Family Residential Complex shall be created and maintained as landscaped open space. Such landscaped open space shall be designed, developed, and maintained for the use and enjoyment of all residents in common, shall be restricted by deed and covenant to be used primarily for recreational, park, conservation or other open space uses, and shall be conveyed to the Town and accepted by it for park or open space use, or to a non-profit organization the principal purpose of which is the conservation of open space, or to a corporation or trust owned or to be owned by the owners of the dwelling units within the Multi-Family Residential complex. Notwithstanding the conveyance of such open space, the Multi-Family Residential complex shall continue to be responsible for the maintenance of such open space.

7.3.2. Site Plan Review: Site Plan Review shall be applicable to a Multi-Family Residential Complex.

7.3.3 Accessory Uses.

1. Private garage for more than three automobiles.
2. Garages for the common use vehicles owned by the Multi-Family Residential Complex.
3. One single-story building to house snow removal, lawn, maintenance and recreational equipment.
4. Any and all other uses normal accessory, or incidental to a Multi-Family Residential Complex.

\*\*\*

Definitions from ordinance.com:

MULTI-FAMILY RESIDENTIAL COMPLEX : Buildings and structures or a group of buildings and structures containing three or more dwelling units and the lots upon which the same are located authorized by a Special Permit issued by the Zoning Board of Appeals under Section 7.3.

ROW HOUSE OR TOWN HOUSE : A dwelling unit in a multi-unit building containing three to eight such units side-by-side, separated by party walls, with each unit not more than two rooms deep front to back and, unlike apartments, with separate entrances and stairways serving each unit exclusively.

\*\*\*

According to the Table of Use Regulations, Multifamily Residential is allowed only in the SRA and SRB districts - and by special permit only.

## Dighton

**Is multi-family housing allowed by right in any part of the municipality?**

**No** From the Use Regulation Schedule in Dighton's Zoning Bylaw

According to table of uses:

"Multifamily dwelling" - not allowed in any district.

"Conservation subdivision" - by special permit from board of appeals in R, B.

"DWELLING : A building designed and occupied as the living quarters of one (1) or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one (1) or two (2) families, respectively. A multifamily dwelling shall be one designed for and occupied by three (3) or more families."

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**No** From the Use Regulation Schedule in Dighton's Zoning Bylaw

Section VI

According to table of uses:

"Multifamily dwelling" - not allowed in any district.

"Conservation subdivision" - by special permit from board of appeals in R, B.

"DWELLING : A building designed and occupied as the living quarters of one (1) or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one (1) or two (2) families, respectively. A multifamily dwelling shall be one designed for and occupied by three (3) or more families."

## Douglas

**Is multi-family housing allowed by right in any part of the municipality?**

**No** Town of Douglas Zoning Bylaw (Adopted 2004)

Section 11.0 Definitions

Dwelling: A building designed and occupied as the living quarters of one (1) or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one (1) or two (2) families, respectively. A multifamily dwelling shall be one designed for and occupied by three (3) or more families.

From table of uses, appendix A:

"Conversion of a structure existing at the enactment of these bylaws into a two family or multifamily dwelling subject to section 7.1" - by special permit from the planning board in VR, CB, Comm.

"Flexible development" - by special permit from the planning board in RA, RC-1, RC-2, VR.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Douglas Zoning Bylaw (Adopted 2004)

Section 11.0 Definitions

Dwelling: A building designed and occupied as the living quarters of one (1) or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one (1) or two (2) families, respectively. A multifamily dwelling shall be one designed for and occupied by three (3) or more families.

From table of uses, appendix A:

"Conversion of a structure existing at the enactment of these bylaws into a two family or multifamily dwelling subject to section 7.1" - by special permit from the planning board in VR, CB, Comm.

"Flexible development" - by special permit from the planning board in RA, RC-1, RC-2, VR.

SECTION 7.0 SPECIAL RESIDENTIAL REGULATIONS

7.1 CONVERSION TO TWO-FAMILY OR MULTIFAMILY DWELLING

The conversion of a structure existing at the time of the enactment of these by-laws may be so converted provided that (a) the exterior of the structure be designed in a manner that will not derogate from the general appearance of the neighborhood in which it is located, (b) that such conversion is in no way detrimental to the neighborhood and (c) that all regulations otherwise set forth herein shall apply.

\*\*\*

District/ Use/ Minimum lot area (sq. ft.)

VR/ MF dwelling/ 5,000 sq. ft. per bedroom

CB/ MF dwelling/ No minimum

\*\*\*

7.2.10 Types of Buildings

The Flexible Development may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than five (5) dwelling units. The architecture of all multifamily buildings shall be residential in character.

## Dover

**Is multi-family housing allowed by right in any part of the municipality?**

**No** Multifamily housing is only allowed in the R-M (Multifamily Residence District) by special permit with site plan review. According to Code of the Town of Dover, Part III, Chapter 185, Article VI, Section 185-42, the multifamily residence district is an overlay district.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Multifamily housing is only allowed in the R-M (Multifamily Residence District) by special permit with site plan review. According to Code of the Town of Dover, Part III, Chapter 185, Article VI, Section 185-42, the multifamily residence district is an overlay district.

The survey received from Dover on 5/4/05 notes: "Yes, only if a multifamily district is created."

\*\*\*

From ordinance.com:

§185-42. Multifamily Residence Districts.

[Amended ATM 5-7-1990 by Art. 16]

The Multifamily Residence District created herein shall be deemed to be an overlay district. The requirements set forth below shall constitute an alternative means of development of any land included within the district, provided that a Special Permit in accordance with this section is granted by the Planning Board. If such a Special Permit is not sought, is not granted or lapses, all requirements of the underlying district shall apply to the land.

A. Purpose. The purpose of the Multifamily Residence District is to:

- (1) Provide for a diversity of housing types and encourage the construction of elderly and affordable housing in Dover.
- (2) Preserve the rural character of the Town despite population growth by encouraging an alternative pattern of land development.
- (3) To plan any multifamily development so as to achieve harmony with neighboring buildings and areas of development and conserve environmental features, woodlands, wetlands, areas of scenic beauty and sites and structures of historical importance.
- (4) Permit the Town to regulate construction of multifamily housing so as to permit economical and efficient installation and maintenance of streets and utilities.

(5) Promote adherence to superior design and planning standards.

B. Special requirements.

(1) At least 25% of the units constructed in a Multifamily Residence District shall be affordable. At least 40% of the units shall also be elderly, including any elderly units which are also affordable.

(2) No multifamily development shall be built within one-half mile of any other such development.

(3) The total number of dwelling units in a multifamily development shall be limited to the lesser of 4 times the difference between the total number of acres in the tract less the number of acres of wetlands and 40.

(4) The total number of multifamily dwelling units of any kind erected in the Town shall not exceed 15% of the dwelling units in the Town. Such percentage shall be computed without reference to accessory apartments constructed pursuant to Section 185-43 of this chapter and shall be determined as of the most recent Federal Census, and no permit shall be issued under this chapter if it would cause the number of multifamily dwelling units to exceed such percentage.

(5) Provision shall be made to ensure that the affordable and elderly units in a Multifamily Residence District shall continue to be used as affordable and elderly units in accordance with the requirements of this chapter.

(6) Affordable and elderly units shall be integrated into the project in a manner acceptable to the Planning Board.

C. Landscaping requirements.

(1) Buildings, roads, driveways and parking areas shall be laid out so as to leave undisturbed, as far as possible, the environmental and historical features of the tract, such as natural woodlands, streams, marshes, hill tops, ravines, biological habitats of special interest, views of unusual charm, existing bridle paths, trails and green belt links, and to provide for the convenience and safety of vehicular and pedestrian movement.

(2) The required fifty-foot setback or buffer area around the perimeter of the development site (see Section 185-17 of this chapter) shall consist, as far as possible, of natural woodland. Grass and mounds shall be approved buffer material, provided that suitable indigenous shrubs and other plant materials are used for screening.

(3) The applicant shall diligently undertake to prevent the removal of or damage to any tree which is designated for preservation. If it is determined that the applicant has damaged or removed any trees which were designated for preservation, the applicant will be required to compensate for the loss with new plantings.

(4) Provision shall be made that the open land in a development shall be maintained by the owner or management of the development, by an association of the residents of the dwelling units or by the holder of any easements. If possible, any previously existing trails shall be kept open for limited recreational use by residents of the Town.

(5) The open land shall be restricted to 1 or more of the uses allowed in the C (Conservancy) or O (Open Space) Districts, except that, subject to the approval of the Board of Health, it may be used for subsurface waste disposal and for the provision of underground utilities.

D. Building and dimensional requirements. In addition to the Dimensional Requirements of Section 185-17 of this chapter, the following requirements shall apply to any project in a Multifamily Residence District:

(1) There shall be a minimum of 32 feet between buildings.

(2) There shall be no more than 8 dwelling units in any one building.

(3) The number of bedrooms shall not exceed 3 per dwelling unit.

(4) An architectural theme shall be carried out by use of common building materials, color, exterior detailing and roof lines. Rigidity in design shall be avoided by variations in building size, height and location, breaks in roof lines and walls, plantings and building coverage.

(5) All electric, gas, telephone and water distribution lines shall be placed underground in accordance with the regulations of the Planning Board.

(6) The size, shape and location of any building must be planned to avoid an overmassing effect and to be appropriate to the terrain on which it is located in order not to be detrimental to the neighborhood or to affect adversely the visual character of the Town.

(7) Adequate methods shall be provided on the site for waste disposal and for surface and subsurface drainage in accordance with regulations of the Board of Health.

(8) Elderly units shall be especially designed for the needs of the elderly.

E. Parking and access requirements. There shall be provided a permanent off-street parking area or areas, surface and/or undercover

of sufficient size to provide 1.5 car spaces for each dwelling unit, with such additional temporary parking space as may be approved by the Planning Board.

(1) Design.

(a) There shall be no more than 2 means of access, whether by a subdivision way or a driveway, to the development site from any existing public way.

(b) Such access points shall be located so as to minimize conflict with traffic on public streets and where good visibility and sight distances are available to observe approaching vehicular traffic.

(c) The width of a driveway for one-way traffic shall be not less than 10 feet as measured at its narrowest point. The width of a driveway for 2-way use shall be a minimum of 18 feet and a maximum of 22 feet, as measured at its narrowest point.

(d) Each parking space shall contain a minimum of 200 square feet.

(e) All paved portions of all parking spaces and maneuvering aisles, with the exception of temporary parking spaces, shall be set back 10 feet from the wall of any building and 50 feet from any private or public way or neighboring lot line, with suitable plantings for screening.

(2) Construction.

(a) All required parking spaces, maneuvering aisles and driveways shall have a durable, dustless, all-weather surface, such as bituminous concrete or cement concrete, and shall provide for a satisfactory disposal of surface water by grading and drainage in such a manner that no surface water shall drain onto any public way or onto any lot in other ownership, and such surfaces shall be well maintained.

(b) Parking areas shall be provided with curbing, wheel stops or other devices to prevent motor vehicles from being parked or driven within required setback areas or onto required landscaped open spaces.

(3) Lighting. Lighting of parking areas shall be designed to provide sufficient uniform illumination with low glare factor. The mounting heights for the equipment shall be appropriate for the architectural scale of the buildings. All lights shall be arranged and shielded to prevent direct glare from the light source into any street or onto adjacent property.

(4) Waiver. The Planning Board may waive any of the above requirements in this Subsection E, as long as the final development plan meets the intent of this Subsection E, if the Board finds that literal enforcement would cause a substantial hardship, or that literal compliance is impractical because of the size, width, depth, shape or grade of the lot.

F. Preliminary and final development plans and Town Meeting vote. In order for land to be zoned for multifamily residence use, the applicant must prepare a preliminary development plan as provided below and must initiate a change in the zoning classification of his land by a two-thirds Town Meeting vote, in accordance with MGL c. 40A, Section 5. If the Town Meeting rezones the land, the applicant must submit to the Planning Board a final development plan, an application for a Special Permit and, if applicable, an application for approval under the Subdivision Control Law, all as provided below. The Planning Board shall be the permit granting authority for the purposes of this section.

(1) Preliminary development plan. The applicant shall submit a preliminary development plan to the Planning Board and the other agencies and officials named in this subsection 120 days prior to the date of the Town Meeting at which the rezoning of the site will be presented. The Planning Board shall consult with the Board of Selectmen, the Board of Health, the Dover Housing Partnership, the Long-Range Planning Committee, the Conservation Commission, the Superintendent of Streets, the Building Inspector and the Council on Aging. The preliminary development plan shall contain a full description of the project, with appropriate plans showing compliance with all requirements and provisions set forth in Subsections A through E and shall include the information and plans required by Subsections F(2)(a) and (d) of this section.

(2) Final development plan and Special Permit. In the event that the Town Meeting rezones the land in question for multifamily residence use, the applicant shall file an application for a Special Permit with the Planning Board, in accordance with Section 185-52 of this chapter. The application shall be accompanied by a final development plan. Copies of such application and the final development plan shall be submitted to the agencies and officials of the Town listed in Subsection F(1) above. The final development plan shall consist of:

\*\*\*

(3) Application under Subdivision Control Law. If the final development plan requires approval under the Subdivision Control Law, an application for approval under the Subdivision Control Law and the application for a Special Permit hereunder shall be filed concurrently. To the extent permitted by law, the Planning Board shall consider both applications at the same time, but the applicant must demonstrate compliance with all applicable requirements under the Subdivision Control Law, as well as this chapter.

G. Review and action by Planning Board.

(1) The Planning Board shall hold a public hearing on such application for a Special Permit and final development plan, giving notice of the time and place thereof and of the subject matter in accordance with MGL c. 40A, Section 9.

(2) Failure by any agency listed in Subsection G(1) above to submit a written recommendation to the Planning Board within 45 days of the certified filing date shall indicate approval by such agency.

(3) The Planning Board shall, after the conclusion of such hearing, notify all parties in interest of its decision as provided in MGL c. 40A, Section 9.

(4) The Planning Board shall not grant such a Special Permit, unless it finds that the final development plan is consistent with the preliminary development plan described in Subsection F(1) and is in harmony with the general purposes of this section. The Planning Board may include such conditions and safeguards as it deems appropriate to assure such compliance. Without limiting the foregoing, such conditions and safeguards shall include:

(a) In the discretion of the Planning Board, a requirement that, before commencing any work under the Special Permit, the applicant shall provide security, in the form of a deposit of money or negotiable instruments, a letter of credit or surety bond, sufficient, in the opinion of the Planning Board, to complete the project as authorized by the Special Permit or any severable portion of the project that the Planning Board concludes can be built consistent with the purposes of the Special Permit and this chapter. Such security shall be for the benefit of the Town of Dover. Upon failure by the developer to carry out any obligation or condition of the Special Permit, the Planning Board may, after notice to the applicant and opportunity for hearing, declare the project in default. Thereupon, the Town, to the extent permitted by law, may expend said funds without further appropriation and take all steps necessary to complete the project, or any part thereof that the Planning Board deems to be appropriate and consistent with the purposes of the Special Permit and this chapter and the protection of the neighborhood. Any funds not so used shall be paid to the applicant.

(b) A requirement that any transfer of the development rights granted under the Special Permit to a person or entity other than the applicant shall require the approval of the Planning Board and an appropriate amendment of the Special Permit by the Planning Board, after a hearing in accordance with MGL c. 40A, Section 9, and this chapter; provided, however, that nothing contained herein shall prevent a mortgagee of the premises subject to the benefits and obligations of the Special Permit; and provided further that any mortgagee who acquires title to the premises by foreclosure or otherwise, shall have the right to complete the project in accordance with the Special Permit or to sell the land or any part thereof subject to the benefits and obligations of the Special Permit.

(c) A requirement that the affordable and elderly units shall be maintained for such purposes for such period as the Planning Board shall designate; provided that such period shall be at least as long as may be required by any state or federal requirements, and in any event no less than 20 years.

(d) A requirement that as-built drawings shall be filed with the Building Inspector upon completion of each stage of the development.

H. Revision of Special Permit. Any change in the number of dwelling units or in the mix of affordable, elderly and other units and any change in the layout of streets, common driveways or utilities, the location of buildings or other structures or the use or ownership of the common land or a change in any conditions of the Special Permit, other than those specifically exempted by the Planning Board from this subsection, shall require an amendment of the Special Permit by the Planning Board after a hearing in accordance with MGL c. 40A, Section 9, and this chapter.

I. Regulations. The Planning Board may prescribe, from time to time, rules and regulations to supplement the standards and conditions set forth in this section, provided that:

(1) Said rules and regulations are not inconsistent with said standards and conditions;

(2) A copy of said rules and regulations is filed in the office of the Town Clerk; and

(3) Any amendment or change of said rules and regulations shall not apply to any application for a Special Permit hereunder that shall have been submitted prior to such filing.

J. Enforcement. \*\*\*

K. Fees. \*\*\*

L. Severability. No section or subsection of this section shall be deemed severable from other sections thereof. In the event that any such section or subsection shall later be invalidated, whether by judicial decree or otherwise, all other provisions contained herein shall become inoperative, except that Special Permits previously issued by the Planning Board hereunder shall remain in effect.

M. Definitions of terms as used in this section. As used in this article, the following terms shall have the meanings indicated:

**AFFORDABLE** - Any housing subsidized by the federal or state government under any program to assist the construction of low or moderate income housing, as defined in the applicable federal or state statute, including a local initiative program which meets the requirements of 760 Code of Massachusetts Regulations 45.

**APPLICANT** - The person or persons, entity or entities seeking a Special Permit hereunder. The applicant must own or be the beneficial owner of at least 8 contiguous acres of land included in the proposed development site or have authority to act for such owner(s) or hold an option or contract duly executed by the owner(s) and the applicant giving the latter the right to acquire such land within a period of 30 days following issuance by the Planning Board of a Special Permit.

**ELDERLY** - Housing for families at least 1 member of which is either handicapped or at least 62 years of age.

WETLANDS :

- (1) All land subject to the provisions of MGL c. 131, Sections 40 and 40A, or land included in the C (Conservancy) District or subject to any regulation of the Town of Dover with regard to floodplains, wetlands or aquifer protection.
- (2) All land designated as Water Protection Zone I as required by the Massachusetts Department of Environmental Affairs.
- (3) Land which is normally submerged during any portion of the year.

\*\*\*

CHAPTER 239A MULTIFAMILY ZONING  
§239-1. Purpose.

The Dover Planning Board has adopted this chapter with the following objectives:

- A. To provide clear guidelines to facilitate the submission of applications pursuant to Section 185-42 of Chapter 185, Zoning.
- B. To provide for the orderly administration of proposed multifamily development applications.

## Dracut

**Is multi-family housing allowed by right in any part of the municipality?**

No

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** 2.12 Definitions MULTI-FAMILY DWELLING : Dwelling attached or detached designed for the residence of 3 or more families on the same lot.

Town planner Glen Edwards (10/18/04) said that the town estimates that 600 units could still be built in areas that allow multifamily (the town planner says that R-3 is multi family by right but the by-laws say that R-3 is the only district that allows multi-family and that it requires a special permit). When these 600 units are built, Dracut will have just under 2000 multi family units.

\*\*\*

Multi family dwelling (R3) requires 40,000 sq. feet.\*\*  
R2, I1, I2 require 2 or more acre minimums.

\*\*4.12.00

Special Permits Multifamily Development.  
4.12.10 Applicability and Objectives.

Any structure designed for the occupation and habitation of three or more families by virtue of separate and complete living quarters containing kitchen facilities, bathroom facilities and sleeping quarters. The objectives of this section are to allow controlled multifamily development in Dracut so as to: promote and provide a greater variety and choice in housing types; to broaden the availability of housing for persons And families of limited income; to focus development at locations able to support such development with minimal environmental or municipal cost; and to protect the Town's natural environment, its existing character and its ability to provide public services.

4.12.20 Submittals Generally.

The applicant for a special permit as required under this section shall submit appropriate materials as per the regulations adopted by the Special Permit Granting Authority pursuant to section 1.16.00 of this By-law.

4.12.21 Specific Requirements - The application for a special permit for multifamily development under this section shall provide to the Planning Board who shall be the Special Permit Granting Authority.

1. A site plan as per section 1.16.20.

2. Materials indicating the number of proposed dwelling units; a development schedule for dwellings and improvements; proposed form of tenure, whether rental, condominium, cooperative, or other; means, if any, of providing for design control; and means, if any, of providing assurance of long term conformity to present proposal.

3. Analysis of the consequences of the proposed development, evaluating the following impacts at a level of detail appropriate to the number of units proposed;
  - a. Natural Environment: groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetative removal (especially unusual species and mature trees), and wildlife habitats.
  - b. Public Services: analysis of traffic conditions existing and post development including levels of service, analysis of water system capacity, analysis of public sewerage capacity, need for additional public recreation facilities, need for additional school facilities.
  - c. Economics: municipal costs and revenues, local business activity, local jobs.
  - d. Social Environment: effect of the proposal upon the general character of the Town and how the proposed units enhance the range of housing choice and afford ability in the town.
  - e. Visual Environment: visibility of buildings and parking, visual consistency with existing development in the area.
4. A development phasing schedule indicating the maximum number of dwelling units proposed to be erected in each calendar year, and the timing of construction of any proposed community facilities. All applicants for a special permit under this section are encouraged to consult with the Planning Board at a regularly convened meeting prior to formal application.

#### 4.12.30 Decision Criteria

A special permit for multifamily development shall be approved only upon determination of the Planning Board that the requirements of section 1.16.00 Special Permit including section 1.16.14 "Mandatory Finding of Special Permit Granting Authority" and the following additional criteria have been met:

1. The site contains a minimum of five acres.
2. The proposed development makes use of public sewer and water and has demonstrated said public sewer and water systems to be of sufficient capacity to service the proposed development without added cost to the public or that the developer is willing to underwrite said cost or improvements.
3. Project generated traffic does not increase the peak A.M. and P.M. hour traffic on the street through which access to and from the project site is provided in excess of 20% if said street is operating at a level of service of C or better or 10% if said street is operating below level of service C. (Said levels are to be determined using methods and definitions as outlined by the Transportation Research Board Highway Capacity Manual, Special Report #209 or later edition.)
4. Site design and storm water facilities shall be so designed that in a twenty-five year storm the peak storm water flows leaving the site will not be increased above current flows or cause the design capacity of receiving structures or channel capacity of receiving streams to be exceeded.
5. Departure from the scale of single family development is minimized through including not more than 24 dwelling units in a single structure, serving not more than eight dwelling units from a single entrance, limiting building length to not more than 200 feet, having unbroken roof area of not more than 3,000 square feet, and having parking areas individually contain not more than 36 parking spaces and be separated from all other parking areas by at least 50 feet.
6. Visual separation from nearby premises is assured through providing yards of at least 1.5 times building height measured from each lot line which shall contain no parking areas, and through use of outdoor lighting fixtures not higher than 15 feet.
7. The total number of units is limited to the resultant of the total area of the parcel as measured pursuant to Sections 2.12.20 and 2.12.30 of this By-law rounded to the nearest 1,000 square feet divided by 10,000.

\*\*\*

MILL CONVERSION PROJECT : (MCP) shall mean the conversion of existing mill buildings and structures in a Mill Conversion Overlay District as specified herein to multifamily dwelling(s), assisted living facility, single-family dwelling(s), and/or nonresidential uses.

2. OVERLAY DISTRICT. The Mill Conversion Overlay District (MCOD) is hereby established and shall be construed as an overlay district. Within the MCO all regulations of the underlying district shall continue to be in full force and effect, except where these regulations supersede such underlying requirements or provide an alternative to such requirements. The MCO shall consist exclusively of the following properties:

4. SPECIAL PERMIT REQUIRED. Within the MCO, a MCP may be constructed upon the issuance of a special permit by the Planning Board, and upon site plan approval pursuant to the requirements set forth herein.

5. SPECIAL PERMIT GRANTING AUTHORITY. The Planning Board shall serve as the special permit granting authority pursuant to this section. An application for a special permit shall be governed by the following rules.

6. APPLICATION. Planning Board on forms furnished by the Planning Board in accordance with its regulations. Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of G.L. c.41, ss.810 and 81T as the same may be from time to time amended and the Regulations of the Planning Board and a filing fee determined in accordance with said Regulations. In addition the applicants shall submit:

a. The following plans:

1. a site plan and all supporting documents as set forth in Section 1.16.20
2. a plan at a scale of 1"=40' showing the topography of the site at a minimum of two foot intervals, as well as vegetation and special features including wetlands, perennial streams and ponds, waterways, waterfalls, canals and dams, trees of more than 9=8" caliper, rock outcroppings, slopes in excess of 15% existing and proposed trails and paths, open vistas, structures of historical importance and biological or wildlife habitats, and proposed conservation and recreation easement areas;
3. a plan illustrating preliminary landscaping and architectural design, showing types location and layout of buildings, and typical

elevations, as well as the general height, bulk and appearance of structures. Perspective drawings may be subsequently required by the Planning Board;

4. a floor plan to scale for each floor of each building indicating, if applicable,

a. number of units;

b. number of bedrooms;

c. proposed use of the floor space; and

d. location of affordable dwelling units

5. a plan describing the care, custody and control of all dams and water rights;

6. a plan for any wastewater treatment facility.

b. The following narrative reports or data:

1. a proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion;

2. a development impact statement prepared by qualified professionals detailing the impact of the development, at all phases including construction and operation, on

a. the Town's capacity to furnish services including, but not limited to, roads, police, fire emergency services, schools and water;

b. vehicular and pedestrian traffic, water and air quality, noise and light pollution and other environmental concerns.

3. information pertaining to any organization which the Applicant proposes to form where the development is to be a condominium or other ownership organization, including forms and plans to be used to organize and manage the same, for approval as to form by Town Counsel;

4. copies of all proposed covenants, easements, and other restrictions which the Applicant proposes to grant to the Town, the Conservation Commission, utility companies, any condominium or other ownership organization and the owners thereof, including plans of land to which they are intended to apply, for approval as to form by Town Counsel;

5. a concise narrative prepared by a preservation consultant including any and all historical information to be submitted to the Dracut Historical Commission and Planning Board. The narrative will include:

a. architectural history of all structures on the site, including period, style, method of building construction, and association with any particular architect or builder.

b. any important association with one or more historic persons or events.

c. any cultural, political, economic or social history of the site or any structures to the Town, Commonwealth of Massachusetts or the United States of America.

6. evidence that the proposed MCP is consistent with applicable standards of the National Park service or the Dracut Historic Commission; and any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.

d. the following fees:

1. Technical Review Fee. The applicant shall pay a technical review fee pursuant to G.L. c.44, s. 53G and the rules of the Planning Board.

2. Administrative Fee. The applicant shall pay an administrative fee pursuant to the rules of the Planning Board.

The Planning Board may waive the submittal of technical information or documents otherwise required hereunder where the applicant demonstrates that, due to the simplicity of the proposal, such information is not necessary for or applicable to the Planning Board's decision pursuant to this section.

7. REVIEW BY OTHER BOARDS. Whenever an application for a Special Permit for a MCP is filed with the Planning Board, the applicant shall also file within five (5) working days of the filing of the completed application, copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Highway Superintendent, Police Chief, Fire Chief, and the Town Engineer for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. Reports from other boards and officials shall be submitted to the Planning Board by the date of the public hearing, but in any case within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed

a lack of opposition thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the 35 day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that 35 day period. The Decision/Findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

8. STANDARDS. In order to be eligible for consideration for a special permit pursuant to this Section, the proposed development shall meet all of the following standards:

a. Buffer. A buffer area of one hundred (100) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site provided, however, that existing structures and existing structures and existing access roadways are exempt from the requirements set forth herein. However, existing structures and parking areas shall not be made more non-conforming except for ADA compliance. No vegetation in this buffer area will be disturbed, destroyed or removed except for normal maintenance. The Planning Board may waive the buffer requirements:

1. where the Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein; or
2. where the construction of a wastewater treatment plant necessitates such relief.

b. Removal and Replacement of Vegetation. Within the site, no clear cutting shall be permitted, except as authorized by special permit and incidental to construction of buildings, roads, trails and parking areas. The Planning Board may require suitable landscaping or replacement of vegetation.

c. Roadways. The principal roadway(s) within the site shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant.

d. Parking. The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces shall be computed using the requirements of Section or other applicable provision herein. The Planning Board may increase the required parking by up to 10% to serve the needs of residents, employees, visitors and service vehicles. The Planning Board may reduce the otherwise required number of parking spaces where the applicant demonstrates that an adequate number of spaces will be provided.

e. Screening of Parking Areas. All parking areas shall be screened from view from adjacent residentially zoned or occupied premises located outside the site, including public ways, by a landscaped border at least ten (10) feet in width. Parking lots shall be located to the rear or side of all buildings and shall not be located in the front set backs or in buffer areas; provided, however, that the Planning Board may waive these provisions for existing parking lots and/or existing buildings. Parking lot layout shall be planned to permit landscaping, buffers, or screening to prevent direct views of parked vehicles from adjacent streets. The use of traditional picket fencing hedges, walls, or landscaped berms to define parking areas is encouraged. In parking areas of eleven or more parking stalls, at least one tree of three-inch or greater caliper shall be planted for every six parking places. Adequate tree wells and irrigation shall be provided for all parking lot landscaping. Pedestrian access is to be taken into consideration in parking lot design. The use of separate walkways is encouraged. Textured paving or grade separated (elevated) walkways are desired on all pedestrian access ways.

f. Paving. Paving should be textured or of different materials at pedestrian crossings and walkways. The use of stone, brick or cultured stone pavers for entrance walkway borders is encouraged. The use of textured materials for walkway borders is encouraged.

g. Paths. The Planning Board may require paths which shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, adequate connectivity, completeness of access to the various amenities and facilities on the site and to pathways or sidewalks to adjacent sites.

h. Loading. Loading areas may be required by the Planning Board where deemed necessary for the efficient operation of the MCP. Loading areas must be at least 20 x 9 feet, and have a minimum overhead clearance of 10 feet. Screening and landscaping shall be provided to block views of loading areas (except those specifically designated for emergency vehicles) from the public right-of-way and adjacent properties.

i. Stormwater Management. The stormwater management system shall be designed in accordance with the Regulations of the Planning Board.

j. Utilities. All electric, gas, telecommunications, and water distribution lines shall be placed underground, except upon a demonstration of exceptional circumstances.

k. Number of Dwelling Units. The maximum number of dwelling units shall be established by the Planning Board after reviewing the following criteria:

1. Existing structures;
2. Proposed method and efficient of wastewater disposal;
3. Availability of public water;
4. Trip generation, traffic safety and internal site traffic;

5. Character of the proposed MCP and its relation to the surrounding neighborhood(s);

6. Character of the existing buildings and the potential for reuse thereof;

7. Number of affordable units, beyond the minimum required, proposed by the applicant;

8. Development Impact Statement;

9. Applicability of the Water Resource Protection District;

10. Reports of the technical consultants of the Planning Board and all other reviewing boards.

l. Number of Bedrooms. The Planning Board may ensure the diversification of dwelling units within a MCP by establishing the number of dwelling units with one, two or three bedrooms; but not more than 10% shall be three bedrooms.

m. Expansion of Existing Buildings, existing buildings within a MCOB may be expanded, provided that such expansions;

1. is consistent with the existing buildings historic character and scale; and

2. does not cause substantial detriment after considering the factors set forth in Section 10.b.

n. New Buildings. Within the MCP, new buildings may be constructed in accordance with the following requirements:

1. The number, type, scale, architectural style, and uses within such new buildings shall be subject to Planning Board approval.

o. Emergency Systems. The MCP shall have an integrated emergency call, and/or telephone and/or other communications system for its residents and/or other tenants. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Dracut Fire Department for the emergency evacuation of the residents with emphasis on ensuring the safety of residents with physical impairments.

p. Lighting. Illuminated signs, parking lot lighting, building floodlighting, or other exterior lighting shall be so designed and arranged that the collective result does not create so much light overspill onto adjacent premises that it casts observable shadows, and so that it does not create glare from unshielded light sources.

#### 9. AFFORDABLE DWELLING UNITS.

As a condition of the grant of any special permit for a MCP, a minimum of fifteen (15%) of the total number of dwelling units shall be restricted for a period not less than thirty (30) years in the following manner:

a. 5% of the units shall be affordable to persons or families qualifying as low income; and

b. 5% of the units shall be affordable to persons or families qualifying as moderate income; and

c. 5% of the units shall be affordable to persons or families qualifying as median income.

d. The thirty year restriction shall be approved as to form by legal counsel to the Planning Board, and a right of first refusal upon the transfer of such restricted units shall be granted to the Dracut Housing Authority for a period not less than 120 days after notice thereof.

e. Affordable units shall be integrated into the overall development of the MCP so as to prevent the physical segregation of such units.

f. The Applicant shall be encouraged to seek designation of the units referenced in paragraphs 9a and 9b as affordable units which qualify as part of the subsidized housing inventory as approved and complied by the Department of Housing and Community Development (DHCD). The Planning Board may require that the Applicant affirmatively take steps to utilize the Dracut Housing Authority, a public agency, a non-profit agency, limited dividend organization, or other appropriate entity, and through a Local Initiative Petition or other similar mechanism or program cause application to be made to the DHCD, so as to timely furnish all forms and information necessary to promote the designation of those units referenced in paragraphs 9a and 9b above as affordable units qualifying as part of the subsidized housing inventory. The Planning Board may require submission of application, forms and appropriate information to the DHCD as a condition of approval.

#### 10. ACTION BY THE PLANNING BOARD

The Planning Board after considering reports from consultants and other Boards and/or Commissions, may grant a special permit for a MCP where it makes the following findings:

a. The proposed MCP constitutes an appropriate renovation as defined above;

b. The proposed MCP does not cause substantial detriment to the neighborhood after considering the following potential consequences:

1. noise, during the construction and operational phases;

2. pedestrian and vehicular traffic;
3. environmental harm
4. visual impact by the character and scale of the proposed structure(s);
5. other consequences as may be set forth in the Development Impact Statement for the MCP.

## Dunstable

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** . In which districts (if any) is MF allowed by right? >>GENERAL RESIDENCE (R-2), PRIMARILY FOR ELDERLY. RETAIL BUSINESS (B-1) AND SERVICE BUSINESS (B-2) ALLOW R-2 USES.

GENERAL RESIDENCE DISTRICT, "Uses Permitted":

"(d) Multi-family housing for the elderly or old-age housing, under state or federal law or program, or any other multi-family use mandated by applicable law, provided that no building permit for any such use or development shall be issued unless a site plan has been submitted to and approved by the Planning Board in accordance with the provisions of Section 14 of this bylaw." - Dunstable Zoning Bylaw, Section 7.1, October 2004 edition. (Added May, 2002)

ADDITIONAL NOTE:

Senior Residential Multifamily Development and Mixed Use District (which includes multi-family) are by Special Permit with the Planning Board. See Sections 6.7 (Uses Permitted by Special Permit of the Planning Board - which is all about Senior Residential Multifamily Developments); and 23 (Mixed Use District) - Dunstable Zoning Bylaws, October 2004.

\*\*\*

General Residence District (R-2), lot size: 87,120 sf. plus 20,000 sf. for 2nd & 3rd unit, plus 15,000 for each additional unit.  
B-1 and B-2 permit R-2 uses

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** GENERAL RESIDENCE DISTRICT, "Uses Permitted":  
"(d) Multi-family housing for the elderly or old-age housing, under state or federal law or program, or any other multi-family use mandated by applicable law, provided that no building permit for any such use or development shall be issued unless a site plan has been submitted to and approved by the Planning Board in accordance with the provisions of Section 14 of this bylaw." - Dunstable Zoning Bylaw, Section 7.1, October 2004 edition. (Added May, 2002)

NOTE:

Senior Residential Multifamily Development and Mixed Use District (which includes multi-family) are by Special Permit with the Planning Board. See Sections 6.7 (Uses Permitted by Special Permit of the Planning Board - which is all about Senior Residential Multifamily Developments); and 23 (Mixed Use District) - Dunstable Zoning Bylaws, October 2004.

\*\*\*

General Residence District (R-2), lot size: 87,120 sf. plus 20,000 sf. for 2nd & 3rd unit, plus 15,000 for each additional unit.  
B-1 and B-2 permit R-2 uses

SRMD: Senior Residential Multifamily Development  
MUD: Mixed Use District

(A)Minimum lot size: SRMD = 2 acres  
MUD = not specified. Total land area is minimum 10 acres.

(B)Minimum lot area per dwelling unit:  
SRMD = total number of dwelling units per district can be 1.25 times what otherwise allowed under single family residence (1 per 2 acres)  
MUD = 20,000 square feet

\*\*\*

Dunstable Master Plan 1999:

Housing

Dunstable is a rural community which has seen relatively slow growth in population and housing development over the course of time. There are still fewer than 1,000 housing units in the town, almost all of which are individual single-family homes. As the Northern Middlesex region experiences an increasing pace of development, the town of Dunstable is certain to feel some of the pressure.

Over 96% of the housing in Dunstable is single-family. There are no condominiums in the town. The zoning bylaw does not generally permit multifamily structures other than two-family homes in limited areas; however, in-law accessory apartments are allowed in single-family residences.

Existing zoning regulations require a minimum residential lot size of two acres throughout the town. However, some older homes located near the town center or homes built in cluster type developments (described as Open Space Development in the Zoning Bylaw) may have less than two acres of property.

## Duxbury

**Is multi-family housing allowed by right in any part of the municipality?**

No

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

Yes 725 DEFINITIONS

Building, Multifamily

Three or more dwelling units within a building with a unit contained on one floor and with units sharing an exterior door.

704 RESIDENTIAL BUILDINGS

704.3 Three- and Four-Family Buildings

Three- and four-family buildings shall have a common rear yard of at least twenty (20) feet in depth. Direct access to a parking area shall be provided.

704.4 Multifamily Buildings

Multifamily buildings shall have a landscaped front yard as determined under Section 703. It is preferred that multifamily housing shall be only one dwelling unit deep or that each dwelling unit extend through the building.

\*\*\*

704.7 Residential Use Types

A minimum of three different residential uses shall be required in any special permit application for a planned development. Residential use types are defined as (1) singlefamily detached building, (2) single-family attached building, semi-attached building or townhouse, and (3) multifamily or garden apartments. In no case shall there be any more than 70% of the total number of dwelling units in any residential use type in any planned development. In Planned Development Districts 1 and 2, detached single-family dwellings shall be at least 5% of the required mix.

(Researcher's note: Article 800 is a 14 page document that outlines what one must do in order to be approved for MF development. The following is the first page of this document.)

ARTICLE 800 PROCEDURES AND REGULATIONS FOR PLANNED DEVELOPMENT

801 GENERAL

No Planned Development shall be undertaken without a Special Permit granted by the Board of Appeals as provided for in Section 906.2 and in accordance with the standards, procedures and requirements enumerated in this Bylaw.

Actions undertaken by a developer under the Planned Development sections of this Bylaw shall be interpreted as voluntary with the understanding that applicable zoning regulations would have remained in effect had not the developer elected to pursue the terms of the applicable sections of this Bylaw. Acceptance of gifts, grants or bequests by the Town from public or private sources under this Bylaw shall be interpreted as within the rights of the Town under applicable Massachusetts law and shall not be interpreted as requiring certain considerations in return.

## 802 INFORMATION TO BE MAINTAINED BY THE TOWN

To assist in the preparation and review of such developments, the Town will maintain and provide access to certain information and data identified in this section.

### 802.1 Graphic

1. Map(s) showing the conservation areas of the Town defining the wetlands and public lands.
2. Map(s) showing the slopes, hydrologic soil groups, and vegetation/cover including definition of prime timber stands (coniferous or deciduous)
3. Map(s) showing an analysis of prime areas of visual impact.
4. Map(s) showing the Town water system including individual pipes by size and location, source of water and storage facilities.
5. Map(s) showing the traffic circulation patterns, including road classification, peak hour (AM and PM) traffic and accident data to nearest two (2) year period.
6. Map(s) showing the existing land use including all historic sites to nearest two (2) year period.
7. Map(s) showing Town zoning and describing the Comprehensive Plan.

### 802.2 Report

1. Projected occupancy by number of persons by type of dwelling unit.
2. Projected school age children based on present generation by type of dwelling unit.
3. Projected peak hours of vehicular traffic generated by type of dwelling unit.
4. Projected septic output by type of dwelling unit (gal/day/unit).
5. Projected water demand by type of dwelling unit (gal/day/unit).
6. Required number of parking spaces by type of dwelling unit.
7. Present capacity of the school system, the capital and operating costs per student to provide educational facilities and programs, the portion of the operating income generated by real estate taxes and the current number of children presently attending schools.
8. Current assessed valuation of all property in the Town, the current tax rate, the tax levy by types of land use and the total number of residents.

\*\*\*

## ARTICLE 500

### REQUIREMENTS FOR CERTAIN LAND DIVISIONS, LAND DEVELOPMENTS, AND INCLUSIONARY HOUSING

#### 530 DIVISION OF LAND AND DEVELOPMENT OF MULTIPLE DWELLINGS

##### 530.1 Purpose

The purpose of this Bylaw is to ensure that land divisions, subdivisions, and developments of multiple dwellings on single lots are afforded the depth and breadth of review allowed by G.L. c. 40A, sec. 9 to adequately protect public health, safety and welfare of the current and future residents of the Town. This Bylaw, in concert with Section 540, 560 and/or 906.2 allows the Board of Appeals or Planning Board to grant a special permit for land divisions, subdivisions and large multi-unit developments, provided specific enumerated criteria are satisfied.

##### 530.2 Applicability

The division and/or subdivision of land held in single ownership as of January 1, 2001 or anytime thereafter into:

1. Six (6) or more lots or;
  2. The division of a track of land greater than ten (10) acres into five (5) or more lots or;
  3. The construction of six (6) or more dwelling units on land that does not require land division and/or subdivision, whether on one or more contiguous parcels held in single ownership as of January 1, 2001 or anytime thereafter,
- shall require a special permit from the Planning Board under the provisions of Sections 540 and/or 906.2, unless application is made under Section 700 of the Zoning Bylaw, in which case the special permit granting authority shall be the Board of Appeals. In cases where the proposed division of land is for six (6) or more lots and said division is proposed as a division of land not requiring Planning Board approval (G. L. c. 41, sec. 81-P), the Planning Board's special permit powers shall be limited to enforcing the provisions of Section 560 of the Zoning Bylaw. The provisions of Section 530.2.3 shall not apply to the construction of six (6) or more dwelling units on individual lots, if said six (6) or more lots were in existence as of January 1, 2001.

##### 530.3 Multiple Special Permits

The special permit requirements of Section 530 may be subsumed by the special permit requirement of Sections 406, 540 and 700.

\*\*\*

## 540 RESIDENTIAL CONSERVATION CLUSTER

#### 540.1 Purpose and Intent

1. Allow for greater flexibility and creativity in the design of residential developments.
  2. Encourage the permanent preservation of open space, agricultural and forestry land, other natural resources including waterbodies and wetlands, and historical and archeological resources.
- Printed August 10, 2004 46
3. Maintain the Town's traditional character and land use pattern in which small villages contrast with open land.
  4. Protect scenic vistas from the Town's roadways and other places.
  5. Encourage screening of new residential development from the Town's roads, open spaces and scenic areas.
  6. Facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner.
  7. Protect existing and potential municipal water supplies.
  8. Encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision.
  9. Minimize the total amount of disturbance on the site.
  10. Preserve open space areas for active and passive recreational use, including the provision of neighborhood parks and trails.
  11. Encourage the provision of diverse housing opportunities and the integration of a variety of housing types.
  12. Further the goals and policies of the Duxbury Comprehensive Plan.

#### 540.2 Definitions

In this Bylaw, the following words have the meanings indicated:

##### Residential Conservation Cluster (RCC) Development

A residential development in which the buildings are clustered together with reduced lot sizes and frontage. The land not included in the building lots is permanently preserved as open space. RCC Development is generally the preferred form of residential development and/or redevelopment in the Town for residential developments of five (5) or more acres and/or six (6) or more lots.

#### 540.3 Applicability

A proposed subdivision of land into six (6) or more lots shall be filed in accordance with the provisions of Section 540.4, below. The Planning Board shall determine whether the proposed location is suitable for an RCC Development under the terms and provisions of this section. If the Planning Board determines that the proposed location is suitable for an RCC Development, any further subdivision of the land into six or more lots shall be accomplished only through the provisions of this Bylaw. If the Planning Board determines, after discussion and analysis provoked by Section 540.4, that the location is best suited for subdivision under a conventional subdivision design, the Planning Board shall so inform the applicant and the applicant may then proceed to design a subdivision plan under the provisions of the Subdivision Control Law and the Duxbury Rules and Regulations Governing the Subdivision of Land (Subdivision Rules and Regulations) and the provisions of this section shall not apply. In cases where the Planning Board determines that the site is not suitable for an RCC Development, and where the proposed subdivision of land is for six (6) or more lots, the Planning Board's special permit powers shall be limited to enforcing the provisions of Section 560 of the Zoning Bylaw. In either case, however, a special permit from the Planning Board shall be required.

Printed August 10, 2004 47

Notwithstanding the provisions above, the Planning Board may grant a special permit for an RCC Development for any parcel or contiguous parcels of at least five (5) acres in any district permitting single-family dwellings subject to the regulations and conditions herein. Determination of whether the proposed location is not suitable for an RCC Development shall be based upon the opinion and judgment of the Planning Board, after consultation with its advisors and staff and may include the following criteria:

1. The degree to which the topography of the locus will not be preserved by a RCC Development;
2. The degree to which stormwater runoff and erosion will not be minimized by a RCC Development;
3. The degree to which the RCC Development will result in inappropriate site planning, subdivision design and/or damage to the site's natural features;
4. The degree to which the RCC Development will not preserve or protect abutting properties and associated views and vistas;
5. The degree to which public safety will be threatened by a RCC Development;
6. The degree to which other site specific attributes or site specific concerns are not appropriately addressed by a RCC Development.

#### 540.4 Procedural Requirements

1. Pre-Application Meeting: A pre-application meeting between the Planning Board and/or Planning Department and the applicant is strongly encouraged.
2. Preliminary (Conventional) Plan/RCC Sketch Plan: Applicants proposing the

subdivision of land into six (6) or more lots shall submit a Sketch Plan for an RCC Development along with a Preliminary (Conventional) Subdivision Plan for review by the Planning Board. One of the purposes of this review is to determine the number of lots possible in the RCC Development. For this reason, it is strongly recommended that a copy of the existing conditions plan required in Section 540.4.3 below be submitted at this stage. The Planning Board shall approve, approve with conditions, or disapprove the preliminary plan/RCC Sketch Plan within forty-five (45) days of receipt of a completed application. Upon receipt of the Planning Board's written decision regarding said plan, the applicant may submit a definitive subdivision and RCC Development plan in accordance with the Planning Board's written decision. If the above-noted forty-five (45) day time period has lapsed without a written decision being issued by the Planning Board, the applicant may submit a definitive subdivision and RCC Development plan in accordance with Section 540.4.3 of this Bylaw.

3. Definitive Subdivision and RCC Development Plan: The Definitive RCC Development Subdivision Plan shall show: location and boundaries of the site, proposed land and building uses, lot lines, location of open space, proposed grading, location and width of streets and ways, parking, landscaping, existing vegetation to be retained, water supply or approximate location of wells, drainage, proposed easements and methods of sewage disposal. A team including a Registered Civil Engineer, Registered Land Surveyor, and a Registered Landscape Architect shall prepare the plan. An accompanying Existing Conditions Plan shall depict existing topography, wetlands, waterbodies and the 100-year floodplain, all existing rights of way, easements, existing structures, the location of significant features such as woodlands, tree lines, open fields or meadows, scenic views, watershed divides and drainage ways, fences

Printed August 10, 2004 48  
and stone walls, roads, driveways, and cart paths. Submission of photographs depicting existing conditions, views and vistas from various locations on the property and from public and private ways shall accompany the plan submission. The Site Analysis shall also show locations of soil test pits and percolation tests, with supporting documentation on test results. Applicants shall also include a statement indicating the proposed use and ownership of the open space as permitted by this Bylaw. Applicants should refer to the Subdivision Rules and Regulations for provisions regarding preparation and submittal of plans.

4. Density/Number of Dwelling Units: The total number of dwelling units in a Residential Conservation Cluster shall be determined by the following formula:

(a) 
$$\frac{[\text{Total area of land subject to the application}] - [\text{Area of wetlands and waterbodies}]}{[\text{Applicable Land Area}] \times [.75]} \text{ ] Divided by Minimum Lot Area Established for the Zoning District} = \text{Total number of dwelling units.}$$

The number of dwelling units permitted in a Residential Conservation Cluster shall not exceed that which would be permitted under a conventional subdivision that complies with the Zoning Bylaw and the Subdivision Rules and Regulations of the Planning Board and any other applicable laws and regulations.

5. Review and Decision: Upon receipt of the application and the required plans, the Planning Board shall transmit one copy each to the Board of Health, Historical Commission, and Conservation Commission. Within 45 days of their receipt of the application/plans, these agencies shall submit any recommendations to the Planning Board. The Planning Board shall act on applications according to the procedure specified in G. L. c. 40A, sec. 9. Notice shall be provided of hearings in accordance with Chapter 40A, sec. 11 and Chapter 41, sec. 81T. Public hearings for the subdivision application and the special permit application shall be conducted concurrently.

6. Criteria for Special Permit Decision:

(a) Findings: The Planning Board may approve the development upon finding that it complies with the purposes and standards of the RCC Development Bylaw and is superior in design to a conventional subdivision with regard to protection of natural features and scenic resources of the site. The Planning Board shall consider the following criteria in making its decision:

1. Upland open space as required by this Bylaw has been provided and generally conforms to the Design Requirements in Section 540.8 of this Bylaw.
2. Approximate building sites have been identified and are not located closer than 100 feet to wetlands and waterbodies.
3. Proposed streets have been aligned to provide vehicular access to each dwelling unit in a reasonable and economical manner. Lots and streets have been located to avoid or minimize adverse impacts on open space areas and to provide lots with views of and access to the open space.
4. All lots meet the applicable dimensional requirements of Section 540.5 of the RCC Development Bylaw and all other relevant provisions of the Zoning

Bylaw.

Printed August 10, 2004 49

5. The provisions of Section 560 of the Zoning Bylaw will be met.

The Planning Board's findings, including the basis of such findings, shall be stated in the written decision of approval, conditional approval or denial of the application for special permit.

(b) Conditions: The Planning Board shall impose conditions in its decision as necessary to ensure compliance with the purposes of this Bylaw. Approval of an RCC Development shall be conditioned upon Definitive Subdivision approval and shall be conditioned to provide that no further division of land which increases the number of lots or results in an alteration to the area to be set aside as open space may occur without a modification of the special permit. Any alteration of lot lines or layout of ways shall require approval of the Planning Board and shall be in compliance with the requirements of the RCC Development Bylaw and the Subdivision Rules and Regulations.

(c) Time Limit: A special permit is granted for a period of two years from the date of its approval and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown. In its sole discretion, the Planning Board may grant extensions to allow construction of subdivisions within the vested rights limits set forth in G.L. c. 40A, sec.6 except where such extension would derogate from the intent and purpose of this Bylaw.

(d) Relationship to Subdivision Control Law: Nothing contained herein shall exempt a proposed subdivision from compliance with other applicable provisions of these Bylaws or the Subdivision Rules and Regulations of the Planning Board, nor shall it affect the right of the Board of Health and of the Planning Board to approve, condition or disapprove a subdivision plan in accordance with the provision of such Rules and Regulations and of the Subdivision Control Law.

#### 540.5 Standards and Dimensional Requirements

Where the requirements of this section differ from or conflict with the requirements found elsewhere in this Bylaw, the requirements of this section shall prevail.

1. Minimum Lot Size: The minimum lot size shall be one-half the square footage otherwise required by the Zoning District in which the project is located.

2. Minimum Frontage: The minimum frontage may be reduced from frontage otherwise required in the Zoning District, provided however that no lot shall have less than 50 feet of frontage and provided further that such frontage reduction shall apply only to lots fronting on proposed internal roadways.

3. Setbacks: Provided that no objection to the contrary is raised by the Fire Department, the Planning Board may reduce by up to one-half the setbacks otherwise required by the Zoning Bylaw if the Board finds that such reduction will result in better design, improved protection of natural and scenic resources, and will otherwise comply with this Bylaw. Notwithstanding this provision or the requirements of the Zoning Bylaw, every dwelling fronting on the proposed roadways shall be set back a minimum of 15 feet from the roadway right-of-way, and a minimum of 50 feet from the outer perimeter of the land subject to the application. This 50-foot setback shall be maintained in a naturally vegetated state to screen and buffer the development and may be included within the open space. This setback may be eliminated where the proposed development abuts existing permanent open space. Wherever feasible, construction of the dwelling at the front setback line is encouraged.

Printed August 10, 2004 50

4. Required Open Space: All land area not utilized for lots, roads, and drainage shall be set aside as open space. A minimum of 60% of the upland area of the parcel ("applicable land area") shall be provided as open space. As an exception, where the open space is proposed to be deeded to the Town or a qualified land trust pursuant to 540.7 of this Bylaw, and in fact, such a transfer occurs, a minimum of 50% of the upland area of the parcel shall be provided as open space. Applicants are encouraged to include wetlands and waterbodies within the open space; however, they do not count toward the open space requirement. Roadway rights-of-way shall not count toward the area to be provided as open space.

#### 540.6 Permissible Uses Of Open Space

1. Purposes: Open space shall be used solely for recreation, conservation, or agriculture purposes by residents and/or the public. Where appropriate, multiple use of open space is encouraged. At least half of the required open space may be required by the Planning Board to be left in a natural state. The proposed use of the open space shall be specified in the application. If several uses are proposed, the plans shall specify what uses will occur in what areas. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the open space.

2. Leaching Facilities: Subject to the approval of the Board of Health, as otherwise required by law, the Planning Board may permit a portion of the open space to be

used for components of sewage disposal systems serving the subdivision, where the Planning Board finds that such use will not be detrimental to the character, quality, or use of the open space, wetlands or waterbodies, and enhances the site plan. The Planning Board shall require adequate legal safeguards and covenants that such facilities shall be adequately maintained by the lot owners within the development. No portion of the open space containing components of a sewage disposal system(s) shall count toward the open space requirements of Section 540.5.4, nor shall any portion of said open space areas be accepted by the Town or conveyed to a nonprofit organization other than a corporation or trust described in Section 540.7(c).

#### 540.7 Ownership Of Open Space

1. Ownership Options: At the developer's option and subject to approval by the Planning Board, all areas to be protected as open space shall be:

(a) Conveyed to the Town to be placed under the care, custody and control of the Conservation Commission, and be accepted by it for a park or open space use.

Land conveyed to the Town shall be open for public use;

(b) Conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space, with a conservation restriction as specified below. Such organization shall be acceptable to the Town as a bona fide conservation organization; or

(c) Conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the development (i.e. "homeowners' association") and placed under conservation restriction. If such a corporation or trust is utilized, as indicated herein, ownership thereof shall pass with conveyance of the lots or residential units. The developer is responsible for the maintenance of the open space and other facilities to be held in common until such time as the

Printed August 10, 2004 51  
homeowners' association is capable of assuming such responsibility. Thereafter, the members of the association shall share the cost of maintaining the open space. The Planning Board shall require the applicant to provide documentation that the homeowners' association is an automatic (mandatory) association that has been established prior to the conveyance of any lots within the subdivision.

2. Permanent Restriction: In any case when open space is not conveyed to the Town, a permanent conservation or agricultural preservation restriction, in accordance with G. L. c. 184 sec. 31, approved by the Planning Board and Board of Selectman, and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this Bylaw and approved by the Planning Board. Restrictions shall provide for periodic inspection of the open space by the Town. Such restriction shall be submitted to the Planning Board prior to approval of the project and recorded at the Registry of Deeds/Land Court simultaneously with recording of the definitive subdivision plan. A management plan may be required by the Planning Board that describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with good conservation practices.

3. Encumbrances: All areas to be set aside as open space shall be conveyed free of any mortgage interest, security interest, liens or other encumbrances.

4. Maintenance of Open Space: In any case where open space is not conveyed to the Town, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space 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 lot or lots to ensure payment of such maintenance expenses.

#### 540.8 Design Process

Each development plan shall follow the design process outlined below. When the development plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that this design process was considered in determining the layout of proposed streets, house lots, and contiguous open space.

1. Understanding the Site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.

2. Evaluating Site Context. The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.

3. Designating the Contiguous Open Space. The third step is to identify the contiguous

open space to be preserved on the site. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks.

Printed August 10, 2004 52

4. Location of Development Areas. The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with Duxbury's historical development patterns.

5. Lot Lines. The final step is to draw the lot lines.

#### 540.9 Design Requirements

The location of open space provided through this Bylaw shall be consistent with the policies contained in the Duxbury Comprehensive Plan and the Open Space and Recreation Plan, as amended. The following design requirements shall apply to open space and lots provided through this Bylaw:

1. Open space shall be planned as large, contiguous areas whenever possible. Long thin strips or narrow areas of open space (less than 100 feet wide) shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open space areas.

2. Open space shall be arranged to protect valuable natural and cultural environments such as stream valleys, wetland buffers, unfragmented forestland and significant trees, wildlife habitat, open fields, scenic views, trails, and archeological sites and to avoid development in hazardous areas such as floodplains and steep slopes. The development plan shall take advantage of the natural topography of the parcel and cuts and fills shall be minimized.

3. Open space may be in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses. Where feasible, these parcels shall be linked by trails.

4. Where the proposed development abuts or includes a body of water or a wetland, these areas and the 100-foot buffer to such areas shall be incorporated into the open space. Where appropriate, reasonable access shall be provided to shorelines.

5. The maximum number of house lots compatible with good design shall abut the open space and all house lots shall have reasonable physical and visual access to the open space through internal roads, sidewalks or paths. An exception may be made for resource areas vulnerable to trampling or other disturbance.

6. Open space shall be provided with adequate access, by a strip of land at least 20 feet wide, suitable for a footpath, from one or more streets in the development.

7. Development along existing scenic roads and creation of new driveway openings on existing regional roadways shall be minimized.

8. Where a proposed development abuts land held for conservation purposes, the development shall be configured to minimize adverse impacts to abutting conservation land. Trail connections should be provided where appropriate.

9. Residential structures shall be oriented toward the street serving the premises.

#### 540.10 Types of Buildings

The provisions of Section 410.1.1 notwithstanding, an RCC Development may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than three (3) dwelling units. The architecture of all multifamily buildings shall be residential in character, particularly providing gabled roofs, predominantly wood siding, an articulated footprint and varied facades.

Printed August 10, 2004 53

#### 540.11 Affordable Component

As a condition of the grant of any special permit for a RCC Development containing six (6) or more lots or dwelling units, the Planning Board shall ensure compliance with the provisions of Section 560 ("Inclusionary Housing") of the Zoning Bylaw.

#### 540.12 Special Permit Requirements

In reviewing an application under this Bylaw, the Planning Board shall rely, to the extent warranted, on the provisions of Section 906.2 of the Zoning Bylaw.

## East Bridgewater

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to Robert Lundberg, building inspector in East Bridgewater (7/20/04), there is multifamily housing zoned by right in the Residence 3 District.

Town of East Bridgewater Zoning Bylaw, Section 5(C)(Last Amended 2004).

"C. DISTRICT R-3 (RESIDENTIAL 3):

(A HIGH DENSITY RESIDENTIAL DISTRICT)

(0). INTENT

To reserve areas for small lot size, single family, two family, and multi-family residential development within the perimeter of the various neighborhoods of the town and within reasonable proximity of community facilities and utilities.

To preserve the present natural, rural character of those areas presently dominated by open space and agricultural uses while allowing compact single family, two family, and multi-family residential development.

To discourage scattered development beyond the fringes of developing neighborhood centers and to channel development into zones where public utilities and community facilities and services may be provided efficiently.

To discourage the subdivision of small residential lots along the existing principal town ways in rural areas.

To best utilize East Bridgewater's land resources for appropriate uses which will help balance the tax base and offer desirable, affordable housing, and quality employment to local residents.

(1). ALLOWED USES:

(a). Detached single family dwellings.

(b). Two family dwellings.

(c). Multi-family dwellings with up to (and including) 6 (six) residential units in conformance with SECTION 5.N."

\*\*\*

[It does not appear that site plan is required for the multifamily use.]

\*\*\*

(n). Any use determined to be of a character similar to the foregoing, said determination to be by Special Permit of the Zoning Board of Appeals following Special permit petition of the land owner (s).

(o). Any accessory use to the foregoing.

(p). Buildings and necessary structures in connection with Municipal or Public Utilities and buildings used exclusively for governmental purposes and apartment buildings (as defined in Section 5.N.) built by a Public Housing Authority or other Governmental Authority, but not a correctional institution.

\*\*\*

N. APARTMENTS

(1-5/8/89)

- Multiple units apartment type residential buildings shall conform to the following regulations in all districts where permitted. (33-5/4/1970)

(1). Total ground floor area of all buildings shall not exceed fifteen (15) percent of the total lot area.

(2). Each apartment unit within a building shall contain not less than four hundred (400) square feet exclusive of stairways or entrance ways used in common with other apartment units and each unit shall contain its own private bath.

(3). All apartment units shall be provided with two (2) separate means of egress.

(4). Each principal building shall be limited to not more than six (6) apartment units. (57-4/11/1987)

(5). Buildings shall not exceed two and one-half (2 1/2) stories in height and no dwelling space shall be constructed in the basement or above the second floor.

(6). Accessory buildings shall have a minimum side and rear yard of twenty (20) feet and shall not be located nearer than ten (10) feet from a principal building.

(7). Parking areas within fifteen (15) feet to the lot lines shall be screened by evergreens, not less than two and one-half (2 1/2) feet in height, placed on a maximum of six (6) foot centers and situated between the parking area and said lot line.

(8). For lot lines abutting a "Residence 1" District, or a single family dwelling, or a converted single family dwelling, there shall be a solid screen of evergreens not less than six (6) feet in height, or a solid fence not less than six (6) feet in height, as approved by the Issuing Authority, and placed within five (5) feet of the lot line. (33-4/11/1978)

(9). The layout and construction of an apartment building and its services shall be subject to the Subdivision Rules and Regulations of the Town of East Bridgewater.

(10). No occupancy permit shall be granted until all on site improvements have been completed or until the applicant has filed a bond, to guarantee such completion, in an amount to be set by the Board of Selectmen, where Chapter 41, General Laws of Massachusetts does not apply.

\*\*\*

APARTMENT OR DWELLING UNIT : One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with permanent provisions for cooking, living, sleeping, and sanitary facilities. (33-4/11/1978)

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of East Bridgewater Zoning Bylaw, Section 5(C)(Last Amended 2004).

"C. DISTRICT R-3 (RESIDENTIAL 3):

(A HIGH DENSITY RESIDENTIAL DISTRICT)

(0). INTENT

To reserve areas for small lot size, single family, two family, and multi-family residential development within the perimeter of the various neighborhoods of the town and within reasonable proximity of community facilities and utilities.

To preserve the present natural, rural character of those areas presently dominated by open space and agricultural uses while allowing compact single family, two family, and multi-family residential development.

To discourage scattered development beyond the fringes of developing neighborhood centers and to channel development into zones where public utilities and community facilities and services may be provided efficiently.

To discourage the subdivision of small residential lots along the existing principal town ways in rural areas.

To best utilize East Bridgewater's land resources for appropriate uses which will help balance the tax base and offer desirable, affordable housing, and quality employment to local residents.

(1). ALLOWED USES:

(a). Detached single family dwellings.

(b). Two family dwellings.

(c). Multi-family dwellings with up to (and including) 6 (six) residential units in conformance with SECTION 5.N."

\*\*\*

[It does not appear that site plan is required for the multifamily use.]

\*\*\*

(n). Any use determined to be of a character similar to the foregoing, said determination to be by Special Permit of the Zoning Board of Appeals following Special permit petition of the land owner (s).

(o). Any accessory use to the foregoing.

(p). Buildings and necessary structures in connection with Municipal or Public Utilities and buildings used exclusively for governmental purposes and apartment buildings (as defined in Section 5.N.) built by a Public Housing Authority or other Governmental Authority, but not a correctional institution.

\*\*\*

N. APARTMENTS

(1-5/8/89)

- Multiple units apartment type residential buildings shall conform to the following regulations in all districts where permitted. (33-5/4/1970)

- (1). Total ground floor area of all buildings shall not exceed fifteen (15) percent of the total lot area.
- (2). Each apartment unit within a building shall contain not less than four hundred (400) square feet exclusive of stairways or entrance ways used in common with other apartment units and each unit shall contain its own private bath.
- (3). All apartment units shall be provided with two (2) separate means of egress.
- (4). Each principal building shall be limited to not more than six (6) apartment units. (57-4/11/1987)
- (5). Buildings shall not exceed two and one-half (2 1/2) stories in height and no dwelling space shall be constructed in the basement or above the second floor.
- (6). Accessory buildings shall have a minimum side and rear yard of twenty (20) feet and shall not be located nearer than ten (10) feet from a principal building.
- (7). Parking areas within fifteen (15) feet to the lot lines shall be screened by evergreens, not less than two and one-half (2 1/2) feet in height, placed on a maximum of six (6) foot centers and situated between the parking area and said lot line.
- (8). For lot lines abutting a "Residence 1" District, or a single family dwelling, or a converted single family dwelling, there shall be a solid screen of evergreens not less than six (6) feet in height, or a solid fence not less than six (6) feet in height, as approved by the Issuing Authority, and placed within five (5) feet of the lot line. (33-4/11/1978)
- (9). The layout and construction of an apartment building and its services shall be subject to the Subdivision Rules and Regulations of the Town of East Bridgewater.
- (10). No occupancy permit shall be granted until all on site improvements have been completed or until the applicant has filed a bond, to guarantee such completion, in an amount to be set by the Board of Selectmen, where Chapter 41, General Laws of Massachusetts does not apply.

\*\*\*

Notes on density:

The minimum lot size requirements are as follows in the Residence 3 district:

3 family: 25,000 sq. ft.  
4 family: 30,000 sq. ft.  
5 family: 40,000 sq. ft.  
6 family: 45,000 sq. ft.

## Easton

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Easton Zoning Bylaw, Section II Definitions (adopted 1967):

DWELLING, MULTIFAMILY A building containing three or more dwelling units constructed on a single lot (apartment house).

According to Section 5-3 Table of Use Regulations.

Apartments allowed in the Business District by right (and in the Flood Plain district by special permit.)

According to the Table of Use Regulations:

"Attached dwelling occupied by not more than one family in each unit between side walls, provided that no row of such units shall consist of more than four such units (See Section VII)"... by right in B and by special permit in F.

"Apartments (See Sec VII)"... by right in B and by special permit in F.

#### SECTION VII SPECIAL PROVISIONS

7-1. The following uses may be permitted as designated in Section V, 5-3 Table of Use Regulations, provided they meet the following

requirements in addition to any other applicable requirements of the By-law (Administration-see paragraph 7-8).

#### 7-2. APARTMENTS, MULTIPLE OR ATTACHED DWELLINGS

For any building intended for three or more dwelling units to be constructed, the following conditions shall apply:

A) Maximum number of bedrooms per 60,000 square-foot lot: 3 bedrooms. The maximum number of bedrooms per dwelling unit shall not exceed 3.

B) In the case of lots in excess of 60,000 square feet in area, the requirements shall be the same as set forth herewith with the exception that 20,000 square feet of land shall be required for each single bedroom dwelling unit and 20,000 square feet of land shall be required for each additional single bedroom. However, in no case shall the maximum number of bedrooms in any building exceed 10 bedrooms.

C) Each dwelling unit shall have two separate exits.

D) Inner courts shall not be permitted.

E) There shall be a paved driveway a maximum length of 200' from the front lot line, paved walk, unobstructed way or any combination thereof, adequate to accommodate fire apparatus within forty feet of the building.

F) Automobile parking spaces shall be required within the lot area. There shall be paved parking spaces for automobiles that shall not be less than two automobile spaces for each dwelling unit and reasonably accessible. Such parking spaces shall not be within 15 feet of any lot line. All parking facilities so provided are to be for the exclusive use of residents of the property or their guests.

G) Screening and buffers shall be required along the side lot lines. This strip shall be at least 20 feet in width; it shall contain a screen of trees and shrubs at the time of occupancy of such lot and shall be maintained by the owners. A solid wall or fence not to exceed six feet in height, complemented by suitable plantings, may be substituted for such landscape buffer strip. The strip may be part of the yard area.

H) No apartment dwelling units shall be allowed in a basement story.

#### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** Easton Zoning Bylaw, Section II Definitions (adopted 1967):

DWELLING, MULTIFAMILY A building containing three or more dwelling units constructed on a single lot (apartment house).

According to Section 5-3 Table of Use Regulations.

Apartments allowed in the Business District by right (and in the Flood Plain district by special permit.)

According to the Table of Use Regulations:

"Attached dwelling occupied by not more than one family in each unit between side walls, provided that no row of such units shall consist of more than four such units (See Section VII)"... by right in B and by special permit in F.

"Apartments (See Sec VII)"... by right in B and by special permit in F.

#### SECTION VII SPECIAL PROVISIONS

7-1. The following uses may be permitted as designated in Section V, 5-3 Table of Use Regulations, provided they meet the following requirements in addition to any other applicable requirements of the By-law (Administration-see paragraph 7-8).

#### 7-2. APARTMENTS, MULTIPLE OR ATTACHED DWELLINGS

For any building intended for three or more dwelling units to be constructed, the following conditions shall apply:

A) Maximum number of bedrooms per 60,000 square-foot lot: 3 bedrooms. The maximum number of bedrooms per dwelling unit shall not exceed 3.

B) In the case of lots in excess of 60,000 square feet in area, the requirements shall be the same as set forth herewith with the exception that 20,000 square feet of land shall be required for each single bedroom dwelling unit and 20,000 square feet of land shall be required for each additional single bedroom. However, in no case shall the maximum number of bedrooms in any building exceed 10 bedrooms.

C) Each dwelling unit shall have two separate exits.

D) Inner courts shall not be permitted.

E) There shall be a paved driveway a maximum length of 200' from the front lot line, paved walk, unobstructed way or any combination thereof, adequate to accommodate fire apparatus within forty feet of the building.

F) Automobile parking spaces shall be required within the lot area. There shall be paved parking spaces for automobiles that shall not be less than two automobile spaces for each dwelling unit and reasonably accessible. Such parking spaces shall not be within 15 feet of any lot line. All parking facilities so provided are to be for the exclusive use of residents of the property or their guests.

G) Screening and buffers shall be required along the side lot lines. This strip shall be at least 20 feet in width; it shall contain a screen of trees and shrubs at the time of occupancy of such lot and shall be maintained by the owners. A solid wall or fence not to exceed six feet in height, complemented by suitable plantings, may be substituted for such landscape buffer strip. The strip may be part of the yard area.

H) No apartment dwelling units shall be allowed in a basement story.

## Essex

### Is multi-family housing allowed by right in any part of the municipality?

**No** Essex only allows single-family and two family residences by right.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** The Land Use Ordinance of Essex  
ESSEX COUNTY, MASSACHUSETTS  
Zoning by-laws of the Town of Essex.

#### 6-3 DEFINITIONS

6-3.45 DWELLING, MULTI-FAMILY . A residential building designed to provide or otherwise accommodating three or more dwelling units, each independent of the others with independent cooking and toilet facilities, and specially permitted by special permit. A multi-family dwelling is not otherwise permitted or permissible under this chapter.

#### 6-6 LAND USE REGULATIONS

##### 6-6.9 SPECIAL PERMITS.

Upon approval of the planning board the following may be allowed:

k. Multi-family dwelling and/or apartment land use, subject to at least the following requirements which shall in no way limit the right of the special-permit granting authority to impose stricter requirements and/or other conditions to the full extent permitted by law:

##### 1. DIMENSIONAL REQUIREMENTS:

- a. Lot area, three dwelling units, minimum 60,000 square feet; four or more dwelling units, minimum 90,000 square feet.y
- b. Lot frontage, minimum 300 feet.
- c. Front yard, minimum 100 feet.
- d. Side yard, minimum 100 feet.
- e. Rear yard, minimum 100 feet.
- f. Rear yard, accessory buildings, minimum 50 feet.
- g. Minimum land area per bedroom, 5,000 square feet.
- h. Maximum number of bedrooms per building, 8.
- i. Building height, principle building, maximum two and one-half stories and 35 feet in any case.
- j. Building height, accessory building, maximum one story and 15 feet in any case.
- k. Minimum distance between buildings, 20 feet.
- l. Percentage of lot area covered by buildings and paved surfaces, maximum 50 percent of lot.

2. SIGNS. Signs may be allowed provided that they are no larger than six square feet in area and that they conform to all other requirements of this bylaw.

3. STORAGE. All storage shall be enclosed and in the rear.

4. PARKING. As required by section 6-5.8b.

All purposed multi-family, conversions to three-family, and multi-family, and/or apartment land use be required to provide the board of health with a septic system plan to be approved before permits are given.

\*\*\*

#### 6-6.12.2 PROJECTS REQUIRING SITE PLAN REVIEW:

No permit for the new construction, reconstruction, or relocation of any building with a ground floor footprint of greater than 2500 square feet, or any change of use for any building, shall be given except in conformity with a site plan approval by the Planning Board. Required approval includes proposals for commercial, industrial, office, multifamily dwelling, residential development, municipal, utility, and recreational purposes.

\*\*Webmasters Note: The previous subsection 6-612.2 has been amended as per Case No. 2232 from town meeting dated 5/6/02.

\*\*\*

The Land Use Ordinance of Essex  
ESSEX COUNTY, MASSACHUSETTS  
Zoning by-laws of the Town of Essex.

## 6-6 LAND USE REGULATIONS

### 6-6.9 SPECIAL PERMITS.

Upon approval of the planning board the following may be allowed

j. Conversion of an existing dwelling into three-family unit provided that:

1. No dwelling shall be altered to accommodate more than one family for each ten thousand square feet of area of the lot.
2. The planning board finds that such conversion would not be substantially more detrimental to the neighborhood than the existing use.
3. Except for creation of additional exits if required by law, the structure is not substantially changed or enlarged.
4. Parking as required in section 6-5.8b. is provided on the lot and behind the setback line.

k. Multi-family dwelling and/or apartment land use, subject to at least the following requirements which shall in no way limit the right of the special-permit granting authority to impose stricter requirements and/or other conditions to the full extent permitted by law:

#### 1. DIMENSIONAL REQUIREMENTS:

- a. Lot area, three dwelling units, minimum 60,000 square feet; four or more dwelling units, minimum 90,000 square feet.y
- b. Lot frontage, minimum 300 feet.
- c. Front yard, minimum 100 feet.
- d. Side yard, minimum 100 feet.
- e. Rear yard, minimum 100 feet.
- f. Rear yard, accessory buildings, minimum 50 feet.
- g. Minimum land area per bedroom, 5,000 square feet.
- h. Maximum number of bedrooms per building, 8.
- i. Building height, principle building, maximum two and one-half stories and 35 feet in any case.
- j. Building height, accessory building, maximum one story and 15 feet in any case.
- k. Minimum distance between buildings, 20 feet.
- l. Percentage of lot area covered by buildings and paved surfaces, maximum 50 percent of lot.

## Everett

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Everett has an APARTMENT DISTRICT which has multifamily housing by right. In the Dwelling District, only 3-unit houses are allowed if A single or a double semi-detached dwelling existing at the time of the first enactment of the Zoning Ordinance may be converted to provide not more than a total of three (3) dwelling units.

Everett also allows apartments in the business and industrial districts, as well as, the business limited district.

The Land Use Ordinance of Everett  
MIDDLESEX COUNTY, MASSACHUSETTS  
ZONING ORDINANCE

### Section 5. Apartment districts.

(a) Uses. In any apartment district, as indicated on the zoning map, no building, structure or premises shall be used and no building or structure shall be erected which is intended or designed to be used in whole or in part for any industry, trade, manufacturing or commercial purposes or for other than one of those of the following specified purposes:

- (1) Any use specified above in section 4 as permitted in dwelling districts.
- (2) Detached apartment or tenement houses.

(3) Hotels and lodging houses, dormitories, providing there is no display or advertising visible from any street except for a small name sign.

(4) The following uses shall only be permitted in the Apartment District upon the grant of a Special Permit by the Zoning Board of Appeals:

A. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production. The Zoning Board of Appeals may grant such permit provided that it finds that the proposed accessory use does not substantially derogate from the public good. (Ord. of 4-29-91)

(5) Open air markets of any type shall be prohibited. The sale of used household goods by residential occupants on their premises, normally referred to as garages sales, shall be allowed providing that such sale shall not continue for a period or more than seven (7) days in any year, except by Special Permit of the Zoning Board of Appeals. (Ord. of 4-29-91)

#### Section 4. Dwelling districts.

(a) Uses. Within any dwelling district as indicated on the zoning map, no building, structure or premises shall be used and no building or structure shall be erected which is intended or designed to be used in whole or in part for any industry; trade, manufacturing, or commercial purposes, or for other than the following specified purposes:

(1) A single or a double semi-detached dwelling existing at the time of the first enactment of the Zoning Ordinance may be converted to provide not more than a total of three (3) dwelling units providing that the following standards are met:

Any addition shall comply with front, side and rear yard requirements and height limitations of the Zoning Ordinance.

Where the existing building is already non-conforming, any alteration shall not increase the existing non-conformity. Parking in accordance with this Zoning Ordinance shall be provided for any additional dwelling units. (Ord. of 4-29-91)

#### Section 6. Business districts.

(a) Uses. In any business district; as indicated on the zoning map, buildings or premises may be used in any part for any purpose hereinbefore permitted in any dwelling or apartment district and also for any store or stand or other structure where goods are sold or service rendered, primarily at retail, also for any public building, places of amusement or assembly, restaurant, bank or office, also for any stable, garage or filling station under limitations hereinafter prescribed.

#### Section 7. Industrial districts.

(a) Uses. In any industrial district as shown on the Zoning Map, as most recently amended, any use shall be allowed except that the following shall be prohibited. Provided, however, that nothing in this section shall be construed as limiting the powers of the board of aldermen as now established by law.

#### Section 20. Business Limited District Identification. Business Limited District:

(a) Uses. In any Business Limited District, as indicated on the zoning map, no building, structure or premises shall be used and no building or structure shall be erected which is intended or designed to be used except as provided herein:

1. Residential uses limited to multifamily dwellings, hotels and motels.

\*\*\*

#### Section 6. Business districts.

(a) Uses. In any business district; as indicated on the zoning map, buildings or premises may be used in any part for any purpose hereinbefore permitted in any dwelling or apartment district and also for any store or stand or other structure where goods are sold or service rendered, primarily at retail, also for any public building, places of amusement or assembly, restaurant, bank or office, also for any stable, garage or filling station under limitations hereinafter prescribed.

(8) Special Exception. The intent of this paragraph is to provide by special exception granted by the City Council, a mixture of residential apartments: retail trade and services, offices, off street parking, and accompanying accessory uses all within one structure that normally would be in harmony with the general purpose and intent of the requirements of the Business District except building height and area.

a. Special exception may be granted only by the City Council subject to the following regulations:

1. Minimum lot area of 30,000 square feet and minimum frontage of 200 feet.

2. No building of structure shall be constructed unless the lot is a least ninety (90) percent within the Business District and the building completely within the Business District.

3. Compliance with section 6, except building height and area, and section 17.

4. All uses to be within the same structure, provided all residential uses shall be located not lower than the second floor of the

structure.

5. City Council conformance with Chapter 40A section 4, 15, 16, 17 and 21, Massachusetts General Laws.

Uses specifically prohibited:

- a. Manufacturing and industrial.
- b. Wholesale and warehousing.
- c. Salvage and junk operations.

\*\*\*

Section 7. Industrial districts.

(a) Uses. In any industrial district as shown on the Zoning Map, as most recently amended, any use shall be allowed except that the following shall be prohibited. Provided, however, that nothing in this section shall be construed as limiting the powers of the board of aldermen as now established by law.

\*\*\*

Section 19. Site Plan Review.

[Amended & Approved 3/12/99]

(a) Purposes. For the purposes of protecting and promoting the health, safety, convenience and general welfare of the inhabitants of the city, promoting acceptable site planning practices and standards within the City of Everett and ensuring compliance with good zoning practices, notwithstanding any other provision of this ordinance to the contrary, no structure or premises exceeding five thousand (5,000) square feet in nonresidential gross building area or containing four (4) or more residential dwelling units shall be constructed, reconstructed, enlarged, altered or used, except in accordance with a site plan submitted to and approved by the planning board in accordance with the request of this section.

#### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Everett has an APARTMENT DISTRICT which has multifamily housing by right. In the Dwelling District, only 3-unit houses are allowed if A single or a double semi-detached dwelling existing at the time of the first enactment of the Zoning Ordinance may be converted to provide not more than a total of three (3) dwelling units.

Everett also allows apartments in the business and industrial districts, as well as, the business limited district.

The Land Use Ordinance of Everett  
MIDDLESEX COUNTY, MASSACHUSETTS  
ZONING ORDINANCE

Section 5. Apartment districts.

(a) Uses. In any apartment district, as indicated on the zoning map, no building, structure or premises shall be used and no building or structure shall be erected which is intended or designed to be used in whole or in part for any industry, trade, manufacturing or commercial purposes or for other than one of those of the following specified purposes:

- (1) Any use specified above in section 4 as permitted in dwelling districts.
- (2) Detached apartment or tenement houses.
- (3) Hotels and lodging houses, dormitories, providing there is no display or advertising visible from any street except for a small name sign.
- (4) The following uses shall only be permitted in the Apartment District upon the grant of a Special Permit by the Zoning Board of Appeals:

A. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production. The Zoning Board of Appeals may grant such permit provided that it finds that the proposed accessory use does not substantially derogate from the public good. (Ord. of 4-29-91)

(5) Open air markets of any type shall be prohibited. The sale of used household goods by residential occupants on their premises, normally referred to as garages sales, shall be allowed providing that such sale shall not continue for a period or more than seven (7) days in any year, except by Special Permit of the Zoning Board of Appeals. (Ord. of 4-29-91)

Section 4. Dwelling districts.

(a) Uses. Within any dwelling district as indicated on the zoning map, no building, structure or premises shall be used and no building or structure shall be erected which is intended or designed to be used in whole or in part for any industry; trade, manufacturing, or commercial purposes, or for other than the following specified purposes:

(1) A single or a double semi-detached dwelling existing at the time of the first enactment of the Zoning Ordinance may be converted to provide not more than a total of three (3) dwelling units providing that the following standards are met:

Any addition shall comply with front, side and rear yard requirements and height limitations of the Zoning Ordinance.

Where the existing building is already non-conforming, any alteration shall not increase the existing non-conformity. Parking in accordance with this Zoning Ordinance shall be provided for any additional dwelling units. (Ord. of 4-29-91)

Section 6. Business districts.

(a) Uses. In any business district; as indicated on the zoning map, buildings or premises may be used in any part for any purpose hereinbefore permitted in any dwelling or apartment district and also for any store or stand or other structure where goods are sold or service rendered, primarily at retail, also for any public building, places of amusement or assembly, restaurant, bank or office, also for any stable, garage or filling station under limitations hereinafter prescribed.

Section 7. Industrial districts.

(a) Uses. In any industrial district as shown on the Zoning Map, as most recently amended, any use shall be allowed except that the following shall be prohibited. Provided, however, that nothing in this section shall be construed as limiting the powers of the board of aldermen as now established by law.

Section 20. Business Limited District Identification.

Business Limited District:

(a) Uses. In any Business Limited District, as indicated on the zoning map, no building, structure or premises shall be used and no building or structure shall be erected which is intended or designed to be used except as provided herein:

1. Residential uses limited to multifamily dwellings, hotels and motels.

\*\*\*

Section 6. Business districts.

(a) Uses. In any business district; as indicated on the zoning map, buildings or premises may be used in any part for any purpose hereinbefore permitted in any dwelling or apartment district and also for any store or stand or other structure where goods are sold or service rendered, primarily at retail, also for any public building, places of amusement or assembly, restaurant, bank or office, also for any stable, garage or filling station under limitations hereinafter prescribed.

(8) Special Exception. The intent of this paragraph is to provide by special exception granted by the City Council, a mixture of residential apartments: retail trade and services, offices, off street parking, and accompanying accessory uses all within one structure that normally would be in harmony with the general purpose and intent of the requirements of the Business District except building height and area.

a. Special exception may be granted only by the City Council subject to the following regulations:

1. Minimum lot area of 30,000 square feet and minimum frontage of 200 feet.

2. No building of structure shall be constructed unless the lot is a least ninety (90) percent within the Business District and the building completely within the Business District.

3. Compliance with section 6, except building height and area, and section 17.

4. All uses to be within the same structure, provided all residential uses shall be located not lower than the second floor of the structure.

5. City Council conformance with Chapter 40A section 4, 15, 16, 17 and 21, Massachusetts General Laws.

Uses specifically prohibited:

a. Manufacturing and industrial.

b. Wholesale and warehousing.

c. Salvage and junk operations.

\*\*\*

Section 7. Industrial districts.

(a) Uses. In any industrial district as shown on the Zoning Map, as most recently amended, any use shall be allowed except that the following shall be prohibited. Provided, however, that nothing in this section shall be construed as limiting the powers of the board of aldermen as now established by law.

\*\*\*

Section 19. Site Plan Review.  
[Amended & Approved 3/12/99]

(a) Purposes. For the purposes of protecting and promoting the health, safety, convenience and general welfare of the inhabitants of the city, promoting acceptable site planning practices and standards within the City of Everett and ensuring compliance with good zoning practices, notwithstanding any other provision of this ordinance to the contrary, no structure or premises exceeding five thousand (5,000) square feet in nonresidential gross building area or containing four (4) or more residential dwelling units shall be constructed, reconstructed, enlarged, altered or used, except in accordance with a site plan submitted to and approved by the planning board in accordance with the request of this section.

\*\*\*

Notes on density:

Dwelling Districts:

(2) Lot area:

- a. Single-family dwelling 2800 square feet minimum.
- b. Two-family dwelling 3200 square feet minimum.
- c. All other uses 0.5 max. floor area ratio.
- d. Newly created lot requirements: Single-family dwelling 4200 square feet minimum. Two-family dwelling 5000 square feet minimum.

Apartment Districts:

b. Lot area:

Four thousand (4,000) square feet plus one thousand (1,000) square feet per unit up to a total of ten (10) units, then five hundred (500) square feet per unit for all units in excess of ten (10) units. (Ord. of 6-29-87)

Business District:

(2) Lot area:

- a. Residential-1.5 to 1 maximum floor area ratio.

Industrial Districts:

(2) Lot area: 4 to 1 maximum floor area ratio.  
(Ord. of 6-29-87)

Business Limited District:

FAR (Floor Area Ratio): The floor area ratio shall not exceed 4 to 1. The floor area ratio may be increased to a maximum of 6 to 1 by the grant of a Special Permit.

## Foxborough

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** From definitions on ordinance.com:

6. APARTMENT : A dwelling unit in either a two-family or multi-family dwelling.

9. ATTACHED SINGLE FAMILY HOUSING - Houses that share a common side wall. The wall may or may not be the property line of

the unit. These "attached single family houses" may be allowed to be constructed on their own parcel of land with a front and rear yard or may be developed with the land around the unit being owned and maintained by a homeowners or condominium association. These units are commonly referred to as Townhouses.

\*\*Webmasters Note: The previous definition has been added as per an update approved at a town meeting held on 12/2/02.

18. DWELLINGS TWO FAMILY - A building containing two (2) dwelling units with not more than three (3) lodgers or boarders per unit. Multi-Family - A building, or portion thereof, containing three (3) or more dwelling units.

\*\*\*

According to the table of use regulations:

"Multifamily dwellings" are allowed by special permit from the planning board in R15 and GB.

"Open space residential developments" are allowed by special permit from the planning board in R-40.

"Planned development - housing" is allowed by special permit from the planning board in R-40.

\*\*\*

## SECTION 9.01 SITE PLAN REVIEW

### B. General Requirements

1. The Planning Board shall hear and decide all petitions for Site Plan Review in accordance with the provisions of this Section.
2. Site Plan Review is required for any new building, any addition to, or any change of use of a predominantly non-residential building in any zoning district. This shall include the construction of a new building on a previously developed lot. When an addition is proposed to an existing building, the Planning Board reserves the right to review the existing structure and site.
3. Site Plan Review is required for any alteration of land greater than 1000 sq. ft. or change of use of land except for one and two family residential, agricultural, horticultural, floriculture, or viticulture uses. (Art. 12, 11/5/01 STM)
4. A Site Plan Review Application is not required for those uses, which require a Special Permit but all other requirements of this Section 9.01 shall apply to a site plan application. (Art. 25, 5/13/02 ATM)
5. Site Plan Review is not required for those uses which require a Special Permit.
6. The Planning Board shall not require the completion of an environmental impact report pursuant to Section 9.03 of the Bylaws, if in connection with the development which is the subject of the Site Plan Review process, the applicant is required to complete a MEPA environmental impact report ("EX") in accordance with applicable state law, provided that such EIR is provided to the Planning Board sufficiently in advance of the Planning Board rendering its Site Plan Review decision so that the Board has adequate time to review the EIR. (Art. 3, 12/6/99 STM)

\*\*\*

Attached single family housing (townhouses) are allowed in the Chestnut-Payson Overlay District, but "multifamily" is not allowed:

## SECTION 9.14 CHESTNUT-PAYSON OVERLAY DISTRICT (CPOD)

### A. Establishment and Delineation of District

There is hereby established the "Chestnut-Payson Overlay District (CPOD)" which shall be governed by the provisions of this Section 9.14. The Chestnut-Payson Overlay District encompasses the area more particularly delineated on the plan entitled "Chestnut-Payson Overlay District (CPOD) Plan in Foxborough, MA" prepared by Bay Colony Group, dated October, 2002, a copy of which is on file with the Town Clerk. The parcels are labeled on the plan as parcels E-3, F-1, F2-A, F2-B, H, and 1. The Chestnut-Payson Overlay District shall be an overlay district on the zoning map established by Section 3.01. This district shall be considered as superimposed over other districts established by these By-Laws. Said Plan, as it may be amended from time-to-time, is also on file with the office of the Building Commissioner, and together with any explanatory material thereon, is hereby incorporated in and made part of these By-Laws. Hereinafter in this Section 9.14, the Chestnut-Payson Overlay District shall sometimes be referred to as the "CPOD".

### B. Purpose

It is the purpose of this Section 9.14 to supplement existing zoning regulations to provide for the following:

1. Permit the implementation of the Reuse Consensus Plan for Foxborough State Hospital Property dated April 20, 1994, Amended September 5, 2002, a copy of which is on file with the Town Clerk. This will permit the total construction of 152 total residential units in the CPOD.

2. Permit maximum flexibility and creativity in design for the development of single or multi-purpose uses on a lot, in a way that will be superior to conventional plans.

3. Promote the most harmonious use of the land's natural features, resources and topography that will promote the general health and safety of the public.

4. Discourage sprawled development, minimize environmental disruption, and provide a shorter network of streets and utilities, which will promote a more efficient distribution of services.

5. Provide for an innovative approach to mixing building types and controlling densities.

#### C. Special Permit in the Chestnut-Payson Overlay District

In this District, a Special Permit may be granted by the Planning Board to allow for single or multipurpose integrated commercial and/or residential uses on a lot in the CPOD. This Special Permit is not limited to an individual lot, but one application may be submitted and reviewed for a single Special Permit for multiple lots provided that such lots are under single ownership or if it can be demonstrated that all owners within the CPOD have agreed to join in the application for a Special Permit.

#### D. Uses Allowed and Not Allowed in the Chestnut-Payson Overlay District

1. All uses allowed in the underlying zoning district shall be allowed for those parcels in the CPOD, unless amended by this section.

2. The following uses, as specified in the referenced subsection of Section 4.00 TABLE OF USE, that may be permitted within the underlying zoning district are not permitted within the CPOD:

B.4. Temporary parking lots, whether paved or unpaved, serving uses with seating capacities of over 7,500 people within the Special Use Zoning District.

G.7. Mobile homes/travel trailers.

I.1. Cemeteries

L.2. Seasonal migrant workers quarters, mobile home or watchman's quarters as accessory uses to permitted Industrial uses.

L.6. Outdoor storage or overnight parking of buses, trucks or other vehicles whose Gross Vehicle Weight (GVW) as determined by Mass. Registry of Motor Vehicles, equals or exceeds 10,000 pounds.

3. The following additional uses not specified in Section 4.00 TABLE OF USE may be allowed by Special Permit in the CPOD.

a. Attached Single-family Housing

b. Assisted Living Facilities

c. Open Space Residential Developments

d. Sewage treatment plants and sewage treatment facilities

e. Water tanks and towers, emergency generators, water filtration plants, utility facilities, power plants and substations.

4. The following uses, as specified in the referenced subsection from Section 4.00 TABLE OF USE as not permitted in the underlying zoning district may be allowed by Special Permit in the CPOD:

B.3. Parking lots constructed to the standards found in Article 7 of these by-laws.

C.1. All land and buildings which are used for display and sale purposes involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public, including among others retail stores, shops and sales rooms, restaurants with seating except for other uses specified in this Use Group C. Sale of high hazard materials or products shall be governed by the provisions noted in Use Group A.2. above.

C.2. Mercantile/retail uses, except restaurants with seating, which use more than twenty five percent (25%) of the gross area of a building.

D.1. All land and buildings which are used for the transaction of business, for the rendering of professional or tradesman services or for other services that involve stocks of goods wares, or merchandise in limited quantities for use incidental to office uses or similar purposes, except for other uses specified in this Use Group D.

D.2. Research and Development facilities

D.3. Laundry or dry cleaning facilities

E.1. Theatres

E.4. Museums with. or without an auditorium in which persons assemble for amusement, entertainment or recreation and incidental motion picture, dramatic or educational presentations, lectures or similar purposes.

E.7. Private Schools

F.1. All land and buildings for housing people suffering from physical limitations, including among others hospitals, sanitariums, infirmaries, orphanages, and institutions licensed by the Commonwealth of Massachusetts.

G.3. Dormitories

G.4. Multifamily dwellings

I.2. Public Utility facilities and structures necessary to the service of the Town, excluding storage yards, power plants, water filter plants, sewage treatment and refuse facilities.

I.5. Telecommunications/Wireless Communications Facilities (see Section 9.11) as accessory use.

I.6. Commuter rail stations, bus stations, and related or accessory structures and improvements.

J.2. Passive outdoor recreational uses such as beaches, parks, picnic groves, and other similar uses, but not including amusement parks.

J.3. Low density recreational uses which predominantly occur within a building such as swimming, tennis, skating and other similar uses.

J.6. Outdoor recreational uses including, golf driving range, miniature golf course, batting cages, gocarts and bumper boats (except in the Water Resource Protection Overlay District, where such uses shall be prohibited) but not including amusement parks.

L.7. Accessory uses to multifamily dwellings which are located within the principle building and are limited to: eating establishments; personal service establishments; retail sales establishments selling convenience merchandise.

L.8. Accessory Structures to multifamily structures..

L.9. Nonresidential Accessory Uses and structures which do not exceed fifteen percent (15%) of the gross area of the principal building or buildings.

E. Dimensional Requirements for Uses Allowed in the Chestnut-Payson Overlay District

The following additions are to be made to Table 5-1:

\*\*\*

Notes on density:

The minimum lot size for multifamily housing in the Residence 15 district is 32,250 sq. ft. plus 6,125 sq. ft. for additional units.

\*\*\*

## Framingham

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Framingham defines multifamily as "Multifamily dwelling: A dwelling containing more than two dwelling units."

Town of Framingham  
Zoning By-Laws (Last updated 3/17/2003)

### III. USE AND DIMENSIONAL REGULATIONS

#### A. Single Residence

3. The following uses shall require a special permit from the Planning Board:

a. Conversion of a single-family detached dwelling to multifamily use, subject to the following provisions:

(1) The structure must have been in existence as a residential structure on March 15, 1939.

(2) The total number of dwelling units after conversion shall not exceed the maximum number of single-family lots which could be attained on the parcel in conformance with the use and dimensional regulations of the underlying zoning district, as determined by the Planning Board.

(3) In connection with an application for a special permit under this section, an applicant shall submit a plan conforming to the requirements for a preliminary subdivision plan under the Planning Board's rules and regulations for the subdivision of land, or an "approval not required plan" if applicable, indicating the number and layout of single-family dwelling lots attainable under the Zoning By-Law without any variance or other special permit, and without any waiver of said rules and regulations.

(4) An application under this section shall be subject to the Site Plan Review provisions of Section IV.I. of this By-Law, regardless of the gross floor area of the structure to be converted.

(5) Any special permit issued under this section shall include the following conditions:

(a) the parcel for which the special permit has been granted shall not be further subdivided;

(b) the structure for which the special permit has been granted shall not be enlarged by any change to the exterior walls or roof;

(c) no variance of any sort shall be issued in conjunction with the use for which the special permit has been granted.

#### B. General Residence

1. No building or structure shall be used or arranged or designed to be used in any part and no change shall be made in the use of land or premises, except for one or more of the following purposes:

a. All uses permissible and as regulated in a Single Residence District.

\*\*\*

#### E. Planned Reuse

##### 1. Purpose and Intent

It is the intent of this district to permit and encourage the appropriate reuse of land and buildings that are no longer needed or suitable for their original use, and to permit reuses which are compatible with the character of the neighborhood and which take into consideration the interests of abutters, neighbors and the public, especially where the site abuts a residential area or the building(s) merit preservation. The provisions of this section shall apply only to land and buildings in municipal ownership on the date of Town Meeting action placing land in this district.

##### 2. Use Regulations

No building or structure shall be used or arranged or designed to be used in any part and no change shall be made in the use of land or premises except for one or more of the following purposes:

a. All uses permissible by right or by special permit in a Single Residence District subject to the same lot size, frontage, and setback regulations as residences in the R-3 Single Residence District.

b. Multi-family or single-family residences at a density greater than that permitted by Section III.E.2.a., subject to the Special Reuse Permit provisions of Section III.E.3.

\*\*\*

##### 2. Community Business District (B-2)

e. The following uses are not permitted:

(1) Mixed use - residential use on the upper floors with an allowed non-residential use on the ground floor of a building.

\*\*\*

##### 4. Central Business District (CB) (Amended STM 11/9/99)

d. The following uses shall require a special permit for use from the Planning Board:

(4) Mixed Use - residential use on any floor above the ground floor of a building combined with an allowed non-residential use or uses on the ground floor and other floors of a building, subject to special regulations Section IV.N. Mixed Use Regulations, herein and Section IV.I. Site Plan Review, herein. (Amended STM 10/25/00, approved 2/9/01)

(5) Mixed Use Complex, subject to special regulations Section IV.N. Mixed Use Regulations, herein and Section IV.I. Site Plan Review, herein.

\*\*Webmasters Note: The previous subsection has been added as per an update approved at a town meeting held on 11/19/02

\*\*\*

## I. SITE PLAN REVIEW

### 1. Purpose

The purpose of this section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures which may have significant impacts on traffic, municipal and public services and utilities, environmental quality, community economics, and community values in the Town.

### 2. General Provisions

The Planning Board shall conduct site plan review and approval. Notwithstanding any provision of this By-Law to the contrary, any structure, use, alteration or improvement which meets any of the following criteria (excluding subdivisions for detached single-family dwellings, planned unit developments, and all uses exempt from such zoning regulation as set forth under MGL Chapter 40A, Section 3) shall require site plan review and approval as set forth in this section:

a. any new structure, or group of structures under the same ownership on the same lot or contiguous lots, or any substantial improvement, substantial alteration, or change in use of an existing structure or group of structures, which results in the development of any off-street parking or loading facilities (except for residences requiring fewer than five stalls) and less than 8,000 square feet of gross floor area, and except for residences requiring fewer than five stalls, any new construction or expansion, alteration or enlargement of a parking facility and/or off-street loading facility and/or any facility for the storage or sale of any type of new or used vehicle, including construction vehicles, truck trailers and/or any vehicle which would normally require licensing by the Commonwealth of Massachusetts shall be subject to the provisions of the first paragraph of Section IV.I.5, herein with regard to Contents and Scope of Applications;

b. any new structure, or group of structures under the same ownership on the same lot or contiguous lots, or any substantial improvement, substantial alteration, or change in use of an existing structure or group of structures, which results in the development of, redevelopment of, reuse of, change in use of, or an increase of at least 8,000 square feet of gross floor area, or which requires the provision of 30 or more new or additional parking spaces under this By-Law, or which results in a floor area ratio (FAR) greater than 0.32, shall be subject to this Section IV.I. in its entirety; (Amended STM 11/9/99)

c. any new structure, group of structures, substantial improvement, substantial alteration, or change in use, which either results in an increase of 5,000 square feet of gross floor area or requires the addition of 20 or more parking spaces, when any portion of the lot or parcel of land on which said structure or use is located lies within 200 feet of a residential district, shall be subject to this Section IV.I. in its entirety.

For purposes of this Section IV.I, the calculation of increase in floor area shall be based on the aggregate of all new structures, improvements, alterations or enlargements, calculated from the date of enactment of this section.

\*\*\*

Notes on density:

There is the Central Business District which allows for mixed-use development, but it is not worded as multifamily development.

Central Business District:

Residence:

Minimum Lot Size: 8,000 sq ft

Planned Re-Use District:

One-family or two-family

detached dwellings: 20,000 sq ft

Other uses permissible

in Single Res. Districts: 43,560 sq ft

Town of Framingham

Zoning By-Laws (Last updated 3/17/2003)

## III. USE AND DIMENSIONAL REGULATIONS

### C. Business Districts

#### 4. Central Business District (CB)

d. The following uses shall require a special permit for use from the Planning Board:

(1) Uses set forth in subsections b. and c., herein, with 8,000 or greater than 8,000 square feet of gross floor area, without limitation as to maximum size of establishment or building.

(2) Light manufacturing, limited to assembly of materials only, and which does not require any processing of new materials, provided that the use is found to be compatible with the intent of this Section, as set forth in subsection a., herein, and with the uses noted in subsection b., herein; provided that the use is operated in compliance with all applicable town, state, and federal health and safety laws and regulations; provided that the use will not detract from an active streetscape at the pedestrian level; and provided that the use will be limited to the upper floors or basement level of a building on primary downtown streets (Concord St., Union Ave., Waverly St., Irving St. and Hollis St.), except where the use is ancillary to a retail or personal service use in a storefront location.

(3) Drive-thru facility associated with a financial institution, containing no more than one lane or window for financial transactions.

(4) Mixed Use -- residential use on any floor above the ground floor of a building combined with an allowed non-residential use or uses on the ground floor and other floors of a building, subject to special regulations Section IV.N. Mixed Use Regulations, herein and Section IV.I. Site Plan Review, herein.

(5) Mixed Use Complex, subject to special regulations Section IV.N. Mixed Use Regulations, herein and Section IV.I. Site Plan Review, herein.

There is also the Planned Reuse District which allows multifamily through a special Planned Reuse Permit.

#### E. Planned Reuse

##### 1. Purpose and Intent

It is the intent of this district to permit and encourage the appropriate reuse of land and buildings that are no longer needed or suitable for their original use, and to permit reuses which are compatible with the character of the neighborhood and which take into consideration the interests of abutters, neighbors and the public, especially where the site abuts a residential area or the building(s) merit preservation. The provisions of this section shall apply only to land and buildings in municipal ownership on the date of Town Meeting action placing land in this district.

##### 2. Use Regulations

No building or structure shall be used or arranged or designed to be used in any part and no change shall be made in the use of land or premises except for one or more of the following purposes:

a. All uses permissible by right or by special permit in a Single Residence District subject to the same lot size, frontage, and setback regulations as residences in the R-3 Single Residence District.

b. Multi-family or single-family residences at a density greater than that permitted by Section III.E.2.a., subject to the Special Reuse Permit provisions of Section III.E.3.

c. Medical, professional, business, banking, or research and development offices, subject to the Special Reuse Permit provisions of Section III.E.3.

d. Retail service establishments or retail stores, including shops for making articles to be sold at retail on the premises, subject to the Special Reuse Permit provisions of Section III.E.3.

##### 3. Special Reuse Permit Provisions

###### a. Requirement

In all instances where a Special Reuse Permit is required by this Section, no structure shall be erected, enlarged or used and no land shall be used except in conformity with said Permit. The Zoning Board of Appeals (ZBA) shall be the permit granting authority for such Permits.

###### b. Application Procedure

Prior to the filing of an application subject to this Section, the applicant shall submit plans to the Building Commissioner who shall advise the applicant as to the pertinent sections of the Zoning By-Law. The applicant shall then submit five copies of the application to the ZBA which shall forthwith transmit one copy each to the Town Clerk, the Engineering Department, the Planning Department, and the Planning Board. Such agencies shall, within 30 days of receiving said copy, submit a report containing recommendations and the reasons therefor to the ZBA, and may recommend conditions deemed appropriate for the proposed use. The ZBA shall not render a decision on any such application until said recommendations have been received and considered, or until the 30-day period has expired, whichever is earlier. Failure of such agencies to submit their respective recommendations shall be deemed concurrence thereto. The conduct and notification of hearings and decisions on applications under this Section shall be in accordance with the procedures for all Special Permits in M.G.L. Ch. 40A. S.9.

###### c. Contents of Application

To assist the ZBA in rendering its decision on the application, said application shall indicate at least the following:

(1) Locus plan indicating, for the subject site and for all properties within 1000 feet: lot lines, ownership, location of structures and location of significant landscape features.

(2) Existing site plan with contours at a maximum of two feet showing location of structures, parking areas, driveways and walkways, and other significant site features.

(3) Proposed site plan including a plan of the layout of buildings and structures and the proposed use of interior space; a parking plan;

a landscaping plan; a drainage plan with contours at a maximum of two feet; a design plan showing the exterior treatment of buildings; and, for areas or buildings having historical or architectural significance, a design plan showing the interior treatment of buildings.

(4) If new construction or additions are proposed, a perspective drawing showing the new construction or additions in relationship to existing buildings on the site and on adjacent land.

(5) A traffic report.

(6) Information pertaining to the financial feasibility and the likelihood of completion of the proposed project.

(7) Other information as may reasonably be required by the ZBA to ensure compliance with the provisions of this Section.

d. Conditions for Approval

The ZBA shall approve only those applications which meet the following conditions:

(1) The proposal protects adjoining premises from characteristics of the proposed use which are incompatible, detrimental, offensive, or unsightly.

(2) The proposal ensures the harmonious relationship of proposed structures and additions to the terrain and to the use, scale, and architecture of existing buildings on the site or in the vicinity that have functional or visual relationship to the proposed structures and additions.

(3) The proposal preserves and enhances open space, trees, plantings and other natural features of the site.

(4) The proposal maximizes the privacy of residents on the site and on abutting parcels.

(5) The proposal ensures that the size, location, design, color, texture, lighting and materials of all permanent signs shall not detract from the use and enjoyment of the site and the surrounding properties.

(6) The proposal protects Framingham's heritage by minimizing removal or disruption of historic, traditional or significant uses, structures or architectural elements, whether these exist on the site or on adjacent properties.

(7) The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent ways, property or improvements, and the proposed use will not result in a volume of traffic inappropriate to the public ways providing access to the site.

(8) Adequate parking facilities are provided in accordance with Section IV. of the Zoning By-Law.

(9) The proposal provides adequate methods of disposal and storage of wastes resulting from the uses proposed for the site, and adequate methods of drainage for surface water.

(10) The proposed uses and structures are consistent with any conditions imposed by the Town Meeting on the sale, lease, or transfer of the site.

In approving a Special Reuse Permit the ZBA may attach such conditions and safeguards as are deemed necessary to protect the neighborhood, including a bond or other security to ensure compliance with the conditions of authorization.

e. Occupancy Permit

No building to be occupied for a use requiring a Special Reuse Permit shall be occupied or used without an occupancy permit signed by the Building Commissioner which permit shall not be issued until the development complies in all respects with the site plan approved by the ZBA and any conditions imposed by the ZBA on the granting of a Special Reuse Permit.

IV. SPECIAL REGULATIONS

G. Dimensional Regulations

2. Table of Dimensional Regulations

Minimum lot area, frontage, lot width, setbacks and open space, and maximum height, lot coverage and floor area shall be as specified in the following table of Dimensional Regulations, subject to the further provisions of this Section:

## Franklin

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Franklin Zoning Bylaw, Section 185.38 (Last Amended 2001).

"§185-38. Multifamily and flexible development.

[Amended 10-886 by Bylaw Amendment 86-71; 11-4-87 by Bylaw Amendment 87-102]

"Multifamily dwellings and more than one (1) single-family or two-family dwelling on a single lot may be authorized on special permit from the Planning Board in a Residential VI District, but only as follows:

A. Intensity of use requirements.

(1) The maximum number of dwelling units permitted shall not exceed the number which could reasonably be expected to be developed under a conventional subdivision plan in full conformance with zoning, subdivision regulations and health codes of the Town of Franklin, as determined by the Planning Board following consultation with or review by the Conservation Commission. All calculations of dwelling units resulting in a fractional unit of one-half (1/2) or more shall be rounded up, to the next whole number, all others being rounded down

(2) To assist the Planning Board in such determination, applicants shall submit a conventional plan conforming to the requirements for a preliminary subdivision plan

(3) Buildings shall be separated from side and near lot lines by a distance at least equal to the building height. In all other respects, the requirements of the Schedule of Lot, Area, Frontage, Yard and Height Requirements must be met.

B. Serving housing needs.

(1) Not fewer than twenty-five percent (25%) of the dwelling units authorized shall be assured for at least twenty (20) years, through covenant, repurchase agreement or other means, to be sold or leased at costs and subject to occupant income limitations meeting the guidelines of state or federal housing assistance programs, such as the MHFA First-Time Homebuyer Loans.

(2) To assure consistency with the objectives of Chapter 40B of the General Laws and of Executive Order 215, this subsection shall, from time to time, be reviewed and, if appropriate, amended by Town Council action.

(3) All calculations of dwelling units resulting in a fractional unit of one-half (%) or more shall be rounded' up to the next whole number, all others being rounded down."

\*\*\*

Definitions from ordiance.com:

DWELLING, MULTIFAMILY OR APARTMENT - A structure containing three or more dwelling units, whether for rental, condominium ownership or, other forms of tenure.

DWELLING, TOWNHOUSE - A dwelling with at least three dwelling units, each dwelling unit having a separate exterior entrance and a separate deed.

\*\*\*

§185-31. Site plan review and design review.

[Amended 5-12-1986 by Bylaw Amendment 86-65; 3-20-1996 by Bylaw Amendment 96-308; 1-21-1998 by Bylaw Amendment 97-349-R]

(1) Site plan review.

A. Submittals.

No person shall undertake construction, alteration, use or reuse of any structure other than a single-family or two-family dwelling (requiring a building permit) unless they have first obtained site plan review approval from the Planning Board.

\*\*\*

According to the table of use regulations, "multifamily or apartment" is allowed by special permit from the planning board in GRV and Cl. No more than one dwelling unit per 1,000 square feet of lot area may be permitted.

\*\*\*

In the Residence VI district where there is multifamily zoned by special permit, the minimum lot dimensions are 40,000 sq. ft.

\*\*\*

"§185-17. Maximum occupancy in multifamily dwelling.

The maximum occupancy for a dwelling unit in a multifamily dwelling shall be three (3) persons for a unit containing one (1) minimum-sized bedroom, five (5) persons per two (2) minimum-sized bedrooms and two (2) persons per each additional minimum-sized bedroom. A "minimum-sized bedroom" shall be considered to have a minimum of seventy (70) square feet and four hundred ninety (490) cubic feet and shall not also be used as a living room, dining room, bath, kitchen or closet. Anything smaller shall be considered fit for occupancy by only one (1) sleeper. This section will not apply to children under two (2) years of age." Town of Franklin Zoning Bylaw, Section 185.17 (Last Amended 2001).

## Freetown

### Is multi-family housing allowed by right in any part of the municipality?

**No** According to table of uses:

Multi-family is allowed by special permit in R, B, G.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to table of uses:

Multi-family is allowed by special permit in R, B, G.

"SECTION 6. SPECIAL PERMIT USE-MULTI-UNIT DWELLINGS OF THREE UNITS OR MORE INCLUDING APARTMENTS, TOWNHOUSES, CONDOMINIUMS, ETC.

A. Purpose:

To protect the public interest in preservation of groundwater resources, wetlands, to assure traffic safety, protect and promote land values and to generally provide guidelines that will allow development of multi-family structures without detrimental effect upon the neighborhood in which they are located.

B. Special Permit:

Except as provided otherwise in this By-Law no multi-family structure shall be USED, CONVERTED, CONSTRUCTED OR RECONSTRUCTED without the issuance of a Special Permit from the Planning Board as the Special Permit Granting Authority.

C. Special Permit Requirements: [...]

D. Density:

- a. The minimum lot area requirement for each apartment building shall be 70,000 square feet for the first unit and 40,000 square feet for each additional unit.
- b. The minimum lot area shall be exclusive of all streets and ways, wetland and swamp area as defined by M.G.L.W. Ch. 131, Sec. 40.
- c. Buildings designed for this use shall have a maximum of two stories for living space and a maximum height of 30 feet."

- The Land Use Ordinance of Freetown (as ammended 5/3/04) Section 6.

Min Lot size:

70,000 sf for first dwelling unit, 40,000 for each additional

## Georgetown

### Is multi-family housing allowed by right in any part of the municipality?

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Georgetown Zoning Bylaw, Chapter 165, last revised 2002

DWELLING, MULTIPLE-FAMILY - A building used or designed as a residence for two (2) or three (3) families living independently of each other and doing their own cooking therein, but which may have joint services and facilities or both.

APARTMENT HOUSE - A building arranged, intended or designed to be occupied by four (4) or more families, living independently of each other.

CONDOMINIUM, RESIDENTIAL - A single family real estate unit in a multi-family unit development in which a person has both separate ownership of a unit and a common interest along with the development's other owners, in the common areas. (Added STM 10/24/2000; Approved by AG 1/25/2001)

Multiple-family dwellings are allowed by special permit of the Board of Appeals in the following districts: RA, CA, IA

Conversion of single family dwelling for multiple dwelling is allowed by special permit from the board of appeals in the following districts: RA, RB, CA, IA, RC

ARTICLE XI Supplementary Regulations

Section 165-68. Apartments.

[Added 6-4-1973 ATM, Art. 5 (Amdt. No. 44)]

The following provisions shall apply to apartment houses:

A. There shall be a minimum usable land area of ten thousand (10,000) square feet for each family or dwelling unit hereafter altered or erected. "Usable land" shall be construed to mean land that is continuous, without interruption by a swamp, permanent or semipermanent body of natural water, such as a brook, river, pond or swamp. All the required area shall consist of continuous building area (CBA) as defined in Section 165-7. [Amended 6-11-1990 ATM, Art. 37 (Amdt. No. 82)]

B. The limit of height in all apartment buildings shall be two and one-half (2Y2) stories, not to exceed thirty-five (35) feet. The limitations of height in feet shall not apply to chimneys, ventilators, skylights, bulkheads and other necessary features usually carried above roofs.

C. An apartment house shall not cover more than twenty-five percent (25%) of its lot.

\*\*\*

Footnotes in the table of dimensional regulations: Footnote 1 is for RA, CA, IA; Footnote 8 is for RB; Footnote 9 is for RC.

1. For multiple-family units or apartments, 10,000 square feet per unit for first two units; 10,000 square feet per unit thereafter. All the required area shall consist of continuous building area (CBA) as defined in Section 165-7. [Amended 6-4- 1973 ATM, Art. 5 (Amdt. No. 44); 6-11-1990 ATM, Art. 37 (Amdt. No. 82)]

8. For multiple-family units, 20,000 square feet per unit for first two units; 10,000 square feet per unit thereafter. All the required area shall consist of continuous building area (CBA) as defined in Section 165-7. [Amended 6-11-1990 ATM, Art 37 (Amdt. No.)]

9. For multiple-family units, 40,000 square feet per unit for first two units; 10,000 square feet per unit thereafter. All the required area shall consist of continuous building area (CBA) as defined in Section 165-7. [Amended 6-11-1990 ATM, Art. 371]

Researcher's note: While the table of dimensional requirements refers to multifamily in RB and RC, the table of uses does not.

## Gloucester

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** City of Gloucester Zoning Ordinance (Adopted 1950, Amended 2002)

According to the Use Regulations Schedule, the following are allowed:

Multi-family or apartment dwelling (see section 5.7): Up to six dwelling units... allowed by special permit from City Council in R-2A, R-2, R-3, S, R-4, CCD, CB, NB, VB.

Seven or more dwelling units... [CCS - Use which may be authorized under Special Permit by the City Council. Application must be accompanied by plans as required in Section 1.4.2.2(b), second paragraph.

Applications for Major Projects must be submitted in accordance with Section 5.7.2.]... allowed by special permit in R-2A, R-2, R-3, S, R-4, CCD, CB, NB, VB.

\*\*\*

#### 5.7 MAJOR PROJECTS (Subsections amended 6/20/00)

5.7.1 Applicability. Any application for a multi-family dwelling if required on a Special Permit and involving 21 or more bedrooms, or 11 or more dwelling units, or if abutting a parcel for which a permit for multi-family dwelling has been issued in the past 36 months, shall be considered a Major Project, and shall comply with all requirements below. Any application for a hotel, motel, or motor inn resulting in 30 or more guest units (existing plus proposed) shall also be considered a Major Project, and shall comply with all requirements below. A Shopping Center (as defined herein) shall be considered a Major Project and shall comply with all requirements below. Assisted Living projects of 11 dwelling units or greater shall be considered a Major Project and shall comply with all requirements in 5.7 except 5.7.5(f).

#### 5.7.2 Application

Major Project applications shall be submitted in conformance with the requirements of Section 1.4.2.2.

(a) In addition to the information required under that Section, the developer shall submit photographs of the premises in relation to adjoining structures and to natural features, and for projects involving 50 or more dwelling units a simple block model of proposed buildings and topography. For projects not to be connected to municipal sewerage, percolation test reports shall be submitted. Required plans shall have been prepared by a registered Engineer, bear their respective seals and signatures, and also bear certifications by each that the materials were prepared by them or under their supervision for the site in question, and comply with all state statutes and local ordinances and regulations. Eight copies of the application and plans shall be submitted, plus a reproducible copy of the site plan.

#### 5.7.3 Departmental Reviews

Forthwith upon their receipt, one copy of Major Project applications and plans submitted to the City Clerk for approval shall be transmitted by the City Clerk to the following for their review and report:

Conservation Commission Engineering Department

Fire Department Public Health Department

Public Works Department City Building Department

The above shall report in writing to the Council regarding compliance of the proposal to existing state statutes and local rules, regulations, and ordinances, and regarding relationship of the proposal to matters within the Department or Commission's area of concern. No Special Permit shall be decided upon within twenty-one days of forwarding such plans without receipt of an advisory report thereon from all of the above Departments or Commissions.

#### 5.7.4 Planning Board Review

Forthwith upon their receipt, one copy of Major Project applications and plans submitted to the City Council for approval shall be transmitted by the City Clerk to the Planning Board for their review and report regarding the Special Permit criteria below. The Planning Board may, when they deem it advisable, engage professional assistance, at the applicant's expense, for such review and report.

No Special Permit shall be decided upon within thirty-five (35) days of forwarding such plans without receipt of an advisory report thereon from the Planning Board. The Planning Board may require of the developer submission of sufficient data on hydrology, traffic, or other environmental impacts to allow determination of compliance with the Special Permit criteria of Section 5.7.5 and 5.14.4.

#### 5.7.5 Special Permit Criteria

The following criteria shall be considered as guidelines by the Council in addition to those of Section 1.4.2.2(e) in acting upon Major Projects:

(a) Major Projects should have access from an arterial or collector street via ways serving not more than ten single-family homes.

(b) Where not connected to municipal sewerage, assisted living facilities, multi-family or hotel, motel or motor inn major projects should be so located that there is minimal danger of pollution, evidenced by reasonable grades at leaching areas, a percolation rate of ten minutes per inch drop or less, maximum ground water table at least four feet below the bottom of the disposal field, and location not less than 100 horizontal feet distant from the bank of any pond, stream, river, swamp, or marsh or from the Mean High Water line of adjoining tidal waters. All

projects must comply with Gloucester Board of Health regulations and meet Massachusetts Title V Requirements.

(c) The site plan shall include the following: Access, drainage and utilities serving each structure meet functional standards equivalent to those established in the Gloucester Planning Board's adopted Subdivision Regulations; access via minor streets servicing single-family homes is avoided; parking areas are screened from public ways by building location, grading, or screening; lighting of parking areas avoids glare on adjoining properties; egress does not require backing onto any public way; major topographic changes or removal of existing trees are avoided. (Amended 6/20/00)

(d) All other requirements of the Zoning Ordinance and of all applicable building codes must have been satisfied. Specific attention is drawn to the requirements of the Subdivision Control Law, and the necessity of obtaining occupancy permits prior to occupancy of any building or portion thereof.

(e) Where a multi-family residential or assisted living facility use is proposed in a non-residential district a Special Permit will only be granted if the Council finds that:

1. The public good will be served;
2. The non-residentially zoned area would not be adversely affected; and,
3. That the uses permitted in the zone would not be noxious to the multi-family or assisted living use.

(f) The following criteria, in addition to the above, shall apply to Shopping Centers:

1. Shopping Centers should be so located that not more than ten residential structures existing at the time of application shall be within 300 feet of the proposed buildings, parking areas, and access drives.
2. Shopping Centers should be so located that annual average daily traffic is not increased 50% or more above current levels at any point more than 1000 feet from an expressway interchange, current levels as determined by the Gloucester Department of Public Works; and should be so located that resultant traffic is not above the capacity of roads and interchanges at level of service "C" at any point within one (1) mile of the premises using definitions and methods of estimation as outlined by the Highway Research Board Highway Capacity Manual, 1935, or later editions.
3. No part of any parking area or structure of a Shopping Center shall be built within 100 feet of the right-of-way line of Route 128 (but not ramps) or within 30 feet\* of any other street. At least 75% of these reserved areas shall be planted or retained in vegetative cover. \*Except in CB district, none required.
4. Storm water leaching (recharge) basins, retention basins, or other devices as necessary should be employed in order that peak flows through existing drainage structures or channels are not in a 15 year storm increased more than 15% above current flows or caused to exceed design capacity of structures or channel capacity of streams or to cause flooding.

5. No egress onto an existing street shall be within 250 feet (centerline to centerline) of any other egress on the same side of street is serving 20 or more parking spaces or within 250 feet of the nearest point of an expressway interchange right-of-way or within 100 feet of the intersection of sidelines of intersecting streets. Egressing vehicles should have at least 400 feet visibility in each travel direction.

6. Outdoor lighting fixtures shall not be higher than 20 feet. No light overspill shall be bright enough to create discernible shadows off the premises.

7. All banks exceeding 15 degrees in slope resulting from site grading shall either be retained with a non-bituminous retaining wall, or covered with loam to a depth of four inches and planted with vegetative cover reasonably sufficient to initially prevent erosion.

8. The requirements of Section 5.2 Earth Removal Regulations and Section 5.5 Lowlands Requirements shall be met.

9. Parking shall conform to the requirements of Section 4.1 Off-Street Parking.

10. All open storage, parking, and loading or service areas shall be screened in accordance with the requirements in Section 4.5.

11. Shopping Center parking areas shall contain or be bordered within five feet by a least one tree per eight cars, trees to be of two inch caliper or larger, and if within the parking area to be planted in curbed soil plots allowing not less than 36 square feet of unpaved soil area per tree.

12. On the shopping center premises there shall be not more than one freestanding sign, plus not more than one building sign per business. All signs must comply with the requirements of Section 4.3. No sign shall be located within required setbacks from Route 128.

(g) In addition to the above-stated criteria, except 5.7.5(f), the following criteria shall apply to Assisted Living Facilities: (Adopted by City Council 6/20/00)

1. Twenty (20)% of the units of all assisted living facilities, twenty (20) units or greater in size, shall be designated for low to moderate income persons. Low and moderate income persons shall be defined by the most recent income guidelines established by the U.S. Department of Housing and Urban Development.

2. The developer/manager of the Facility shall annually certify to the Gloucester Community Development Director that the income of the residents meets the U.S. Department of Housing and Urban Development qualifications.

At the discretion of the SPGA, this requirement will be fulfilled in one of the following ways:

(A) 20% of the units onsite shall be designated for low to moderate income persons; City of Gloucester Zoning Ordinance Issued June 1, 2002

Section V Page 68 of 127

(B) The equivalent value of these units will provide for housing services for low to moderate income persons offsite.

3. Gloucester residents or their relatives shall be given priority in admission so long as all federal, state or local rules, laws, regulations, or ordinances are satisfied.

4. Parking Requirements: One off-street parking space for every two dwelling units, one visitor parking space for every ten units, plus one parking space for each two hundred square feet of nonresidential area.

5. Assisted Living Residences shall comply with the dimensional requirements as shown in Sections 2.3.1 Residential Uses #11A and 3.2.3 Intensity of Use Schedule.

5.7.6 Council Action

Indication of City Council approval shall be placed upon approved Special Permits and upon all supporting documentation on which such approval is based. The Special Permit shall be made conditional upon project execution not deviating from supporting documentation without explicit Council authorization, which may be granted without further public hearing if deviations are minor.

\*\*\*

Dwelling, Multi-Family or Apartment: A structure containing three (3) or more dwelling units, whether for rental, condominium ownership, or other form of tenure, including row or townhouse structures; or a structure containing one or more permitted non-residential uses on the ground floor, or on the ground and other floors, and also containing one or more dwelling units above the ground floor.

\*\*\*

Footnote to table:

\* Minimum lot area per dwelling unit and minimum open space per dwelling unit can only be decreased by a SPECIAL PERMIT from the Board of Appeals, upon finding that it is in keeping with neighborhood character and structural density; or if a Major Project, from the City Council subject to the same finding.

R-2:

(A) 40,000 sq.ft.

(B) 10,000 sq.ft.

R-2A:

(A)30,000 sq.ft.

(B)10,000 sq.ft.

R-3, S:

(A)20,000 sq.ft.

(B) 5,000 sq.ft.

R-4:

(A) 10,000

(B) 2,500

CB, CCD:

(A) 10,000

(B) 2,500

NB:

(A) Requirements should be those of the least restricted abutting residential district

(B) same as above

VB:

(A) 5,000

(B) 2,500

# Grafton

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the table of use regulations, the following uses are allowed:

Multifamily dwelling by special permit in RMF and FP.

Flexible development by special permit in A, R40, R20, RMF and FP.

Major Residential Development by special permit in A, R40, R20, RMF.

Minor Residential Development by right in A, R40, R20 and by special permit in RMF.

"Conversion of any building for residential use, conforming with the applicable zoning requirements for the district in which it is located" by special permit in A, R40, R20, RMF, FP.

Accessory apartments by special permit in A, R40, R20, RMF.

2.1 Dwelling, Multi\_Family: A building designed for and occupied exclusively as a home or residence and containing three (3) or more dwelling units.

3.2.3.1 Conversion of any existing building to residential use, conforming with the applicable zoning requirements for the district which it is located: Permitted by special permit in the following districts: Agriculture  
Low Density Residential  
Medium Density Residential  
Multi-Family Residential  
Flood Plain

\*\*\*

Town of Grafton Zoning Bylaw, Amended 2003

Town of Grafton Zoning By-Law Section 3.2.3.2: Intensity of Use Schedule  
Minimum Area: 44,000 sq. ft.  
Max Building Coverage: 40%  
Max Building Height: 40 ft

Town of Grafton Zoning Bylaw Section 5.2.2.1: Multi-family Dwellings Requirements

There shall be at least 5500 sq. ft. of land area for each dwelling unit proposed to be placed on a lot.

5.2.2.1 There shall be at least 5500 sq. ft. of land area for each dwelling unit proposed to be placed on a lot. Each building shall not exceed 140 feet in any dimension.

5.3.5 Major Residential Development Standards  
The following standards shall apply to all Major Residential Developments:

5.3.5.1 Number of Dwelling Units Permitted: The maximum number of dwelling units allowed shall equal the number of dwelling units which could reasonable be expected to be developed on the property under a Conventional Development Plan in full conformance with zoning, Subdivision Rules, health codes, wetlands bylaws, and other applicable requirements.

5.3.5.1.1 Where the property lies in more than one zoning district, the number of dwelling units allowed shall be calculated as above for each district and added to give an overall allowable total.

5.3.5.1.2 The Planning Board shall consider the recommendations of the Board of Health, the Conservation Commission and the Engineering Department of the Town of Grafton in making said determination.

5.3.5.2 Bonus Provision: The Planning Board shall issue a FDSP containing more than the number of dwelling units permitted under

Section 5.3.5.1 above, upon the Board's determination that the proposed development, through the quality of its site selection, programming and design, displays a conscious effort to comply with the purposes of Flexible Development. The increase over the number of dwelling units permitted under Section 5.3.5.1 shall be: (a) 15% of the total permitted under that section if the proposed development complies with at least 6 of the Design Guidelines specified in Section 5.3.13; (b) 20% of the total permitted under that section if the proposed development complies with at least 9 of the Design Guidelines; and (c) 25% if the proposed development complies with all of the Design Guidelines. Design Guidelines which are not applicable to the site shall not be counted in determining the bonus. (TM 10-18-99)

#### 5.3.6 Minimum Dimensional Requirements for Lots within a Flexible Development

- a) Average Lot Area: In the R\_20 District not less than 10,000 square feet; in the R\_40 District not less than 20,000 square feet (with public sewer and water, 15,000 square feet); and in the Agricultural District not less than 30,000 square feet (with public sewer and water, 25,000 square feet).
- b) Minimum Lot Area: The minimum lot area for all building lots in a Flexible Development in the R\_20 District shall not be less than 8,000 square feet; in the R\_40 District not less than 12,500 square feet and in the Agricultural District not less than 20,000 square feet.
- c) Minimum Frontage: Not less than 80 feet. Lots located on the turnaround of a dead\_end street shall have a minimum of fifty (50) feet of street frontage providing a front building line is designated on the Plan for such a lot and the width of the lot at this building line is at least equal to the minimum frontage requirement.
- d) Front Yard Setbacks: Front Yards may be staggered to provide a variety in the size of such yards. The minimum average of all front yards shall be twenty (20) feet; however, no front yard shall be less than fifteen (15) feet. The front yard setback shall be measured from the nearest edge of pavement or sidewalk as appropriate.
- e) Side Yard Setbacks: Side Yards shall be a minimum of seven (7) feet.
- f) Rear Yard Setbacks: Rear Yards shall be a minimum of fifteen (15) feet, except that in no case may a rear yard setback line be within 50 feet of property which is not part of the flexible development. (T.M. 10-17-94)
- g) The front, side and rear setback lines shall be shown on the Definitive Subdivision and or Approval Not Required plan.
- h) Buffer Areas: All dwellings and structures shall be located a minimum of 50 feet from adjacent tracts of land and adjacent or on site farmland.
- i) The portions of the buffer strip between the residential and farmland portions of a Flexible Development may be counted as usable Common Land for Flexible Development purposes, provided such use will not impact adversely on adjacent farming activity and is consistent with Section 5.3.2 of the Bylaw.
- j) Accessory Uses: Accessory uses are not allowed in front yards. Accessory uses such as storage sheds and swimming pools can be located within the rear setback. No accessory uses may be located within ten (10) feet of the rear lot line.

5.3.7 Required Amount of Common Land \_ Not less than 40% in the R\_20 District, 40% in the R\_40 District, and 50% in the Agricultural District of the total area of the tract of land to be developed as a Flexible Development shall be dedicated as Common Land. The following additional restrictions shall apply:

- a) At least 50% of the required amount of Common Land shall be Upland and shall be dedicated and used for a purpose listed in 5.3.11.
- b) Up to 50% of the required Common Land may be composed of land classified as bordering vegetated and isolated wetlands, as defined by M.G.L. c. 131 Section 40 or the Town of Grafton Wetlands Bylaw, or areas designated for stormwater management, as long as the proposed uses of this Common Land are found to be consistent with Section 5.3.11. (T.M. 10-17-94)
- c) Rights of Way for streets or common drives, and the perimeter separating the development from adjacent properties, shall be excluded from counting as Common Land unless the perimeter land contains land uses consistent with Section 5.3.11 and such uses are approved by the Planning Board. (T.M. 10-17-94)

\*\*\*

## 5.2 Multi-Family Dwellings

### 5.2.1 Procedures:

5.2.1.1 Application and Plans: Applicants for a Special Permit for Multi-Family Dwellings shall submit applications and plans as required by Section 5.1.

5.2.1.2 Review and Reports: The special permit granting authority shall transmit one copy of the application and required plans to the Board of Health, who shall submit a report consistent with Section 1.5.5.

5.2.1.3 Criteria: Approval of multi-family dwellings in the R-MF zoned areas shall be granted upon special permit granting authority determination that the plan complies with the requirements of this By-Law and that due regard has been given to the disposal of surface waters, movements of vehicular traffic and accessibility to emergency vehicles and that the use is in harmony with the general purpose and intent of this By-Law. All multi-family structures must be connected to public water and sewer systems. On-site treatment and

disposal of sewerage is not permitted. A public water system may be any municipal water supplier or a public utility franchised to furnish water.

#### 5.2.2 Requirements

5.2.2.1 There shall be at least 5500 sq. ft. of land area for each dwelling unit proposed to be placed on a lot. Each building shall not exceed 140 feet in any dimension.

5.2.2.2 The site plan shall be so designed that parking areas are screened from streets by building location, grading, or screening; lighting on parking areas avoids glare on adjoining properties; major topographic changes or removal of existing trees are avoided whenever possible; and water, wetlands, or other scenic views from streets are preserved.

5.2.2.3 Not less than 25 percent of the lot area of multi-family dwellings only in the R-MF district shall be retained as unoccupied space free of all buildings, parking and pavement including street access drives and walks or other conditions rendering the land surface impervious. Within the Water Supply Protection Overlay District not more than 25 percent of the lot area shall be rendered impervious; the remainder shall be retained as unoccupied space free of all buildings, parking, pavement other than street access drives and walks, and other conditions rendering the land surface impervious; except that the Inspector of Buildings may, after consultation with the Town Engineer, and the Conservation Commission, allow up to 75 percent of the lot area to be rendered impervious, provided that techniques satisfying the requirements specified in Section 7.5 subsection (d) are used to maximize groundwater recharge without risking groundwater contamination. These unpaved areas shall have appropriate landscaping of grass, shrubbery, trees, flowers, or suitable ground cover indigenous to the area. Adjacent to, and for the length of each exterior wall of each principal building, there shall be a three (3) foot wide area of landscaping. Adjacent to, and for the length of each side and rear lot line, there shall be a fifteen (15) foot wide area of landscaping. All such landscaping shall be indicated on the Site Plan required in Section 5.1.

5.2.2.4 Within the unoccupied space requirement of Section 5.2.2-3 above, there shall be one thousand (1000) square feet of usable common open space per dwelling unit. Usable common open space shall mean areas left substantially in a natural state or improved by such landscaping as required in Section

5.2.2.3. above, and primarily designed and intended for the active and passive recreation of the occupants of the dwellings. Usable common open space shall not include street rights-of-way, open parking, or service areas, driveways, easements for above ground utilities, required minimum front yards, or any other land deemed unsuitable by the Planning Board for reasons of excessive slope or poor drainage.

5.2.2.5 In cases of public open space dedicated in fee to the Town, such open space shall be maintained as a public area, accessible to the public. This shall not preclude the Town from refusing to accept such land without a favorable report from the special permit granting authority.

5.2.2.6 In cases of the sale of individual units as in a condominium, there shall be included in the deed a requirement obligating the purchasers to join in an organization of unit owners incorporated under Chapter 183A as amended, of the General Laws of the Commonwealth. The organization shall file a written report, including the names of officers, with the Town Clerk, to be submitted to the Town Clerk by February 15 of each year. Such report may be the same written report rendered to all unit owners referred to in Chapter 183A, Section 10, paragraph D.

5.2.2.7 There shall be a satisfactory design and location of collection points for the disposal of garbage and trash, adequately screened for reason of health and safety, as determined by the special permit granting authority and the Board of Health.

5.2.2.8 All existing or proposed utilities shall be installed underground at the time of initial construction. Lighting facilities, whether placed along service drives, in parking areas, or on the exterior of buildings, shall be so arranged that they do not cause illumination in excess of one-half (1/2) of a foot candle at any point vertically above the property line or upon any window surface of buildings used for dwelling purposes.

5.2.2.9 If there is more than one (1) such structure on a lot of record, there shall be at least thirty (30) feet between each structure. The only exception may be that no more than three (3) buildings may each be inter-connected by a covered walkway or breezeway for reasons of convenience and shelter from the elements, if such walkway shall not, in the opinion of the special permit granting authority, impair the services to the buildings by emergency vehicles or equipment. Such buildings so inter-connected shall be deemed as separate and individual buildings for the purposes of administering the Rules and Regulations Governing the subdivision of Land for the Town of Grafton.

5.2.2.10 The construction of drainage, utilities and roadways shall be performed in accordance with the design and construction standards of the Rules and Regulations Governing the Subdivision of Land in the Town of Grafton. The special permit granting authority shall have the right to waive such special requirements.

## Groton

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Groton Zoning Bylaw, Chapter 218 (Adopted and Amended 1987)

According to -218.13 Schedule of Use Regulations, Multifamily (Dwelling conversion) is allowed by special permit (by the Board of Appeals) in districts R-A, R-B and B-1. Subsidized elderly housing is allowed by special permit (by Board of Appeals) in districts R-A, R-

B, and B-1. Planned multifamily/residential development is allowed by special permit (by Planning Board) in districts R-A, R-B, and B-1.

~ 218-4. Definitions.

MULTIFAMILY USE -- Three or more dwelling units on a single lot, including any mix of single-family, two-family or multifamily structures, whether or not attached and regardless of form of tenure.

~ 218-27. Multifamily use. Multifamily use may be authorized by the special permit granting authority only in districts as indicated in ~ 218-13, Schedule of Use Regulations, and as specified below.

A. Dwelling conversion. Conversion of an existing dwelling or structure accessory thereto so as to result in not more than three dwelling units on the premises may be authorized on special permit from the Board of Appeals but only if in compliance with the following:

- (1) The dwelling must have been in existence as of the date of adoption of this provision and not expanded within the 24 months previous to application for a special permit.
- (2) Conversion must not result in more than three dwelling units on the premises, including any in an accessory structure.
- (3) Habitable floor area must equal not less than 500 square feet times the number of dwelling units in the building.
- (4) There shall be no more than a 10% increase in the habitable floor area of the existing structure.
- (5) Any firesafety stairs shall be located out of sight of any street.
- (6) Provision must be made for a minimum of two off-street parking spaces per dwelling unit, ~ 218-23 notwithstanding. Such spaces may not be located nearer the street than the front wall of the building they serve and may not occupy more than 20% of the lot area not covered by buildings.
- (7) The owner of the premises must occupy one of the units except for temporary absences.
- (8) Lot area requirements are that lot area must be adequate to accommodate all of the above and must not be reduced through division unless the resulting lot meets the requirements of ~ 218-20.
- (9) Documentation must be submitted by the Board of Health indicating that either the existing sewage disposal facilities are adequate for the proposed use or that necessary alteration or replacement will be made.

B. Subsidized elderly housing.

(1) Within any district where special permits for subsidized elderly housing are authorized (see ~ 218-13), the Board of Appeals may grant a special permit for construction and occupancy of subsidized elderly housing having not more than 12 dwelling units in a single structure. It is intended that elderly housing shall, wherever possible, be located within close proximity to town services such as shopping, post office, etc., shall serve an identified housing need and shall increase the range of available housing choices for Groton residents.

(2) Number of units. For subsidized elderly housing, the number of dwelling units shall not exceed one unit per 5,000 square feet of lot area. However, depending on proximity to protected open space, natural visual or acoustic screening and topography, the Board of Appeals may authorize additional units up to a maximum of one unit per 3,000 square feet of lot area.

(3) Minimum setbacks for subsidized elderly housing shall be set by the Board of Appeals to be in relation with the average setbacks of structures on abutting properties and character of the neighborhood in which such housing is to be constructed. In general, setbacks shall be kept free of structures and paving and be maintained with vegetation to provide screening and shade, except for necessary access drives.

(4) Design.

(a) Design of exterior building walls shall minimize departure from single-family residential scale. Parking areas shall not contain more than 12 spaces each.

(b) Outdoor lighting fixtures shall be the cutoff type, mounted no higher than 15 feet, oriented and shielded to avoid glare on adjoining premises.

(c) To avoid traffic concern, any egress shall have at least 300 feet of visibility in each direction along stanumbered roads and at least 200 feet of visibility along other roads.

(d) Where sidewalks exist on any abutting street, connecting sidewalks shall be provided within the development.

(e) A minimum of one off-street parking space per dwelling unit shall be provided, rather than the number required under ~ 218-23.

(f) The design of building form, building location, egress points, grading and other elements of the development shall:

- [1] Protect pedestrian safety within the site and egressing from it.
- [2] Minimize visual intrusion of parking area as viewed from public ways or abutting premises.
- [3] Minimize the volume of earth cut and fill, in general with no cut or fill greater than five feet.
- [4] Minimize the number of removed trees 12 inches in diameter or

larger. [5] Control soil erosion, according to United States Department of Agriculture.  
[6] Avoid more than a ten-percent increase in peak-hour stormwater flow from the site for a one-year storm, no increase in storms of ten-year to one-hundred-year intensity. [7] Control headlight glare.

(5) Subsidized elderly housing shall be subject to the granting of a special permit by the Zoning Board of Appeals based on the following criteria:

- (a) Effect on the range of available housing choice for residents 55 years of age and older.
- (b) Service to identified housing needs of this population.
- (c) Service to current Groton residents.
- (d) Impact on the natural environment, especially on ground- and surface water quality and level, both for the proposed development and its environs and for the town as a whole.
- (e) Impact on traffic safety and congestion, adequacy of water service for the development, as well as proximity to existing services for the residents.
- (f) Visual consistency with existing development in the area.
- (g) Maintenance of the integrity of the neighborhood.

C. Planned multifamily/residential development. Unless authorized under Subsection A or B, multifamily use shall be as follows. Planned multifamily/residential development may be authorized by the Planning Board but not within a Primary Water Resource District and only if in compliance with the following:

(1) Concept plan approval.

(a) Planned multifamily/residential development under Subsection C requires concept plan approval by a two-thirds majority vote of an Annual or Special Town Meeting prior to being acted upon for special permit approval. Town Meeting approval may be made with conditions or limitations.

(b) A concept plan shall consist of the following:

[1] A schematic development plan, indicating in a general manner the location of buildings, roads, drives, parking, reserved open space, wells, on-site disposal facilities, drainage system, topography and grading, areas of retained vegetation and planting areas.

[2] Floor plans and architectural elevations of typical dwellings.

[3] Materials indicating the proposed number of square feet of gross floor area; the number of dwelling units, distinguishing units by number of bedrooms and any special occupancies (elderly or handicapped); form of tenure; any subsidies anticipated; rent or sales prices, including any commitments for price ceilings; methods of water supply and sewage disposal; time schedule for construction of units and improvements; service improvements proposed at the developer's and those anticipated at the town's expense; and means, if any, of providing for design control.

[4] Analysis of the consequences of the proposed development, evaluating the following impacts at a level of detail appropriate to the number of units proposed.

[a] Natural environment: groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially unusual species and mature trees) and wildlife habitats.

[b] Public services: traffic safety and congestion, need for water system improvements, need for additional public recreation facilities and need for additional school facilities.

[c] Economics: municipal costs and revenues, local business activity and local jobs.

[d] Social environment: rate of town population growth and range of available housing choice.

[e] Visual environment: visibility of buildings and parking and visual consistency with existing development in the area.

(c) Prior to Town Meeting action, the Planning Board shall hold a public hearing on the concept plan with timing, notice and procedures the same as those required for a hearing on a proposed Zoning Bylaw amendment. The concept plan, supporting documentation and any requested reports from town agencies, such as the Board of Health, Conservation Commission, Highway Surveyor, Fire Chief and Police Chief shall be presented at that hearing, along with testimony by other interested parties.

(d) The Planning Board shall report its recommendation for approval, approval with conditions or disapproval to the Town Meeting, based on the completeness and technical adequacy of information provided, its consistency with bylaw requirements and on the proposal's estimated impacts on the natural environment, public services, economics, social environment, visual environment and use and enjoyment of other nearby premises. A copy of the concept plan and the Planning Board report shall be filed with the Town Clerk not less than 14 days prior to the Town Meeting vote on the concept plan.

(2) Special permit.

(a) The Planning Board shall act as special permit granting authority for all applications under this Subsection C. Application for such special permit for concept plans approved by the Town Meeting after March 20, 1982, shall be made not more than 24 months after approval by the Town Meeting of the concept plan. Submittals shall include the concept plan and supporting materials, as approved by the Town Meeting, plus an engineered site development plan showing site proposals at a scale of one inch equals 40 feet. [Amended 4-29-1989 ATM, Art. 33]

(b) A special permit for planned multifamily/residential development shall be granted only if the Planning Board determines that the proposal is consistent with the concept plan as voted by the Town Meeting or, in the event of inconsistency, that satisfactory explanation has been submitted showing why the departure is necessitated by changed conditions or earlier error and that the departure does not result in a less beneficial development based on the considerations in the Planning Board's earlier report to the Town Meeting. However, in no event shall the Planning Board authorize a departure which increases the total number of dwelling units, increases the total gross square feet of building area or reduces the lot area without reflecting the density approved at the Town Meeting. Any special permit approval granted shall incorporate by reference the site proposal plan and other proposals upon which the Board relied in making its determinations.

(c) A special permit shall be denied if the proposal departs from the Town Meeting approved concept plan, except as provided in the subsection above, does not comply with applicable Zoning Bylaw, subdivision control or other town requirements or fails to comply with ~ 218-25E, Design guidelines.[16]

(3) Building permit. A building permit under this section may only be granted to the same party to whom the special permit was granted and only following site plan review under ~ 218-25.

(4) Design requirements.

- (a) Lot area shall be not less than 80,000 square feet plus 10,000 square feet per bedroom.
- (b) More than one dwelling may be erected on the same lot.
- (c) No one building shall exceed 10,000 square feet gross floor area, excluding basement storage spaces.
- (d) Detached single-family dwellings and two-family dwellings may be included in a multifamily proposal but may comprise not more than half of the dwelling units authorized on any site. In lieu of the setback requirements of ~ 218-20, no buildings or parking shall be located within 200 feet of an existing roadway or within 100 feet of any other property line, except that a reduction to not less than the requirements of ~ 218-20 may be authorized by Town Meeting approval of a concept plan showing reduced yards or by Planning Board determination at the special permit stage that bylaw and Town Meeting intent are met despite reduced yards due to proximity to protected open space, natural visual or acoustic screening or topography.
- (e) At least 25% of the land area of the concept plan shall be unbuilt upon and reserved as open space for recreation, conservation or parks and shall either be owned in common or conveyed to the town, the Conservation Commission or a nonprofit organization whose purpose is conservation. In any case, where such land is not conveyed to the town, a restriction enforceable by the town shall be recorded, provided that such land shall be kept in an open and natural state and maintained by its owners without expense to the town.
- (f) Proposed streets, drives and utilities shall provide service functionally equivalent to that assured individual lots under the Planning Board's Subdivision Regulations[17] in effect at the time of application.

\*\*\*

Flexible development or cluster development is allowed by special permit by the planning board in R-B.

Major residential development is allowed by special permit from the planning board in R-B, B-1, and M-1.

\*\*\*

~218.27.C

(4) Design requirements.

- (a) Lot area shall be not less than 80,000 square feet plus 10,000 square feet per bedroom.
- (b) More than one dwelling may be erected on the same lot.
- (c) No one building shall exceed 10,000 square feet gross floor area, excluding basement storage spaces.
- (d) Detached single-family dwellings and two-family dwellings may be included in a multifamily proposal but may comprise not more than half of the dwelling units authorized on any site. In lieu of the setback requirements of ~ 218-20, no buildings or parking shall be located within 200 feet of an existing roadway or within 100 feet of any other property line, except that a reduction to not less than the requirements of ~ 218-20 may be authorized by Town Meeting approval of a concept plan showing reduced yards or by Planning Board determination at the special permit stage that bylaw and Town Meeting intent are met despite reduced yards due to proximity to protected open space, natural visual or acoustic screening or topography.
- (e) At least 25% of the land area of the concept plan shall be unbuilt upon and reserved as open space for recreation, conservation or parks and shall either be owned in common or conveyed to the town, the Conservation Commission or a nonprofit organization whose purpose is conservation. In any case, where such land is not conveyed to the town, a restriction enforceable by the town shall be recorded, provided that such land shall be kept in an open and natural state and maintained by its owners without expense to the town.

~ 218-22. General provisions.

E. Density. No more than one dwelling with accessory buildings customarily incidental thereto shall be located upon any single lot in any district, except as provided in ~ 218-26F(2), Cluster development or ~ 218-27, Multifamily use. [Amended 5-12-1997 ATM, Art. 37]

## Groveland

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Groveland Zoning Bylaw (Adopted 1996)

Appendix B, Definitions

DWELLING, MULTIPLE-FAMILY . A single structure consisting of three (3) or more attached dwelling units.

APARTMENT . A building or group of buildings, each containing four (4) or more independent units including individual cooking and sanitary facilities.

GARDEN APARTMENT . A residence for eight (8) or more families, with at least two (2) detached or semidetached buildings, each containing not fewer than four (4) nor more than twelve (12) dwelling units.

Multifamily housing is allowed through Conservation Subdivision Design:

## SECTION 500 CONSERVATION SUBDIVISION DESIGN BYLAW (CSD)

### 2. Site Specific Design Standards

(a) Mix of Housing Types. The CSD may consist of any combination of single family, two-family and multifamily residential structures. A multifamily structures shall not contain more than four (4) dwelling units. Residential structures shall be oriented toward the street serving the premises and not the required parking area.

\*\*\*

## SECTION 500 CONSERVATION SUBDIVISION DESIGN BYLAW (CSD)

### I. PURPOSE AND INTENT

The Primary Purposes for CSD are the following:

- a) To allow for greater flexibility and creativity in the design of residential developments;
  - b) To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, and historical and archeological resources in a manner that is consistent with a municipality's master and open space plan, if any;
  - c) To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional or grid subdivision;
  - d) To minimize the total amount of disturbance on the site;
  - e) To further the goals and policies of the master and open space plans;
- To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economical and efficient manner.

2. The Secondary Purposes for CSD are the following:

- a) To preserve and enhance the community character;
- b) To preserve and protect agriculturally significant land;
- c) To protect the value of real property;
- d) To protect community water supplies;
- e) To provide for a diversified housing stock;
- f) To provide affordable housing to persons of low and moderate income.

### II. ELIGIBILITY

1. Minimum Size of Tract. To be eligible for consideration as a CSD, the tract shall contain a minimum of five (5) acres.
2. Zoning Classification. Only those tracts Located within the Residential Districts RA & R-B shall be eligible for consideration as a CSD.
3. Contiguous Parcels. To be eligible for consideration as a CSD, the tract shall consist of a parcel or set of contiguous parcels.
4. Land Division. To be eligible for consideration as a CSD, the tract may be a subdivision or a division of land pursuant to G.L. c. 41, s. 81P, provided, however, that CSD may also be permitted where intended as a condominium on land not so divided or subdivided.

### III. SPECIAL PERMIT REQUIRED

The Planning Board may authorize a CSD pursuant to the grant of a special permit. Such special permits shall be acted upon in accordance with the following provisions:

### IV. PRE-APPLICATION

1. Conference. The applicant is very strongly encouraged to request a pre-application review...
2. Submittals. In order to facilitate review of the CSD at the pre-application stage, applicants are strongly encouraged to submit the following information:
  - A. Site Context Map. ...
  - B. Existing Conditions/Site Analysis Map. ...
  - C. Other Information. In addition, applicants are invited to submit the information set forth in Section VI. I in a form acceptable to the Planning Board.
3. Site Visit. ...
4. Design Criteria....

### V. DESIGN PROCESS

At the time of the application for a special permit CSD in conformance with Section VI.1, applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a certified Landscape Architect and a Certified Professional Engineer and considered in determining the layout of proposed streets, house lots and open space.

1. Step One: Identifying Conservation Areas. Identifying preservation land by two steps. ...
2. Step Two: Locating House Sites. Locate the approximate sites of individual houses within. the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.
3. Step Three: Aligning the Streets and Trails: Align streets in order to access the house lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
4. Step Four: Lot Lines: Draw in the lot lines, unless the CSD is utilizing Condominium Ownership.

### VI. APPLICATION PROCESS

#### 1. Application

An application for a special permit for a CSD shall be submitted on the form(s) provided by the Planning Board in accordance with the rules and regulations of the Board. Applicants for CSD shall also file with the Planning Board eight (8) copies of the following:

#### Concept Plan

The Concept Plan shall include a Sketch Plan and a Yield Plan (see section VII). The applicant shall submit both the Site Context Map and Existing Conditions/Site Analysis Map prepared according to Section IV.2 above. ...

##### A. Sketch Plan. ...

(1) Quality Standards...

B. Yield Plan. Applicant shall submit a narrative explanation detailing the results of the determination of any proposed allocation of yield determined according to Section VII, Basic Maximum Number (of lots/units/bedrooms).

C. Relationship between Concept Plan and Definitive Subdivision Plan. The Concept Plan special permit shall be reconsidered if there is substantial variation between the Definitive Subdivision Plan and the Concept Plan. If the Planning Board finds that a substantial variation exists, it shall hold a public hearing on the modifications to the Concept Plan. A substantial variation shall be any of the following:

- (1). an increase in the number of building lots;
- (2). a significant decrease in the open space acreage;
- (3). a significant change in the lot layout;
- (4). a significant change in the general development pattern which adversely affects natural landscape features and open space preservation;
- (5). significant changes to the storm water management facilities; and/or
- (6). significant changes in the wastewater management systems;
- (7). significant changes in the wetlands and/or wildlife habitat resource areas.

2. Procedures...

3. Site Visit....

4. Other Information.

...

#### VII. BASIC MAXIMUM NUMBER (OF LOTS/UNITS/BEDROOMS)

The Basic Maximum Number shall be derived from a Yield Plan. The Yield Plan shall show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional subdivision. The Yield Plan shall contain the information required for a Sketch Plan, as set forth above in Section VI. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots (or dwelling units) resulting from the design and engineering specifications shown on the Yield Plan.

#### VIII. REDUCTION OF DIMENSIONAL REQUIREMENTS

The Planning Board may authorize modification of lot size, shape, and other bulk requirements for lots with a CSD, subject to the following limitations:

1. Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved, provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
2. Lot frontage shall not be less than 50 feet. The Planning Board may waive this requirement where it is determined that such reduced frontage will further the goals by this bylaw.
3. Each lot shall have at least 2/3 of the required setbacks for the district unless a reduction is otherwise authorized by the Planning Board.
4. Lots may be reduced in area according to the following schedule 3:

#### IX. OPEN SPACE REQUIREMENTS

1. Open Space. A minimum of fifty percent (50%) of the tract shown on the development plan shall be open space. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

A. The percentage of the open space that is wetlands shall not normally exceed the percentage of the tract, which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purposes of this bylaw.

B. The open space shall be contiguous. Contiguous shall be defined as being connected. Open Space will still be considered connected if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this bylaw and/or protect identified primary and secondary conservation areas.

C. The open space shall be used for wildlife habitat and conservation and the following additional purposes : historic preservation, education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, a combination of these uses, and shall be served by suitable access for such purposes. The Planning Board may permit up to 10% of the open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space (i.e., pedestrian walks and bike paths).

D. Wastewater and storm water management systems serving the CSD may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.

2. Ownership of the Open Space. The open space shall be conveyed to:

(a). the Town or its Conservation Commission;

(b). a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; or

(c). a corporation or trust owned jointly or in common by the owners of lots within the CSD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust, which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles or incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

## X. DESIGN STANDARDS

The following Generic and Site Specific Design Standards shall apply to all CSD's and shall govern the development and design process:

### Generic Design Standards

(a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and to configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

(b) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

(c) Mixed-use development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall be related to their surroundings

(d) All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

(e) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

### 2. Site Specific Design Standards

(a) Mix of Housing Types. The CSD may consist of any combination of single family, two-family and multifamily residential structures. A multifamily structure shall not contain more than four (4) dwelling units. Residential structures shall be oriented toward the street serving the premises and not the required parking area.

(b) Buffer Areas. A buffer area of twenty-five (25) feet may be provided at the following locations: (a) perimeter of the property where it abuts residentially zoned and occupied properties; (b) certain resource areas on or adjacent to the tract like ponds, wetlands, streams and riverfront areas, rock outcrops, ledge, agricultural or recreational fields, and land held for conservation purposes; and (c) existing public ways. Driveways necessary for access and egress to and from the tract may cross such buffer areas. No vegetation in this buffer area will be disrobed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the project. The Planning Board may waive the buffer requirement in these locations when it determines that a smaller buffer (or no buffer) will suffice to accomplish the objectives set forth herein.

(d) Drainage. The Planning Board shall encourage the use of "soft" (non-structural) storm water management techniques (such as swales) and other drainage techniques that reduce impervious surface and enable infiltration where appropriate.

(e) Common/Shared Driveways. A common or shared driveway may serve a maximum number of three (3) single-family units.

(f) Screening and Landscaping. All structural surface storm water management facilities shall be accompanied by a conceptual landscape plan.

(g) On-Site Pedestrian and Bicycle Circulation. Walkways and bicycle paths shall be provided to link residences with parking areas, recreation facilities (including parkland and open space) and adjacent land uses where appropriate.

(h) Disturbed Areas. Not more than twenty five (25) % of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state.

#### XI. DECISION OF THE PLANNING BOARD

The Planning Board may grant a special permit for a CSD if it determines that the proposed CSD has less detrimental impact on the tract than a conventional development proposed for the tract, after considering the following factors;

1. Whether CSD achieves greater flexibility and creativity in the design of residential developments than a conventional plan; .
2. Whether the CSD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including water bodies and wetlands, and historical and archeological resources;.
3. Whether the CSD promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
4. Whether the CSD reduces the total amount of disturbance on the site;
5. Whether the CSD furthers the goals and policies of the [choose] open space and master plan(s);
6. Whether the CSD facilities the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner.
7. Whether the Concept Plan and its supporting narrative documentation complies with all sections of this zoning bylaw.

#### XII. INCREASE IN PERMISSIBLE DENSITY

The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. The density bonus for the CSD shall not, in the aggregate, exceed thirty percent (30)% of the Basic Maximum Number. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:

1. For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed ten percent (10%) of the Basic Maximum Number.
2. For every two (2) dwelling units permanently restricted to occupancy by persons over the age of fifty-five, by a recorded restriction enforceable by the Town, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.
3. For every two (2) dwelling units permanently restricted to occupancy by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development, by a recorded restriction enforceable by the Town, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.

\*\*Webmasters Note: The previous Section has been amended as per an update approved at a town meeting held on 4/29/02.

#### SECTION 700. PLANNED UNIT DEVELOPMENT

##### 701. Purpose.

701.1. These are specifications and procedures only. The specifications and procedures shall apply in zoning districts, if any, allowing such special permit. For the purpose of the planned unit development By-law, the planning board is designated as the special permit granting authority.

701.2. Any planned unit development of four (4) living units or more shall be governed by this regulation in order to protect and promote the health, safety, convenience and general welfare of the inhabitants of the town.

##### 702. General.

702.1. Work on a planned unit development shall not begin until twenty (20) days have elapsed after the granting of a special permit by the planning board after a public hearing.

702.2. The planning board's public hearing shall be held within sixty-five (65) days after the filing of one (1) application and one (1) set of plans each with the planning board, the board of health and the town clerk. The planning board filing date shall be used to begin the sixty-five day period. The planning board shall render a decision within ninety (90) days following the public hearing for which notice has been given in accordance with Massachusetts General Laws, Chapter 40A, Section 11, and by mailing to all parties of interest. Failure of the planning board to take final action upon an application for a special permit within said ninety (90) days following the date of public hearing shall be deemed to be a grant of the permit applied for. A vote of four (4) members of the five-member planning board shall be required to grant a special permit for a planned unit development.

702.3. Such special permit, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing

the certification of the town clerk that said twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Essex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

702.4. A special permit for a planned unit development shall lapse within two (2) years after the granting date of the special permit (the granting date being included in the two-year period), and including such time required to pursue or await the determination of an appeal referred to in Massachusetts General Laws, Chapter 40A, Section 17, from grant thereof, if substantial construction has not begun except for good cause.

702.5. The content of a planned unit development plans shall be in conformance with Groveland's current Subdivision Rules and Regulations and the Aquifer Protection By-law to the extent considered necessary and appropriate by the planning board. Amended May 22,1989

702.6. Any planned unit development shall require the written recommendations of town boards and/or agencies as specified in Groveland's Subdivision Rules and Regulations. Any such board or agency to which petitions are referred for review shall make such recommendations as they deem appropriate and shall sent copies thereof to the planning board and to the applicant; provided, however, that failure of any such board or agency to make recommendations within thirty-five (35) days of receipt by such board or agency of the petition shall be deemed lack of opposition thereto.

702.7. Upon the granting of a special permit or any extension, modification or renewal thereof, the planning board shall issue to the owners and to the applicant, if other than the owner, a copy of its decision, certified by the planning board, containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of a special permit and certifying that copies of the decision and all plans referred to in the decision have been filed with the planning board and town clerk.

702.8. No planned unit development petition which has been unfavorably and finally acted upon by the planning board shall be acted favorably upon within two (2) years after the date of final unfavorable action unless the planning board, by a favorable vote of four (4) members, finds specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings, and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

702.9. Any petition for a planned unit development special permit which has been transmitted to the planning board may be withdrawn without prejudice by the petitioner prior to the publication of the notice of a public hearing thereon, but thereafter be withdrawn without prejudice only with the approval of the planning board.

702.10. The planning board shall have overall responsibility for project supervision and shall use Groveland Zoning By-laws, including the Aquifer Protection By-law, Subdivision Rules and Regulations, and other sources, both written and professional, as are considered necessary and appropriate. Amended May 22,1989

702.11. If any of the regulations in this section are in conflict with other regulations contained in the zoning by-laws, the most stringent regulation shall apply.

### 703. Regulations.

703.1. After following the specified procedures, the planning board may grant a special permit for a planned unit development, provided that the following regulations are met:

703.1.1. The maximum height of any building shall be thirty five (35) feet. Height shall be measured from the mean finished ground level to the highest point on the roof of the building. The maximum number of stories shall be two and one-half (2-1/2).

703.1.2. There shall be at least two (2) parking spaces of appropriate size per dwelling unit. Parking areas shall be illuminated by a light intensity of 0.60 foot candles (average maintained). The lighting uniformity on parking areas shall be 4 to 1. All illumination on parking lots must be shielded so as not to shine upon abutting property.

703.1.3. The number of dwelling units per building shall not exceed four (4).

\*\*Webmasters Note: The previous subsection has been amended as per an ordinance approved at a town meeting held on 4/30/01.

703.1.4. No dwelling unit shall be below mean finished ground level. No dwelling unit or part thereof shall be in the attic.

703.1.5. Each dwelling unit shall have its own cooking and sanitary facilities.

703.1.6. Fire alarm and emergency lighting systems shall be installed. Said systems shall be subject to the approval of the town's fire chief.

703.1.7. Provisions shall be made for fire protection, specifically fire hydrants. Said provisions shall be subject to the approval of the town's fire chief.

703.1.8. Provisions shall be made for access to all buildings by emergency vehicles at all times.

703.1.9. At least seventy (70) percent of the total land area shall be green space which shall be exclusive of buildings, drives and parking.

703.1.10. The floor-area ratio shall be 0.15 maximum. The floor-area ratio is defined as the gross floor area of the buildings less cellars, to the total land area.

703.1.11. No structures shall be built within thirty (30) feet of any way. No structure shall be built within fifty (50) feet of any property line. No structure shall be built within fifty (50) feet of any other structure.

703.1.12. When access to a state highway is involved, no building permit shall be issued until the applicant submits to the town building inspector a copy of an approved permit for entrance to the state highway as issued by the Massachusetts Department of Public Works.

703.1.13. Responsibility for maintenance of roads, drives, and parking areas, which shall include but not be limited to repair, snow removal, and general maintenance, shall be the responsibility of the owners of the buildings, unless and until such roads are accepted by the town. The town road commissioner shall be delegated to inspect the conditions of the drives, roadways, and parking areas at least annually and insure that appropriate action is taken to protect the inhabitants.

703.1.14. Any sewerage treatment facility shall be subject to the approval of the town board of health, the Massachusetts Department of Public Health, and the Massachusetts Department of Natural Resources. Such facility shall be the responsibility of the owner of the building, unless such facility is accepted by the town. A plan of the approved system shall be filed with the town board of health and the planning board.

703.1.15. No building shall be erected in a possible flood plain as determined by the planning board after consultation with appropriate agencies.

703.1.16. No building shall be erected within three hundred (300) feet of the perimeter of any body of water (including wetlands, streams, ponds, etc.) as measured at its highest point within the last ten (10) years.

703.1.17. Dwelling area requirements shall be consistent with the intent of the facility, and shall be subject to the approval of the planning board.

703.1.18. The average number of dwelling units per acre in any planned unit development shall not exceed four (4).

703.1.19. There shall be a minimum of ten (10) acres of land, within any parcel to be developed for a planned unit development.

703.1.20. Commercial business establishments are expressly prohibited.

703.1.21. All signs of a commercial nature are expressly prohibited.

703.1.22. All future accessory use buildings shall be subject to approval by the planning board.

703.1.23. In zones 2 and 3 of the Aquifer Protection District (see section 1700 of these By-laws), no storage tank or associated pipe systems for hazardous materials, including fuel oils for domestic use, shall be in direct contact with the ground. Adopted May 22, 1989

703.1.24. All buildings/dwelling units shall be connected to the Groveland Sewer System.

\*\*Webmasters Note: The previous subsection has been added as per an ordinance approved at a town meeting held on 4/30/01.

703.1.25. For the purpose of traffic control each new PUD shall be located a minimum distance of one (1) mile (5,280 feet) from an existing PUD.

\*\*Webmasters Note: The previous subsection has been added as per an ordinance approved at a town meeting held on 4/30/01.

703.1.26. The area (square footage) of all wetlands and steep slopes in excess of 20% within the parcel shall be excluded from the total area (square footage) of the entire parcel for the purpose of calculating the total number of units/dwellings that could be developed.

\*\*Webmasters Note: The previous subsection has been added as per an ordinance approved at a town meeting held on 4/30/01.

## Halifax

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Halifax Zoning Bylaw

MULTIFAMILY DEVELOPMENT : A development of three (3) or more dwelling units on a single lot of land under one (1) ownership of not less than ten (10) acres in size.

MULTIFAMILY DWELLING : A building intended and designed to be occupied by more than one (1) family, living independently in separate units; any residential structure containing more than one (1) room for cooking facilities.

\*\*\*

According to the table of use regulations:

"Multifamily dwellings or apartments (see section 167-71 (2))" are allowed by special permit in AR, B and C.

\*\*\*

Section 167-7. Schedule of Use Regulations.

D. Specific use regulations.

(2) Multifamily development allowable by special permit from the Zoning Board of Appeals in the AR, B and C Districts.

(a) It is required that any multifamily development complex proposed hereunder shall locate each building on an individual lot which shall have continuous frontage on a public or private way.

(b) The complete parcel must be under the ownership of the developer before a special permit is granted.

(c) Design guidelines. The shapes, scale, location and materials of all buildings, lighting, roads and parking shall be consistent with the character of the neighborhood and with the terrain and vegetation of the site.

(d) All utilities in a multifamily development shall be installed underground.

\*\*\*

Minimum parcel size shall be 10 acres

Minimum residential floor area: No multifamily housing, shall be erected, reconstructed, remodeled or altered so that the lowest level of living space per dwelling unit contains less than 750 square feet

## Hamilton

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Growth and Change: Hamilton, Massachusetts  
Master Plan Phase 1 Report  
Produced for the Hamilton Citizens Action Planning Committee  
July 2002

Community Opportunities Group, Inc.  
Boston, Massachusetts

"Through the flexible plan subdivision, the Hamilton bylaw provides an opportunity to develop residences other than single-family homes. The regulations permit attached and detached single-family homes and multi-unit buildings, but even at the maximum allowable density of 1.5 times the base density in a conventional plan, the incentive to develop townhouses or multi-family structures is probably inadequate. Since the flexible plan subdivision bylaw has been ineffective at preserving open space, it holds little promise as a tool for diversifying Hamilton's housing stock.

Hamilton's zoning bylaw also recognizes three 'apartment options,' but for different reasons, they have also limited value as tools to create housing choice. All three provisions require a special permit from the Zoning Board of Appeals. The first option is not designed

to produce permanent housing. Rather, its allowance for 'temporary additional living area' is intended to meet short-term needs of households with an elderly or disabled family member. The second option allows for conversion from a one-family to a two-family residence for buildings that pre-date the zoning bylaw. . . . The third option provides for accessory apartments in homes or accessory buildings on large lots. The regulations for this option significantly restrict the universe of eligible properties because in order to qualify for an accessory apartment, the property must have at least 10 acres of land." (p. 44-45)

\*\*\*

Townhouses (attached single family) and multi-unit structures are allowed in the flexible zoning:

d. Types of dwelling units allowed in a Flexible Plan Subdivision shall be single family (i.e. each dwelling unit on separate lot) attached and detached, and multi-unit structures, consistent with the stated purpose and design guidelines for Flexible Plan Subdivisions, and subject to the stipulation that all dwelling units in Flexible Plan Subdivisions, including any plans under consideration, shall not total more than 5% of the total number of dwelling units in Hamilton, as stated by the Town Clerk at the time of application.

\*\*\*

H. Site Plan Review (Amended May 18, 1989)

2. Projects Requiring Approval.

(Amended November 13, 1990)

No Building Permit shall be applied for or issued for any construction or alteration subject to this Section, as specified below, until a Site Plan has been approved or conditionally approved as set forth herein.

Site Plan Review shall be required for the following construction, alteration and uses

a. Except for the exemptions provided below in b) and c), Site Plan Review is required for any new construction or alteration or expansion of, or conversion to a business, office, industrial, institutional or multifamily residence building or structure in any District.

\*\*\*

The bylaw does not have a table of use regulations.

#### SECTION V. USE REGULATIONS

(See also Section I "Purpose," Items A and B)

A. R-1a and R-1b Single Family Residence Districts and R-A Residence Agricultural Districts are intended as districts of single family homes and for continuance of forest and agricultural activities, with not more than one dwelling, accessory buildings, stone walls, fences, and structures, customarily incidental for residential and forest or agricultural uses upon one lot.

A. Permitted Use:

1. One Single Family detached dwelling. The term "one single family detached dwelling" shall not include a mobile or immobile type of trailer.

11. Subject to a Specie Permit by the Board of Appeals as provided in Section IX-D below, the following:

e. Apartment Options

1. Conversion for Temporary Additional Living Area (Added May 6, 1991)

2. In order to provide for a way to preserve large older homes in the Town, conversion of a one-family dwelling existing at the time of the adoption of the ordinance (1954) into a two-family dwelling, provided that: (Added May 6, 1991)

1. Accessory Apartments on Large lots (Added 5/96)

2. Subject to a Special Permit from the Planning Board, as provided in Sec. VIII.C, Flexible Plan Subdivisions in compliance with the following purpose and provisions.

B. Business District is intended for retail and local neighborhood shopping, for offices, and for other business uses.

B. Permitted Uses:

1. All residence, agricultural and other uses permitted in the R-1a and R-1b districts subject to the same restrictions (Ed. Note: including Special Permit requirements) as prescribed for such uses in said Districts.

\*\*\*

Notes on density:

Temporary Additional Living Area:

Max gross floor area shall not exceed the lesser of 1,000 square feet or one third of the gross floor area of the dwelling unit and the proposed accessory unit combined, as measured after conversion;  
max # of bedrooms: 1;  
max # of people: 2;  
min lot size: 10,000 sq ft;

Conversion of 1-family dwelling to 2-family dwelling:

lot on which the proposed conversion is to be located contains at least 20,000 sq ft and the existing dwelling unit contains at least 4,000 sq ft

Accessory Apartment on Large Lots:

the lot on which the proposed conversion is to be located is at least 10 acres

Flexible Plan Subdivision:

Minimum Parcel Size for the total Flexible Plan Subdivision shall be 10 acres;  
Lot size: The lot on which any structure is located shall contain not less than 10,000 square feet for each dwelling unit in said structure;  
Buildable lot area shall be 5,000 square feet per dwelling unit on a lot;  
Number of Dwelling Units: The maximum number of dwelling units in a Flexible Plan Subdivision shall be from 1 to 1.5 times the number of units achievable in a conventional single-family-lot plan of the same parcel as set forth below. The Planning Board shall determine the allowable density within that range based on the quality of the Flexible Plan, considering whether the plan accomplishes significant preservation of open space, vistas and Historic District, and whether the design and siting of buildings contribute to this effect.

The Land Use Ordinance of Hamilton  
ESSEX COUNTY, MASSACHUSETTS  
ZONING BY-LAW

FIRST ADOPTED 1954 INCLUDING AMENDMENTS THROUGH OCTOBER, 2000

SECTION V. USE REGULATIONS

(See also Section I "Purpose," Items A and B)

A. R-1a and R-1b Single Family Residence Districts and R-A Residence Agricultural Districts are intended as districts of single family homes and for continuance of forest and agricultural activities, with not more than one dwelling, accessory buildings, stone walls, fences, and structures, customarily incidental for residential and forest or agricultural uses upon one lot.

e. Apartment Options

1. Conversion for Temporary Additional Living Area (Added May 6, 1991)

In order to provide a way for families to create separate living quarters in their home to accommodate a temporary family, health, or security need, construction of one temporary additional living area (as defined in Section VII) in a single family dwelling or an accessory building (as defined in Section V.A.9), provided that:

a. Administration and Application

1. Written approval of all the proposed arrangements for sanitary waste, water supply, and drainage is obtained from the Board of Health prior to the submission of the special permit application to the Zoning Board of Appeals.
2. The Occupancy Permit for the principal dwelling unit was issued at least two (2) years prior to application for the Special Permit.
3. One of the dwelling units is occupied by the owner of the property, except for bona fide temporary absence.
4. The temporary use of the premises is for the owner(s); or a family member of the owner(s); or a caretaker or a health care provider to the occupant of one of the units; or an elderly person (age 60 years or older); or a mentally or physically handicapped person.
5. There is no other accessory dwelling unit on the lot on which the proposed accessory unit is to be located.
6. The applicant shall, in addition to obtaining a special permit, also obtain a building permit, and needed Conservation Commission approvals, and an occupancy permit prior to the occupancy of the proposed accessory dwelling unit.
7. Renewal of the special permit shall take place every four (4) years from the date of issuance of this Special Permit and upon change of ownership or tenants. Renewal of the special permit will follow the Abbreviated Site Plan Review procedure as found in this by-law section VI.H.3.b., provided there is no change in the design or dimensional standards under section V.A.11.e.1.b. below. (Amended 5/95)

\*\*Webmasters Note: The previous subsection has been amended as per an update dated 5/20/03.

8. The Building Inspector shall be notified upon cessation of occupancy.
9. This Special Permit shall be valid only for the occupancy of the apartment by the apartment tenant(s) for whom it was issued; upon cessation of occupancy by such tenant(s), the permit shall lapse and be null and void.
10. The kitchen facilities shall be removed when there is no longer a valid special permit for the unit.

b. Design and Dimensional Standards

1. A plot plan and scaled architectural drawings of the existing dwelling unit and proposed addition shall be submitted, showing location of the building on the lot, proposed addition, location of septic system and parking and compliance with Section V.A.11.e.1.a. 1-10

above and the following items:

2. The maximum gross floor area shall not exceed the lesser of 1,000 square feet or one third of the gross floor area of the dwelling unit and the proposed accessory unit combined, as measured after conversion.
3. Any extension to the building shall not create more than a 25% increase in the gross floor area of the existing structure. (Amended 5/95)
4. The maximum number of bedrooms shall be one (1).
5. The maximum number of people shall be two (2).
6. The lot on which the proposed accessory dwelling unit is to be located contains at least 10,000 square feet.
7. The external appearance of the building in which the accessory dwelling unit is located shall not be significantly altered from a single-family dwelling unit.
8. The kitchen facilities shall be of a type readily removable.
9. Adequate provision has been made for egress to the outside from the accessory dwelling unit; any external stairways shall be screened from view, buffered, or located out of sight from any street.
10. One off street parking space shall be provided for the new dwelling unit, in addition to the required parking for the principal unit; every effort shall be made to minimize the visibility of the additional parking space by location and screening.
11. Construction and occupancy of the additional dwelling unit will not be detrimental to the neighborhood in which the lot is located, and will not be injurious or dangerous to the public health or hazardous because of traffic congestion, danger of fire, or other reasons, and will not result in violation of the dimensional requirements of zoning in effect at the time of the application.
2. In order to provide for a way to preserve large older homes in the Town, conversion of a one-family dwelling existing at the time of the adoption of the ordinance (1954) into a two-family dwelling, provided that: (Added May 6, 1991)
  - a. Administration and Application
    1. Written approval of all the proposed arrangements for sanitary waste, water supply, and drainage is obtained from the Board of Health prior to the submission of the Special Permit application to the Board of Appeals.
    2. The applicant shall, in addition to obtaining a Special Permit, also obtain a building permit, and needed Conservation Commission approvals, and an occupancy permit prior to occupancy of the proposed dwelling unit.
  - b. Design and Dimensional Standards
    1. A plot plan and scaled architectural drawings of the existing dwelling unit and alterations are submitted, showing location of the building on the lot, proposed alterations, location of septic system and parking, and compliance with Section V.A.11.e.2.a. 1 and 2 above, and the following items:
      2. The lot on which the proposed conversion is to be located contains at least 20,000 square feet, and the existing dwelling unit contains at least 4,000 square feet.
      3. The external appearance of the building in which the dwelling units are located shall not be significantly altered from its previous single-family character.
      4. Adequate provision has been made for egress to the outside from the additional dwelling unit; any external stairways shall be screened from view, buffered, or located out of sight from any street.
      5. One off street parking space shall be provided for the new dwelling unit, in addition to the required parking for the principal dwelling unit; every effort shall be made to minimize the visibility of the additional parking space by location and screening.
      6. Construction and occupancy of the additional dwelling unit will not be detrimental to the neighborhood in which the lot is located, and will not be injurious or dangerous to the public health or hazardous because of traffic congestion, danger of fire, or other reasons, and will not result in violation of the dimensional requirements of zoning in effect at the time of the application.

#### 1. Accessory Apartments on Large lots (Added 5/96)

To provide for accessory apartments for family/caretakers on large lots, an accessory apartment in a single family dwelling or an accessory building (as defined in Section VII.1), provided that

- a. Administration and Application
  1. Written approval of all the proposed arrangements for sanitary waste, water supply, and drainage is obtained from the Board of Health prior to the submission of the Special Permit application to the Board of Appeals.
  1. Written approval of the plot plan referenced to in b.1. below with regard to relevant guidelines as found in Section VI.H.5. of the ZBL is obtained from the Planning Board prior to the review of the Board of Appeals.
  1. One of the dwelling units is occupied by the owner of the property, except for bona fide temporary absence.
  1. The applicant shall, in addition to obtaining a special permit, also obtain a building permit, and needed Conservation Commission approvals, and an occupancy permit prior to the occupancy of the proposed accessory apartment.
- a. Design and Dimensional Standards
  1. A plot plan and scaled architectural drawings of the existing dwelling unit and proposed addition shall be submitted, showing location of all building(s) on the lot, the proposed addition, location of all septic systems and parking and compliance with the following items:
    1. The lot on which the proposed conversion is to be located is at least 10 acres.
    1. Any external stairways shall be screened from view, buffered or located out of sight from any street.
    1. One off street parking space shall be provided for the additional dwelling unit, in addition to the required parking for the principal dwelling unit; every effort shall be made to minimize the visibility of the additional parking space by location and screening. The driveway shall conform to Section VI.B.12 of this ZBL.
  - a. Not Detrimental to Neighborhood

The Board of Appeals shall make a finding that the construction and occupancy of the additional dwelling unit will not be detrimental to the neighborhood in which the lot is located, and will not be injurious or dangerous to the public health or hazardous because of traffic congestion, danger of fire, or other reasons, and will not result in violation of the dimensional requirements of zoning in effect at the time of the application.
  - a. Special Restrictions
    1. The principal dwelling unit and the accessory apartment shall be held in the same ownership.
    1. The lot upon which the principal dwelling unit and accessory apartment are located shall not be reduced in size to less than 10 acres; reduction in lot size to less than 10 acres will cause the accessory apartment to be in violation of this ZBL.

2. Subject to a Special Permit from the Planning Board, as provided in Sec. VIII.C, Flexible Plan Subdivisions in compliance with the following purpose and provisions.

a. Purpose. Flexible Plan Subdivision is intended to provide the option of an alternative pattern of land development which preserves significant natural or agricultural open space or historic or scenic views, and to create a density incentive to encourage the use of that alternative pattern on parcels being developed in Hamilton. These intentions are to be carried out by a development design that clusters the dwelling units in a manner that shall be environmentally and visually preferable to a conventional single family lot layout on the same site, and shall not have adverse effects on the immediate neighborhood or the Town as a whole by comparison with a conventional lot layout. Site and building design shall be compatible with the semi-rural and single-family character of Hamilton, consistent with the health, safety and general welfare of the Town.

b. Minimum Parcel Size for the total Flexible Plan Subdivision shall be ten acres.

c. Number of Dwelling Units. The maximum number of dwelling units in a Flexible Plan Subdivision shall be from 1 to 1.5 times the number of units achievable in a conventional single-family-lot plan of the same parcel as set forth below. The Planning Board shall determine the allowable density within that range based on the quality of the Flexible Plan, considering whether the plan accomplishes significant preservation of open space, vistas and Historic District, and whether the design and siting of buildings contribute to this effect. The conventional subdivision concept plan shall show a plausible lot layout that could reasonably be approved under Hamilton's Zoning, Subdivision, Health and Wetlands regulations, and that does not involve large-scale filling or regrading. The Planning Board shall determine, with the advice of the Conservation Commission and the Board of Health, whether said concept plan represents the parcel's conventional development capacity. Flexible Plan Subdivision is not intended to render developable any parcels that would not otherwise be developable. In evaluating the conventional development capacity of the site, the Board may take account of data and decisions on prior subdivision plans for the parcel. However, the conventional subdivision concept plan does not require Definitive Subdivision Approval under MGL Ch. 41, S.81U, and may differ from any approved subdivision plan now in effect on the development parcel. (Ed. Note: In Groundwater Protection District, development capacity calculations must be based on the 80,000 s.f./D.U. requirement.)

d. Types of dwelling units allowed in a Flexible Plan Subdivision shall be single family (i.e. each dwelling unit on separate lot) attached and detached, and multi-unit structures, consistent with the stated purpose and design guidelines for Flexible Plan Subdivisions, and subject to the stipulation that all dwelling units in Flexible Plan Subdivisions, including any plans under consideration, shall not total more than 5% of the total number of dwelling units in Hamilton, as stated by the Town Clerk at the time of application.

e. Dimensional and Design Requirements, Except as set forth below, all requirements of the Zoning By-law shall continue to apply to Flexible Plan Subdivisions.

1. Lot Size. The lot on which any structure is located shall contain not less than 10,000 square feet for each dwelling unit in said structure.

2. Frontage, lot coverage, and lot width requirements are waived for Flexible Plan Subdivisions. Yard requirements shall apply except that side yards may be waived for attached dwelling units. Every dwelling unit shall have adequate access to a public or private way.

3. Buildable lot area shall be 5,000 square feet per dwelling unit on a lot, but all other provisions of Section VI.B.2. shall apply.

4. Parking. Two off-street parking spaces shall be provided per dwelling unit.

5. Buffers. In order to maintain privacy and visual quality of the neighborhood, Flexible Plan Subdivision designs shall use setback and natural or landscaped buffers to screen buildings from any pre-existing street or property line.

6. Design Guidelines. The shapes, scale, location and materials of all buildings, lighting, roads and parking in a Flexible Plan Subdivision shall be consistent with the character of the neighborhood, and with the terrain and vegetation of the site. Buildings which utilize design features of single-family and farmhouse buildings in the neighborhood are encouraged.

7. Sewerage Disposal. Individual or communal septic systems are permissible subject to approval as to type and location by the Board of Health. Septic systems may be installed in the open space area of the Flexible Plan Subdivision if the Board of Health so allows, and K such installation would not detract from the usability or quality of said open space. Proper legal safeguards shall be provided for management and communal ownership of communal septic systems.

8. Water Supply may be provided by the municipal system or private facilities. In the event that dwelling units share private water facilities, proper legal provisions shall be made for communal ownership and management.

9. Utilities shall be installed underground, and may be located in the open space if such installation would not detract from the usability or quality of said open space, and if proper legal instruments providing for access and maintenance are arranged.

f. Open Space

1. All areas of the Flexible Plan Subdivision not devoted to private lots and facilities, or to roads, services and utilities shall be dedicated as Open Space.

2. Minimum Area and Quality of Open Space shall be not less than forty percent (40%) of the total cluster tract area, and furthermore, the area being counted toward this minimum percentage shall not include more than twenty-five percent (25%) Conservancy District, or wetlands under Ch. 131, Sec. 40, M.G.L.

3. Contiguity. The Open Space need not be in one large piece, as long as the selection meets the overall quality stipulation below.

4. In addition to the above specific provisions, the Open Space must be deemed by the Planning Board to successfully protect the scenic and natural resource values of the site, and to be of a size, shape, location and general quality and accessibility that constitute a significant benefit for the residents of the development and the Town, and that meet the overall purposes of this section.

5. Ownership of Open Space. The open space, and such other facilities as may be held in common, shall be conveyed to one or more of the ownership groups allowed below, subject to the requirements set forth below.

a. Interim Responsibility. The applicant is responsible for the Open Space and its maintenance until said land is fully conveyed to one of the allowed ownership options. At the time of Flexible Plan Subdivision approval, the applicant shall execute a covenant with the Town, binding himself to own and maintain the Open Space until such conveyance is accomplished.

b. Use Limitations and Conditions. Whichever ownership method is selected, the legal instruments creating and restricting ownership shall limit use of the Open Space of conservation, recreation, grazing and agricultural uses that are consistent with the primary function of the open space as a scenic natural area, but shall make provision allowing access to and maintenance of any septic systems and utilities located within the Open Space, and shall specify that any facilities, structures and accessory uses permitted above and not prohibited under MGL Ch. 40A, Sec. 9, which were not contained in the original Flexible Plan Subdivision Permit shall require further special permit from the Planning Board.

1. Conveyance to a corporation or trust comprising a homeowners association whose membership includes the owners of all lots or units contained in the tract. The applicant shall include in the deed to owners of individual lots beneficial rights in said Open Space, and shall grant a Conservation Restriction to the Town of Hamilton over such land pursuant to M.G.L. Ch. 184, a. 26 or M.G.L. Ch. 184, Sec. 31-33, referring to the use limitations and conditions specified in Item b., immediately above, and stating that the land shall not be built upon for residential or accessory uses such as parking or roadways. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by Sec. 33 of M.G.L. Ch. 184. In addition, the applicant shall be responsible for maintenance of Open Space and any other facilities to be held in common until such time as the homeowners association is capable of assuming said responsibility. They shall be deemed capable of taking over when 60% of the dwelling units have been sold. In order to ensure that the association will properly maintain the land deeded to it under this section, the applicant shall cause to be recorded at the Registry of Deeds a Declaration of Covenants and Restrictions which shall, at a minimum, provide for the following: a) mandatory membership in the homeowners association to run with the deed to the lot and not be separately alienable; b) provisions for maintenance assessments of all lots in order to ensure that the Open Land is maintained in a condition suitable for the uses approved thereon, and provisions to ensure the payment of said assessment; c) provision that will ensure, so far as possible under the existing law, that the restrictions placed on the use of the Open Land will not terminate by operation of law.

2. Conveyance to a nonprofit organization, the principal purpose of which is the preservation of open space. The applicant or said organization shall grant a Conservation Restriction as set forth in the immediately preceding Item 1. If this method of ownership is selected, conveyance shall be made at the time of issuance of initial building permits.

3. Conveyance to the Hamilton Conservation Commission for park or open space use, subject to the approval of the Selectmen, with a trust clause referring to the use limitations and conditions specified in f.5.b. above, ensuring that the land be maintained as open spaces. If the Selectmen do not accept the open land, the applicant shall convey the land to one of the other groups authorized above.

g. Limitation of Subdivisions. No lot shown on a plan for which a permit is granted under this section may be further subdivided, and a notation to this effect shall be shown on the Flexible Plan Subdivision plan.

#### h. Approval Process.

1. Relation to Subdivision Review under M.G.L. Ch. 41. Planning Board approval of a Flexible Plan Subdivision permit shall not substitute for compliance with the Subdivision Control Act. All Flexible Plan Subdivisions shall be designed to comply with the Hamilton Subdivision Rules and Regulations. The Planning Board shall consolidate Subdivision review under Ch. 41 with Special Permit Review under this section to the greatest extent possible, given the differing review periods set by M.G.L. Ch. 41 and M.G.L. Ch. 40A. The Planning Board may hold the Special Permit and the Subdivision Review public hearings simultaneously, and may grant a subdivision approval conditional upon later approval of the Flexible Plan Subdivision Special Permit.

2. Planning Board approval of any Flexible Plan Subdivision permit shall be conditional upon compliance with applicable Town and State wetland protection regulations, and upon approval of all sewerage disposal and surface and subsurface drainage by the Board of Health.

3. Pre-Application Conference. In order to arrive at a consensus as to allowable density and general design concepts, before the applicant invests in detailed plans, the applicant is strongly encouraged to file preliminary plans of both the conventional single-family subdivision and the Flexible Plan Subdivision of the parcel. These preliminary plans shall meet the requirements for and be processed as Preliminary Plans under the Subdivision Rules and Regulations.

4. Application for a Flexible Subdivision Plan Permit shall be made to the Planning Board as set forth in Sec. VIII.C. The application shall be accompanied by two subdivision plans for the entire site, prepared by a registered architect, landscape architect or engineer; one of said plans shall show a conventional single family subdivision of the site, drawn to meet all requirements for a preliminary subdivision plan under the Subdivision Rules and Regulations, for purposes of determining maximum permissible density if site were developed without benefit of Flexible Plan Subdivision provisions. The other subdivision plan shall show the proposed Flexible Plan Subdivision meeting the requirements of this section and for a Definitive Plan under the Subdivision Rules and Regulations. The Flexible Plans shall also show:

- a. which lots are to be used as building lots, proposed open space, proposed location, height and bulk of all buildings, proposed landscaping, exterior lighting, parking and driveways;
- b. for every proposed building, floor plans, principal elevation, building sections showing construction materials, and sufficient perspective drawings or models to satisfy the Board that it understands the three-dimensional appearance of the buildings from the relevant streets;
- c. a statement as to proposed method of ownership of the open space; the proposed legal instruments to be used to ensure preservation and maintenance of open space and any communal facilities;
- d. a statement as to proposed phasing and timing of construction.

The Planning Board may require the applicant to pay a review fee to cover the reasonable costs of consultants engaged by the Planning Board to assist in review of the proposed plans, as authorized and limited by M.G.L. Ch. 44 Sec. 53G and Sec. IX.H. of this Zoning By-law. (Added November 13, 1990)

6. Following a Flexible Plan Subdivision approval, all building designs submitted to the Building Inspector for a permit under Sec. VIII.B. shall be consistent with the designs shown in the Flexible Plan Subdivision special permit plan submissions.

\*\*\*

Hamilton has an elderly housing floating zone, but it is unclear from the bylaw whether multifamily structures are allowed in an senior development.

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**No** Hanover does not allow multi-family housing, except for Planned Residential Development for Seniors (PRDS), which only allows townhouses, single family and duplexes (so it does not fall under this research definition for multi-family.)

The Land Use Ordinance of Hanover (Town of)  
PLYMOUTH COUNTY, MASSACHUSETTS  
ZONING BY-LAW

**SECTION 6 USE REGULATIONS**

**6.000 Residence A District**

The Residence A District is intended for rural, residential and non-commercial uses.

**6.010 Uses Allowed.** The following uses are allowed in the Residence A District.

- A. Conservation areas for water, water supply, plants and wildlife, and dams necessary for achieving this purpose.
- B. Fanning and horticulture, including raising, harvesting and storing crops, truck gardening, grazing and poultry raising, provided that:
  - 1. no buildings are located within one hundred (100) feet of a district boundary line or way line;
  - 2. animals allowed to graze within one hundred (100) feet of a district boundary line or way line shall be enclosed by fencing.
- C. Orchards, nurseries, forests and tree farms, provided that all logging equipment, spraying equipment or other equipment necessary for these uses is stored in an enclosure subject to the provisions of subparagraph B. L, above, relative to the location of farm buildings.
- D. Barns, stables and kennels for pets and animals as either an accessory use or for commercial purposes, subject to the provisions of subparagraph B. above of this Section.
- E. One (1) single-family dwelling per lot.

**6.040 Uses Permitted by Special Permit and with Site Plan Approval.** The following uses may be permitted upon application to and granting of a Special Permit and Site Plan Approval by the Planning Board, acting as the Special Permit Granting Authority, as specified in Section 10 of this Zoning By-Law. The applicant shall clearly demonstrate to the satisfaction of the Board that said use is safe and appropriate for the specific site and that it will not create a nuisance by virtue of noise, odor, smoke, vibration, traffic generated or unsightliness.

A. The establishment of a Planned Residential Development for

Seniors (PRDS) subject to all of the requirements, regulations, provisions, and procedures of subsections 1. through 7., below. Failure on the part of the applicant to comply with any of said requirements, regulations, provisions, and procedures may be cause for the denial of the project by the Planning Board.

- 1. Purpose: The purpose of a PRDS is to provide alternative housing for residents who are 55 years in age or older.

\*\*\*

From definitions on ordinance.com:

**TOWN HOUSE :** A building designed and/or used exclusively for residential purposes and containing three (3) or more dwelling units, not to exceed ten (10), constructed side by side with each unit separated from the next unit by a common party wall extending from the floor of the basement (or from the top of the slab forming the foundation) to the roof line.

\*\*\*

**SECTION 10 SITE PLAN APPROVAL**

**10.000 Purpose and Applicability:**

**10.010 Site Plan Approval:** For the purposes of assuring proper drainage, safe access, administering provisions of this By-Law in regard to parking and loading areas, signs, buffers, screening and landscaping, and to assure adequate consideration for abutting land owners, and to further provide for the review of plans of certain structures or developments which by virtue of their design, type of construction, location, and/or potential use may have a significant impact on the environment, water table, traffic patterns or utilities of

the town, a Site Plan shall be submitted:

A. To the Zoning Board of Appeals for all uses for which the approval of the Zoning Board of Appeals is required by the provisions of this By-Law.

B. To the Planning Board for all other uses except for dwellings allowed in the Residence A District.

10.020 When Required: Site Plan Approval shall be required for all of the following:

A. An increase in the extent of the pre-existing non-conforming use of a structure or of land in accordance with Section 4.110A.2.

B. An expansion or a change of use of a pre-existing non-conforming structure in accordance with Section 4.220.

C. The expansion of a structure or of a use on a pre-existing non-conforming lot in accordance with Section 4.320.

D. Automotive uses in accordance with Section 6.230A.

E. Adult Entertainment uses in accordance with Section 6.230B

F. All uses in the Water Resource Protection District in accordance with Section 6.820.

G. Religious and Educational uses in accordance with Section 5.810.

H. Municipal Water Supply uses in accordance with Section 5.820.

I. The use of land for Housing for the Elderly and for Handicapped Persons in accordance with Section 5.860.

J. The expansion or change of use or expansion of a structure for all existing uses in non-residential zoning districts and for all pre-existing non-conforming uses, structures or other non-conformances in all zoning districts in accordance with Section 7.010B.

K. The placement of canopies or porticos within required setbacks in accordance with Section 7.640.

L. Additions to off-street parking and loading areas when necessitated by new construction or by expansions, additions or changes in existing uses in accordance with Section 9.010.

M. The establishment of a Planned Residential Development for Seniors in accordance with the provisions of Section 6.030 of this Zoning By-Law.

## Hanson

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Multi-family housing is allowed by special permit in the Residence B district.

Town of Hanson Zoning Bylaw

SECTION VI Use Regulations

A. Agricultural-Recreation District:

B. Residence A and Residence AA Districts

C. Residence B District

D. Business District

E. Commercial-Industrial District

F. Aquifer and well Protection District

\*\*\*

Definition from ordinance.com:

I.1. DWELLING, MULTI-FAMILY : A dwelling containing three to eight families or groups of associated persons, not sharing a common

kitchen area.

\*\*\*

## SECTION VI Use Regulations

### C. Residence B District:

2. Uses permitted by special permit granted by the Board of Appeals as provided in Section VIII.D.

b. Structures containing more than one (1) but not more than eight (8) dwelling units, provided that:

1. Each dwelling unit shall have two (2) exposures.

2. Each dwelling unit shall have two (2) separate exits.

3. All off-street parking areas as required under Section VII D shall be in the rear of buildings.

4. Each structure shall be connected to Town water.

5. A site plan prepared in accordance with the provisions of Section VII F has been submitted to and been approved by the Board of Appeals.

6. If there is more than one (1) such structure on a lot of record, there shall be at least forty feet (40') between each structure.

7. Demolition of existing historic structures, as designated in the "Bay Circuit/Open Space Plan, Hanson, Massachusetts," Table 1, Hanson Historic Sites, pages 5-6 and accompanying map, by IEP, Inc., dated January, 1988 shall not be permitted in order to construct a new multi-family structure.

\*\*\*

### F. Site Plan Review

1. Site Plan Approval by the Zoning Board of Appeals is required in the "Business District, Commercial-Industrial District, or any Residence District, or for any nonresidential or nonagricultural construction or use, including extensions, alterations, or changes to nonconforming nonresidential or nonagricultural structures or uses, and for multi-family dwellings.

\*\*\*

Notes on density:

Minimum Lot Area in Square Feet: 30,000

Minimum floor area in square feet: 600 per unit

\*\*\*

## LAND DEVELOPMENT ORDINANCE The Land Use Ordinance of Hanson (Town of) PLYMOUTH COUNTY, MASSACHUSETTS ZONING BYLAW

## SECTION II Definitions

**ADULT RETIREMENT VILLAGE (ARV)** An area of land, designed and developed as an integrated community, which departs from the zoning regulations conventionally required in the Agricultural- Recreation, Residence A, Residence AA, Residence B and/or Flexible Zoning Districts, and is restricted to households in which at least one permanent occupant is fifty-five (55) years of age or older. Such a use may be allowed only upon issuance of a special permit in accordance with all of the requirements of this Zoning By-law.

\*\*Webmasters Note: The previous definition has been added as per an ordinance approved at a town meeting held on 10/1/01.

## SECTION VI Use Regulations

### K. ADULT COMMUNITIES

1. ADULT RETIREMENT VILLAGE (ARV)

A. APPLICABILITY: An adult retirement village use shall be allowed in Agricultural-Recreation; Residence A; Residence AA; Residence B; and Flexible Zoning Districts, but only upon issuance of a special permit from the Special Permit Granting Authority (SPGA) (Planning Board) under this section and in accordance with all of the requirements and criteria for issuance of a special permit under this Zoning By-law.

B. PURPOSE: An Adult Retirement Village (ARV), as approved by the Special Permit Granting Authority (SPGA) (Planning Board), is intended to: provide an alternative housing opportunity for the older population; provide an attractive and suitable residential environment that is more amenable to the needs of people in their later years; encourage creative and innovative site planning and design in order to enhance the attractiveness and suitability of smaller homes as a preferred alternative housing type in order to better meet the specific housing needs of this segment of the population and, to encourage the preservation of common land for open space and recreational use, by promoting better utilization of land in harmony with its natural features and to retain the rural character of the Town.

Where feasible, new homes shall be organized around traditional village streets. A central open space shall provide a focus for the community facility/building. The dwelling units shall be of high quality construction with care being taken in landscaping efforts to retain as much as possible the natural topography of the village environs. To enhance the village concept, the developer should be encouraged to employ historic, traditional and complimentary style, colors, and exterior lighting for all units as well as street lighting.

C. GENERAL STANDARDS: No special permit shall issue for an ARV use unless the standards set forth below are satisfied. In addition, no such special permit shall issue unless all of the criteria for issuance of a special permit as set forth under this Zoning By-law and under G. L. c.40A §9 have been satisfied.

(1) Occupancy Qualifications: The ARV Development is specifically limited to use residence and occupancy by persons who have achieved a minimum age of fifty-five (55) years, provided, however, that no more than one of the persons occupying any unit may be under fifty-five (55) years of age, unless otherwise qualifying as a handicapped adult, or as herein further provided. In addition, and only in proven cases of family emergency, as determined by majority vote of any homeowners' association management board, no more than two (2) additional persons, above the number which is specifically herein authorized, who are under age fifty-five (55) and directly related, shall be allowed to be an occupant of any dwelling unit for more than six (6) months duration. Extensions of such minimum time duration may be granted by majority vote of such board. Occupancy requirements shall be exclusive of nurses or others persons to provide healthcare services to any occupant of said dwelling unit. In the event of the death of the qualifying owner/occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit in an ARV, a two (2) year exemption shall be allowed for the transfer of the unit to another eligible household.

(2) Minimum Tract Size: ARV Developments shall be located on a parcel of land which has a gross area of not less than fifteen (15) acres and is located in the Agricultural/Recreation, Residence A, Residence AA, Residence B or Flexible Zoning Districts.

(3) Maximum Density Ratio: The maximum density ratio in the ARV shall be no greater than five (5) residential units per acre. The gross land area of the parcel minus the open space will be used in calculating compliance with this maximum density ratio.

(4) Distance Requirements: Within the ARV, there shall be a minimum- distance of thirty (30) feet between each building and minimum set-back from the roadway layout of at least thirty (30) feet. No dwelling unit shall be located nearer than one hundred (100) feet from the traveled portion of any public way nor closer than fifty (50) feet from the perimeter lot lines.

(5) Open Space: Within the ARV, all open space shall be integrated within and around the development. Additionally, not less than twenty (20) percent of the total land area contained within the development shall be designated as open space and further provided that no less than twenty percent of the designated open space land shall be suitable for use for passive and/or active recreational purposes. Community buildings and common facilities can be located within the open space. Area used for roadway layout shall not be used as open space area or site area.

(6) Multiple Uses: The site, when utilized for the purposes of this section and combined with any other use or uses, also allowed in this section, shall be of sufficient size, shape, topography and location or be capable of accommodating such multiple uses, as determined by the Planning Board.

\*\*\*

LAND DEVELOPMENT ORDINANCE  
The Land Use Ordinance of Hanson (Town of)  
PLYMOUTH COUNTY, MASSACHUSETTS  
ZONING BYLAW

SECTION VI Use Regulations

H. Flexible Zoning Bylaw/Special District  
[Amended 10/5/98]

The flexible zone district of this bylaw is intended to provide for a mixture of residential, agricultural, business, commercial and industrial, and mixed uses provided such use does not detract from the livability and aesthetic qualities of the environment:

Uses permitted:

2. Uses permitted by special permit granted by the Board of Appeals as provided in Section VIII.D.

t. Structures containing more than one (1) but not more than eight (8) dwelling units, provided that:  
i. Each dwelling unit shall have two (2) exposures.

- ii. Each dwelling unit shall have two (2) separate exits.
- iii. All off-street parking areas as required under Section VII D shall be in the rear of buildings.
- iv. Each structure shall be connected to Town water.
- v. A site plan prepared in accordance with the provisions of Section VII F has been submitted to and been approved by the Board of Appeals.
- vi. If there is more than one (1) such structure on a lot of record, there shall be at least forty feet (40') between each structure.

## Harvard

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** MF is allowed by right in the MR Districts (see below). Conversion to MF is allowed in C and AR districts.

CODE OF THE TOWN OF HARVARD v2 (Updated 2004)

§ 125-24. Permitted uses in MR Districts. [Added 3-7-1970 ATM by Art. 46; amended 3-6-1971 ATM by Art. 34; 3-3-1973 ATM by Art. 37; 2-5-1990 STM by Art. 7]

It is the intent to provide a district primarily for multiple residence use, having access to supporting shopping areas and to major streets, and characterized by land and soil types compatible with such increased intensity of residential use. Permitted uses are:

A.As provided in § 125-9, Multiple residence use, including subsidized multiple residence.

B.As provided in § 125-15, Earthmoving, and § 125-16, Institutional uses. EN

§ 125-2. Definitions. [Added 12-11-1967 STM by Art.6]

MULTIPLE RESIDENCE -- Does not include a rooming house as defined in the State Sanitary Code (1960), except that a nursing or rest home licensed under G.L., Chapter 111, is included. For said nursing or rest home, one dwelling unit is considered to be housing designed or used for three persons. [Added 3-7-1970 ATM by Art. 46]

§ 125-9. Multiple residence use. [Added 3-7-1970 ATM by Art. 46; amended 3-6-1971 ATM by Arts. 33 and 34]

Multiple residence use is subject to § 125-39, Site standards, and:

A.An individual lot for each multifamily dwelling shall be a lot in undivided ownership conforming to § 125-29, Lot size standards, and having additional land area of 1.50 acres for each dwelling unit beyond the first. [Amended 3-4-1972 ATM by Art. 45; 3-3-1973 ATM by Art. 37; 3-25-1978 ATM by Art. 23; 11-16-1987 STM by Art. 12]

B.Building length shall be no more than 150 feet, and any garage structure shall be no more than one story in height. The lowest floor level of a dwelling unit shall be at least partly above grade. Any one multiple residence shall contain no more than eight dwelling units. [Amended 3-4-1972 ATM by Art. 46]

C.Development shall provide pedestrianways (footpaths) for circulation and for access to schools, parks, open space areas, playgrounds, shopping or other similar facilities.

\*\*\*

From ordinance.com:

ARTICLE III, Use Groupings

§ 125-9. Multiple residence use.

[Added 3-7-1970 ATM by Art. 46; amended 3-6-1971 ATM by Arts. 33 and 34]

Multiple residence use is subject to § 125-39, Site standards, and:

A. An individual lot for each multifamily dwelling shall be a lot in undivided ownership conforming to § 125-29, Lot size standards, and having additional land area of 1.50 acres for each dwelling unit beyond the first. [Amended 3-4-1972 ATM by Art. 45; 3-3-1973 ATM by Art. 37; 3-25-1978 ATM by Art. 23; 11-16-1987 STM by Art. 12]

B. Building length shall be no more than 150 feet, and any garage structure shall be no more than one story in height. The lowest floor level of a dwelling unit shall be at least partly above grade. Any one multiple residence shall contain no more than eight dwelling units. [Amended 3-4-1972 ATM by Art. 46]

C. Development shall provide pedestrianways (footpaths) for circulation and for access to schools, parks, open space areas, playgrounds, shopping or other similar facilities.

§ 125-10. Conversion for multiple residence.

[Amended 3-6-1971 ATM by Arts. 33 and 34; 3-4-1972 ATM by Art. 46; 3-3-1973 ATM by Art. 37; 4-5-1986 ATM by Art. 38]

It is the intent to provide, where suitable, for conversion for multiple residence in undivided ownership, including subsidized multiple

residence, of pre-existing dwellings (and their accessory barns, if any) which, because of oversize or other condition, cannot reasonably be continued or adapted for the existing use or other use regularly permitted in the district, and at the same time preserve the character of the AR District as one primarily for compatible agriculture and single-family residence. As used here, the word "barn" refers to an accessory structure, having a volume of at least 15,000 cubic feet, that was built with and retains the foundations and structural integrity to support the floor, joist, column, and roof loadings required for the proposed conversion; actual antecedent agricultural use is not a consideration. Any such conversion shall be by special permit (see § 125-46, Special permits) authorized by the Board of Appeals, subject to § 125-39A(1) , and provided:

A. The dwelling (and its accessory barn, if any) was in existence on March 6, 1965, and is not significantly enlarged from its size at that time;

B. External character of the premises (including the barn, if any) is and will continue to be that of a customary one-family residence;

C. The lot has land area conforming to lot size standards with additional land area of at least 0.50 acre for each dwelling unit beyond the first;

D. The lowest floor level of a dwelling unit shall be at least partly above grade;

E. The parking area shall be screened from view from neighboring properties and streets as provided in § 125-39D if it will be larger than a parking area normally used by a customary single-family dwelling;

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 3/29/03.

F. The septic system, including the leaching facility and its expansion area, shall be located in land having a grade of less than 8%, be easily accessible by cleaning and repair vehicles, and be no more than the greater of 500 feet from the street or 200 feet from the building served;

G. The Board of Appeals, after considering the land and soil type characteristics, including the ability of the soil to absorb expected quantities of sewage disposal effluent, the degree of filtration of effluent before entering bedrock fissures or other groundwater supply, and the characteristics of the soil with respect to surface water runoff, specifically finds that the conversion, including the parking area and septic system, will not result in substantial increase in surface water runoff to neighboring properties or streets, or substantial danger of pollution or contamination of groundwater supply, a groundwater absorption area, a well, pond, stream, watercourse, W District, or inland wetland, and specifically finds and requires that the increased surface water runoff that results from the development shall be retained within the lot in which it originates or shall be discharged into existing identifiable watercourses without material impact on abutting properties;

H. Written evidence of final approval by the Board of Health as to water supply and sewage disposal for the proposed conversion is submitted with and as part of the application for special permit;

I. The dwelling (and its accessory barn, if any) shall remain in undivided ownership.

[...]

§ 125-13. Medium-scale commercial uses.

[...]

Z. Mixed-use village development (MUVD)

(1) Multifamily residential use, where such use is integrated with a commercial use constituting thirty percent (30%) or more of the proposed development or total gross floor area.

(2) Grocery store greater than 15,000 square feet of gross floor area, subject to the issuance of an Ayer Road Village Special Permit, § 125-52.

(3) Eating establishments with live musical entertainment.

(4) Small screen arts theatre with not more than one (1) screen.

\*\*Webmasters Note: The previous subsection, Z., has been added as per an update approved at a town meeting held on 3/27/04.

\*\*\*

ARTICLE IV, Permitted Uses by District

§ 125-21. Permitted uses in AR Districts.

A. Permitted uses are:

(3) As provided in § 125-10, Conversion for multiple residence, § 125-11, Conversion of seasonal residence, § 125-15, Earthmoving,

and § 125-16, Institutional uses. [Amended 3-3-1973 ATM by Art. 34]

§125-23. Permitted uses in C Districts.

A. Permitted uses are:

(1) As provided in § 125-12, Small-scale commercial uses.

(2) As provided in § 125-7, Agricultural uses, § 125-10, Conversion for multiple residence, § 125-15, Earthmoving, § 125-16, Institutional uses, and § 125-41J, Other off-site signs.

(3) As provided in § 125-8, Single residence use, on lots as they existed February 1, 1972.

(4) As provided in § 125-13, Medium-scale commercial uses, with the exception of Subsections M, T, U and V (laboratory for engineering, research, experimental, or testing activities; landscaping services involving equipment parking, kennel and/or veterinary services; mortuary) , however, for § 125-13, Medium-scale commercial uses, Subsection Y permitted uses, only in building(s) existing on October 16, 1998. [Amended 12-8-1998 STM by Art. 14]

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 3/27/04.

B. Uses by special permit (see § 125-46, Special permits) issued by the Planning Board as follows:

(1) As provided in § 125-13., Medium-scale commercial uses, Subsections M, S, T, U, V, Z (inn or bed and breakfast establishment, eating establishments with live musical entertainment; laboratory for engineering, research, experimental, or testing activities; shops and sales of supplies for plumbing, electrical, carpentry and other building trades; landscaping services involving equipment parking; kennel and/or veterinary services; mortuary; mixed use village development).

§ 125-24. Permitted uses in MR Districts.

[Added 3-7-1970 ATM by Art. 46; amended 3-6-1971 ATM by Art. 34; 3-3-1973 ATM by Art. 37; 2-5-1990 STM by Art. 7]

It is the intent to provide a district primarily for multiple residence use, having access to supporting shopping areas and to major streets, and characterized by land and soil types compatible with such increased intensity of residential use. Permitted uses are:

A. As provided in § 125-9, Multiple residence use, including subsidized multiple residence. u

B. As provided in § 125-15, Earthmoving, and § 125-16, Institutional uses.

### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** MF is allowed by right in the MR Districts (see below). Conversion to MF is allowed in C and AR districts.

CODE OF THE TOWN OF HARVARD v2 (Updated 2004)

§ 125-24. Permitted uses in MR Districts. [Added 3-7-1970 ATM by Art. 46; amended 3-6-1971 ATM by Art. 34; 3-3-1973 ATM by Art. 37; 2-5-1990 STM by Art. 7]

It is the intent to provide a district primarily for multiple residence use, having access to supporting shopping areas and to major streets, and characterized by land and soil types compatible with such increased intensity of residential use. Permitted uses are:

A.As provided in § 125-9, Multiple residence use, including subsidized multiple residence.

B.As provided in § 125-15, Earthmoving, and § 125-16, Institutional uses. EN

§ 125-2. Definitions. [Added 12-11-1967 STM by Art.6]

MULTIPLE RESIDENCE -- Does not include a rooming house as defined in the State Sanitary Code (1960), except that a nursing or rest home licensed under G.L., Chapter 111, is included. For said nursing or rest home, one dwelling unit is considered to be housing designed or used for three persons. [Added 3-7-1970 ATM by Art. 46]

§ 125-9. Multiple residence use. [Added 3-7-1970 ATM by Art. 46; amended 3-6-1971 ATM by Arts. 33 and 34]

Multiple residence use is subject to § 125-39, Site standards, and:

A. An individual lot for each multifamily dwelling shall be a lot in undivided ownership conforming to § 125-29, Lot size standards, and having additional land area of 1.50 acres for each dwelling unit beyond the first. [Amended 3-4-1972 ATM by Art. 45; 3-3-1973 ATM by Art. 37; 3-25-1978 ATM by Art. 23; 11-16-1987 STM by Art. 12]

B. Building length shall be no more than 150 feet, and any garage structure shall be no more than one story in height. The lowest floor level of a dwelling unit shall be at least partly above grade. Any one multiple residence shall contain no more than eight dwelling units. [Amended 3-4-1972 ATM by Art. 46]

C. Development shall provide pedestrianways (footpaths) for circulation and for access to schools, parks, open space areas, playgrounds, shopping or other similar facilities.

\*\*\*

From ordinance.com:

ARTICLE III, Use Groupings

§ 125-9. Multiple residence use.

[Added 3-7-1970 ATM by Art. 46; amended 3-6-1971 ATM by Arts. 33 and 34]

Multiple residence use is subject to § 125-39, Site standards, and:

A. An individual lot for each multifamily dwelling shall be a lot in undivided ownership conforming to § 125-29, Lot size standards, and having additional land area of 1. 50 acres for each dwelling unit beyond the first. [Amended 3-4-1972 ATM by Art. 45; 3-3-1973 ATM by Art. 37; 3-25-1978 ATM by Art. 23; 11-16-1987 STM by Art. 12]

B. Building length shall be no more than 150 feet, and any garage structure shall be no more than one story in height. The lowest floor level of a dwelling unit shall be at least partly above grade. Any one multiple residence shall contain no more than eight dwelling units. [Amended 3-4-1972 ATM by Art. 46]

C. Development shall provide pedestrianways (footpaths) for circulation and for access to schools, parks, open space areas, playgrounds, shopping or other similar facilities.

§ 125-10. Conversion for multiple residence.

[Amended 3-6-1971 ATM by Arts. 33 and 34; 3-4-1972 ATM by Art. 46; 3-3-1973 ATM by Art. 37; 4-5-1986 ATM by Art. 38]

It is the intent to provide, where suitable, for conversion for multiple residence in undivided ownership, including subsidized multiple residence, of pre-existing dwellings (and their accessory barns, if any) which, because of oversize or other condition, cannot reasonably be continued or adapted for the existing use or other use regularly permitted in the district, and at the same time preserve the character of the AR District as one primarily for compatible agriculture and single-family residence. As used here, the word "barn" refers to an accessory structure, having a volume of at least 15,000 cubic feet, that was built with and retains the foundations and structural integrity to support the floor, joist, column, and roof loadings required for the proposed conversion; actual antecedent agricultural use is not a consideration. Any such conversion shall be by special permit (see § 125-46, Special permits) authorized by the Board of Appeals, subject to § 125-39A(1) , and provided:

A. The dwelling (and its accessory barn, if any) was in existence on March 6, 1965, and is not significantly enlarged from its size at that time;

B. External character of the premises (including the barn, if any) is and will continue to be that of a customary one-family residence;

C. The lot has land area conforming to lot size standards with additional land area of at least 0. 50 acre for each dwelling unit beyond the first;

D. The lowest floor level of a dwelling unit shall be at least partly above grade;

E. The parking area shall be screened from view from neighboring properties and streets as provided in § 125-39D if it will be larger than a parking area normally used by a customary single-family dwelling;

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 3/29/03.

F. The septic system, including the leaching facility and its expansion area, shall be located in land having a grade of less than 8%, be easily accessible by cleaning and repair vehicles, and be no more than the greater of 500 feet from the street or 200 feet from the building served;

G. The Board of Appeals, after considering the land and soil type characteristics, including the ability of the soil to absorb expected quantities of sewage disposal effluent, the degree of filtration of effluent before entering bedrock fissures or other groundwater supply, and the characteristics of the soil with respect to surface water runoff, specifically finds that the conversion, including the parking area and septic system, will not result in substantial increase in surface water runoff to neighboring properties or streets, or substantial danger of pollution or contamination of groundwater supply, a groundwater absorption area, a well, pond, stream, watercourse, W District, or inland wetland, and specifically finds and requires that the increased surface water runoff that results from the development shall be retained within the lot in which it originates or shall be discharged into existing identifiable watercourses without material impact on abutting properties;

H. Written evidence of final approval by the Board of Health as to water supply and sewage disposal for the proposed conversion is submitted with and as part of the application for special permit;

I. The dwelling (and its accessory barn, if any) shall remain in undivided ownership.

[...]

§ 125-13. Medium-scale commercial uses.

[...]

Z. Mixed-use village development (MUVD)

(1) Multifamily residential use, where such use is integrated with a commercial use constituting thirty percent (30%) or more of the proposed development or total gross floor area.

(2) Grocery store greater than 15,000 square feet of gross floor area, subject to the issuance of an Ayer Road Village Special Permit, § 125-52.

(3) Eating establishments with live musical entertainment.

(4) Small screen arts theatre with not more than one (1) screen.

\*\*Webmasters Note: The previous subsection, Z., has been added as per an update approved at a town meeting held on 3/27/04.

\*\*\*

ARTICLE IV, Permitted Uses by District

§ 125-21. Permitted uses in AR Districts.

A. Permitted uses are:

(3) As provided in § 125-10, Conversion for multiple residence, § 125-11, Conversion of seasonal residence, § 125-15, Earthmoving, and § 125-16, Institutional uses. [Amended 3-3-1973 ATM by Art. 34]

§125-23. Permitted uses in C Districts.

A. Permitted uses are:

(1) As provided in § 125-12, Small-scale commercial uses.

(2) As provided in § 125-7, Agricultural uses, § 125-10, Conversion for multiple residence, § 125-15, Earthmoving, § 125-16, Institutional uses, and § 125-41J, Other off-site signs.

(3) As provided in § 125-8, Single residence use, on lots as they existed February 1, 1972.

(4) As provided in § 125-13, Medium-scale commercial uses, with the exception of Subsections M, T, U and V (laboratory for engineering, research, experimental, or testing activities; landscaping services involving equipment parking, kennel and/or veterinary services; mortuary) , however, for § 125-13, Medium-scale commercial uses, Subsection Y permitted uses, only in building(s) existing on October 16, 1998. [Amended 12-8-1998 STM by Art. 14]

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 3/27/04.

B. Uses by special permit (see § 125-46, Special permits) issued by the Planning Board as follows:

(1) As provided in § 125-13., Medium-scale commercial uses, Subsections M, S, T, U, V, Z (inn or bed and breakfast establishment, eating establishments with live musical entertainment; laboratory for engineering, research, experimental, or testing activities; shops and sales of supplies for plumbing, electrical, carpentry and other building trades; landscaping services involving equipment parking; kennel and/or veterinary services; mortuary; mixed use village development).

§ 125-24. Permitted uses in MR Districts.

[Added 3-7-1970 ATM by Art. 46; amended 3-6-1971 ATM by Art. 34; 3-3-1973 ATM by Art. 37; 2-5-1990 STM by Art. 7]

It is the intent to provide a district primarily for multiple residence use, having access to supporting shopping areas and to major streets, and characterized by land and soil types compatible with such increased intensity of residential use. Permitted uses are:

A. As provided in § 125-9, Multiple residence use, including subsidized multiple residence. u

B. As provided in § 125-15, Earthmoving, and § 125-16, Institutional uses.

# Haverhill

## Is multi-family housing allowed by right in any part of the municipality?

No

## Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

Yes City of Haverhill Zoning Ordinance

### Section 255-5 Definitions

DWELLING, MULTIFAMILY - A building containing three (3) or more dwelling units, and including but not limited to an apartment house, a garden apartment house, a multifamily dwelling and a townhouse. One (1) model unit for purposes of property management and/or leasing dwelling units shall be permitted within each multifamily development if requested and approved with special permit application. [Amended 3-13-79 by Doc. 299-C]

\*\*\*

Multifamily dwelling units may be permitted within the specified zones by special permit, provided that the following conditions are met (See also Section 255-90.)

A. The proposed development must conform to the respective requirements of Article VI (Table 2: Table of Dimensional and Density Regulations).

B. The development shall be served by both public water and sewerage systems.

C. The maximum continuous length of any building facade in any one (1) direction shall not exceed two hundred (200) feet, and for attached dwellings (townhouses or row house), the minimum number of units in a row shall be three (3) and a maximum of ten (10) units [but not to exceed two hundred (200) feet]. There shall be a minimum of forty (40) feet between buildings or townhouse rows. [Amended 6-10-1992 by Doc. 52-C]

D. The plan and the roadway and respective utility improvements in the tract shall be subject to the definitive plan and performance guaranty requirements of the Rules and Regulations Governing the Subdivision of Land in the City of Haverhill, Massachusetts.

E. The services of a consultant to act as a Clerk of the Works, directly responsible to the City Engineer, to assure that proper construction practices are implemented according to any standards or procedures set forth by the City Council as a condition for the issuance of the required special permit and according to the subdivision plans and specifications approved by the Planning Board, shall be required, upon the written recommendation of the City Engineer, for any multifamily development where new roadway and/or utility systems are required. Said Clerk shall be selected and reimbursed as outlined within Section 255-92.1. [Added 10-14-1980 by Doc. 170-C]

F. The developer shall install street identification signs on all rights-of-way and drives within the development Said signs shall be in place upon completion of final paving of each respective way or drive. [Added 9-25-1984 by Doc. 147-C]

G. The developer shall install streetlighting on all rights-of-way and drives within the development The lighting shall be in place prior to paving of each respective way or drive. [Added 9-25-1984 by Doc. 147-C]

H. Building design and landscaping shall be in harmony with the prevailing character and scale of buildings in the neighborhood through the use of appropriate building materials, screening and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony, where warranted. [Added 6-10-1992 by Doc. 52-C]

I. [Added 6-10-1992 by Doc. 52-C] The development shall be integrated into the existing terrain and surrounding landscape. Building sites shall, to the extent feasible:

(1) Minimize use of wetlands, steep slopes, floodplains and hilltops.

(2) Preserve natural or historic features.

(3) Maximize open space retention.

(4) Minimize obstruction of scenic views from publicly accessible locations.

(5) Minimize tree, vegetation and soil removal, blasting and grade changes.

(6) Screen objectionable features from neighboring properties and roadways.

If MF is allowed by right, is it restricted by income?

If MF is restricted by income, what are the income guidelines (percent of area median, federal or state guidelines)? N/A

\*\*\*

According to the table of use regulations:

3 family dwelling is allowed by special permit from the board of appeals in RH, RU, CG.

Multifamily dwelling is allowed by special permit from the city council in RH, RU, CG, CC.

Cluster residential development is allowed by special permit from city council in RR, RL, RM, RH, RU, Special SC.

Planned unit development is allowed by special permit from city council in RM, RH, RU.

\*\*\*

Table 1 District-Minimum lot size/and per dwelling unit

3Residential Medium Density RM-20,000 sq. ft./ N/A  
4Residential High Density RH  
1 family detached dwelling- 7,500 sq.ft./ N/A  
2 family dwelling- 9,600 sq. ft./ N/A  
3 family dwelling- 11,700 sq. ft. N/A  
All other multi-family dwelling- 40,000 sq. ft. N/A  
First dwelling unit- 40,000 sq. ft./ 10,000  
Each additional dwelling unit- 3,000 sq. ft./ 3,000  
Any other permitted use-  
10,000 N/A  
5Residential Urban Density RU  
1 family detached dwelling- 7,500 sq.ft./ N/A  
2 family dwelling- 9,000 sq. ft. N/A  
3 family dwelling- 11,700 sq. ft. N/A  
All other multi-family dwelling- 25,000 sq. ft. N/A  
First dwelling unit- 7,500 sq. ft. /7,500  
Each additional dwelling unit- 2,000 sq. ft. /2,000  
Any other permitted use-  
10,000/ N/A  
8Commercial General CG  
All other multi-family dwelling- 20,000 sq. ft. /N/A  
First dwelling unit- 2,000 sq. ft./ 2,000  
Each additional dwelling unit- 1,000 sq. ft./ 1,000  
Any other permitted use-  
5,000/ N/A  
9Commercial Commercial Central CC  
Multi-family dwelling-N/A / N/A  
First dwelling unit-N/A / 2,000  
Each additional dwelling unit-N/A /1,000  
Any other permitted use-  
5,000 N/A  
Cluster development 25 acres N/A  
Planned development 10 acres N/A

## Hingham

**Is multi-family housing allowed by right in any part of the municipality?**

**No** According to the Town of Hingham Zoning Bylaw, Section III-A, Schedule of Uses: there is no multifamily housing zoned by right in Hingham.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** From ordinance.com:

APARTMENT HOUSE - a structure utilized wholly for residential dwelling units (and permitted uses accessory thereto) and containing three or more dwelling units.

\*\*Webmasters Note: The previous definition has been added as per an update approved at a town meeting held on 4/26/04.

\*\*Webmasters Note: The definition for Attic, Habitable, has been deleted as per an update approved at a town meeting held on 4/26/04.

GARDEN APARTMENT : a building designed to accommodate more than two dwelling units, with each entrance serving not more than four dwelling units, each of which extends through the building from front to rear.

MULTI-UNIT DWELLING : a building intended and designed to contain three or more dwelling units.

\*\*Webmasters Note: The previous definition has been amended as per an ordinance approved at a town meeting held on 4/26/04.

TOWN HOUSE : a dwelling unit, attached by party walls on one or both sides to one or two other dwelling units, which has its own

ground level entrance and front and rear yards.

\*\*\*

According to the Schedule of Uses, Section IIIA of the zoning bylaw on ordinance.com, the following multifamily uses are allowed by special permit, with site plan review, in the following districts:

Apartment House - Bus A and Bus B

Buildings containing multiple dwelling units and community and other buildings accessory thereto and operated pursuant to the provisions of Sections 38, 39, 40, and 41 of Chapter 121B of the Massachusetts General Laws, providing housing for elderly persons of low income, or constructed and operated pursuant to the provisions of Sections 25-32 of Chapter 121B of the Massachusetts General Laws, providing housing for persons of low and moderate income. - Res A, Res D, Res E, and Bus A and B.

Town House - not less than four nor more than ten connected dwelling units - Res D and E

Garden Apartments - Res D and E

\*\*\*

IV-E Residential Multi-Unit Development

1. Town houses, garden apartment houses and apartments shall be subject to the following standards and conditions.

(a) There shall be a minimum of 5 acres of land within any parcel to be developed for town houses, garden apartments or apartment houses.

\*\*Webmasters Note: The previous subsection has been amended as per an ordinance approved at a town meeting held on 4/26/04.

(b) The average number of dwelling units per acre in any development shall not exceed eight (8).

(c) The shortest distance between any two structures shall not be less than 35 feet. Courts shall be completely open on one side. The Board of Appeals may waive the separation requirements if the design of the proposed development is benefitted by closer spacing.

(d) There shall be set aside, not to be built upon, unpaved, landscaped and/or left natural, with an acceptable balance of trees, shrubs and grass, site area equal to 2000 square feet per dwelling unit.

(e) In addition to the 2000 square feet of living space required in (d) above, 1000 square feet of open space per dwelling unit shall be provided, which may include open paved areas, and one-half the area of covered parking or garage areas.

(f) There shall be provided a landscaped side or rear yard buffer area of at least 50 feet in width adjacent to each property line of the parcel to be developed. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten feet.

(g) There shall be set aside, suitably prepared, protected and equipped for organized recreational activities, site areas equal to 300 square feet per dwelling unit, which are not to be included in the buffer area.

(h) Each dwelling unit shall consist of at least one room, exclusive of hall, kitchen and bathroom, and there shall be at least 525 square feet of enclosed floor space for a one-room unit. For each room an additional 125 square feet shall be required.

(i) Two parking spaces shall be provided for each dwelling unit. Such spaces shall be within 200 feet of the intended users. No parking shall be permitted within the buffer area.

(j) All dwelling units shall be connected to public sanitary sewer. The Board of Appeals may waive this requirement with respect to land in the former Hingham Naval Ammunition Depot to the extent that such land is not within the North Sewer District and the applicant makes a satisfactory showing that its proposed sewage disposal system will not have adverse ecological impact.

(k) All utilities shall be underground.

(l) No space below ground level shall be approved for dwelling purposes.

(m) The placement, size, arrangement and use of access routes to public or private streets shall be adequate to serve residents and provide no hindrance to the safety of existing or proposed streets. Pedestrian walkways with all weather surfacing may be required where the density of population or school bus routes make such advisable for convenience and safety. Street and parking lot grading, drainage and surfacing shall comply with the specifications of the Subdivision Rules and Regulations.

2. Each application for a Special Permit A2 for the town house, garden apartment and/or apartment development shall be subject to the provisions of Section I-I, Site Plan Review, and to the extent not already included therein, to the following additional provisions:

\*\*\*

#### IV-F Residential Multi-Unit Development in Residence District D

1. A Special Permit A2 for town house exception shall be subject to the following conditions.

(a) Prior to the submission of an application for a Special Permit A2 from the Board of Appeals, the applicant shall submit to the Planning Board a development plan of the parcel of land which is to be the subject matter of such application.

(b) Said parcel of land shall contain a minimum of 20 acres and shall be located in Residence District D.

(c) Development of said parcel shall be subject to the provisions of Section I-I, Site Plan Review.

(d) Yard dimensions, area and height requirements shall be as required for town houses in Section IV-A.

(e) All utilities shall be underground.

(f) Except as provided in subsection (j) below, the maximum number of dwelling units that may be permitted on the parcel by grant of Special Permit shall be determined by the Board of Appeals in accordance with the following formula:

$$D = (A - W) \text{ times } 0.9$$

D = the maximum number of dwelling units;

A = the number of acres in the parcel;

W = the number of acres of wet areas (defined as water areas and other land in either of the following categories:

(i) all lands within the Flood Plain and Watershed Protection District; and,

(ii) all lands being wetlands as defined by the Wetlands Protection Act, Chapter 131, Section 40, Massachusetts General Laws).

(g) Any development hereunder shall be subject to and must comply with the provision of Section IV-E of this By-Law, except that the requirement of Section IV-E, 1 (j) may be waived by the Board of Appeals if it makes the following determination:

(i) that no part of the parcel abuts a sanitary sewer line of sufficient capacity to serve the parcel; and,

(ii) that the parcel's subsurface characteristics are sufficient to absorb waste generated by the proposed development on the parcel without material ecological degradation. The Board of Appeals, as part of the application, may require the submission of such studies and reports relating to this issue, bearing such certification by a professional engineer, and in such form as may be satisfactory to it.

(h) No dwelling unit shall be erected or maintained, and except for reasonable common access way or ways to the parcel no land may be paved within a strip of land one hundred (100) feet wide along then existing public ways, parks, streams or rivers upon which said parcel abuts nor along the property line of said parcel.

(i) No dwelling unit shall contain more than three bedrooms, and no more than 15% of the maximum number of dwelling units permitted on said parcel shall contain three bedrooms.

(j) The Board of Appeals, if so requested in the application may, but is not obligated to, permit an increase of one or more additional dwelling units on said parcel to the maximum extent stated below, for the reasons and in the manner hereinafter provided, and upon showing to the Board's satisfaction that the particular project, (including such additional units as requested in accordance with this subsection (j)), is of exceptional environmental economic, architectural and aesthetic benefit to the Town, and permits the municipal services without imposing an increased financial burden on its citizens, and so long as all of the following conditions, safeguards and limitations are met and fulfilled.

(i) Inclusive of the increase of one or more additional dwelling units, as provided in this subsection (j), the total number of dwelling units on the parcel shall not exceed 1.2 times the number of acres in the parcel minus the number of acres of wet areas as defined in Section IV-F, 1 (f) hereof. In the event that application of this formula results in a figure which contains a fraction, then the maximum number of dwelling units permitted shall be the closest whole number to the figure obtained.

(ii) Any additional dwelling unit or units shall be under the same character as the units permitted under subsection (f) above.

(iii) Without limitation upon the power of the Board of Appeals provided under the Massachusetts General Laws or elsewhere in this By-Law, the power to condition any approval of an increase of one or more additional dwelling units up to the maximum number allowed under subsection (j) (i) hereof may be conditioned upon any or all of the following:

(a) the submission of the reports, studies and other data referred to in subsection (j) (iii) above, in the form and substance and with the certification and verification as required by the Board;

(b) completion of the project in accordance with the plans and specifications submitted to and approved by the Board, except for any

non-material deviation; and,

(c) execution, delivery and recording of such covenants, agreements and instruments running with the land and binding upon the owner of the parcel its legal representative, successors, heirs and assigns, and enforceable by the Town, as the Board of Appeals may require, and in form and substance satisfactory to it, in order to insure adherence to the development plan, to assure the continued compliance with the terms and conditions of the Special Permit issued hereunder, to insure maintenance of the project throughout its useful life, and, in the case of a condominium project, the execution, delivery and recording of condominium documents in form and substance satisfactory to the Board of Appeals.

(k) To the extent that a specific provision of this Section IV-F, 1 is in conflict with a provision of Section IV-E, this Section IV-F, 1 shall control.

(l) In addition to the requirements of Sections IV-F, 1 (a), IV-E and I-I, any application pursuant to this Section IV-F shall include the following:

\*\*\*

#### IV-H Mixed Use Special Permit in Industrial District

##### 1. General

In order to permit a mixture of retail residential open space, general commercial limited industrial and office uses, and a variety of building types, tracts of land within the Industrial District may be developed under a Special Permit granted by the Board of Appeals as herein defined and limited.

##### 2. Special Permit Authority

The Board of Appeals (Board) may grant a Special Permit for construction of a mixed use project in the Industrial District. The Special Permit shall conform to this By-Law and to Massachusetts General Laws Chapter 40A, Section 9 and to regulations which the Board may adopt for carrying out its requirements hereunder.

##### 9. Dimensional Requirements

(a) Site Area Requirements - A minimum of 25 acres is required under one ownership within the Industrial District. The parcel shall be contiguous; however, a public transportation, utility, parking area or public ways shall not constitute a boundary or property line in computing the size of the contiguous parcel. The public transport, utility, parking area or public way, however, shall not be used in the calculation of the total project area.

(b) Floor Area Ratio - Maximum floor to area ratio shall be 1 to 1.

(c) Usable Open Space - The part or parts of land or structure within a mixed use which are reserved for permanent active or passive recreation use. This space shall exclude parking areas, streets, alleys, required setbacks, waterways, and sidewalks; and shall be open and unobstructed. Trees, plantings, arbors, flagpoles, sculpture, fountains, covered walkways, and similar objects shall not be considered obstructions.

In all mixed use developments that are new construction, at least 15% of the land shall be set aside as permanent usable open space, available to the project's users or the community. The required open space shall be subject to reasonable restrictions, covenants, the maintenance arrangements imposed by and legally enforceable by the Town to assure access and maintenance as provided in this Section.

\*\*\*

Minimum lot size requirements:

Apartment house- no listed requirement in business A and B district

Multiple dwelling units-  
Residence A- 20,000 sq. ft.

Residence D- 5000 sq. ft  
Residence E- 30,000 sq.ft.

Town house-  
Residence D- 5,000 sq. ft  
Residence E-30,000 sq. ft.

Garden Apartment-  
Allowed in the Residence E district with a minimum lot size area requirement of 30,000 ft.

# Holbrook

## Is multi-family housing allowed by right in any part of the municipality?

**Yes** Zoning Bylaw of the Town of Holbrook, SECTION 7: USE REGULATIONS (from ordinance.com as of August 2004).

Multifamily (apartments) is zoned by right in the Res IV district; it is not zoned by special permit in any districts.

Zoning Bylaw of the Town of Holbrook, Section 2.62(from ordinance.com as of August 2004).

2.62 APARTMENT BUILDING . A free standing building exclusively for residential use with three (3) or more apartment units.

\*\*\*

According to "9.4 LAND SPACE REQUIREMENTS TABLE", the minimum lot size requirement in Res IV district is 20,000 square feet. The minimum lot area per dwelling unit is 15,000 square feet. According to the Use Regulations in Section 7, multifamily is allowed by right only in Res IV. There is a foot note in Section 9.4, for the dimensional requirements for Res IV: (FN(2)) For apartments see Section 10. According to Section 10, After the first unit, 2,500 square feet of land is required for each additional unit.

Zoning Bylaw of the Town of Holbrook, Section 10.2 (from ordinance.com as of August 2004).

### 10.2 APARTMENTS, MULTIPLE OF ATTACHED DWELLINGS

10.21 No building or buildings intended for three or more families shall be constructed on a lot having less than two hundred (200) feet frontage.

10.22 A space not less than twenty (20) feet shall be maintained open with grass, bushes, flowers or trees all along each side lot, rear lot line and front lot line except for entrance and exit driveways and such open space shall not be built on, nor paved, nor used for parking.

10.23 For each dwelling unit constructed there shall be provided in addition to the minimum lot size requirement twenty-five hundred (2500) square feet of land area per dwelling unit.

10.24 The manner of sewerage disposal shall be approved in writing by the Board of Health.

10.25 All off street parking shall be provided at the rear or side of the building for which it is intended to be used.

\*\*\*

Minimum lot size: 20,000 sf.

Min lot size per dwelling unit: 15,000 square feet

2,500 square feet of land per dwelling unit for each additional unit.

\*\*\*

From ordinance.com 4/8/05 (updated version to include revisions from Annual Town Meeting in 5/04)

### SECTION 10: SPECIAL PROVISIONS

10.1 The following uses may be permitted as designated in Section 7.3 Table of Use Regulation provided they meet the following requirements in addition to any other requirements.

#### 10.2 APARTMENTS, MULTIPLE OR ATTACHED DWELLINGS

10.21 No building or buildings intended for three or more families shall be constructed on a lot having less than two hundred (200) feet frontage.

10.22 A space not less than twenty (20) feet shall be maintained- open with grass, bushes, flowers or trees along each side lot, rear lot line and front lot line except for entrance and exit driveways and such open space shall not be built on, nor paved, nor used for parking.

10.23 No more than four (4) dwelling units shall be constructed per one (1) acre of land area whether such land area is designated as wetlands or not or the land is otherwise undevelopable.

10.24 The manner of sewerage disposal shall be approved in writing by the Board of Health.

10.25 All off-street parking shall be provided at the rear or side of the building for which it is intended to be used. Parking in the front

areas of such buildings may be authorized by a Special Permit issued by the Town of Holbrook Planning Board.

10.26 No apartment, multiple, or attached dwelling containing more than four (4) dwelling units shall be constructed unless a Special Permit pursuant to Subsection is issued. For the purposes of this Section, the Town of Holbrook Planning Board shall be considered the Special Permit granting authority.

#### 10.26.1 Special Permit

##### Purpose and Intent

The purpose of this special provision section is to provide high quality multi-unit housing uses while minimizing the need for municipal infrastructure and services and while preserving open space. Developments created under this Section shall be designed to maximize the use of available public transportation, to minimize vehicular traffic, and to provide opportunity for pedestrian and recreational uses.

##### Definitions

**AGE RESTRICTED UNITS** - Units restricted to occupancy by persons fifty-five years of age or older and that are consistent with and in compliance with Senior Housing Laws.

**BEDROOM** - Any habitable room in a Dwelling Unit other than a living room, dining room, kitchen, utility room, or bathroom.

**COUNTABLE UNITS** - Units qualifying and countable towards the Commonwealth of Massachusetts mandated minimum affordable housing requirement under Massachusetts General Laws in particular Section 40B ss. 20-23 and the Massachusetts DHCD guidelines. Such units shall be available to groups such as veterans, senior citizens, municipal employees, and others who meet the state income regulations for moderate to low income housing.

**DWELLING UNIT** - Any room or suite of rooms comprising one complete housekeeping unit with its own cooking and food storage equipment and facilities and its own bathing and toilet facilities wholly within 'such room or suite of rooms.

**MULTIPLE UNIT BUILDING** - A free standing building with more than four (4) Dwelling Units.

**MULTIPLE UNIT DEVELOPMENT** - A development consisting of one (1) or more Multiple Unit Buildings located on a single or adjacent parcels of land.

**OPEN SPACE** - An area left in its natural vegetated state, designated and maintained exclusively for recreational use, or landscaped to the satisfaction of the Holbrook Planning Board and not used for building, parking, or other related purposes.

**PRINCIPAL SITE ROADWAY** - A Roadway serving the site shall be designed to conform with the roadway and sidewalk standards of the Regulations for Subdivision of Land of the Town of Holbrook and or any other standards of the Town of Holbrook.

**SENIOR HOUSING LAWS** - Collectively and separately, the Fair Housing Act, 42 USC Section 3607(b), 24 CFR Subtitle B, Ch. 1, Section 100.300 et seq. and G.L. c. 151B, Section 4.

##### Application Procedures and Fees

**Application** - An application for a Special Permit for construction under this section shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by (a) fees set forth in the rules and regulations of the Holbrook Planning Board (b) the following information and data, and (c) a Development Plan as described below.

- a. All of the information required for site plan approval pursuant to Section 10.6.
- b. The name(s) and, address(es) of the Applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances affecting ownership of the development site; and an instrument executed by all persons owning property within the site consenting to the development of the subject property; as applied for.
- c. A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion.
- d. A narrative report prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, water, and sanitation.
- e. Information regarding the number and kind of dwelling units and other structures (including signs) proposed, their location, the number of bedrooms planned, the sale prices anticipated and population projections pertaining thereto.
- f. Areas to be set aside for building structures, parking areas and conservation and recreation easements.
- g. Information pertaining to any organization which the Applicant proposes where the development is to be a condominium development.

h. Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.

i. A traffic study prepared by a registered engineer showing projected traffic totals at peak and off peak hours at all entrances and exits to the site and covering nearby roadways and intersections that may be affected by the use of the site as identified by the Planning Board.

j. A Development Plan consisting of a plan showing the proposed uses of all land areas within the relevant Multiple Unit Development. The plan shall show in a general manner:

- a. The location of proposed buildings;
- b. The location and dimensions of drives and parking areas;
- c. The location and characteristics of any common open space;
- d. Proposed infrastructure;
- e. Proposed building renderings.

#### Application and Technical Review Fees

A filing fee and technical review fee shall be paid by the applicant as a part of any application under this Section. Said fees shall be set from time to time and published by the Town of Holbrook Planning Board in accordance with State Law. The technical review fee shall be used to engage professional, technical and/or legal consultants to review an application for a Special Permit. The technical review fee shall be replenished by the applicant when depleted to an amount less than fifty percent (50%) of the original amount determined. Failure to provide or restore any said fees in this section shall result in denial of applications or revocation of any Special Permit(s) granted to the applicant. Unexpended amounts of the technical review fee will be refunded on request to the applicant upon completion of the project and when in compliance with any requirements placed on it. The applicant will be provided with a detailed accounting of all disbursements from the technical review fee account.

#### Standard and Requirements

The following standards shall be required in order to be eligible for a Special Permit under this Section.

Open Space Requirements - At least forty (40%) percent of the site shall be open space.

Senior Units - A number of units shall be reserved for Age Restricted Units. Said units shall be restricted for occupancy to persons fifty-five (55) years of age or older and shall comply with any and all Senior Housing Laws. Age Restricted Units shall be enforced by deed restriction on the property. If fewer than thirty-five percent (35%) of the total units allowed by the density set forth in Section 10.23 are constructed as Age Restricted Units, then the overall density allowed under Section 10.23 and as defined under Density in this section shall be reduced by the number of Age Restricted Units allowed but not constructed. The purpose of this requirement is to encourage but not mandate the construction of Age Restricted Units by allowing a greater density when units of this type are built.

Public Transportation - For developments consisting of more than fifty (50) units and the majority of said units are located more than one-half (1/2) statute mile from the nearest public transportation connection, the owners of the property may be required to prepare and to implement a Traffic Demand Management Plan. Such Traffic Demand Management Plan may be required to include or to pay reimbursement for shuttle transportation service to the nearest public rail transportation facility during the hours of 6:30 AM to 9:00 PM.

Recreational Opportunity - On site recreational facilities such as, but not limited to, parks, exercise facilities, gymnasiums, walking or bicycle trails shall be constructed and maintained for the use of the residents.

Density - No more than four (4) Dwelling Units shall be constructed per one (1) acre of land space.

Bedrooms - No Dwelling Unit constructed under this Section shall contain greater than two bedrooms.

Countable Units - A minimum of fifteen percent (15%) units constructed shall be qualified as Countable Units. Countable Units shall remain eligible for a minimum of thirty (30) years by deed restriction running with the property. Said Units shall only be counted towards meeting this requirement if they are not counted to meet any other such requirement. The applicant is responsible for all application and certification processes needed to certify these units.

Site Plan Review - The application for approval under this section shall be filed in conjunction with the Site Plan review requirement under Section 10.6 of the Town of Holbrook Zoning By-Law.

Interior Driveways and Roadways - The principal roadway(s) and drives serving the site shall be designed to conform with the standards of the Regulations for Subdivision of Land of the Town of Holbrook and any other standards of the Town of Holbrook. Private ways within the site shall be adequate for intended vehicular and pedestrian traffic and shall be maintained by an association of unit owners or by the applicant.

Refuse Pickup and Roadway Maintenance - The owner or unit owners of a development shall be responsible for the maintenance of

(including snow and ice removal) of all roadways within the development, for trash and refuse removal, and maintenance of all recreational and landscape amenities required.

Parking - The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The number of parking spaces per dwelling unit provided shall be no less than that allowed by the Town of Holbrook Zoning By-Laws Section 11, "Off-Street Parking and Loading Requirements".

Stormwater Management - The stormwater management system shall be designed in accordance with the Subdivision Regulations of the Town of Holbrook Planning Board and the DEP's Stormwater Management Guidelines.

#### Criteria for Approval

The Planning Board may grant a Special Permit or may grant a Special Permit with Conditions for this use (Multiple Unit Development) under this Section where it makes the following findings and the Planning Board shall also make such further findings as may otherwise be required by this section and may attach such conditions or safeguards or limitations on the grant of the Special Permit as it finds to be appropriate and reasonable to protect the surrounding neighborhood and town.

#### Findings

- a. The proposed development complies fully with all provisions of this section and all other requirements of the Town of Holbrook Zoning By-Law.
- b. The proposed development complies with the Purposes and Intent of this section.
- c. That the site is suitable for the proposed use.
- d. Adequate access for police, fire, and public safety exists
- e. That the internal roadways and driveways are adequate for the proposed use
- f. That external entrances and exits are sufficient and do not pose a traffic hazard
- g. That the proposed development has incorporated trip reduction measures in order to minimize vehicular trips to and from the site. These measures may include but are not limited to sponsored transportation to regional and local public transit facilities, pedestrian amenities, bicycle and walking paths.
- h. That adequate parking and loading facilities are provided.
- i. The site will be suitably landscaped to protect the character of the neighborhood and adjacent property and the neighborhood.
- j. The proposed use has an adequate method of sewage disposal, source of water and drainage.
- k. That the distances between structures are adequate for public safety and traffic circulation purposes.
- l. That the proposed development makes adequate provisions to insure Age Restricted Units, where applicable, and Countable Units are constructed in accordance with this section and all applicable laws.
- m. The proposed development does not cause detriment to the neighborhood after considering the following potential consequences:
  1. noise, during the construction and operational phases;
  2. pedestrian and vehicular traffic;
  3. environmental harm;
  4. visual impact caused by the character and scale of the proposed structure(s).
  5. makes no detrimental impact on municipal services
  6. historical character of the neighborhood

#### Permit Lapse

Special permits issued under this section shall lapse within twenty-four (24) months of Special Permit approval if a substantial use thereof or construction has not begun, except for good cause as determined by the Special Permit Granting Authority.

\*\*Webmasters Note: The previous sections, 10.2 through 10.26.1, have been amended as per an update approved at a town meeting held on 5/17/04.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Zoning Bylaw of the Town of Holbrook, SECTION 7: USE REGULATIONS (from ordinance.com as of August 2004).

Multifamily (apartments) is zoned by right in the Res IV district; it is not zoned by special permit in any districts.

Zoning Bylaw of the Town of Holbrook, Section 2.62(from ordinance.com as of August 2004).

2.62 APARTMENT BUILDING . A free standing building exclusively for residential use with three (3) or more apartment units.

\*\*\*

According to "9.4 LAND SPACE REQUIREMENTS TABLE", the minimum lot size requirement in Res IV district is 20,000 square feet. The minimum lot area per dwelling unit is 15,000 square feet. According to the Use Regulations in Section 7, multifamily is allowed by right only in Res IV. There is a foot note in Section 9.4, for the dimensional requirements for Res IV: (FN(2)) For apartments see Section 10. According to Section 10, After the first unit, 2,500 square feet of land is required for each additional unit.

Zoning Bylaw of the Town of Holbrook, Section 10.2 (from ordinance.com as of August 2004).

#### 10.2 APARTMENTS, MULTIPLE OF ATTACHED DWELLINGS

10.21 No building or buildings intended for three or more families shall be constructed on a lot having less than two hundred (200) feet frontage.

10.22 A space not less than twenty (20) feet shall be maintained open with grass, bushes, flowers or trees all along each side lot, rear lot line and front lot line except for entrance and exit driveways and such open space shall not be built on, nor paved, nor used for parking.

10.23 For each dwelling unit constructed there shall be provided in addition to the minimum lot size requirement twenty-five hundred (2500) square feet of land area per dwelling unit.

10.24 The manner of sewerage disposal shall be approved in writing by the Board of Health.

10.25 All off street parking shall be provided at the rear or side of the building for which it is intended to be used.

\*\*\*

Minimum lot size: 20,000 sf.

Min lot size per dwelling unit: 15,000 square feet

2,500 square feet of land per dwelling unit for each additional unit.

\*\*\*

From ordinance.com 4/8/05 (updated version to include revisions from Annual Town Meeting in 5/04)

#### SECTION 10: SPECIAL PROVISIONS

10.1 The following uses may be permitted as designated in Section 7.3 Table of Use Regulation provided they meet the following requirements in addition to any other requirements.

#### 10.2 APARTMENTS, MULTIPLE OR ATTACHED DWELLINGS

10.21 No building or buildings intended for three or more families shall be constructed on a lot having less than two hundred (200) feet frontage.

10.22 A space not less than twenty (20) feet shall be maintained- open with grass, bushes, flowers or trees along each side lot, rear lot line and front lot line except for entrance and exit driveways and such open space shall not be built on, nor paved, nor used for parking.

10.23 No more than four (4) dwelling units shall be constructed per one (1) acre of land area whether such land area is designated as wetlands or not or the land is otherwise undevelopable.

10.24 The manner of sewerage disposal shall be approved in writing by the Board of Health.

10.25 All off-street parking shall be provided at the rear or side of the building for which it is intended to be used. Parking in the front areas of such buildings may be authorized by a Special Permit issued by the Town of Holbrook Planning Board.

10.26 No apartment, multiple, or attached dwelling containing more than four (4) dwelling units shall be constructed unless a Special Permit pursuant to Subsection is issued. For the purposes of this Section, the Town of Holbrook Planning Board shall be considered the Special Permit granting authority.

10.26.1 Special Permit

## Purpose and Intent

The purpose of this special provision section is to provide high quality multi-unit housing uses while minimizing the need for municipal infrastructure and services and while preserving open space. Developments created under this Section shall be designed to maximize the use of available public transportation, to minimize vehicular traffic, and to provide opportunity for pedestrian and recreational uses.

## Definitions

**AGE RESTRICTED UNITS** - Units restricted to occupancy by persons fifty-five years of age or older and that are consistent with and in compliance with Senior Housing Laws.

**BEDROOM** - Any habitable room in a Dwelling Unit other than a living room, dining room, kitchen, utility room, or bathroom.

**COUNTABLE UNITS** - Units qualifying and countable towards the Commonwealth of Massachusetts mandated minimum affordable housing requirement under Massachusetts General Laws in particular Section 40B ss. 20-23 and the Massachusetts DHCD guidelines. Such units shall be available to groups such as veterans, senior citizens, municipal employees, and others who meet the state income regulations for moderate to low income housing.

**DWELLING UNIT** - Any room or suite of rooms comprising one complete housekeeping unit with its own cooking and food storage equipment and facilities and its own bathing and toilet facilities wholly within such room or suite of rooms.

**MULTIPLE UNIT BUILDING** - A free standing building with more than four (4) Dwelling Units.

**MULTIPLE UNIT DEVELOPMENT** - A development consisting of one (1) or more Multiple Unit Buildings located on a single or adjacent parcels of land.

**OPEN SPACE** - An area left in its natural vegetated state, designated and maintained exclusively for recreational use, or landscaped to the satisfaction of the Holbrook Planning Board and not used for building, parking, or other related purposes.

**PRINCIPAL SITE ROADWAY** - A Roadway serving the site shall be designed to conform with the roadway and sidewalk standards of the Regulations for Subdivision of Land of the Town of Holbrook and or any other standards of the Town of Holbrook.

**SENIOR HOUSING LAWS** - Collectively and separately, the Fair Housing Act, 42 USC Section 3607(b), 24 CFR Subtitle B, Ch. 1, Section 100.300 et seq. and G.L. c. 151B, Section 4.

## Application Procedures and Fees

Application - An application for a Special Permit for construction under this section shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by (a) fees set forth in the rules and regulations of the Holbrook Planning Board (b) the following information and data, and (c) a Development Plan as described below.

- a. All of the information required for site plan approval pursuant to Section 10.6.
- b. The name(s) and, address(es) of the Applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances affecting ownership of the development site; and an instrument executed by all persons owning property within the site consenting to the development of the subject property; as applied for.
- c. A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion.
- d. A narrative report prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, water, and sanitation.
- e. Information regarding the number and kind of dwelling units and other structures (including signs) proposed, their location, the number of bedrooms planned, the sale prices anticipated and population projections pertaining thereto.
- f. Areas to be set aside for building structures, parking areas and conservation and recreation easements.
- g. Information pertaining to any organization which the Applicant proposes where the development is to be a condominium development.
- h. Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.
- i. A traffic study prepared by a registered engineer showing projected traffic totals at peak and off peak hours at all entrances and exits to the site and covering nearby roadways and intersections that may be affected by the use of the site as identified by the Planning Board.
- j. A Development Plan consisting of a plan showing the proposed uses of all land areas within the relevant Multiple Unit Development.

The plan shall show in a general manner:

- a. The location of proposed buildings;
- b. The location and dimensions of drives and parking areas;
- c. The location and characteristics of any common open space;
- d. Proposed infrastructure;
- e. Proposed building renderings.

#### Application and Technical Review Fees

A filing fee and technical review fee shall be paid by the applicant as a part of any application under this Section. Said fees shall be set from time to time and published by the Town of Holbrook Planning Board in accordance with State Law. The technical review fee shall be used to engage professional, technical and/or legal consultants to review an application for a Special Permit. The technical review fee shall be replenished by the applicant when depleted to an amount less than fifty percent (50%) of the original amount determined. Failure to provide or restore any said fees in this section shall result in denial of applications or revocation of any Special Permit(s) granted to the applicant. Unexpended amounts of the technical review fee will be refunded on request to the applicant upon completion of the project and when in compliance with any requirements placed on it. The applicant will be provided with a detailed accounting of all disbursements from the technical review fee account.

#### Standard and Requirements

The following standards shall be required in order to be eligible for a Special Permit under this Section.

Open Space Requirements - At least forty (40%) percent of the site shall be open space.

Senior Units - A number of units shall be reserved for Age Restricted Units. Said units shall be restricted for occupancy to persons fifty-five (55) years of age or older and shall comply with any and all Senior Housing Laws. Age Restricted Units shall be enforced by deed restriction on the property. If fewer than thirty-five percent (35%) of the total units allowed by the density set forth in Section 10.23 are constructed as Age Restricted Units, then the overall density allowed under Section 10.23 and as defined under Density in this section shall be reduced by the number of Age Restricted Units allowed but not constructed. The purpose of this requirement is to encourage but not mandate the construction of Age Restricted Units by allowing a greater density when units of this type are built.

Public Transportation - For developments consisting of more than fifty (50) units and the majority of said units are located more than one-half (1/2) statute mile from the nearest public transportation connection, the owners of the property may be required to prepare and to implement a Traffic Demand Management Plan. Such Traffic Demand Management Plan may be required to include or to pay reimbursement for shuttle transportation service to the nearest public rail transportation facility during the hours of 6:30 AM to 9:00 PM.

Recreational Opportunity - On site recreational facilities such as, but not limited to, parks, exercise facilities, gymnasiums, walking or bicycle trails shall be constructed and maintained for the use of the residents.

Density - No more than four (4) Dwelling Units shall be constructed per one (1) acre of land space.

Bedrooms - No Dwelling Unit constructed under this Section shall contain greater than two bedrooms.

Countable Units - A minimum of fifteen percent (15%) units constructed shall be qualified as Countable Units. Countable Units shall remain eligible for a minimum of thirty (30) years by deed restriction running with the property. Said Units shall only be counted towards meeting this requirement if they are not counted to meet any other such requirement. The applicant is responsible for all application and certification processes needed to certify these units.

Site Plan Review - The application for approval under this section shall be filed in conjunction with the Site Plan review requirement under Section 10.6 of the Town of Holbrook Zoning By-Law.

Interior Driveways and Roadways - The principal roadway(s) and drives serving the site shall be designed to conform with the standards of the Regulations for Subdivision of Land of the Town of Holbrook and any other standards of the Town of Holbrook. Private ways within the site shall be adequate for intended vehicular and pedestrian traffic and shall be maintained by an association of unit owners or by the applicant.

Refuse Pickup and Roadway Maintenance - The owner or unit owners of a development shall be responsible for the maintenance of (including snow and ice removal) of all roadways within the development, for trash and refuse removal, and maintenance of all recreational and landscape amenities required.

Parking - The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The number of parking spaces per dwelling unit provided shall be no less than that allowed by the Town of Holbrook Zoning By-Laws Section 11, "Off-Street Parking and Loading Requirements".

Stormwater Management - The stormwater management system shall be designed in accordance with the Subdivision Regulations of

the Town of Holbrook Planning Board and the DEP's Stormwater Management Guidelines.

Criteria for Approval

The Planning Board may grant a Special Permit or may grant a Special Permit with Conditions for this use (Multiple Unit Development) under this Section where it makes the following findings and the Planning Board shall also make such further findings as may otherwise be required by this section and may attach such conditions or safeguards or limitations on the grant of the Special Permit as it finds to be appropriate and reasonable to protect the surrounding neighborhood and town.

Findings

- a. The proposed development complies fully with all provisions of this section and all other requirements of the Town of Holbrook Zoning By-Law.
- b. The proposed development complies with the Purposes and Intent of this section.
- c. That the site is suitable for the proposed use.
- d. Adequate access for police, fire, and public safety exists
- e. That the internal roadways and driveways are adequate for the proposed use
- f. That external entrances and exits are sufficient and do not pose a traffic hazard
- g. That the proposed development has incorporated trip reduction measures in order to minimize vehicular trips to and from the site. These measures may include but are not limited to sponsored transportation to regional and local public transit facilities, pedestrian amenities, bicycle and walking paths.
- h. That adequate parking and loading facilities are provided.
- i. The site will be suitably landscaped to protect the character of the neighborhood and adjacent property and the neighborhood.
- j. The proposed use has an adequate method of sewage disposal, source of water and drainage.
- k. That the distances between structures are adequate for public safety and traffic circulation purposes.
- l. That the proposed development makes adequate provisions to insure Age Restricted Units, where applicable, and Countable Units are constructed in accordance with this section and all applicable laws.
- m. The proposed development does not cause detriment to the neighborhood after considering the following potential consequences:
  - 1. noise, during the construction and operational phases;
  - 2. pedestrian and vehicular traffic;
  - 3. environmental harm;
  - 4. visual impact caused by the character and scale of the proposed structure(s).
  - 5. makes no detrimental impact on municipal services
  - 6. historical character of the neighborhood

Permit Lapse

Special permits issued under this section shall lapse within twenty-four (24) months of Special Permit approval if a substantial use thereof or construction has not begun, except for good cause as determined by the Special Permit Granting Authority.

\*\*Webmasters Note: The previous sections, 10.2 through 10.26.1, have been amended as per an update approved at a town meeting held on 5/17/04.

# Holden

**Is multi-family housing allowed by right in any part of the municipality?**

**Yes** Three and four family dwellings are permitted by right in Residential - Multifamily (R-M) district.

\*\*\*

Table 2. AREA REGULATIONS

10,000 sf plus 5,000 sf for each additional unit more than two

\*\*\*

Zoning Bylaws of the Town of Holden (Adopted 1954, Amended 2004)

- 1) "DWELLING, MULTI-FAMILY : A building containing five or more dwelling units, including condominiums and cooperatives."
- 2) "THREE FAMILY DWELLING : A dwelling intended and designed to be occupied by three families living independently in separate dwelling units."
- 3) "FOUR FAMILY DWELLING : A dwelling intended and designed to be occupied by four families living independently in separate dwelling units."
- 4) "TOWNHOUSE : A single dwelling unit, having its own private entrance and sharing at least one common sidewall, as part of a continuous group of dwelling units."

\*\*\*

According to table of uses:

"Two, three and four family dwelling and duplex not in cluster"... by special permit in R10 and V, by right in R-M.

"Townhouse"... by special permit as part of cluster" in R-40, R-1, R-2, R-10, R-M, and by special permit (not cluster) in V.

"Multifamily dwelling" by special permit in RM, BO-P, V.

"Cluster residential development" by special permit in R-40, R-1, R-2, R-10.

"Conversion of existing dwelling to 2, 3 and 4 family dwelling provided that the exterior appearance is not altered with exception of additional entrance, fire escape or the like"... by special permit in R-10, V and by right in RM.

"Conversion of existing dwelling to publicly sponsored multifamily dwelling for elderly as defined in Chapter 121B of the General Laws of Massachusetts or to housing sponsored by a non-profit organization and designed specifically for elderly persons under recognized government assisted programs that the exterior appearance is not altered with exception of additional entrance, fire escape or the like" ... by special permit in R2, R10, V.

Retirement community by special permit in all districts.

"Mixed use development" by special permit in C, BO-P.

"Affordable housing development" by special permit in R-40, R-1, R-2, R-10, R-M, I, IQ, V.

"Publicly sponsored multifamily dwelling for elderly as defined in chapter 121B of the General Laws of Massachusetts" ... by special permit in R-2, R-10, V.

"Housing sponsored by non-profit organization and designed specifically for elderly persons under recognized government assisted programs"... by special permit in R-Z, R10, V.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Zoning Bylaws of the Town of Holden (Adopted 1954, Amended 2004)

- 1) "DWELLING, MULTI-FAMILY : A building containing five or more dwelling units, including condominiums and cooperatives."
- 2) "THREE FAMILY DWELLING : A dwelling intended and designed to be occupied by three families living independently in separate dwelling units."
- 3) "FOUR FAMILY DWELLING : A dwelling intended and designed to be occupied by four families living independently in separate dwelling units."
- 4) "TOWNHOUSE : A single dwelling unit, having its own private entrance and sharing at least one common sidewall, as part of a continuous group of dwelling units."

\*\*\*

According to table of uses:

"Two, three and four family dwelling and duplex not in cluster"... by special permit in R10 and V, by right in R-M.

"Townhouse"... by special permit as part of cluster" in R-40, R-1, R-2, R-10, R-M, and by special permit (not cluster) in V.

"Multifamily dwelling" by special permit in RM, BO-P, V.

"Cluster residential development" by special permit in R-40, R-1, R-2, R-10.

"Conversion of existing dwelling to 2, 3 and 4 family dwelling provided that the exterior appearance is not altered with exception of additional entrance, fire escape or the like"... by special permit in R-10, V and by right in RM.

"Conversion of existing dwelling to publicly sponsored multifamily dwelling for elderly as defined in Chapter 121B of the General Laws of Massachusetts or to housing sponsored by a non-profit organization and designed specifically for elderly persons under recognized government assisted programs that the exterior appearance is not altered with exception of additional entrance, fire escape or the like" ... by special permit in R2, R10, V.

Retirement community by special permit in all districts.

"Mixed use development" by special permit in C, BO-P.

"Affordable housing development" by special permit in R-40, R-1, R-2, R-10, R-M, I, IQ, V.

"Publicly sponsored multifamily dwelling for elderly as defined in chapter 121B of the General Laws of Massachusetts" ... by special permit in R-2, R-10, V.

"Housing sponsored by non-profit organization and designed specifically for elderly persons under recognized government assisted programs"... by special permit in R-Z, R10, V.

\*\*\*

7. In any "R" district any publicly sponsored multi-family dwelling for elderly defined in Chapter 121B of the General Laws of Massachusetts, or any housing sponsored by a non-profit organization and designed specifically for elderly persons under recognized government assisted programs, may exceed the above area requirements provided that the lot contains at least 10,000 square feet plus 3,000 square feet for each residential unit more than one.

\*\*\*

Table 1, Use Regulations. and Table 4 2, Area regulations.

Three and four family dwellings are allowed by special permit in the R-10 and Village districts.  
Multi-family dwellings (5 or more units, in Holden) are allowed by special permit in Business Office-Professional (BO-P), V and R-M.  
Townhouses are allowed by special permit in all districts except the four non-residential districts.

Development types requiring Special permits:

- 1) All districts allow Retirement Communities
- 2) All but Commercial and Business Office-Professional allow Affordable Housing Developments.
- 3) Mixed Use Developments are allowed in Commercial and Business Office-Professional districts.
- 4) R-2, R-10 and V districts allow Retirement Communities.

By right:

10,000 sf plus 5,000 sf for each additional unit more than two

## Holliston

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** MULTI-FAMILY DWELLING - A building containing more than two dwelling units which does not qualify as an apartment building under sub-section V-G. (Amended March 1974 -ATM, Art. 10)

\*\*\*

According to the table of use regulations:

"Alteration & conversion of single-family dwelling existing prior to the effective date of this by-law to accommodate two or more families, provided that all intensity, off-street parking & additional residential floor area requirements are met, and exterior design of this structure is not changed from the character of a single family dwelling excepting that the exterior of the building may be reconstructed to accommodate an exit from the second floor" is allowed by right in Ag-Res Dist A, Ag-Res Dist B, Res Dist, and Village Center Commercial District and by special permit in the Commercial District.

"Multifamily dwellings" are allowed by special permit in the Village Center Commercial District and the Apartment District.

"Apartments" are allowed by special permit in the Village Center Commercial District and the Apartment District.

"Federal or State subsidized Housing for the Elderly or Low Income under the supervision of the Holliston Housing Authority" is allowed by right in Ag-Res District A, Ag-Res District B, Res District and Apt District and by special permit in the Commercial District, the Village Center Community District and the Industrial District.

\*\*\*

#### V-G APARTMENT DISTRICT REQUIREMENTS

(Amended March 1983 -ATM, Art. 26. Previously amended June 1982 - STM, Art. 12, March 1978 - STM, Art.], May 1975 - ATM, Art. 17 and March 1974 - ATM, Art. 10.)

1. Intent - The following apartment district requirements and procedures for complying therewith are designed to satisfy the needs of the present and future inhabitants of the town for apartment dwelling units while ensuring that such development and uses will not result in abuses detrimental to the health, comfort, safety and welfare of both the residents of the apartment units and the Town as a whole. Except as otherwise specifically provided for in the zoning by-laws, apartment developments in Holliston shall be allowed only according to the terms of a Special Permit and the provisions of this sub-section V-G. However, the provisions of this sub-section shall not apply to Federal and State subsidized housing for the elderly or low income constructed or operated under the supervision of the Holliston Housing Authority. Apartment Districts shall be allowed only by Town Meeting Vote amending the Zoning By-Law by amending the Zoning Map of Holliston. Such Apartment Districts shall be shown on such map by superimposing said districts on the basic AR-1, AR-2, and R-1 districts on which such Apartment Districts are superimposed, thus creating dual Districts.

2. Objectives - In all actions taken hereunder, the Board of Appeals and its Advisors shall be guided by the following policy objectives:

- a. To provide safe and comfortable apartment dwelling units for all persons regardless of race, creed or income level.
- b. To insure proper use and conservation of land and its environment by relating proposed apartment housing to the natural and man-made features and conditions of the development site, including:

- (1) slope and topography;
- (2) surface and sub-surface bedrock and soil drainage conditions;
- (3) location with respect to adjacent streets and buildings;
- (4) vegetative cover, bodies of water and wetlands;
- (5) Other features of recognized conservation of historical significance.

To encourage owners and developers to design and build high quality apartment structures with accompanying conveniences and appropriate site development by promoting proper consideration of physical planning factors such as:

- (1) recreational areas and facilities;
- (2) outdoor lighting and screening thereof;
- (3) parking areas, driveways, streets and traffic flow;
- (4) protection of open space including wooded and wetland areas;
- (5) suitable placement of buildings and facilities in relation to the site and surrounding influences;
- (6) design and layout of building interiors and exteriors;
- (7) adequacy of tenant services and conveniences.

To promote orderly physical, social and economic development in the Town of Holliston.

3. Special Definitions - (In addition to those contained elsewhere in the Zoning Laws of Holliston.)

a. ADVISORS - The Board of Selectmen, Planning Board, Board of Health, Conservation Commission and such others as the Board of Appeals shall consider to have special concerns in individual apartment development proposals.

b. APARTMENTS - Buildings containing one-family dwelling units of the following types or combination thereof; whether developed as conventional rental units, as condominiums or as cooperatives:

- (1) Efficiency Apartment - A dwelling unit within which the sleeping and living areas share a single room. For all purposes except Dwelling Unit Space such a unit shall be considered as being an individual Garden Apartment containing one bedroom.

(2) Garden Apartments - Groups of one family dwelling units within a single building, each containing not more than two bedrooms and with fire escape safety provisions for every unit by means of at least two satisfactorily located exit doors opening either directly outdoors or into corridors of non-combustible constructions. On no level shall any such corridor serve more than four apartments.

(3) Town House Apartments - Individual two-story, row-type, one family dwelling units, each extending from front to rear of the building, each with its own private front and rear doors and its own interior stairs. Each such dwelling unit shall have non-combustible walls between dwelling units. Such units may contain no more than three bedrooms.

c. APARTMENT DEVELOPMENT - One or more apartment buildings on a single lot constructed pursuant to a Special Permit issued by the Board of Appeals.

d. AREA

(1) Building Area - The total ground area, taken on a horizontal plane at the finished grade level, of each building and accessory building but not including uncovered entrance platforms, terraces and steps.

(2) Floor Area - The total floor area of one dwelling unit within its exterior or common enclosing walls, exclusive of basement.

c. BASEMENT - A portion of a building containing no living space and situated partly or wholly below ground level.

d. BUILDING HEIGHT - The vertical distance measured from the mean finished grade of the ground adjoining the building; or the lowest finished grade under sloping conditions described in sub-section 4.p. hereof; to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between the eaves and ridge, for gable, hip and gambrel roofs.

e. HALF-STORY - Any place (not living space) under the gable, hip or gambrel roof, the floor of which is not more than two feet below the plate.

f. SCREENING - A natural or constructed buffer that will serve to reduce noise levels, odors and/or act as an appropriate visual barrier of such size, kind and location as will protect the public, the neighboring properties and the occupants of the site apartments.

g. STORY - That portion of a building, excepting any basement or half-story, contained between any floor and the floor or roof next above it.

h. STREET LINE - The boundary of a street right-of-way.

i. WETLAND - Streams, lakes, ponds, swamps, marshes, meadows and other areas which are water saturated to or near the surface or which are under standing water (with underlying saturation) for any significant period of time.

4. Special Requirements - (In addition to those contained elsewhere in the Zoning Laws of Holliston.)

a. Building Separation - As a practical design goal, the desired distance between buildings shall be 50 feet. However, depending upon architectural, aesthetic, land planning, topographical and ground factors, the Board of Appeals may permit such distance to be less than 50 feet but in no case shall such distance be less than 20 feet.

b. Parking - On-site paved parking areas including at least two parking spaces for every dwelling unit with minimum dimensions of ten (10) feet by twenty (20) feet and adequate provision for aisles, drives, visitor parking and snow disposal shall be provided. Separate buildings for parking garages may be permitted if located and designed so as to complement the apartment building design and site layout. Parking facilities underneath dwelling units are not permitted.

c. Building Height - No building shall exceed two and one-half stories in height exclusive of basements, nor thirty-five (35) feet in height. Dwelling units located in part below the upper finished grade on sloping sites in accordance with sub-section 4.p. hereof shall be counted as one story. No more than two (2) stories shall be allowed for living space.

d. Dwelling Units Per Building. - No structure containing Garden Apartments, Town House Apartments, or both, shall contain fewer than eight (8) nor more than twenty (20) dwelling units except that fewer than eight (8) but not less than three (3) dwelling units may be allowed by the Board of Appeals if such Board approves of such reduction as being compatible with architectural, aesthetic and other planning considerations.

e. Dwelling Unit Space - All dwelling units within apartment buildings shall have minimum floor areas as follows:

(1) efficiency apartment 500 square feet

(2) one bedroom apartment 700 square feet

(3) two bedroom apartment 850 square feet

(4) three bedroom apartment 1000 square feet

f. (1) In any Apartment Development in an Apartment District there shall be a limit of four (4) bedrooms multiplied by no more than the

number of lots which would be permitted were the development to consist of single-family detached dwellings under a conventional subdivision plan developed pursuant to the Rules and Regulations of the Planning Board and according to the requirements contained in Section IV of this by-law. Responsibility for determining the number of lots so permitted shall rest with the Planning Board and that Board may require the applicant to submit whatever said Board deems necessary to make this determination including, but not limited to, a general layout plan prepared to comply with Section IV of this by-law, soil analyses and percolation tests. (Amended March 1983 - ATM, Art. 26)

(2) No apartment development shall have more than (10) percent of the total number of apartments with three (3) bedrooms.

(3) In addition to considering a combined sleeping and living room in an Efficiency Apartment as one bedroom, any other room in any apartment which is not a single living room or equipped kitchen, and is shown on a plan as being for other than bedroom use but which, because of location, size, or arrangement, could, in the opinion of the Board of Appeals, be used as a regular bedroom or adapted to such use, shall be considered as a bedroom for density calculations. No attic or other storage or similarly usable space shall ever be used as or altered to create regular bedroom space nor shall the construction or other aspects thereof be such as would facilitate such use or alteration.

g. Screening - All sewage facilities, service areas and equipment, conveniences and recreational areas shall have screening as required.

h. Buffer Areas - No portion of any apartment building or accessory building shall be less than two hundred (200) feet from any other zoning district and such area shall be undeveloped except for drives, walks and landscaping.

i. Environmental Protection - There shall be no filling, draining, altering or relocation of any stream, lake, pond or wetland except that performed in full compliance with applicable laws, the requirements of all pertinent governmental agencies, and the requirements and recommendations of the Board of Appeals.

j. Exterior Antennas - Outdoor antennas or other apparatus for radio or television reception or transmission are forbidden, except that master antennas serving multiple numbers of apartments may be allowed subject to Board of Appeals approval.

k. Exterior Lighting and Screening - Non-glaring exterior lighting shall be planned, installed and operated so as to best serve each building or group of buildings. Parking areas, drives and other roadways shall be designed and landscaped so as to insure that all dwelling units are screened from motor vehicle headlights.

l. Landscaping - The site shall be preserved and enhanced by retaining and protecting trees, shrubs, ground cover, stone walls and other site features insofar as practicable. Additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.

m. Recreation - Suitable outdoor recreation space, with adequate provisions for both adult and child activities of at least three hundred (300) square feet per bedroom shall be created and properly maintained.

n. Roads, Drives, Municipal Services, Etc. - All roads, drives, parking areas and walks shall be constructed and all municipal services and improvements shall be designed in accordance with the applicable Rules and Regulations of the Planning Board on file in the office of the Town Clerk at the time the application for Special Permit is filed. Apartment developments shall have adequate access to accepted ways without substantial intrusion on areas zoned for non-apartment use. Proper maintenance of all private roads, drives, parking areas and walks on the project site, including snow removal, shall be the responsibility of the owner.

o. Rubbish Disposal - Rubbish and garbage disposal facilities with screening shall be provided in full conformity with all applicable health or other laws and regulations and shall be protected against scattering of contents, rodent or other unhealthy infestation or condition or odor transmission.

p. Sloping Conditions - No living space shall be below ground except that under sloping conditions, dwelling units may be constructed if the story housing such units does not have:

(1) more than fifty percent (50%) of its exterior wall facing the upper slope below the grade of that slope

(2) any portion of its exterior wall facing the lower slope below the grade of that slope

(3) more than twenty-five percent (25%) of the total area of all its exterior walls below any grade.

q. Water Sewerage and Utilities - All supply lines shall be underground.

r. Oven Space, Etc., Restrictions - Restrictions, easements or other appropriate legal agreements shall be furnished to the satisfaction of the Board of Appeals and the Advisors which will protect such amenities in perpetuity. Such agreements shall be duly recorded and become fully effective before any apartment development work commences. (Amended May 1975 - ATM, Art. 17)

\*\*\*

V-K VILLAGE CENTER COMMERCIAL DISTRICT

(Amended May 2001-ATM, Arts. 43&44. Previously amended June 1982-STM, Art. 12)

4. Mixed Use Requirements - The following requirements apply to apartment and multifamily dwellings in the VC District in lieu of the requirements of Section V-G. Apartment and multifamily dwellings shall be allowed only if located above first floor commercial use of a building. More than one dwelling unit is permitted on a lot. Buildings constructed shall be designed to incorporate architectural elements used in surrounding neighborhood and shall have similar massing. No village residential units shall be constructed unless a Special Permit has been granted by the Planning Board in accordance with the requirements of MGL, c. 40A, s. 9.

\*\*\*

#### V-P SENIOR RESIDENTIAL DWELLING DEVELOPMENT REQUIREMENTS

d. Dwelling Units Per Building - No structure containing senior residential dwellings shall contain less than two (2) or more than twenty-four (24) dwelling units.

\*\*\*

#### SECTION VII - SITE PLAN REVIEW

(Amended May 2001-ATM, Art. 46. Previously amended May 2000 -ATM, Art. 38 and May 1997 -ATM, Article 37.)

##### 2. Applicability of Site Plan Review.

a. Site Plan Review shall not apply to single family homes and their accessory structures (or a two family or semi-detached homes per Section III-A, paragraph 14 of the Zoning By-Laws), including additions or enlargements to same which are as a matter of right or as to which relief may be granted by special permit or variance.

b. Apart from 2.a., in all districts:

i. No building or accessory structure (whether otherwise allowed by right or by special permit) shall be:

(1) erected,

(2) enlarged or be subject to any change in the location of the exterior walls so as to increase the building footprint by ten percent or more,

(3) increased in its gross floor area by more than twenty five percent (25%), whether accompanied by exterior construction or not,

ii. No parking area shall be physically expanded by an increase in parking surface area of ten percent (10%) or more,

iii. No changes in use resulting in an increase in parking area requirements greater than or equal to 10 spaces,

iv. No new or expanded outside storage of materials, and

v. No new drive-thru facilities shall be allowed except in conformity with a site plan bearing an endorsement of approval by the Planning Board.

An application for site plan approval shall be in conformance with the Planning Board's Site Plan review Rules and Regulations, which shall be filed with the Town Clerk, Planning Board and the Inspector of Buildings. The Rules and Regulations shall set forth the documentation that must accompany an application for site plan approval.

3. Planning Board as a Special Permit Granting Authority. The Planning Board shall serve as the Special Permit Granting Authority for any Site Plan approval application that also requires a Special Permit under Section I-C, I-D, III, V-K, V-L or V-P of the Zoning By-Law. The Planning Board shall provide in its Rules and Regulations that hearings for such special permit/site plan review applications shall comply with the time limitations and procedural requirements of G.L.c.40A, Sections 9 and 11.

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/5/03.

#### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** MULTI-FAMILY DWELLING - A building containing more than two dwelling units which does not qualify as an apartment building under sub-section V-G. (Amended March 1974 -ATM, Art. 10)

\*\*\*

According to the table of use regulations:

"Alteration & conversion of single-family dwelling existing prior to the effective date of this by-law to accommodate two or more families,

provided that all intensity, off-street parking & additional residential floor area requirements are met, and exterior design of this structure is not changed from the character of a single family dwelling excepting that the exterior of the building may be reconstructed to accommodate an exit from the second floor" is allowed by right in Ag-Res Dist A, Ag-Res Dist B, Res Dist, and Village Center Commercial District and by special permit in the Commercial District.

"Multifamily dwellings" are allowed by special permit in the Village Center Commercial District and the Apartment District.

"Apartments" are allowed by special permit in the Village Center Commercial District and the Apartment District.

"Federal or State subsidized Housing for the Elderly or Low Income under the supervision of the Holliston Housing Authority" is allowed by right in Ag-Res District A, Ag-Res District B, Res District and Apt District and by special permit in the Commercial District, the Village Center Community District and the Industrial District.

\*\*\*

#### V-G APARTMENT DISTRICT REQUIREMENTS

(Amended March 1983 -ATM, Art. 26. Previously amended June 1982 - STM, Art. 12, March 1978 - STM, Art.], May 1975 - ATM, Art. 17 and March 1974 - ATM, Art. 10.)

1. Intent - The following apartment district requirements and procedures for complying therewith are designed to satisfy the needs of the present and future inhabitants of the town for apartment dwelling units while ensuring that such development and uses will not result in abuses detrimental to the health, comfort, safety and welfare of both the residents of the apartment units and the Town as a whole. Except as otherwise specifically provided for in the zoning by-laws, apartment developments in Holliston shall be allowed only according to the terms of a Special Permit and the provisions of this sub-section V-G. However, the provisions of this sub-section shall not apply to Federal and State subsidized housing for the elderly or low income constructed or operated under the supervision of the Holliston Housing Authority. Apartment Districts shall be allowed only by Town Meeting Vote amending the Zoning By-Law by amending the Zoning Map of Holliston. Such Apartment Districts shall be shown on such map by superimposing said districts on the basic AR-1, AR-2, and R-1 districts on which such Apartment Districts are superimposed, thus creating dual Districts.

2. Objectives - In all actions taken hereunder, the Board of Appeals and its Advisors shall be guided by the following policy objectives:

- a. To provide safe and comfortable apartment dwelling units for all persons regardless of race, creed or income level.
- b. To insure proper use and conservation of land and its environment by relating proposed apartment housing to the natural and man-made features and conditions of the development site, including:

- (1) slope and topography;
- (2) surface and sub-surface bedrock and soil drainage conditions;
- (3) location with respect to adjacent streets and buildings;
- (4) vegetative cover, bodies of water and wetlands;
- (5) Other features of recognized conservation of historical significance.

To encourage owners and developers to design and build high quality apartment structures with accompanying conveniences and appropriate site development by promoting proper consideration of physical planning factors such as:

- (1) recreational areas and facilities;
- (2) outdoor lighting and screening thereof;
- (3) parking areas, driveways, streets and traffic flow;
- (4) protection of open space including wooded and wetland areas;
- (5) suitable placement of buildings and facilities in relation to the site and surrounding influences;
- (6) design and layout of building interiors and exteriors;
- (7) adequacy of tenant services and conveniences.

To promote orderly physical, social and economic development in the Town of Holliston.

3. Special Definitions - (In addition to those contained elsewhere in the Zoning Laws of Holliston.)

a. ADVISORS - The Board of Selectmen, Planning Board, Board of Health, Conservation Commission and such others as the Board of Appeals shall consider to have special concerns in individual apartment development proposals.

b. APARTMENTS - Buildings containing one-family dwelling units of the following types or combination thereof; whether developed as conventional rental units, as condominiums or as cooperatives:

(1) Efficiency Apartment - A dwelling unit within which the sleeping and living areas share a single room. For all purposes except Dwelling Unit Space such a unit shall be considered as being an individual Garden Apartment containing one bedroom.

(2) Garden Apartments - Groups of one family dwelling units within a single building, each containing not more than two bedrooms and with fire escape safety provisions for every unit by means of at least two satisfactorily located exit doors opening either directly outdoors or into corridors of non-combustible constructions. On no level shall any such corridor serve more than four apartments.

(3) Town House Apartments - Individual two-story, row-type, one family dwelling units, each extending from front to rear of the building, each with its own private front and rear doors and its own interior stairs. Each such dwelling unit shall have non-combustible walls between dwelling units. Such units may contain no more than three bedrooms.

c. APARTMENT DEVELOPMENT - One or more apartment buildings on a single lot constructed pursuant to a Special Permit issued by the Board of Appeals.

d. AREA

(1) Building Area - The total ground area, taken on a horizontal plane at the finished grade level, of each building and accessory building but not including uncovered entrance platforms, terraces and steps.

(2) Floor Area - The total floor area of one dwelling unit within its exterior or common enclosing walls, exclusive of basement.

c. BASEMENT - A portion of a building containing no living space and situated partly or wholly below ground level.

d. BUILDING HEIGHT - The vertical distance measured from the mean finished grade of the ground adjoining the building; or the lowest finished grade under sloping conditions described in sub-section 4.p. hereof; to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between the eaves and ridge, for gable, hip and gambrel roofs.

e. HALF-STORY - Any place (not living space) under the gable, hip or gambrel roof, the floor of which is not more than two feet below the plate.

f. SCREENING - A natural or constructed buffer that will serve to reduce noise levels, odors and/or act as an appropriate visual barrier of such size, kind and location as will protect the public, the neighboring properties and the occupants of the site apartments.

g. STORY - That portion of a building, excepting any basement or half-story, contained between any floor and the floor or roof next above it.

h. STREET LINE - The boundary of a street right-of-way.

i. WETLAND - Streams, lakes, ponds, swamps, marshes, meadows and other areas which are water saturated to or near the surface or which are under standing water (with underlying saturation) for any significant period of time.

4. Special Requirements - (In addition to those contained elsewhere in the Zoning Laws of Holliston.)

a. Building Separation - As a practical design goal, the desired distance between buildings shall be 50 feet. However, depending upon architectural, aesthetic, land planning, topographical and ground factors, the Board of Appeals may permit such distance to be less than 50 feet but in no case shall such distance be less than 20 feet.

b. Parking - On-site paved parking areas including at least two parking spaces for every dwelling unit with minimum dimensions of ten (10) feet by twenty (20) feet and adequate provision for aisles, drives, visitor parking and snow disposal shall be provided. Separate buildings for parking garages may be permitted if located and designed so as to complement the apartment building design and site layout. Parking facilities underneath dwelling units are not permitted.

c. Building Height - No building shall exceed two and one-half stories in height exclusive of basements, nor thirty-five (35) feet in height. Dwelling units located in part below the upper finished grade on sloping sites in accordance with sub-section 4.p. hereof shall be counted as one story. No more than two (2) stories shall be allowed for living space.

d. Dwelling Units Per Building. - No structure containing Garden Apartments, Town House Apartments, or both, shall contain fewer than eight (8) nor more than twenty (20) dwelling units except that fewer than eight (8) but not less than three (3) dwelling units may be allowed by the Board of Appeals if such Board approves of such reduction as being compatible with architectural, aesthetic and other planning considerations.

e. Dwelling Unit Space - All dwelling units within apartment buildings shall have minimum floor areas as follows:

(1) efficiency apartment 500 square feet

(2) one bedroom apartment 700 square feet

(3) two bedroom apartment 850 square feet

(4) three bedroom apartment 1000 square feet

f. (1) In any Apartment Development in an Apartment District there shall be a limit of four (4) bedrooms multiplied by no more than the number of lots which would be permitted were the development to consist of single-family detached dwellings under a conventional subdivision plan developed pursuant to the Rules and Regulations of the Planning Board and according to the requirements contained in Section IV of this by-law. Responsibility for determining the number of lots so permitted shall rest with the Planning Board and that Board may require the applicant to submit whatever said Board deems necessary to make this determination including, but not limited to, a general layout plan prepared to comply with Section IV of this by-law, soil analyses and percolation tests. (Amended March 1983 - ATM, Art. 26)

(2) No apartment development shall have more than (10) percent of the total number of apartments with three (3) bedrooms.

(3) In addition to considering a combined sleeping and living room in an Efficiency Apartment as one bedroom, any other room in any apartment which is not a single living room or equipped kitchen, and is shown on a plan as being for other than bedroom use but which, because of location, size, or arrangement, could, in the opinion of the Board of Appeals, be used as a regular bedroom or adapted to such use, shall be considered as a bedroom for density calculations. No attic or other storage or similarly usable space shall ever be used as or altered to create regular bedroom space nor shall the construction or other aspects thereof be such as would facilitate such use or alteration.

g. Screening - All sewage facilities, service areas and equipment, conveniences and recreational areas shall have screening as required.

h. Buffer Areas - No portion of any apartment building or accessory building shall be less than two hundred (200) feet from any other zoning district and such area shall be undeveloped except for drives, walks and landscaping.

i. Environmental Protection - There shall be no filling, draining, altering or relocation of any stream, lake, pond or wetland except that performed in full compliance with applicable laws, the requirements of all pertinent governmental agencies, and the requirements and recommendations of the Board of Appeals.

j. Exterior Antennas - Outdoor antennas or other apparatus for radio or television reception or transmission are forbidden, except that master antennas serving multiple numbers of apartments may be allowed subject to Board of Appeals approval.

k. Exterior Lighting and Screening - Non-glaring exterior lighting shall be planned, installed and operated so as to best serve each building or group of buildings. Parking areas, drives and other roadways shall be designed and landscaped so as to insure that all dwelling units are screened from motor vehicle headlights.

l. Landscaping - The site shall be preserved and enhanced by retaining and protecting trees, shrubs, ground cover, stone walls and other site features insofar as practicable. Additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.

m. Recreation - Suitable outdoor recreation space, with adequate provisions for both adult and child activities of at least three hundred (300) square feet per bedroom shall be created and properly maintained.

n. Roads, Drives, Municipal Services, Etc. - All roads, drives, parking areas and walks shall be constructed and all municipal services and improvements shall be designed in accordance with the applicable Rules and Regulations of the Planning Board on file in the office of the Town Clerk at the time the application for Special Permit is filed. Apartment developments shall have adequate access to accepted ways without substantial intrusion on areas zoned for non-apartment use. Proper maintenance of all private roads, drives, parking areas and walks on the project site, including snow removal, shall be the responsibility of the owner.

o. Rubbish Disposal - Rubbish and garbage disposal facilities with screening shall be provided in full conformity with all applicable health or other laws and regulations and shall be protected against scattering of contents, rodent or other unhealthy infestation or condition or odor transmission.

p. Sloping Conditions - No living space shall be below ground except that under sloping conditions, dwelling units may be constructed if the story housing such units does not have:

(1) more than fifty percent (50%) of its exterior wall facing the upper slope below the grade of that slope

(2) any portion of its exterior wall facing the lower slope below the grade of that slope

(3) more than twenty-five percent (25%) of the total area of all its exterior walls below any grade.

q. Water Sewerage and Utilities - All supply lines shall be underground.

r. Oven Space, Etc., Restrictions - Restrictions, easements or other appropriate legal agreements shall be furnished to the satisfaction of the Board of Appeals and the Advisors which will protect such amenities in perpetuity. Such agreements shall be duly recorded and become fully effective before any apartment development work commences. (Amended May 1975 -ATM, Art. 17)

\*\*\*

#### V-K VILLAGE CENTER COMMERCIAL DISTRICT

(Amended May 2001-ATM, Arts. 43&44. Previously amended June 1982-STM, Art. 12)

4. Mixed Use Requirements - The following requirements apply to apartment and multifamily dwellings in the VC District in lieu of the requirements of Section V-G. Apartment and multifamily dwellings shall be allowed only if located above first floor commercial use of a building. More than one dwelling unit is permitted on a lot. Buildings constructed shall be designed to incorporate architectural elements used in surrounding neighborhood and shall have similar massing. No village residential units shall be constructed unless a Special Permit has been granted by the Planning Board in accordance with the requirements of MGL, c. 40A, s. 9.

\*\*\*

#### V-P SENIOR RESIDENTIAL DWELLING DEVELOPMENT REQUIREMENTS

d. Dwelling Units Per Building - No structure containing senior residential dwellings shall contain less than two (2) or more than twenty-four (24) dwelling units.

\*\*\*

#### SECTION VII - SITE PLAN REVIEW

(Amended May 2001-ATM, Art. 46. Previously amended May 2000 -ATM, Art. 38 and May 1997 -ATM, Article 37.)

##### 2. Applicability of Site Plan Review.

a. Site Plan Review shall not apply to single family homes and their accessory structures (or a two family or semi-detached homes per Section III-A, paragraph 14 of the Zoning By-Laws), including additions or enlargements to same which are as a matter of right or as to which relief may be granted by special permit or variance.

b. Apart from 2.a., in all districts:

i. No building or accessory structure (whether otherwise allowed by right or by special permit) shall be:

(1) erected,

(2) enlarged or be subject to any change in the location of the exterior walls so as to increase the building footprint by ten percent or more,

(3) increased in its gross floor area by more than twenty five percent (25%), whether accompanied by exterior construction or not,

ii. No parking area shall be physically expanded by an increase in parking surface area of ten percent (10%) or more,

iii. No changes in use resulting in an increase in parking area requirements greater than or equal to 10 spaces,

iv. No new or expanded outside storage of materials, and

v. No new drive-thru facilities shall be allowed except in conformity with a site plan bearing an endorsement of approval by the Planning Board.

An application for site plan approval shall be in conformance with the Planning Board's Site Plan review Rules and Regulations, which shall be filed with the Town Clerk, Planning Board and the Inspector of Buildings. The Rules and Regulations shall set forth the documentation that must accompany an application for site plan approval.

3. Planning Board as a Special Permit Granting Authority. The Planning Board shall serve as the Special Permit Granting Authority for any Site Plan approval application that also requires a Special Permit under Section I-C, I-D, III, V-K, V-L or V-P of the Zoning By-Law. The Planning Board shall provide in its Rules and Regulations that hearings for such special permit/site plan review applications shall comply with the time limitations and procedural requirements of G.L.c.40A, Sections 9 and 11.

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/5/03.

## Hopedale

**Is multi-family housing allowed by right in any part of the municipality?**

**No** Only townhouses (single family attached) are allowed by right (in RC) in Hopedale.

Hopedale Zoning Bylaw

According to SECTION 11: USE DIMENSIONAL AND INTENSITY REGULATIONS, Townhouse Dwellings are allowed by right in the RC District.

#### SECTION 15: TOWNHOUSE DEVELOPMENTS

15.1 TOWNHOUSE DEVELOPMENTS: A townhouse development may be constructed in any zone designated as Residential C (RC) on a parcel of land held in one ownership having a minimum gross lot area of not less than 25 acres of land, provided a site plan is approved by the Planning Board under the provisions of this section.

15.2 TOWNHOUSE DWELLING UNITS: The maximum number of Townhouse Dwelling Units to be constructed in a development shall be determined by using the tables set forth in this Section entitled "Dimensions of Intensity".

#### 15.3 COMMON LAND

15.4 SITE PLAN APPROVAL: No building permits shall be issued under this section unless the Planning Board has approved the site plan for the townhouse development.

15.5 APPLICATION FOR APPROVAL: Application for approval of a site plan shall be made to the Hopedale Planning Board on forms supplied by it and in accordance with its then current rules and regulations governing the same, including the payment of fees and notice requirements.

#### 15.6 CONTENTS OF SITE PLAN

15.7 SITE PLAN REVIEW: The Board shall review the site plan with reference to the general scheme of the development, the provision of essential services, the installation of walks, ways, pipes, conduits, buildings, finish and rough gradings and similar items. The particular details of the construction of the project, including the method, manner and means of construction and similar items shall be left to the supervision of the Building Commissioner under the terms of his building permit, which is to be issued by him under the rules and regulations pertaining to construction in the Town of Hopedale.

In approving or disapproving a site plan, the Board shall, as a minimum, take into consideration the following matters:

1. Parking: Compliance with the off-street and parking requirements of this by-law, except that the minimum parking space requirements shall be two for each dwelling unit.
  2. Compliance with By-Law: Compliance with other provisions of this by-law, except those that are superseded by this section or are, in the opinion of the Board, obviously contrary to the intent of this section and should not apply.
  3. Preservation of Landscape: The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
  4. Relation of Buildings to Environment: Proposed development shall be related harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the vicinity that have functional or visual relationship to the proposed buildings.
  5. Inter-relationship of Buildings: The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between the buildings.
  6. Open Space: All open space shall be so designated as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
  7. Circulation: With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points, to the public streets (especially in relation to existing traffic controls) width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of parking areas that are safe and convenient and, insofar as practical, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
  8. Surface Water Drainage: Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not unnecessarily create undue puddling in the paved areas.
  9. Sewage and Sanitary Services: Proposed methods of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
  10. Distribution of Common Land: Common land shall be indicated and distributed in a reasonable manner.
- The Board shall approve or disapprove the site plan within ninety (90) days after submittal. If the Board fails to act or make a decision within such period of time, ninety (90) days, the plan shall be deemed approved.

If the Board disapproves a site plan, it shall notify the applicant in writing, setting forth in detail its specific reasons for disapproval. The applicant may resubmit the plan to the Board and if the Board finds that the reasons for its disapproval have been corrected by the applicant, it shall approve the site plan. The Board and the applicant may negotiate a suitable agreement in writing to extend the time periods.

Any applicant whose site plan has been disapproved, may within one (1) year thereafter petition the Board to re-open the hearing, and the Board may grant a re-hearing if it finds that the applicant in good faith wishes to revise its original disapproved plan so as to satisfactorily resolve the conditions which led to the previous disapproval of the site plan by the Board. Such re-hearing shall be on said terms of notice and publication at the applicant's expense as the Board may determine. It shall be a public hearing.

15.8 APPROVED SITE PLAN

15.9 CONTINUED MEETING

15.10 BUILDING PERMITS

15.11 OTHER PERMITS: The granting of site plan approval under this or any other section does not eliminate the necessity of an applicant securing required permits from other Town boards having jurisdiction over the project.

15.12 REVISIONS AND CHANGES IN SITE PLAN

The Building Commissioner is the enforcing officer of this section.

\*\*\*

From definitions:

2.23a HISTORIC MULTIPLE FAMILY DEVELOPMENT : A parcel or parcels of land containing existing structure or structures which were originally constructed forty (40) or more years ago, which are to be converted, reconditioned or built upon, but in no event shall additions exceed twenty (20%) percent of existing structures in area and no additions to be made to the footprint (existing foundation) of said structure or structures. Said parcels to be developed under single ownership within a Historic Multiple Family District, and to be subject to the Site Plan Approval provisions of the Zoning By-Laws of the Town of Hopedale, Sections 15.5 through 15.12 inclusively.

2.52 TOWN HOUSE : A one family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

2.53 TOWN HOUSE DEVELOPMENT : A parcel of land containing in area not less that 25 acres to be developed under single ownership of a landowner under the provisions of this by-law as set forth in sections 13 and 15 for the construction of Townhouse Dwellings.

2.54 TOWN HOUSE DWELLING : A building containing two, three or four townhouse dwelling units characterized by individual ownership of each residential dwelling unit by means of a condominium or cooperative form of ownership and by collective ownership of all common areas and facilities.

2.34 MULTI-FAMILY DWELLING: A dwelling containing three or more dwelling units.

\*\*\*

According to the Use Regulations Schedule:

Townhouse dwelling is allowed by special permit from the Board of Appeals in HMF and by right in RC.

Multifamily dwelling is allowed by special permit from the Board of Appeals in HMF.

Performance Residential Development is allowed by special permit from the planning board in RP-1.

\*\*\*

PERFORMANCE RESIDENTIAL DEVELOPMENT BY-LAW

[...]

Division 1001.0 Purpose.

The purpose of Section 16 is the implementation of performance criteria to a mixed use residential district to promote the health, safety, and general welfare of the present and future inhabitants of Hopedale; in accordance with the provisions of Chapter 808, Acts 1975, of the Commonwealth of Massachusetts and any amendments thereof.

[...]

ARTICLE II. JURISDICTION.

Application for approval of a Performance Residential Development site plan shall be made to the Hopedale Planning Board in accordance with its then current rules and regulations governing the same, including the payment of fees and notice requirements.

[...]

Division 5103.0 Residential Uses.

Residential Performance Dwellings. Uses consisting of three (3) dwelling categories: village units, cottage dwellings, and estate dwellings. Ownership forms may be fee simple, cooperative, or condominium.

[...]

COTTAGE DWELLING . Units only allowed within the middle residential ring. They represent moderately affordable units whose characteristics are delineated in Divisions 5201.0 and 5301.0.

ESTATE DWELLINGS . Units only allowed within the outer residential ring. They represent luxury units whose characteristics are delineated in Divisions 5201.0 and 5301.0.

VILLAGE UNIT . Units only allowed within the center residential ring. They represent the most affordable units whose characteristics are delineated in Divisions 5201.0 and 5301.0.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Hopedale Zoning Bylaw

Only townhouses (single family attached) are allowed by right (in RC) in Hopedale.

Hopedale Zoning Bylaw

According to SECTION 11: USE DIMENSIONAL AND INTENSITY REGULATIONS, Townhouse Dwellings are allowed by right in the RC District.

**SECTION 15: TOWNHOUSE DEVELOPMENTS**

15.1 TOWNHOUSE DEVELOPMENTS: A townhouse development may be constructed in any zone designated as Residential C (RC) on a parcel of land held in one ownership having a minimum gross lot area of not less than 25 acres of land, provided a site plan is approved by the Planning Board under the provisions of this section.

15.2 TOWNHOUSE DWELLING UNITS: The maximum number of Townhouse Dwelling Units to be constructed in a development shall be determined by using the tables set forth in this Section entitled "Dimensions of Intensity".

**15.3 COMMON LAND**

15.4 SITE PLAN APPROVAL: No building permits shall be issued under this section unless the Planning Board has approved the site plan for the townhouse development.

15.5 APPLICATION FOR APPROVAL: Application for approval of a site plan shall be made to the Hopedale Planning Board on forms supplied by it and in accordance with its then current rules and regulations governing the same, including the payment of fees and notice requirements.

**15.6 CONTENTS OF SITE PLAN**

15.7 SITE PLAN REVIEW: The Board shall review the site plan with reference to the general scheme of the development, the provision of essential services, the installation of walks, ways, pipes, conduits, buildings, finish and rough gradings and similar items. The particular details of the construction of the project, including the method, manner and means of construction and similar items shall be left to the supervision of the Building Commissioner under the terms of his building permit, which is to be issued by him under the rules and regulations pertaining to construction in the Town of Hopedale.

In approving or disapproving a site plan, the Board shall, as a minimum, take into consideration the following matters:

1. Parking: Compliance with the off-street and parking requirements of this by-law, except that the minimum parking space requirements shall be two for each dwelling unit.
2. Compliance with By-Law: Compliance with other provisions of this by-law, except those that are superseded by this section or are, in the opinion of the Board, obviously contrary to the intent of this section and should not apply.
3. Preservation of Landscape: The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
4. Relation of Buildings to Environment: Proposed development shall be related harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the vicinity that have functional or visual relationship to the proposed buildings.
5. Inter-relationship of Buildings: The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between the buildings.
6. Open Space: All open space shall be so designated as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
7. Circulation: With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points, to the public streets (especially in relation to existing traffic controls) width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of parking areas that are safe and convenient and, insofar as practical, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
8. Surface Water Drainage: Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and

paved areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not unnecessarily create undue puddling in the paved areas.

9. Sewage and Sanitary Services: Proposed methods of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

10. Distribution of Common Land: Common land shall be indicated and distributed in a reasonable manner.

The Board shall approve or disapprove the site plan within ninety (90) days after submittal. If the Board fails to act or make a decision within such period of time, ninety (90) days, the plan shall be deemed approved.

If the Board disapproves a site plan, it shall notify the applicant in writing, setting forth in detail its specific reasons for disapproval. The applicant may resubmit the plan to the Board and if the Board finds that the reasons for its disapproval have been corrected by the applicant, it shall approve the site plan. The Board and the applicant may negotiate a suitable agreement in writing to extend the time periods.

Any applicant whose site plan has been disapproved, may within one (1) year thereafter petition the Board to re-open the hearing, and the Board may grant a re-hearing if it finds that the applicant in good faith wishes to revise its original disapproved plan so as to satisfactorily resolve the conditions which led to the previous disapproval of the site plan by the Board. Such re-hearing shall be on said terms of notice and publication at the applicant's expense as the Board may determine. It shall be a public hearing.

#### 15.8 APPROVED SITE PLAN

#### 15.9 CONTINUED MEETING

#### 15.10 BUILDING PERMITS

15.11 OTHER PERMITS: The granting of site plan approval under this or any other section does not eliminate the necessity of an applicant securing required permits from other Town boards having jurisdiction over the project.

#### 15.12 REVISIONS AND CHANGES IN SITE PLAN

The Building Commissioner is the enforcing officer of this section.

\*\*\*

From definitions:

2.23a HISTORIC MULTIPLE FAMILY DEVELOPMENT : A parcel or parcels of land containing existing structure or structures which were originally constructed forty (40) or more years ago, which are to be converted, reconditioned or built upon, but in no event shall additions exceed twenty (20%) percent of existing structures in area and no additions to be made to the footprint (existing foundation) of said structure or structures. Said parcels to be developed under single ownership within a Historic Multiple Family District, and to be subject to the Site Plan Approval provisions of the Zoning By-Laws of the Town of Hopedale, Sections 15.5 through 15.12 inclusively.

2.52 TOWN HOUSE : A one family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

2.53 TOWN HOUSE DEVELOPMENT : A parcel of land containing in area not less than 25 acres to be developed under single ownership of a landowner under the provisions of this by-law as set forth in sections 13 and 15 for the construction of Townhouse Dwellings.

2.54 TOWN HOUSE DWELLING : A building containing two, three or four townhouse dwelling units characterized by individual ownership of each residential dwelling unit by means of a condominium or cooperative form of ownership and by collective ownership of all common areas and facilities.

2.34 MULTI-FAMILY DWELLING: A dwelling containing three or more dwelling units.

\*\*\*

According to the Use Regulations Schedule:

Townhouse dwelling is allowed by special permit from the Board of Appeals in HMF and by right in RC.

Multifamily dwelling is allowed by special permit from the Board of Appeals in HMF.

Performance Residential Development is allowed by special permit from the planning board in RP-1.

\*\*\*

#### PERFORMANCE RESIDENTIAL DEVELOPMENT BY-LAW

[...]

Division 1001.0 Purpose.

The purpose of Section 16 is the implementation of performance criteria to a mixed use residential district to promote the health, safety, and general welfare of the present and future inhabitants of Hopedale; in accordance with the provisions of Chapter 808, Acts 1975, of the Commonwealth of Massachusetts and any amendments thereof.

[...]

#### ARTICLE II. JURISDICTION.

Application for approval of a Performance Residential Development site plan shall be made to the Hopedale Planning Board in accordance with its then current rules and regulations governing the same, including the payment of fees and notice requirements.

[...]

#### Division 5103.0 Residential Uses.

Residential Performance Dwellings. Uses consisting of three (3) dwelling categories: village units, cottage dwellings, and estate dwellings. Ownership forms may be fee simple, cooperative, or condominium.

[...]

COTTAGE DWELLING . Units only allowed within the middle residential ring. They represent moderately affordable units whose characteristics are delineated in Divisions 5201.0 and 5301.0.

ESTATE DWELLINGS . Units only allowed within the outer residential ring. They represent luxury units whose characteristics are delineated in Divisions 5201.0 and 5301.0.

VILLAGE UNIT . Units only allowed within the center residential ring. They represent the most affordable units whose characteristics are delineated in Divisions 5201.0 and 5301.0.

\*\*\*

Is multifamily zoned on available land?

According to Carol Whyte of the Planning Board, the answer to this question is "not much available." Recent subdivision development has occurred as large lot single families. A townhouse development project completed in the last few years created townhouses on a private golfcourse.

## Hopkinton

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Hopkinton Housing Plan

"Unlike many small towns, Hopkinton chose years ago to adopt zoning that provides for a mix of homes. Multi-family housing is allowed by special permit in all of the town's residential districts at a density of about four units per acre. Hopkinton also allows conversions of older homes to multi-unit buildings, and the town has issued comprehensive permits for low- or moderate-income housing." (p. 3)

"Despite these actions, Hopkinton has very few multi-family developments and a housing inventory with limited diversity. Wetlands and wastewater disposal are significant land use constraints in many parts of town, such that even Hopkinton's multi-family condominium developments are often built at a lower density than allowed by zoning. The most obvious residential mix can be found in the seamless co-mingling of single-family, two-family and small multi-unit residences in Hopkinton's older, traditional neighborhoods. However, as market demand for a home in Hopkinton intensifies and land values increase, these and other small dwelling units will attract investments in renovation and expansion. In some cases, they will be demolished and replaced with new, high-cost homes, a trend that is already evident in many parts of town." (p. 3)

"Most suburbs discourage or prohibit multi-family housing, but Hopkinton's zoning is comparatively generous. Its Garden Apartments bylaw allows higher-density multi-family development by special permit in all residential districts. Special permits have produced 276 of Hopkinton's 340 condominiums while 64 were built under a comprehensive permit (1988). Land costs, suburban density and market demand make the Garden Apartments bylaw a more effective agent for ownership than rental housing, but most towns around

Hopkinton have attracted only a modest amount of rental development activity, including through comprehensive permits." (p. 21)

\*\*\*

From ordinance.com:

#### ARTICLE VI Business (B) District

Section 210-19. Uses allowed by special permit.

In addition to the foregoing permitted uses, the following uses shall be allowed in a B District upon the granting of a special permit by the Board of Appeals:

B. Single and multifamily residences; buildings used for dwelling purposes. All residential uses must comply with the dimensional requirements contained in Article II, Residence A (RA) District.

\*\*\*

#### ARTICLE XIII Garden Apartments in Residential Districts

[Added 3-11-1970 ATM, Art. 53; amended 3-12-1973 ATM, Arts. 27, 28, 29, 30 and 34; 4-14-1975 ATM, Arts. 32, 33, 34 and 35; 4-13-1978 ATM, Art. 39; 4-14-1986 ATM, Art. 37; 5-5-1997 ATM, Art. 22]

Section 210-72. Planning, design, conservation and development objectives.

A. General intent and purposes. It is the intent and purpose of this Article XIII to maintain a working balance in the Town of Hopkinton between the demand for new development and its rewards on the one hand, and the human need for our natural resources and their maintenance on the other. The Town of Hopkinton cannot and should not prevent its citizens from owning, selling and developing their land. But it is also a fundamental and important truth that with each new house and each cut tree, the environment and ecology of the town changes. Therefore, the control and maintenance of a reasonable balance between new development and the preservation of the town's natural resources is a legitimate area for public concern and legislation. It is, therefore, the intent of the town that this article shall provide for the reasonable protection of its natural resources by properly conserving its land as development takes place. This shall be accomplished by establishing a procedure whereby each proposal for apartment development will be reviewed separately and judged by standards designed to protect both the special quality of the site and its environs and the town and its environment against misuse or over development of the land. In this article, the guiding principle in judging apartment proposals will be the variety and diversity in the proposed development and the care shown by the developer in conservation, site planning and building design as applied to the specific parcel of land proposed for development.

B. General objectives. The following planning, design, conservation and development objectives will apply to all proposals for apartment construction in Hopkinton:

- (1) To provide new housing for all citizens regardless of income, race, color, creed or other like characteristics.
- (2) To promote the beneficial use and conservation of land by relating proposed buildings to the unique features, conditions and natural quality of the site. Beneficial use shall be measured in terms of topography, surface and subsurface soil and drainage conditions, location with respect to adjacent or existing streets, buildings or other natural features, the type and size of trees to be retained or removed, the use and retention of natural ground cover, open space, water, swamp, other natural water source or feature, stone walls, ledge or any other feature of recognized conservation or historical significance.
- (3) To facilitate sound and orderly public and private development in Hopkinton by relating an apartment proposal to any public Master Plan for land use, conservation, streets or public facilities.
- (4) To recognize the importance of diversity and variety in the exterior quality, appearance and design of apartment structures by rejecting monotonous, look-alike designs and to encourage those designs that are specifically designed for and related to the special conditions and features of the proposed site.
- (5) To conserve and preserve the significant and unique natural features of the proposed site in their natural state and ensure or provide for their permanent protection from future encroachment or development. Permanent protection of the undeveloped, conservation or open-space portion of the development site shall be assured by a legally binding agreement running with the land, which shall permanently protect a minimum of 30% of the development site as open space.
- (6) To give encouragement to owners and developers to produce the highest quality design in the apartment structures to be built by using visual space planning applied to other site development elements, such as parking areas, wooded or conservation areas, adjacent streets, accessory buildings, lighting and open areas.
- (7) To give fair and full consideration to the opinions and statements of abutting property owners at the public hearings required for each application.
- (8) To provide for design review of all proposals prior to construction, to ensure compliance with the above intent and objectives and to assure that the proposal will not result in or contribute to incompatible use of the land, pollution of the soil or groundwater, traffic congestion or inappropriate site development.

Section 210-73. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**BASEMENT** : Any portion of a structure below the first story.

**CONDOMINIUM** : A method of ownership whereby an individual may own separately one or more single dwelling units in an apartment building or project. Said individual and other owners of such apartment units may have an undivided interest in the common areas and facilities that serve the unit or project, such as land, roofs, floors, main walls, stairways, lobbies, halls, parking areas, driveways, recreation areas, open space areas and natural landscaped and/or conservation areas. Said individual may take title to his individual dwelling unit or units, vote on a proportional basis in all respects of his undivided interest in common areas, be taxed separately by the town for the individual dwelling unit or units and may have a mortgage on the individual dwelling unit.

**FLOOR AREA** : The sum of the horizontal area of the several floors of a dwelling unit measured from the outside, excluding cellar floor areas, basement rooms, garages, porches and open attics or unfinished rooms, and for which a certificate of occupancy has been issued as habitable living quarters. In split level houses, the first two levels may be counted as one floor, provided that the difference in floor levels is less than five feet.

**GARDEN APARTMENTS** : A multifamily residential land use consisting of multiple dwelling units on one single contiguous parcel.

**HALF-STORY** : Any place under the gable, hip or gambrel roof, the floor of which is not more than two feet below the plate.

**SCREENING** : A suitable area that will serve as a buffer to adjacent properties, will reduce noise levels and partially obscure any structures.

**STORY** : That portion of a building above the finished grade included between the floor and the ceiling, or roof above it.

**USABLE LAND** : Usable land excludes wetland and floodplains as defined in MGL c. 131, Section 40, and areas with slopes of more than 15%. For the purpose of calculating density, 20% of unusable land may be considered usable.

Section 210-74. Use regulations and dimensional requirements.

A. Use districts. Garden apartments, under single ownership or as condominiums, shall be allowed by special permit in all districts where residential uses are permitted by right in accordance with the requirements and regulations set forth in this article.

B. Dimensional requirements. The following lot sizes, setbacks and regulations must be adhered to by each applicant:

- (1) Anyone wishing to build garden apartments may do so only on a site containing an area of not less than 10 acres of usable land, but not more than 30 acres of usable land per apartment project and/or application. The minimum lot frontage shall be 200 feet on a public road.
- (2) Density shall be a maximum average of eight bedrooms per acre of usable land.
- (3) The total ground floor area of apartments, garages and accessory buildings shall not exceed 20% of the site area.
- (4) One-bedroom units shall contain a minimum of 600 square feet of floor area. Two-bedroom units shall contain a minimum of 800 square feet of floor area.
- (5) Buildings shall not exceed 2 1/2 stories in height and shall contain a maximum of 12 units. The number of detached single-family dwelling units shall not exceed 10% of the total number of dwelling units in the project.
- (6) Parking spaces. There shall be provided two parking spaces per unit, at least one of which shall be located so as to provide convenient access to its assigned dwelling unit. Parking garages will be permitted as a parking space if located and designed so as to complement the building design and site layout.
- (7) Setbacks. All buildings must be located a minimum of 100 feet from any side or rear lot line and 100 feet from any established street layout or, where applicable, any defined street line of a public road, which street setback area shall be undeveloped and/or landscaped. Upon a finding by the Planning Board that a setback of lesser width would be sufficient to screen and/or separate the development from adjacent property, the setback may be reduced. The Board may require no-cut easements, conservation restrictions or the like where the setback has been reduced. Buildings shall be located a minimum of 20 feet from interior roadways and driveways which are not considered streets or public roads.
- (8) Maintenance of roads. Maintenance of roads and driveways, including snowplowing within the project limits, is the responsibility of the project owner.
- (9) Lighting. All lighting must be directed away from adjoining property.
- (10) Signs. Signs are subject to such limitations of size and usage as may be imposed by the Planning Board.
- (11) Rubbish disposal. Rubbish disposal shall be provided for by the owner and not by the town. There shall be no outside burning of

rubbish. Inside incinerators which are approved by the Planning Board may be allowed.

(12) Underground utilities. Underground utilities are mandatory and shall be installed in accordance with the standards contained in the subdivision rules and regulations of the Town of Hopkinton.

(13) Recreation area. Suitable recreation space of at least 600 square feet per dwelling unit shall be provided for both adults and children. Such areas shall be suitable for the siting of active recreational facilities and shall be in addition to the open space required for the project. Such recreation areas may be contiguous to the open space or may be separately located.

(14) Landscaping. Suitable landscaping materials no less than 15 feet in width must be placed along property lines to provide screening if there is no suitable natural growth in these areas. No solid fences shall be allowed. The screened area may be included in the required setback distances.

(15) Suitability of land area. Natural watercourses and ponds may not be altered, filled, drained or relocated. Any pond that has been in existence for over 25 years shall be deemed to be a natural pond. Floodplain or marshes may be included as part of a lot, but may not be altered, filled, drained or relocated and may not be used for building sites, sewage disposal areas or ways.

(16) Distance between structures. The distance between structures shall be no less than the average height of the two structures or 35 feet, whichever is greater. Such distance shall include any garages or other accessory structures.

(17) Road Construction. Roads are to be constructed in accordance with the Design Standards and Construction Requirements of the Subdivision Rules and Regulations of the Town of Hopkinton with the exception of width and length, which shall be determined by the Planning Board based on the specific characteristics of each plan submittal. The Planning Board may grant waivers from the Design Standards and Construction Requirements if the Board determines that such waiver will not result in any substantial detriment to the public good or substantially derogate from the intent or purpose of such Standards or Requirements or of this Chapter. All requests for waivers must be in writing and must be submitted to the Board at the time of plan submittal. Inspection of the roads during construction shall be in accordance with the procedures contained in the Subdivision Rules and Regulations and the inspection process shall be administered by the Planning Board. Such procedure shall include the payment of any fees or deposits for the inspections as required by the then applicable Subdivision Rules and Regulations.

**\*\*Webmasters Note:** The previous subsection has been amended as per an update approved at a town meeting held on 5/5/03.

(18) Open space, as described in Section 210-72B(5), shall consist of a minimum of 30% of the development site and shall be clearly delineated and defined on the site plan of each application. It is the intention of this article that the open space shall generally occur as a single contiguous area of open space which shall retain those natural features of the site most worthy of preservation in their natural state,

#### Section 210-75. Administration.

A. Application procedure. The application procedure consists of two steps: application for garden apartment concept plan special permit approval to the Planning Board and application for garden apartment site plan approval to the Planning Board. A garden apartment site plan shall be considered neither a definitive subdivision plan under the provisions of the Subdivision Control Law,[6] nor a site plan under the provisions of Article XX of this Chapter. A garden apartment site plan shall be considered a technical administrative review of an approved concept plan. The garden apartment concept plan special permit is the special permit referred to in Section 210-74A of this article.

##### (1) Concept plan special permit.

(a) A record owner desiring to use land for garden apartments shall file with the Planning Board an application for a garden apartment concept plan special permit to use the land for garden apartments, together with such plans, drawings, specifications and additional information as set forth in the Garden Apartment Submission Requirements and Procedures Manual adopted by the Planning Board and filed with the Town Clerk. After adoption of this article, the Planning Board shall vote to adopt the Garden Apartment Submission Requirements and Procedures Manual after holding a public hearing.

(b) Within seven days of receipt of the application for the garden apartment concept plan special permit, the Planning Board shall transmit copies of the application and plan to the Director of Public Works, Conservation Commission and Board of Health for comment and recommendations. The Planning Board shall not approve any such application until the final reports of such departments shall have been submitted to it or until 35 days shall have elapsed after the transmittal of the plans and additional materials without such report being submitted. Design review fees shall be governed and set by the Planning Board and shall be assessed to the record owner and applicant.

(c) The Planning Board will hold a public hearing and will file its decision with the Town Clerk as required by MGL c. 40A, Section 9.

(d) Approval criteria. Before the Planning Board may issue the special permit, it shall determine each of the following:

[1] That the proposed development constitutes a desirable development in the neighborhood and in the town.

[2] That the proposed development will not be detrimental to the neighborhood or the town.

[3] That the plans generally provide adequately for convenience and safety of vehicular and pedestrian movement within the site and

in relation to adjacent streets, property or improvements, with the understanding that review of such items will be more detailed at the site plan stage.

[4] That the plans appear to provide adequate methods of disposal of sewerage, refuse and other wastes, adequate methods for drainage for surface water and seasonal flooding, if any, and adequate provision of water for domestic purposes, with the understanding that review of such items will be more detailed at the site plan stage.

[5] That the plan complies with the Master Plan.

[6] That the provisions of Section 210-72A and B of this article have been met.

(e) Approval of the garden apartment concept plan special permit application shall not be considered approval of any construction. This approval is a preliminary approval intended to give guidance to the applicant for the development of the site plan and to determine whether the proposed concept meets the objectives of the bylaw and the town.

(f) After a garden apartment concept plan special permit application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation except for purposes of soil testing, no dredging or filling and no construction of buildings or structures shall be done on any part of the site until the application has been reviewed and approved as provided by these regulations.

(g) A garden apartment concept plan special permit shall become void within two years from the date of issue, which two years shall not include time required to pursue or await determination of an appeal referred to in MGL c. 40A, Section 17. If any construction work contemplated by such special permit shall have commenced and proceeded in good faith continuously, except for good cause, but notwithstanding, the project shall not have been completed within such two year period, the applicant must request extension of the special permit from the Board, in which case the Board shall extend the special permit for such period of time as it deems appropriate.

(2) Garden apartment site plan. After approval of the concept plan special permit, the applicant may submit an application for approval of a garden apartment site plan to the Planning Board. No garden apartment site plan application may be submitted unless a concept plan has been approved and is currently in effect. The garden apartment site plan shall be designed to be in conformance with the approved concept plan special permit. If the Planning Board determines that there is a substantial variation between the concept plan special permit and the site plan, it shall hold a public hearing on the modifications of the concept plan special permit.

(a) Within five days after receipt of the complete application, the Planning Board shall distribute copies of the application and plans to the Director of Public Works, Conservation Commission and Board of Health. These departments shall transmit recommendations, if any, to the Board within 35 days of receipt of the plans.

(b) The Board shall hold a public hearing within 45 days of the receipt of the complete application. Notice of the time, place and subject matter of the public hearing shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in the town, once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting the land included in such plan as appearing on the most recent tax list.

(c) The Board shall file its decision with the Town Clerk within 90 days from the date of submission. This time may be extended by mutual agreement between the applicant and the Planning Board.

(d) Approval criteria.

[1] Before the Planning Board may approve the site plan, it shall determine each of the following:

[a] That the plans provide adequately for convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, property or improvements.

[b] That the plans assure the adequacy of the methods of disposal of sewerage, refuse and other wastes and the methods of drainage for surface water and seasonal flooding, if any.

[c] All of the provisions of this Chapter, including Section 210-72A and B, have been complied with and all necessary special permits and variances have been granted from the Board of Appeals.

[2] If the Planning Board does not make all of the above determinations, it shall deny the application stating its reasons for such denial.

(e) The Board may approve the site plan with conditions. Those conditions may include, but shall not be limited to, the following:

[1] Phasing of the garden apartment site plan construction.

[2] Performance guaranty. As a condition of plan approval, the Planning Board may require that a performance bond, secured by deposit of money or negotiable securities in the form selected by the Board, be posted with the town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder. The Board may also require that an amount be included for land restoration not having to do with the construction of improvements. The amount of security shall be determined by an estimate from the applicant's engineer which may be confirmed or increased by the Board. The town may use the

secured funds for their stated purpose in the event that the applicant does not complete all improvements in a manner satisfactory to the Board within two years from the date of approval, or the final date of the last extension of such approval, if any. The term "improvements" shall not include the construction of buildings.

[3] Off-site improvements to correct conditions directly caused by the garden apartment development.

[4] The duration of the Board's approval and a specified date of completion.

B. Modifications to approved plan. The approved garden apartment site plan may be modified or amended by the Planning Board on its own motion or upon application by the developer. If the Board determines that such modifications are significant, it shall hold a public hearing in accordance with the provisions of Subsection A(2) above.

C. Completion.

(1) Upon completion of construction of all site work and building, construction, the applicant shall file a completion certificate with the Director of Municipal Inspections, such certificate to state that the site development, conservation and building construction has been completed in conformity with the approved plans.

(2) The applicant shall submit two as-built plans showing the entire site and including, but not limited to, the following: utilities, structures, roadways, open space and recreation areas.

(3) After submission of the completion certificate and as-built plans, the Board shall review such information and if such as-built plans conform to the site plan as approved and modified or amended, release the remaining performance guaranty, if any.

D. Appeal. Appeals of decisions made under this article shall be pursuant to MGL c. 40A, Section 17.

\*\*\*

Article XIII A Village Housing in Residential Districts  
Section 210-75.1. Planning, design, conservation and development objectives.

A. General intent and purposes. It is the intent and purpose of this Village Housing in Residential Districts Article to maintain a working balance in the Town of Hopkinton between the demand for new development and the provision of affordable housing and its rewards on the one hand, and the human need for our natural resources and their maintenance on the other. The Town of Hopkinton cannot and should not prevent its citizens from owning, selling and developing their land. The Town also understands the importance of providing for a variety of housing that meets the needs of all of its citizens, regardless of income. But it is also a fundamental and important truth that with each new house and each cut tree, the environment and ecology of the Town change. Therefore, the control and maintenance of a reasonable balance between new development and the preservation of the Town's natural resources is a legitimate area for public concern and legislation. It is, therefore, the intent of the Town that this Article shall provide for the provision of affordable housing under the state guidelines for the creation of such units while providing for the reasonable protection of its natural resources by properly conserving its land as development takes place. This shall be accomplished by establishing a procedure whereby each proposal for village housing will be reviewed separately and judged by standards designed to protect both the special quality of the site and its environs and the Town and its environment against misuse or overdevelopment of the land. In this Article, the guiding principle in judging village housing proposals will be the variety and diversity of the proposed development of affordable housing units and the care shown by the developer in conservation, site planning and building design as applied to the specific parcel of land proposed for development.

B. General objectives. The following planning, design, conservation and development objectives will apply to all proposals for village housing construction in Hopkinton:

(1) To provide affordable housing for all citizens regardless of income, race, color, creed or other like characteristics.

(2) To promote the beneficial use and conservation of land by relating proposed buildings to the unique features, conditions and natural quality of the site. Beneficial use shall be measured in terms of topography, surface and subsurface soil and drainage conditions, location with respect to adjacent or existing streets, buildings or other natural features, the type and size of trees to be retained or removed, the use and retention of natural ground cover, open space, water, swamp, other natural water source or feature, stone walls, ledge or any other feature of recognized conservation or historical significance.

(3) To facilitate sound and orderly public and private development in Hopkinton by relating a village housing proposal to any public Master Plan for land use, conservation, streets or public facilities.

(4) To recognize the importance of diversity and variety in the exterior quality, appearance and design of housing structures by rejecting monotonous, look-alike designs and to encourage those designs that are specifically designed for and related to the special conditions and features of the proposed site.

(5) To conserve and preserve the significant and unique natural features of the proposed site in their natural state and ensure or provide for their permanent protection from future encroachment or development. Permanent protection of the undeveloped, conservation or open-space portion of the development site shall be assured by a legally binding agreement running with the land, which shall permanently protect a minimum of 15% of the development site as open space.

(6) To give encouragement to owners and developers to produce the highest quality design in the housing structures to be built by using visual space planning applied to other site development elements, such as parking areas, wooded or conservation areas, adjacent streets, accessory buildings, lighting and open areas.

(7) To give fair and full consideration to the opinions and statements of abutting property owners at the public hearings required for each application.

(8) To provide for design review of all proposals prior to construction, to ensure compliance with the above intent and objectives and to assure that the proposal will not result in or contribute to incompatible use of the land, pollution of the soil or groundwater, traffic congestion or inappropriate site development.

C. Criteria. Before the Planning Board may issue the special permit referred to in this Article, it shall determine each of the following:

(1) That the proposed development constitutes a desirable development in the neighborhood and in the Town.

(2) That the proposed development will not be detrimental to the neighborhood or the Town.

(3) That the plans generally provide adequately for convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, property or improvements, with the understanding that review of such items will be more detailed at the site plan review stage.

(4) That the plans appear to provide adequate methods of disposal of sewerage, refuse and other wastes, adequate methods for drainage of surface water and seasonal flooding, if any, and adequate provision of water for domestic purposes, with the understanding that review of such items will be more detailed at the site plan review stage.

(5) That the plan complies with the Master Plan.

(6) That all of the provisions of § 210-75.1 A and B of this Article have been met.

Section 210-75.2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

**AFFORDABLE HOUSING UNIT** -- A dwelling unit that is deed restricted for occupancy by a LOW- OR MODERATE INCOME household and meets the requirements of the Department of Housing and Community Development's "Local Initiative Program" (LIP) for inclusion in the Subsidized Housing Inventory, as provided for in M.G.L.c.40B, Sections 2023, 760 CMR 31.04, and 760 CMR 45.00.

**BASEMENT** -- Any portion of a structure below the first story.

**CONDOMINIUM** -- A method of ownership whereby an individual may own separately one or more single dwelling units in a building or project. Said individual and other owners of such dwelling units may have an undivided interest in the common areas and facilities that serve the unit or project, such as land, roofs, floors, main walls, stairways, lobbies, halls, parking areas, driveways, recreation areas, open space areas and natural landscaped and/or conservation areas. Said individual may take title to the individual dwelling unit or units, vote on a proportional basis in all respects based on the undivided interest in common areas, be taxed separately by the Town for the individual dwelling unit or units and may have a mortgage on the individual dwelling unit.

**FLOOR AREA** -- The sum of the horizontal area of the several floors of a dwelling unit measured from the outside of the building, excluding cellar floor areas, basement rooms, garages, porches and open attics or unfinished rooms, and for which a certificate of occupancy has been issued as habitable living quarters. In split level houses, the first two levels may be counted as one floor, provided that the difference in floor levels is less than five feet.

**VILLAGE HOUSING** -- A residential land use consisting of Affordable Housing Units on one single contiguous parcel.

**HALF-STORY** -- Any space under the gable, hip or gambrel roof, the floor of which is not more than two feet below the plate.

**LOW OR MODERATE INCOME** -- A household with income at or below 80% of the area median income that applies to Hopkinton, as determined from time to time by the Department of Housing and Urban Development (HUD).

**SCREENING** -- A suitable area that will serve as a buffer to adjacent properties, will reduce noise levels and partially obscure any structures.

**STORY** -- That portion of a building above the finished grade included between the floor and the ceiling or roof above it.

**USABLE LAND** -- Usable land excludes wetland and floodplains as defined in MGL c. 131, § 40, and areas with slopes of more than 15%. For the purpose of calculating density, 20% of unusable land may be considered usable.

Section 210-75.3. Use regulations and dimensional requirements.

A. Use districts. Village Housing, under single ownership or as condominiums, shall be allowed by special permit in all districts where residential uses are permitted by right in accordance with the requirements and regulations set forth in this Article.

B. Dimensional requirements. The following lot sizes, setbacks and regulations must be adhered to by each applicant:

1. Anyone wishing to build village housing may do so only on a site containing an area of not less than 5 acres of usable land, but not more than 20 acres of usable land per village housing project and/or application. The minimum lot frontage shall be 50 feet on a public road.
2. Density shall be a maximum ten units per acre of usable land.
3. The total ground floor area of housing units, garages and accessory buildings shall not exceed 25% of the site area.
4. One-bedroom units shall contain a minimum of 700 square feet of floor area. Two-bedroom units shall contain a minimum of 900 square feet of floor area. Three-bedroom units shall contain a minimum of 1200 square feet of floor area.
5. Buildings shall not exceed 2 1/2 stories in height and shall contain a maximum of 12 units. The number of detached single-family dwelling units may vary and may comprise all of the dwelling units in the project.
6. Parking spaces. There shall be provided two parking spaces per unit, at least one of which shall be located so as to provide convenient access to its assigned dwelling unit. Parking garages will be permitted as a parking space if located and designed so as to complement the building design and site layout.
7. Setbacks. All buildings must comply with the setback requirements of the underlying zoning district. The street setback area shall be undeveloped and/or landscaped. Upon a finding by the Planning Board that a setback of greater width would be necessary to screen and/or separate the development from adjacent property, the setback may be increased to a width of 100 feet. The Board may require no-cut easements, conservation restrictions or the like in any setback area. Buildings shall be located a minimum of 20 feet from interior roadways which are not considered streets or public roads.
8. Maintenance of roads. Maintenance of roads and driveways, including snowplowing within the project limits, is the responsibility of the project owner and not the Town:
9. Lighting. All lighting must be shielded and/or directed away from adjoining property.
10. Signs. Signs are subject to such limitations of size and usage as may be imposed by the Planning Board.
11. Rubbish disposal. Rubbish disposal shall be provided for by the owner and not by the Town. There shall be no outside burning of rubbish. Inside incinerators which are approved by the Planning Board may be allowed.
12. Underground utilities. Underground utilities are mandatory and shall be installed in accordance with the standards contained in the Subdivision Rules and Regulations of the Town of Hopkinton.
13. Recreation area. In developments of ten or more units, suitable recreation spaces each of at least 600 square feet per dwelling unit shall be provided for both adults and children. Such areas shall be suitable for the siting of active recreational facilities and shall be in addition to the open space required for the project. Such recreation areas may be contiguous to the open space or may be separately located. The Planning Board may waive this requirement if the development is within one half mile of an existing active recreational facility which is open to the public free of charge.
14. Landscaping. Suitable landscaping materials no less than 15 feet in width must be placed along property lines to provide screening if there is no suitable natural growth in these areas. Fencing may be allowed at the discretion of the Planning Board. The screened area may be included in the required setback distances.
15. Suitability of land area. Natural watercourses and ponds may not be altered, filled, drained or relocated. Any pond that has been in existence for over 25 years shall be deemed to be a natural pond. Floodplain or marshes may be included as part of a lot, but may not be altered, filled, drained or relocated and may not be used for building sites, sewage disposal areas or ways.
16. Distance between structures. The distance between structures shall be no less than the average height of the two structures or 35 feet, whichever is greater. This requirement may be waived by the Planning Board upon the recommendation of the Fire Chief.
17. Road Construction. Roads are to be constructed in accordance with the Design Standards and Construction Requirements of the Subdivision Rules and Regulations of the Town of Hopkinton with the exception of width and length, which shall be determined by the Planning Board based on the specific characteristics of each plan submittal. The Planning Board may grant waivers from the Design Standards and Construction Requirements if the Board determines that such waiver will not result in any substantial detriment to the public good or substantially derogate from the intent or purpose of such Standards or Requirements or of this Article. All requests for waivers must be in writing and must be submitted to the Board at the time of plan submittal. Inspection of the roads during construction shall be in accordance with the procedures contained in the Subdivision Rules and Regulations and the inspection process shall be administered by the Planning Board. Such procedure shall include the payment of any fees or deposits for the inspections as required by the then applicable Subdivision Rules and Regulations.
18. Open space, as described in § 210-75.1 B (5), shall consist of a minimum of 15% of the development site and shall be clearly delineated and defined on the site plan of each application. It is the intention of this Article that the open space shall generally occur as a single contiguous area of open space which shall retain those natural features of the site most worthy of preservation in their natural

state.

19. Affordable Units. All of the Village Housing affordable housing units shall be restricted by deed which requires that they remain affordable, as defined by this Article, in perpetuity. 100% of the housing units in any Village Housing development shall be affordable housing units, as defined in this Article.

#### Section 210-75.4. Administration.

A. Application procedure. The application procedure consists of two steps: application for village housing concept plan special permit approval to the Planning Board and application for village housing site plan approval to the Planning Board. A village housing site plan shall be considered neither a definitive subdivision plan under the provisions of the Subdivision Control Law, nor a site plan under the provisions of Article XX of this Chapter. A village housing site plan shall be considered a technical administrative review of an approved concept plan. The village housing concept plan special permit is the special permit referred to in § 210-75.3(A) of this Article.

##### (1) Concept plan special permit.

(a) A record owner desiring to use land for village housing shall file with the Planning Board an application for a village housing concept plan special permit to use the land for village housing, together with such plans, drawings, specifications and additional information as set forth in the Village Housing Submission Requirements and Procedures Manual adopted by the Planning Board and filed with the Town Clerk. After adoption of this Article, the Planning Board shall vote to adopt the Village Housing Submission Requirements and Procedures Manual after holding a public hearing.

(b) Within seven days of receipt of the application for the village housing concept plan special permit, the Planning Board shall transmit copies of the application and plan to the Director of Public Works, Conservation Commission and Board of Health for comment and recommendations. The Planning Board shall not approve any such application until the final reports of such departments shall have been submitted to it or until 35 days shall have elapsed after the transmittal of the plans and additional materials without such report being submitted. Design review fees shall be governed and set by the Planning Board and shall be assessed to the record owner and applicant.

(c) The Planning Board will hold a public hearing and will file its decision with the Town Clerk as required by MGL c. 40A, § 9.

(d) Approval of the village housing concept plan special permit application shall not be considered approval of any construction. This approval is a preliminary approval intended to give guidance to the applicant for the development of the site plan and to determine whether the proposed concept meets the objectives of the bylaw and the Town.

(e) After a village housing concept plan special permit application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation except for purposes of soil testing, no dredging or filling and no construction of buildings or structures shall be done on any part of the site until the application has been reviewed and approved as provided by these regulations.

(f) A village housing concept plan special permit shall become void within two years from the date of issue, which two years shall not include time required to pursue or await determination of an appeal referred to in MGL c. 40A, § 17. If any construction work contemplated by such special permit shall have commenced and proceeded in good faith continuously, except for good cause, but notwithstanding, the project shall not have been completed within such two-year period, the applicant must request extension of the special permit from the Board, in which case the Board shall extend the special permit for such period of time as it deems appropriate.

(2) Village housing site plan. After approval of the concept plan special permit, the applicant may submit an application for approval of a village housing site plan to the Planning Board. No village housing site plan application may be submitted unless a concept plan has been approved and is currently in effect. The village housing site plan shall be designed to be in conformance with the approved concept plan special permit. If the Planning Board determines that there is a substantial variation between the concept plan special permit and the site plan, it shall hold a public hearing on the modifications of the concept plan special permit.

(a) Within five days after receipt of the complete application, the Planning Board shall distribute copies of the application and plans to the Director of Public Works, Conservation Commission and Board of Health. These departments shall transmit recommendations, if any, to the Board within 35 days of receipt of the plans.

(b) The Board shall hold a public hearing within 45 days of the receipt of the complete application. Notice of the time, place and subject matter of the public hearing shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town, once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing, and by mailing a copy of such advertisement to the applicant and to all owners of land abutting the land included in such plan as appearing on the most recent tax list.

(c) The Board shall file its decision with the Town Clerk within 90 days from the date of submission. This time may be extended by mutual agreement between the applicant and the Planning Board.

##### (d) Approval criteria.

[1] Before the Planning Board may approve the site plan, it shall determine each of the following:

[a] That the plans provide adequately for convenience and safety of vehicular and pedestrian movement within the site and in

relation to adjacent streets, property or improvements.

[b] That the plans assure the adequacy of the methods of disposal of sewerage, refuse and other wastes and the methods of drainage for surface water and seasonal flooding, if any.

[c] All of the provisions of this Article, including § 210-75.1A and B, have been complied with and all necessary special permits and variances have been granted from the Board of Appeals.

[2] If the Planning Board does not make all of the above determinations, it shall deny the application stating its reasons for such denial.

(e) The Board may approve the site plan with conditions. Those conditions may include, but shall not be limited to, the following:

[1] Phasing of the village housing site plan construction so that no more than forty (40) units per year of affordable housing will be constructed utilizing a three year average as a standard until that point at which the percentage of affordable housing units referred to in 760 CMR 31.00, the Housing Appeals Committee Criteria for Decisions under M.G.L.c. 40B, §§ 20-23, has been achieved.

[2] Performance guarantee. As a condition of plan approval, the Planning Board may require that a performance bond, secured by deposit of money or negotiable securities in the form selected by the Board, be posted with the Town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder. The Board may also require that an amount be included for land restoration not having to do with the construction of improvements. The amount of security shall be determined by an estimate from the applicant's engineer which may be confirmed or increased by the Board. The Town may use the secured funds for their stated purpose in the event that the applicant does not complete all improvements in a manner satisfactory to the Board within two years from the date of approval, or the final date of the last extension of such approval, if any. The term "improvements" shall not include the construction of buildings.

[3] Off-site improvements to correct conditions directly caused by the village housing development.

[4] The duration of the Board's approval and a specified date of completion.

B. Modifications to approved plan. The approved village housing site plan may be modified or amended by the Planning Board on its own motion or upon application by the developer. If the Board determines that such modifications are significant, it shall hold a public hearing in accordance with the provisions of Subsection A(2) above.

C. Completion.

(1) Upon completion of construction of all site work and building construction, the applicant shall file a completion certificate with the Director of Municipal Inspections, such certificate to state that the site development, conservation and building construction has been completed in conformity with the approved plans.

(2) The applicant shall submit two as-built plans showing the entire site and including, but not limited to, the following: utilities, structures, roadways, open space and recreation areas.

(3) After submission of the completion certificate and as-built plans, the Board shall review such information and if such as-built plans conform to the site plan as approved and modified or amended, release the remaining performance guarantee, if any.

D. Appeal. Appeals of decisions made under this Article shall be pursuant to MGL c. 40A, § 17.

\*\*Webmasters Note: The previous Article has been added as per an update approved at a town meeting held on 5/3/04.

## Hudson

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Hudson Protective Zoning Bylaw (Amended 2003)

Section 2.0 - Definitions

Dwelling: Any building, or part thereof, used for habitation for one (1) dwelling unit intended and designed to be occupied by a single family. It shall not include a trailer or mobile home, however mounted.

a) Dwelling, Multi\_family (Multiple Family House, Apartment or Apartment House): A dwelling including single\_family attached units, containing two (2) or more separate dwelling units.

#### 5.2.2 Uses Permitted By Right in Residential Districts

- a) Single family dwelling.
- b) Churches, schools, public libraries & parish houses.
- c) Municipal buildings, public parks, playgrounds and similar public buildings and purposes
- g) The taking of lodgers, not to exceed four (4) in number, excluding the occupant's family.
- h) Accessory uses customarily incidental to a permitted use on the same premises, and not detrimental to a residential neighborhood.

#### 5.2.3 Residential Uses Allowed by Special Permit

5.2.3.1 The following uses when specifically approved as special exceptions by the Board of Appeals, which shall have found that the proposed use will not have an adverse effect on present and future dwellings in the vicinity, or create traffic hazards or volume greater than the capacity of the streets affected;

e) A hospital, convalescent home, funeral home, or philanthropic institutions.

i) Conversion of a one (1) family dwelling existing at the time of the original adoption of the Protective Zoning Bylaws of the Town of Hudson into a two (2) family dwelling, provided that the exterior appearance is not changed from the character of a single family dwelling, excepting that the exterior of the building may be reconstructed to accommodate an exit from the second floor, when authorized by the Board of Appeals, subject to appropriate conditions where such are deemed necessary.

- 1) Under no condition shall the alteration, rebuilding or expansion of existing structure be allowed beyond the applicable setback requirements.
- 2) One of the dwelling units shall be occupied by the owner of the property excepting for bona fide temporary absences.

j) Multiple Dwelling or Office building as the adaptive reuse of former municipal buildings in existence at the time of the adoption of this section of the Protective Bylaws of the Town of Hudson.

#### 5.2.4 Uses Allowed by Special Permit in the Multiple Residence District SB\_1

a) Uses that are permitted by Sections 5.2.2 and 5.2.3 above subject to the same minimum lot area requirements and related requirements of such district.

b) Multiple dwellings, subject to the following conditions and requirements:

- 1) The lot of land shall have a total area based on a minimum land area requirement of six thousand (6000) square feet for each dwelling unit to be located on the lot. The maximum coverage of the lot by all buildings and structures shall be twenty (20%) percent of the total lot area and the minimum landscaped area shall not be less than twenty-five (25%) percent of the lot area.
- 2) No entrance to a building shall be further than one hundred (100) feet from an access street or an access drive, or further than two hundred and fifty (250) feet from an off street parking area.
- 3) The maximum height of building shall be 40 feet.
- 4) No portion of any enclosing wall of any building and no portion of any permissible structure shall be nearer to the street line of an existing public or private way than fifty (50) feet nor nearer the side lot line than thirty (30) feet nor nearer the rear lot line than thirty (30) feet.
- 5) No building in a group shall be closer to any other building on the lot or adjacent lot than a distance of fifty (50) feet.
- 6) There shall be provided a permanent off\_street parking area, indoors and/or outdoors sufficient in size to allow two and one-half (2.5) parking spaces for each dwelling unit to be accommodated.

#### 5.2.5 Additional Uses Allowed By Special Permit in the Mobile Home SB-2 District:

a) Mobile homes shall each be located on a lot with a minimum area of five thousand (5,000) square feet.

b) Each individual mobile home lot shall have a minimum frontage of 50 feet measured either at the front lot line or at the set back line.

c) No mobile home or part thereof shall be erected or altered to within 30 feet of the front lot line, except on a corner lot and in such case no mobile home or part thereof shall be erected or altered to within 15 feet of the front lot line nor within 10 feet from the interior lot line having the greatest dimension.

d) No mobile home or part thereof shall be erected or altered to within 10 feet of the rear lot line.

e) No mobile home or part thereof shall be erected or altered to within 10 feet of the side lot line.

f) No mobile home shall have a floor area of less than 350 square feet.

#### Commercial Districts

5.3.2.1 The following uses when specifically approved as special exceptions by the Board of Appeals, which shall have found that the proposed use will not have an adverse effect on the present and future dwellings in the vicinity, or create traffic hazards or volume greater than the capacity of the streets affected, or other appropriate safeguards and conditions which the Board of Appeals deems necessary:

a) Multiple dwellings in ALL Districts except C\_1, C\_11, and C\_12 subject to the same conditions of Section 5.2.4 above and provided that the permit granting authority finds that the non\_residentially zoned area would not be adversely affected by such residential use,

and that permitted uses in the district are not noxious to a multi\_family use.

#### Uses Allowed by Special Permit in the C\_1 District

5.3.4.1 The conversion of existing structures for multiple dwellings where the first floor is devoted to commercial use except for the access to the upper floors, provided that:

- a) The first floor is not used for food service or entertainment establishments.
- b) The structure was in existence at the time of the adoption of this subsection November 21, 1983.
- c) The exterior facade of structures listed in the Hudson Historic Survey is not altered, except to meet the State Building Code requirements.
- d) Each dwelling unit has a minimum of 500 square feet of net floor area.
- e) Public or private off\_street overnight parking is available within 400 feet of the structure.
- f) Balconies and decks, other than those required for access or by the State Building Code, are placed in the rear of the structure.
- g) Extra floors added to the structure are of a design in harmony with the character of the area and no higher than the height of the lowest abutting building.
- h) The first floor of the building is retained as commercial use.

#### 5.5 Industrial Districts

5.5.1.2 In the M\_5 District, single family dwelling and accessory uses customarily incidental to a permitted use on the same premises, and not detrimental to a residential neighborhood.

5.5.1.4 Any use permitted or allowed by special permit in a Residential or Commercial District subject to all the requirements and restrictions of that District except that multiple dwellings are prohibited.

\*\*\*

According to Table 1 - Intensity Schedule (Section 6.2.1.3), the minimum lot size for MF in SB 1 is 15,000 square feet in the multiple residence district, the general residence district, and the commercial districts. However, according to the special guidelines for the multiple residence district, the lot of land shall have a total area based on a minimum land area requirement of six thousand (6000) square feet for each dwelling unit to be located on the lot.

\*\*\*

MF allowed by special permit in General Residence Districts, Multiple Residence District SB\_1, and all commercial districts except C\_1 (special requirements), C\_11, and C\_12.

## Hull

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Hull has 7 districts where multifamily use is allowed by right -- Townhouse Residence District; Multi-Family Residence District A; Multi-Family Residence District B; Mixed Use Residential District; Commercial Recreation District A; Commercial Recreation District B; and Commercial Recreation District C.

Town of Hull Zoning Bylaws, Section 32, Section 34, and Section 35(2003)

34-1. Permitted uses for Business District and Mixed Use Residential District.

g. Mixed Multi-family Residential and Business, provided, however, that not less than 30 percent of the gross floor area be for business uses, such as office, bank, and restaurant, or any wholesale, retail or service business except places of amusement, not involving manufacture on the premises except of products the major portion of which are sold on the premises by the producer to the consumer, with the remainder to be for rental residential use. Said residential use to be restricted to units of not more than four rooms, excluding bath, with no more than two of said rooms to be bedrooms. Except for the residential means of egress, no residential unit shall be permitted on the front street side of the level of exit discharge. Height shall be limited to 40 feet and density to a maximum of 15 residential units per acre, in proportion to the actual area of the lot, or take any other action relative thereto.

32-1. Permitted uses for Multi-Family Residence Districts and Townhouse Residence District

32-1 A. Multi-Family Residence Districts A

- a. Multi-family residential uses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.
- b. Garden apartments and town houses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.

32-1B. Multi-Family Residence Districts B

- a. Multi-family residential uses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.
- b. Garden apartments and town houses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.

32-1 C. Townhouse Residence District

- a. Any use permitted in Paragraph 31-1 subject, however, to the provisions of paragraph 31-2C Single-family Residence District C, of this zoning bylaw, except that minimum lot size shall equal 43,560 square feet.
- b. Townhouse and garden apartment type multi-family dwellings, not to exceed eight (8) dwelling units per multi-family dwelling, and no such multi-family dwelling to exceed thirty-five (35) feet in height.

35-1. Permitted Uses for Commercial Recreation A, B, and C Districts.

- c. Multi-family residential use including garden apartments and townhouses.

\*\*\*

From definitions on ordinance.com:

DWELLING, MULTI-FAMILY : A building or structure designed for occupancy as a residence by two or more families, an apartment house.

\*\*\*

Town of Hull Zoning Bylaws, Section 50(2003)

Caveat to Mixed-Use Residential District --

(m) Areas such as wetlands, steep slopes over 45% grade, and land below the high water mark shall act be counted in figuring the number of permissible units for the purpose of calculating the minimum area in square feet per dwelling unit.

\*\*\*

Minimum Lot Size:

- Multi-Family Residence District A: 10,000 sq ft
- Multi-Family Residence District B: 10,000 sq ft
- Mixed-Use Residential: 5 acres
- Commercial Recreation District A: 10,000 sq ft
- Commercial Recreation District B: 10,000 sq ft
- Commercial Recreation District C: 10,000 sq ft

Area per Apartment Unit:

- Multi-Family A: 5,000 sq ft
- Multi-Family B: 2,000 sq ft
- Mixed-Use Residential: 7,800 sq ft
- Commerical Recreation A, B, C:
- One Story: 7000 sq ft
- 2 Story: 4800 sq ft
- 3 Story: 3600 sq ft
- 4 Story: 3000 sq ft
- 5 Story: 2400 sq ft

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Hildred Parent, Planning Board Secretary, (6/24/04) said that multifamily would need a special permit in SF districts, but the likelihood of one being passed by the Board of Appeals is not high.

\*\*\*

Feasible/ Flexible Plan Development needs a special permit to be allowed in Hull.

Town of Hull Zoning Bylaws, Section 43 (2003)

#### 43-2. Permitted Use

In a Flexible Plan Development, the following uses is permitted:

- a. Multi-family residential use, including garden apartments and town houses.

\*\*\*

Town of Hull Zoning Bylaws, Section 31 and 50 (2003)

#### 31-3. General Regulations

for Single-Family residence Districts A, B, and C.

a. Site plan review, subject to the provisions of Section 40, Site Plan Review of this zoning bylaw, shall apply to new buildings and/or structures which involve non-residential uses or multi-family uses for three (3) or more residential units, and expansions or changes in use of existing buildings which will result in five thousand (5,000) or more, square feet of gross floor area.

\*\*\*

Hull has 7 districts where multifamily use is allowed by right -- Townhouse Residence District; Multi-Family Residence District A; Multi-Family Residence District B; Mixed Use Residential District; Commercial Recreation District A; Commercial Recreation District B; and Commercial Recreation District C.

Town of Hull Zoning Bylaws, Section 32, Section 34, and Section 35(2003)

#### 34-1. Permitted uses for Business District and Mixed Use Residential District.

g. Mixed Multi-family Residential and Business, provided, however, that not less than 30 percent of the gross floor area be for business uses, such as office, bank, and restaurant, or any wholesale, retail or service business except places of amusement, not involving manufacture on the premises except of products the major portion of which are sold on the premises by the producer to the consumer, with the remainder to be for rental residential use. Said residential use to be restricted to units of not more than four rooms, excluding bath, with no more than two of said rooms to be bedrooms. Except for the residential means of egress, no residential unit shall be permitted on the front street side of the level of exit discharge. Height shall be limited to 40 feet and density to a maximum of 15 residential units per acre, in proportion to the actual area of the lot, or take any other action relative thereto.

#### 32-1. Permitted uses for Multi-Family Residence Districts and Townhouse Residence District

##### 32-1 A. Multi-Family Residence Districts A

- a. Multi-family residential uses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.
- b. Garden apartments and town houses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.

##### 32-1B. Multi-Family Residence Districts B

- a. Multi-family residential uses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.
- b. Garden apartments and town houses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.

##### 32-1 C. Townhouse Residence District

a. Any use permitted in Paragraph 31-1 subject, however, to the provisions of paragraph 31-2C Single-family Residence District C, of this zoning bylaw, except that minimum lot size shall equal 43,560 square feet.

b. Townhouse and garden apartment type multi-family dwellings, not to exceed eight (8) dwelling units per multi-family dwelling, and no such multi-family dwelling to exceed thirty-five (35) feet in height.

#### 35-1. Permitted Uses for Commercial Recreation A, B, and C Districts.

- c. Multi-family residential use including garden apartments and townhouses.

\*\*\*

From definitions on ordinance.com:

DWELLING, MULTI-FAMILY : A building or structure designed for occupancy as a residence by two or more families, an apartment

house.

\*\*\*

Town of Hull Zoning Bylaws, Section 50(2003)

Caveat to Mixed-Use Residential District --

(m) Areas such as wetlands, steep slopes over 45% grade, and land below the high water mark shall act be counted in figuring the number of permissible units for the purpose of calculating the minimum area in square feet per dwelling unit.

\*\*\*

Minimum Lot Size:

Multi-Family Residence District A: 10,000 sq ft  
Multi-Family Residence District B: 10,000 sq ft  
Mixed-Use Residential: 5 acres  
Commercial Recreation District A: 10,000 sq ft  
Commercial Recreation District B: 10,000 sq ft  
Commercial Recreation District C: 10,000 sq ft

Area per Apartment Unit:

Multi-Family A: 5,000 sq ft  
Multi-Family B: 2,000 sq ft  
Mixed-Use Residential: 7,800 sq ft  
Commerical Recreation A, B, C:  
One Story: 7000 sq ft  
2 Story: 4800 sq ft  
3 Story: 3600 sq ft  
4 Story: 3000 sq ft  
5 Story: 2400 sq ft

\*\*\*

SF - A: 6,500 sq ft  
SF - B: 12,000 sq ft  
SF - C: 20,000 sq ft

## Ipswich

### Is multi-family housing allowed by right in any part of the municipality?

**No** Town of Ipswich Protective Zoning Bylaw (Adopted 1977, Amended 2004)

According to table of use regulations, "multifamily dwelling" is allowed by special permit from the planning board in IR, B, HB districts.

\*\*\*

There is no multifamily housing allowed by right in the town of Ipswich. According to Town Planner Glenn Gibbs (11/1/04), by keeping multifamily housing within the special permit process, the town is able to provide incentives for inclusionary housing. When asked if there was available land for MF (by SP) Mr. Gibbs said, "Oh, sure." He explained that there is land in the outlying areas of town that could be developed but that mostly "available land" would come in the form of redevelopment or refill. He said that Ipswich has been very proactive in re-using town buildings. There was a grand opening last Friday for such a building and another is planned for next year.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** Town of Ipswich Protective Zoning Bylaw (Adopted 1977, Amended 2004)

DWELLING, MULTI-FAMILY : A building designed as, and/or containing three (3) or more dwelling units, or a building containing one or more permitted non-residential uses on the ground floor, or on the ground and other floors, and also containing: (a) one or more dwelling units above the ground floor; or (b) no more than one dwelling unit on the ground floor. (Amended 4/5/99 Special Town

Meeting; approved Attorney General 8/2 /99)

DWELLING, SINGLE-FAMILY ATTACHED : A building designed as, and/or containing two or more independent dwelling units separated by one or more common walls but with no common spaces within the building and no portion of any unit above or below any portion of mother unit. (Amended 10/17/92 Special Town Meeting; approved Attorney General 1/11/93)

\*\*\*

According to table of use regulations, "multifamily dwelling" is allowed by special permit from the planning board in IR, B, HB districts.

\*\*\*

Intown Residence (IR)/

MF 9,000 plus 5,000 per dwelling unit (see note 11 below)

General Business (GB)and Central Business (CB)/ MF 5,000 plus 2,500 per dwelling unit up to 6 units and 5,000 per d.u. for each unit over 6

Mixed use 3,000 plus 2,000 per d.u.

Highway Business (HB)

MF 25,000 plus 5,000 per dwelling unit.

11. The number of dwelling units obtained by this requirement may be increased by special permit of the Planning Board if the Planning Board determines that the multi-family dwelling shall provide significant public benefit to the Town. Public benefit may include, but not be limited to, providing low to moderate income housing, hospice, or public recreational facilities. Low and moderate income housing shall mean any housing subsidized, in whole or in part, by a Federal or State program administered by the Department of Housing and Urban Development (HUD), Executive Office of Communities and Development (EOCD), or the Massachusetts Housing Finance Agency. Under no circumstances shall the Planning Board waive the density and dimensional requirements to exceed 8,000 square feet plus 3,000 square feet per dwelling unit in overall density.

## Kingston

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Kingston Zoning Bylaw (Adopted 1955, Amended 2004)

DWELLING, MULTI-FAMILY; MULTIPLE FAMILY HOUSE; APARTMENT; OR APARTMENT HOUSE : A structure containing two (2) or more separate dwelling units.

\*\*\*

4.3. Residential-40 District (R40)

4.3.3. Uses Permitted by Special Permit Granted by the Planning Board.

4.3.3.1. Planned Residential Development, subject to the approval of a plan and in accordance with the provisions of Section 5.3., Planned Residential Development, which Development may include:

a. Detached one-family dwellings or two-family dwellings.

b. Quadruplexes.

c. Accessory uses and recreation facilities for the use of the residents of the Planned Residential Development only, to include golf course, tennis courts, jogging trails, swimming pools, and similar outdoor facilities; a community building not to exceed five (5) percent of the total gross floor area of the residential units; parking areas and garages; storage sheds; cabanas; detached fireplaces and similar facilities for use by residents of the Planned Residential Development, but not including home occupations, taking of boarders or lodgers, renting of rooms or professional offices.

4.4. Residential-20 District (R20)

4.4.3. Uses Permitted on A Special Permit Granted by the Planning Board

4.4.3.2. Multiple dwellings subject to the conditions of Section 5.4.

#### 4.6. Town Center District

4.6.1.1. The purpose of the Town Center District is to encourage a mix of commercial and residential uses on individual lots and throughout the district that will complement the Town's rich historical heritage and provide daily service for the convenience of the residents of the Town; to create a pedestrian-oriented environment by creating pedestrian links between existing and proposed areas of activity to better serve residents; to preserve and protect the distinctive characteristics of existing buildings and their architecture, and of places significant in the history of Kingston, and to encourage the maintenance and improvement of settings for such buildings and places; and to encourage architectural designs for the remodeling of such buildings and the construction of new structures that are compatible with the architectural character of the Town and traditional New England styles and building materials.

\*\*Webmasters Note: The previous subsection has been amended as per an ordinance passed at a town meeting held on 5/5/01.

#### 4.6.3. Uses Allowed by Special Permit Granted by The Planning Board

##### 4.6.3.1. Structures for not more than six (6) dwelling units, provided that:

- a. The maximum coverage of the lot by buildings and structures shall be twenty (20) percent of the total lot area and the minimum landscaped area shall not be less than twenty-five (25) percent of the lot area.
- b. No portion of any enclosing wall of any building and no portion of any permissible structure shall be nearer to the street line of an existing public or private way than fifty (50) feet nor nearer the side lot line than thirty (30) feet nor nearer the rear lot line than thirty (30) feet and shall not be nearer than twenty (20) feet to any interior drive.
- c. No building in a group shall be closer to any other building on the lot or adjacent lot than a distance of fifty (50) feet.
- d. There shall be provided a permanent off-street parking area, indoors and/or outdoors sufficient in size to allow two (2) parking spaces for each dwelling unit to be accommodated.
- e. Elevations and floor plans shall be submitted in addition to all other requirements for a site plan as provided in Section 7.3 Site Plan.

#### 4.7.3A Design District (3ADD)

#### 4.7.3. Uses Allowed by Special Permit Granted by the Planning Board Subject to the Conditions of Section 4.7.4.

##### 4.7.3.1. Uses allowed in Section 4.3.2.8., 4.6.2.4. and 4.6.2.5.

\*\*\*

#### 5.4. Multiple Dwellings

##### 5.4.1. Intent and Purpose

5.4.1.1. It is the intent and purpose of this Bylaw to provide for the construction of multiple residences and/or multiple dwelling complexes in those zones to which this section applies after the approval of a preliminary site plan, the issuance of a special permit, and the subsequent approval of a definitive plan by the Planning Board. A special permit hereunder is only an authorization for specific use and does not exempt that particular parcel of land from conformance with the Zoning Bylaws, unless specified hereunder or in said permit, or from conformance with the Planning Board Subdivision Regulations. It is intended that any complex proposed hereunder will have buildings or groups of buildings placed on individual lots, which in turn have continuous frontage on a public or private way. Subsequent approval by the Planning Board and other appropriate Town Boards or Departments will be required as set forth in the Planning Board Subdivision Regulations including approval of street, utility and sanitary disposal systems, whether or not the subject proposal is a subdivision as defined by the Subdivision Control Law.

##### 5.4.2. Procedure

5.4.2.1. Before approval of the special permit, a preliminary site plan shall be submitted and approved in accordance with the provisions of Section 7.3., Site Plan, of this Bylaw.

5.4.2.2. If the application and site plan are approved, the applicant shall submit a "Definitive Site Plan" to the Planning Board in accordance with the Planning Board Subdivision Regulations.

5.4.2.3. In addition to the criteria listed in Section 7.3.4., Guidelines, the Planning Board shall consider the extent to which the proposed development conforms with sound land use principles and design. Violation of these principles may be grounds for disapproval of the plan, even though all other requirements are met.

##### 5.4.3. General Requirements

5.4.3.1. The minimum area for any multiple dwelling development shall be five (5) acres.

5.4.3.2. The minimum lot and yard dimensions, maximum building dimensions, and maximum lot coverage shall be in accordance with the following Multiple Dwelling Intensity Schedule.

5.4.3.3. If there is more than one building on a single lot as defined in Section 2.1.1.32, there shall be a minimum of fifty (50) feet between such buildings. No building shall be located closer than one hundred (100) feet of an existing paved Town way.

5.4.3.4. Off-street parking shall be provided in accordance with Section 6.4.1., Required Parking. Parking areas shall not be located closer than twenty-five (25) feet of the side and rear lot lines and one hundred (100) feet of an existing paved Town way. No on-street parking will be permitted.

\*\*\*

4.14.3. Uses Permitted by Special Permit Granted by the Planning Board.

4.14.3.1. Planned Residential Development, subject to the approval of a plan and in accordance with the provisions of Section 5.3., Planned Residential Development, which Development may include:

- a. Detached one-family dwellings or two-family dwellings.
- b. Quadruplexes.

## Lakeville

### Is multi-family housing allowed by right in any part of the municipality?

**No** There is no multi-family housing in Lakeville. This was confirmed by Tracy in the Lakeville Selectman's Office (1/05/05) and Lakeville Building Commissioner Bob Darling (1/06/05)

There are provisions for "home for the elderly" by right in the Business District and by Special Permit in the Residential district, but this doesn't meet the multifamily housing definition used for this study. "Age-Qualified Housing" is permitted in the Mixed Use Development overlay District, but it is not multifamily.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**No** There is no multi-family housing in Lakeville. This was confirmed by Tracy in the Lakeville Selectman's Office (1/05/05) and Lakeville Building Commissioner Bob Darling (1/06/05)

There are provisions for "home for the elderly" by right in the Business District and by Special Permit in the Residential district, but this doesn't meet the multifamily housing definition used for this study. "Age-Qualified Housing" is permitted in the Mixed Use Development overlay District, but it is not multifamily.

## Lancaster

### Is multi-family housing allowed by right in any part of the municipality?

**No**

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** Town of Lancaster Zoning Bylaw (Adopted 1950, Amended 2004)

Definitions

DWELLING. MULTIFAMILY - A dwelling containing three or more dwelling units, whether for rental, condominium ownership, or other form of tenure. [Added 10/24/00]

ARTICLE 3: USE REGULATIONS

[Amended 10/24/00]

3.10 APPLICABILITY

3.33 Multifamily dwelling. Multifamily dwellings may be authorized on special permit as provided in Section 3.21 provided that the following requirements are met.

- (a) Location: within that portion of the residence Zone bounded by Main Street, George Hill Road, Goss Lane, Sterling Road, Mill Street to the railroad tracks, northerly by the railroad tracks, Kilbourn Road to Main Street;
- (b) Sewerage: must be connected to public town sewerage;
- (c) Minimum lot frontage: 225 feet;
- (d) Minimum lot area: 87,120 square feet, plus 12,000 square feet per dwelling unit in excess of four.
- (e) Yards: Not less than 20 feet shall be maintained as open area with grass; bushes, flowers, or trees along each side lot, rear lot, and front lot line, except for entrance and exit driveways, and such open space shall not be built upon, nor paved nor used for parking.
- (f) Location and treatment of parking areas: All off-street parking shall be paved, and located at the rear or side of the building for which it is to be used.
- (g) Advisory Review: The Board of Appeals shall provide that application materials are forwarded for the Planning Board to review and report on applications for multi-family dwellings. The Planning Board shall consider, among other matters:
  - (1) Compliance with this Bylaw and its purposes;
  - (2) The need for dwelling units of the type and cost proposed;
  - (3) The safety and adequacy of circulation for cars, deliveries, bicycles and pedestrians both within and external to the site and the adequacy of parking and loading arrangements;
  - (4) The avoidance of unnecessary damage to the natural resources and amenities of the-Site and the provision of appropriate landscaping;
  - (5) Drainage and erosion within and issuing from the site;
  - (6) The relationship of the scale, mass and siting of the buildings to other buildings nearby;
  - (7) The Town's ability to provide fire and police protection to the buildings as designed;
  - (8) The provisions for continued maintenance of buildings and Bounds.

\*\*\*

The following may or may not apply to MF (not specified.)

14.30 Major Residential Development

(a) Applicability. Major Residential Development, that is, the creation of more than six lots (unless restricted from residential use) or construction of more than six dwelling units within a two-year period from or on a property or a set of contiguous properties in common ownership as of January 1, 1986, is allowed only on Special Permit, as indicated in Section 3.21 Residential. Such special permits shall be acted upon in accordance with the following.

(b) Procedures. Application for a special permit for Major Residential Development shall include a basic development plan and a substantially different alternative development plan, each either conforming to the requirements for a preliminary subdivision plan or not requiring approval under the Subdivision Control Law. "Substantial difference" would be a conventional plan versus a Flexible Development (see Section 4.60), or two plans of the same type having major differences in the number of lots created, road pattern, or open space configuration.

Applicants for Major Residential Development shall file with the Planning Board four copies of the following, to have been prepared by an interdisciplinary team including a Registered Land Surveyor, a Professional Engineer, and a registered Architect or Landscape Architect.

- (1) The basic and alternative development plans described above, conforming to the information requirements for a preliminary subdivision plan under the Subdivision Regulations of the Planning Board. Such plans shall also indicate proposed topography and the results of deep soil test pits and percolation tests at the rate of one per every five acres, but in no case fewer than five per Major Residential Development. Test pits shall be located to the satisfaction of the Planning Board so as to indicate the buildability of areas proposed either for development or for bonused reservation.
- (2) An Environmental Analysis as required by the Lancaster Subdivision Regulations.
- (3) Any additional information necessary to make the determinations and assessments cited in Paragraph (c) below.
- (c) Decision. The Planning Board shall approve or approve with conditions a Special Permit for Major Residential Development for the basic development plan, provided that the Board determines that the basic plan is at least as beneficial to the Town as the alternative, based upon the considerations established under Section 10.25 Approval of Special Permits and Article IV of the Lancaster Subdivision Regulations, and that the alternative plan is in fact a good-faith design for beneficial use of the site.

If the Board determines that the alternative plan is more beneficial to the Town than the Basic Plan, it shall approve Major Residential Development for that plan, provided that it meets all requirements of the Zoning Bylaw.

The Board shall disapprove both plans only if it determines that the alternative plan is not a good-faith design or that the more beneficial plan does not conform to the requirements of the Zoning Bylaw.

\*\*\*

According to the table of uses:

Living facilities for seniors - by special permit from board of appeals in R.

Multifamily dwelling other than a living facility for seniors - by special permit from the board of appeals in R.

Major residential development - by special permit from planning board in R, NB.

## Lawrence

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to the table of uses:

Rehabilitation of multi-family structure is allowed in every district with a special permit and site plan approval by the planning board.

Multi-family residence is allowed by special permit by the board of appeals and site plan review by the planning board in R-3, R-4, B-1, B-2, B-3, I-2, I-3. It is by right with site plan review by the planning board in HA.

\*\*\*

MULTI-FAMILY DWELLING . A building designed or occupied exclusively as a residence other than as a one-family dwelling or two-family dwelling.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to the table of uses:

Rehabilitation of multi-family structure is allowed in every district with a special permit and site plan approval by the planning board.

Multi-family residence is allowed by special permit by the board of appeals and site plan review by the planning board in R-3, R-4, B-1, B-2, B-3, I-2, I-3. It is by right with site plan review by the planning board in HA.

\*\*\*

MULTI-FAMILY DWELLING . A building designed or occupied exclusively as a residence other than as a one-family dwelling or two-family dwelling.

\*\*\*

City of Lawrence Zoning Ordinance, Section 29-10(Adopted 1943, Last Amended 2002).

"R-3 and R-4 Districts - To permit single family, two-family, and multi-family housing at a high density and a greater height; to ensure a safe and healthy living environment; and to ensure that other uses permitted within the districts are compatible with the permitted residential uses."

\*\*\*

In the Residence 3/4 Districts the minimum lot size is 10,000 sq. ft., and there is a 5,000 sq. ft. lot area requirement per dwelling unit.

\*\*\*

CONVERSION OF EXISTING DWELLINGS . The alteration of an existing dwelling to a larger number of dwelling units.

"Conversion of existing dwelling" is allowed by "special permit and site plan approval by Planning Board" in R-1, R-1A, R-2, R-2A, R-3, R-4.

\*\*\*

Sec. 29-23. General or specific provisions.

(b) Conversion of existing dwelling.

(1) The dwelling to be converted and the entire lot upon which it is located existed before 1950, and said lot has not been subdivided since 1950.

(2) The dwelling is not suitable for single or two family residential use due to its size.

- (3) The density is no greater than two times the density permitted if the land on which the dwelling is located was subdivided.
- (4) The conversion of the dwelling is in character with the neighborhood and will not unduly change the exterior of the dwelling.
- (5) Each dwelling unit meets the parking requirements for a single family dwelling.
- (6) The changes to the exterior design are compatible with dwellings in the neighborhood and with similar dwellings.
- (7) Emergency access is interior and not by way of windows or exterior stairways, except that exterior stairways are permitted as required by the building code.
- (8) The conversion of the dwelling results in the preservation of open spaces and yards.
- (9) The use is subject to a condition that the property may not be further subdivided, and such condition is incorporated into the decision to be recorded at the registry of deeds or registered at the land court.

## Leicester

### Is multi-family housing allowed by right in any part of the municipality?

**No** According to table of uses:

Multifamily - by special permit in B.

Senior village development (special permit issued by planning board) by special permit in SA, RA, RB, B, BI-A.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to table of uses:

Multifamily - by special permit in B.

Senior village development (special permit issued by planning board) by special permit in SA, RA, RB, B, BI-A.

\*\*\*

#### 3.32 (RIB) ZONE

Dimensional requirements per Section 4.2 Table 1.

#### RESIDENTIAL INDUSTRIAL BUSINESS ZONE (RIB)

##### A. Intent:

It is the intent of this section to provide for residential uses in somewhat higher density than in other residential zones and to provide and increase the value of residential property situated in the vicinity of operating businesses, to protect the community from the detrimental effects of development not suited to location near residences, to protect persons and property against the hazards of pollution; to conserve natural conditions and open spaces; to separate and otherwise divide potentially conflicting property uses and to provide a harmonious relationship between residential and commercial development.

##### B. Permitted Residential Uses Within This Zone Are:

1. Detached one family dwelling subject to dimensional requirements set forth in Section 4.2 Table 1.
2. Two family dwelling - by Special Permit. Subject to dimensional requirements set forth in Section 4.2 Table 1.
3. Multi-family (more than 2 family dwelling) - by Special Permit.

Dimensions for residential use are set forth in Section 4.2 Table 1.

#### 2.4 RECREATIONAL DEVELOPMENT

##### (A) INTENT

The intent of this Section is to provide recreational opportunities for the residents of Leicester, to allow more effective and efficient use of large tracts of land in the rural areas of Leicester, and to minimize Town service responsibilities.

##### (B) DEFINITIONS

RECREATIONAL AREA is a parcel(s) of land or an area(s) of water, or a combination of land and water within the site designated for a Recreational Development, maintained and preserved for active or passive recreational uses (such as a park, tennis courts, ball fields, swimming pools, golf courses, etc.), or for buffer areas, and designed and intended for the use or enjoyment of occupants of the Recreational Development and, in certain circumstances, the general public. Recreational Areas may contain such structures and improvements as are appropriate under the provisions of this Section.

RECREATIONAL DEVELOPMENT (RD) is an area of land, designed and developed as a unit, with Recreational Areas as integral characteristics and which departs from the zoning regulations conventionally required in the Residential A, Residential B or Suburban-Agricultural Districts concerning use of land or buildings, lot size, bulk or type of structures, or other requirements. Unless specifically prescribed, any combination of residential and compatible uses may be allowed.

(C) OBJECTIVES

- (1) To preserve natural topography and provide useable space for recreational facilities.
- (2) To insure appropriate, high quality design and site planning and a high level of environmental amenity.
- (3) To eliminate Town service responsibilities for streets and utilities.
- (4) To allow flexibility and creativity in the design of developments through a carefully controlled Special Permit process of negotiation of particular plans.

(D) USES

Under the Special Permit described in this Section, only the following uses may be allowed:

- (1) Recreational Areas
- (2) All Allowed Uses, Special Permit Uses, and Special Permit Uses Subject to Environmental Design Criteria under the B District (section 3.2.02. 2, 2A, 4, 5, and 6.)
- (3) All allowed Uses, Special Permit Uses, and Special Permit Uses Subject to Environmental Design Conditions under the B District (section 3.2.03. 2, 3, 6.)
- (4) Non-residential uses (hereinafter referred to as "NR Uses", which would consist of a pro shop, clubhouse or other recreational-type facilities or establishments in keeping with the nature and intent of this Section and the residential character of the RD.

(E) LOCATION AND DENSITY

An RD may be established only in the SA, RA, or RB Districts by Special Permit issued by the Planning Board (which for purposes of this Section is designated as the Special Permit Granting Authority), provided that all proposed RD's shall comply with the standards of environmental design review. The density shall be 85% of that allowed for in the RA District, EXCEPT as provided below. The minimum area of a tract eligible for an RD is two hundred (200) acres in a single or consolidated ownership or control at the time of application, and the tract must have five hundred (500) feet of direct frontage on a major street, as designated by the Zoning By-Law. Other dimensional requirements for a single-family dwelling or an NR Use within an RD are as follows:

Minimum Lot Size - 20,000 Square Feet  
Minimum Lot Front/feet - 100'  
Minimum Front Yard Setback - 25'  
Minimum Side Yard - 15'  
Minimum Rear Yard - 25'

Other dimensional requirements for multi-family structures shall be governed by the provisions of Section 4.2, RIB, except that no more than 45% of the units within an RD may be multi-family, and all such units must be of a townhouse type with separate entrances and with a maximum of eight (8) attached units per building. In calculating intensity of use and allocation of Recreational Areas, the following standards shall be used:

**\*\*Webmasters Note:** The previous paragraph has been amended as per an update approved at a town meeting held on 11/13/02.

- (1) NR uses shall be subtracted from the total land area before calculating residential densities.
- (2) 50% of land and water areas contained in Flood Hazard Areas shall be subtracted from the total land area before calculating densities.
- (3) Areas which are considered by the Planning Board as marginal or unsuitable for building, such as flood plains, inaccessible wetlands and water areas, aquifer buffer zones and restrictive easement areas, steep slopes (25% or greater), highly erodible or poorly drained areas, areas of very shallow bedrock or of very high water table shall, as a general rule, be included in the Recreational Areas.
- (4) Roads shall be subtracted from total area in determining net densities. For preliminary and general planning purposes, roads may be estimated as fifteen percent(15%) of total area. For definitive plans, all lot sizes and densities as specified herein shall be net figures with rights of way for streets figured exactly.
- (5) The total number of dwelling units in an RD shall be no greater than 85% of the total number of units that would otherwise be allowed by the Zoning By-Law in the B District. The Planning Board, however, may authorize additional units upon a finding that the proposed development includes proportional on-site and/or off-site improvements, including but not limited to Recreational Areas, roadways, sidewalks, and other such amenities, and based upon the ownership and maintenance of such facilities.
- (6) In making the determination as to the number of allowable units, the Planning Board may require that the applicant provide satisfactory evidence that the number of units shown on the RD plan is no greater than the number that could otherwise be developed, including soil and other such tests.
- (7) The Planning Board shall not grant a Special Permit for an RD unless it is adequately demonstrated that the RD is superior in design and land use to a conventional development, and that the proposed RD is consistent with the objectives of this Section. The Planning Board shall have the power to waive or exceed design standards and conditions in any circumstance deemed appropriate. ...

5.7 Senior Village Developments

5.7.01 Intent and Applicability

The purpose of this section is to encourage development of master-planned residential communities for persons fifty-five (55) years of age and older, by allowing a greater variety of uses and building types at a higher density than would normally be allowed to promote affordable housing and the preservation of open space within the development. It is intended that this section provide a mechanism for development of a range of housing types and facilities that are responsive to the socio-cultural, health care, and recreational needs of

senior residents; to achieve land development that is responsive to an analysis of the environmental assets and constraints of a site; and to encourage well-integrated development in terms of land use and major design elements such as buildings, roads, utilities, drainage systems and open space.

...

DWELLING UNIT : a) a single dwelling unit for single family homes, duplex housing, townhouse style housing or other multi-family housing, b) a room or group of rooms considered a single dwelling unit for Assisted Living, Independent Living or Congregate Living Residence Facility such as an efficiency apartment, or c) a single room in a Long Term Care Facility.

...

SENIOR VILLAGE MULTI-FAMILY RESIDENTIAL UNITS : (a Senior Village Development Residential Use): Multifamily senior residential units, which may include townhouses, duplexes, triplexes, garden-style apartments, or other multi-family buildings.

...

SENIOR VILLAGE TOWN HOUSE (a Senior Village Development Residential Use): A residential building of two or more stories in height containing a single dwelling that is one of a group of three or more such buildings that are attached or semi-attached to one another, sharing at least one common or party or fire wall, and with each building having at least one floor at ground level with a separate entrance.

\*\*\*

In a phone interview with Town Planner Michelle Buck, she clarified that the Recreational development district was created essentially as an overlay for a particular 300 acre golf course in the center of town. She said that the by-law (district) was created to protect the land and that the idea was to have 300 SF homes built nearby. It turned out that the by-law "had no teeth" and the end result was that the town bought the land itself to protect it and that no housing of any kind was ever built.

\*\*\*

According to the Table of Uses 3.2.02, MF is only allowed in the Business District (and only by SP). The area listed in Section 4.2, Schedule of Dimensional Requirements, Table 1 for the business district is: 15,000 sf.

The other place that MF housing is mentioned in the by-laws is in the RIB district (on the dimensional requirements table it says that MF in the RIB district requires 30,000 sq. ft. for up to 3 apts. and then 10,000 sq. ft. for each add'l apt. up to and including 5 and then 2,500 sq. ft. for each add'l apt. after the 5th apt.).

## Leominster

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** City of Leominster Zoning Ordinance (Adopted 2001, Amended 2003)

#### Section 22-4 Definitions

Apartment/multi-family dwelling. Any structure regardless of tenure designed or intended or used as the home or residence of three or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Condominium. A multi-unit structure where each separate unit is under separate ownership.

Multifamily dwelling. (see definition for apartment/multi-family dwelling)

Townhouse. A building containing three or more dwelling units in a row in which each dwelling unit has its own front and rear access to the ground, no dwelling unit is located over another dwelling unit, and each dwelling unit is separated from another dwelling unit by one or more party walls.

\*\*\*

#### Section 22-19 Residence B Districts

19.2.2 When converting a single family residence building to accommodate two or more dwelling units:

19.1 All permitted uses must comply with the appropriate provisions of Section 22-16 and Article III.

##### 19.2.2.1

The exterior single-family character of the building shall not be altered other than by a second exit.

##### 19.2.2.2

There shall be at least six hundred square feet of floor area for each dwelling unit and each dwelling unit shall have separate toilet and cooking facilities.

19.2.5

Apartments permitted by right with Site Plan Approval shall meet all the following conditions:

19.2.5.1

The lot shall have an area not less than twenty thousand square feet and frontage of not less than one hundred and twenty feet.

19.2.5.2

The density shall not exceed five (5) units per gross acre.

19.2.5.3

The total number of units in multifamily structures whether on one or a number of abutting lots shall not exceed sixty.

[...]

19.2.6

Specific requirements for Apartments. Before the City Council approves an application for a Special Permit, and before the Planning Board reports that all requirements have been met, each body shall find all of the following requirements to be fulfilled:

The density shall not exceed eight (8) units per gross acre.

The lot area shall not be less than ten thousand square feet and the lot frontage shall not be less than one hundred feet.

Section 22-20 Residence C Districts

20.2.1

Dwellings for more than one family, provided that:

20.2.1.1

Site Plan Approval is given by the Planning Board.

20.2.1.2

The lot size shall be at least eight thousand square feet plus an additional five thousand (5,000) square feet for each dwelling unit. Density shall not exceed eight (8) units per acre.

Section 22-22 Business B Districts

22.3

The following uses are permitted by a Special Permit of the City Council:

22.3.1

Apartments are subject to the same procedural and general requirements as set forth in Section 22-19.

\*\*\*

According to the table of uses:

Apartments - by right with site plan review OR by special permit from city council with site plan review in RB; by right with site plan review in RC; by right with site plan review OR by special permit from city council in B3.

Conversion of single family residences to five or more dwellings - by right in RB, RC; by right with site plan review in BB.

Conversion of single family residences to three or four dwelling residences by right in RB, RC; by special permit from board of appeals in BB.

Townhouses by right with site plan review in RB, RC, BB.

\*\*\*

Residence B (RB)/

10,000 sq.ft

Residence C (RC)/

8,000 sq.ft

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** City of Leominster Zoning Ordinance (Adopted 2001, Amended 2003)

Section 22-4 Definitions

Apartment/multi-family dwelling. Any structure regardless of tenure designed or intended or used as the home or residence of three or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Condominium. A multi-unit structure where each separate unit is under separate ownership.

Multifamily dwelling. (see definition for apartment/multi-family dwelling)

Townhouse. A building containing three or more dwelling units in a row in which each dwelling unit has its own front and rear access to the ground, no dwelling unit is located over another dwelling unit, and each dwelling unit is separated from another dwelling unit by one or more party walls.

\*\*\*

Section 22-19 Residence B Districts

19.2.2 When converting a single family residence building to accommodate two or more dwelling units:

19.1 All permitted uses must comply with the appropriate provisions of Section 22-16 and Article III.

19.2.2.1

The exterior single-family character of the building shall not be altered other than by a second exit.

19.2.2.2

There shall be at least six hundred square feet of floor area for each dwelling unit and each dwelling unit shall have separate toilet and cooking facilities.

19.2.5

Apartments permitted by right with Site Plan Approval shall meet all the following conditions:

19.2.5.1

The lot shall have an area not less than twenty thousand square feet and frontage of not less than one hundred and twenty feet.

19.2.5.2

The density shall not exceed five (5) units per gross acre.

19.2.5.3

The total number of units in multifamily structures whether on one or a number of abutting lots shall not exceed sixty.

[...]

19.2.6

Specific requirements for Apartments. Before the City Council approves an application for a Special Permit, and before the Planning Board reports that all requirements have been met, each body shall find all of the following requirements to be fulfilled:

The density shall not exceed eight (8) units per gross acre.

The lot area shall not be less than ten thousand square feet and the lot frontage shall not be less than one hundred feet.

Section 22-20 Residence C Districts

20.2.1

Dwellings for more than one family, provided that:

20.2.1.1

Site Plan Approval is given by the Planning Board.

20.2.1.2

The lot size shall be at least eight thousand square feet plus an additional five thousand (5,000) square feet for each dwelling unit. Density shall not exceed eight (8) units per acre.

Section 22-22 Business B Districts

22.3

The following uses are permitted by a Special Permit of the City Council:

22.3.1

Apartments are subject to the same procedural and general requirements as set forth in Section 22-19.

\*\*\*

According to the table of uses:

Apartments - by right with site plan review OR by special permit from city council with site plan review in RB; by right with site plan review in RC; by right with site plan review OR by special permit from city council in B3.

Conversion of single family residences to five or more dwellings - by right in RB, RC; by right with site plan review in BB.

Conversion of single family residences to three or four dwelling residences by right in RB, RC; by special permit from board of appeals in BB.

Townhouses by right with site plan review in RB, RC, BB.

\*\*\*

Residence B (RB)/  
10,000 sq.ft  
Residence C (RC)/  
8,000 sq.ft

## Lexington

### Is multi-family housing allowed by right in any part of the municipality?

**No** "Few communities are as near-universal as Lexington in requiring special permits, which it does for all residential development of more than two dwelling units, and nearly all non-residential development of more than 10,000 square feet floor area." -- Master Plan (p. 18 -- Land Use Chapter)

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** Definitions for multifamily from the Lexington bylaw on ordinance.com:

**TOWN HOUSE** : A building containing three or more dwelling units in a row in which each dwelling unit has its own front and rear access to the ground, no dwelling unit is located over another dwelling unit, and each dwelling unit is separated from any other dwelling unit by one or more party walls.

**THREE-FAMILY DWELLING** : A building containing three dwelling units, each of which has direct access to the outside or to a common hall that leads to the outside.

**FOUR-FAMILY DWELLING** : A building containing four dwelling units, each of which has direct access to the outside or to a common hall that leads to the outside.

**MULTI-FAMILY** : A building containing five or more dwelling units.

\*\*\*

Answer Confirmation based on 6/24 email from Ms. McCall-Taylor:

125,000 square feet for a lot to be zoned RD, the only zone that allows multi-family. The standards are then set for that particular project so no minimum lot area per dwelling unit.

In the cluster and special residential subdivision, town houses and attached houses are allowed. The minimum lot for such a development is 50,000 square feet. There is no minimum lot area per dwelling but there are open space requirements per dwelling unit.

\*\*\*

All residential development with 3 or more units in Lexington requires a special permit and site plan review (SPS). Lexington wants to redirect its multifamily housing from RM Multifamily Dwelling district to RD Planned Residential Development district.

a. Development of new multi-family dwellings is not permitted in the RM district; these standards apply to RM districts in existence in January, 1985. Minimum Lot areas in RM districts shall be 3,000 sq. ft. per dwelling unit containing one room used for sleeping; 3,500

sq. ft. per unit with two such rooms; and 4,000 sq. ft. per unit with three or more such rooms. For RD districts see Section 8.3 and Section 9.

Three family, four family, and multi-family is only allowed in RD district. RO, RS, and RT will allow residential developments with 3 or more units, but in the form of subdivisions. 9.1.3 In an RO, RS or RT district, a residential development of three or more dwelling units may be:

- a. a conventional (conv) subdivision,
- b. cluster (clus) subdivision, with the tract divided into separate lots for dwellings and common open space, or
- c. a special (spec) residential development in which the tract may be in one ownership or may be divided into separate lots for dwellings and common open space,
- d. a development with significant public benefit (DSPB).

\*\*\*

Section 4.2 Table 1 Permitted Uses and Development Standards -

"Residential developments with three or more dwelling units. All residential developments with three or more dwelling units require a special permit with site plan review." - allowed by special permit with site plan review in RO, RS, RT, RD.

"Townhouse" allowed by special permit in RO, RS, RT, RD.

"Three-family, four-family, multi-family" allowed by special permit in RD.

## Lincoln

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to the Town of Lincoln Zoning Bylaws, Section 7, General Residence District, only : "(c) limited type of multi-family development known as "garden apartments," "row houses," or "town houses," provided that no building permit for a multi-family development shall be issued unless a site plan has been submitted and approved in accordance with the provisions of Section 17 below."

Although site plan is required, it appears that multifamily is allowed by right in the General Residence District.

#### SECTION 7 R-2 GENERAL RESIDENCE DISTRICT.

The R-2 General Residence District is intended as a district of single and two-family dwellings and limited type of multi-family development.

#### 7.2 Uses Permitted:

(a) any use permitted in an R-1 Single Residence District subject to the same restrictions as are prescribed therein;

(b) two-family dwelling, provided that there shall be only one residential building per lot;

(c) limited type of multi-family development known as "garden apartments," "row houses," or "town houses," provided that no building permit for a multi-family development shall be issued unless a site plan has been submitted and approved in accordance with the provisions of Section 17 below.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** SECTION 7 R-2 GENERAL RESIDENCE DISTRICT.  
The R-2 General Residence District is intended as a district of single and two-family dwellings and limited type of multi-family development.

#### 7.2 Uses Permitted:

(a) any use permitted in an R-1 Single Residence District subject to the same restrictions as are prescribed therein;

(b) two-family dwelling, provided that there shall be only one residential building per lot;

(c) limited type of multi-family development known as "garden apartments," "row houses," or "town houses," provided that no building permit for a multi-family development shall be issued unless a site plan has been submitted and approved in accordance with the

provisions of Section 17 below.

\*\*\*

Notes on density:

The minimum lot area for lots put to multiresidence use is 10,000 sq. ft. per dwelling unit of lots used for two or three dwelling units, and a minimum lot area of 8000 sq. ft. per dwelling unit of lots used for four or more dwelling units.

## Littleton

### Is multi-family housing allowed by right in any part of the municipality?

**No** According to the Code of the Town of Littleton, Part II, Chapter 173, Article V, Section 173-26 (as amended 2003), multifamily housing is not allowed by right or special permit in Littleton.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**No** According to the Code of the Town of Littleton, Part II, Chapter 173, Article V, Section 173-26 (as amended 2003), multifamily housing is not allowed by right or special permit in Littleton.

## Lowell

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to the Lowell Zoning Ordinance, Section 4.2 Table of Use Regulations (adopted 2003), multifamily housing is allowed by right in the following districts:

Residence UM2 District –UM2- Urban Multifamily Dwellings  
Residence SM2 District –SM2- Suburban Multifamily Dwellings  
Residence M3 District –M3-Multifamily Dwellings  
Residence M-4 District–M4–Acre Urban Residential  
Business B4 District- B4- Mixed Retail/Residential or Office/Residential  
Planned Development – Mixed Use (PD-MU) – see Section 10.2

\*\*\*

DWELLING, MULTIFAMILY : A building containing three (3) or more dwelling units, and wherein units may be located on more than one (1) floor.

TOWNHOUSE DEVELOPMENT : Development of individual dwelling units in a row of at least three such units in which each unit has its own access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

\*\*\*

According to the table of uses:

Three family attached or semi-detached is allowed by special permit from board of appeals in SMF, SMU, NB, UMF, DMU and INST and by right in TMF, TMU, UMU.

Multifamily dwelling (4 to 6 units) is allowed by special permit from the planning board in TMF, NB, DMU and by right in SMF, SMU, TMU, UMF, UMU.

Multifamily dwelling (7 or more units) is allowed by special permit from the planning board in NB, UMF, DMU, HRC, INST and by right in SMF, SMU, TMU, UMU.

Townhouse development (3 to 6 units) is allowed by special permit from the planning board in SMU, TMF, TMU, UMU, INST, and by right in SMF, UMF.

Townhouse development (7 or more units) is allowed by special permit from the planning board in SMU, TMU, UMU, INST, and by right in SMF, UMF.

"Other dwellings converted for more than two families; where all dimensional and other requirements are met, including all applicable provisions of Section 8.1" is allowed by special permit from the board of appeals in SMF, SMU, TMF, TMU, NB, UMF, UMU, DMU, INST.

"Buildings located in historic mill complexes or religious or educational buildings converted for more than two families; where all dimensional and other requirements are met, including all applicable provisions of Section 8.1" are allowed by special permit from the planning board in all districts EXCEPT for HRC, OP, LI, GI.

\*\*\*

11.4.2 Applicability. The following types of activities and uses on a single lot or on contiguous lots in common ownership require site plan review:

1. Construction, exterior alteration or expansion of a nonresidential structure of involving more than 10,000 square feet of gross floor area.
2. Construction, exterior alteration, conversion, or expansion of any multifamily residential structure with more than three dwelling units;
3. Construction or expansion of any parking lot with more than fourteen spaces or 4,000 square feet of impervious surface.
4. Any commercial construction involving the installation or construction of self-service gasoline pumps or drive-through or drive-up customer service on the premises.

\*\*\*

Notes on density:

Lowell Zoning Ordinance, Article V, Section 5.1 Table of Dimensional Regulations (adopted 2003).

UM2 (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

SM2 (min. lot size: 6000 sq. ft.; min. size per dwelling unit 2000 sq. ft.)

M-3 (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1000 sq. ft.)

M-4 (min. lot size 3400 sq. ft.; min. size per dwelling unit 850 sq. ft.)

B-4 (min. lot size 3400 sq. ft.; min. size per dwelling unit 850 sq. ft.)

PD-MU (min. tract of land 5 acres)

A note to the Table of Dimensional Regulations states that building in this district must conform to the same lot size and dwelling size requirements as the M-4 district except for height.

Lowell Zoning Ordinance, Article V, Section 5.1.2(2)(adopted 2003) states that: "Where a dwelling with more than two (2) dwelling units is authorized in a district, the minimum lot area shall apply for the first two (2) dwelling units only. Any additional area specified for such dwelling unit(s), over and above the first two units, shall be added to the minimum lot area requirement."

The dimensional requirements for the PD-MU district are located in the Lowell Zoning Ordinance, Article X, Section 10.1(adopted 2003): "SECTION 10.1 PLANNED DEVELOPMENT-MIXED USE (PD-MU)

10.1.1 Purpose. The purpose of the Planned Development – Mixed Use (PD-MU) District is to promote the economical and efficient use of land, an improved level of physical amenities, appropriate and harmonious physical development, creative and imaginative design and the overall improvement of the urban environment for the welfare of the entire community. More specifically, this district is intended to promote and encourage the planned and orderly development of sites that have been previously developed and which are now vacant or under utilized.

10.1.2 Minimum Requirements. To qualify for PD-MU zoning, the following specifications must be satisfied:

1. Any PD-MU zone shall contain not less than five (5) contiguous acres of land, while a minimum of 30% of the site must be occupied or have been occupied by buildings or structures for a period of not less than 30 years.
2. The applicant shall have a comprehensive development plan for the entire zone, to include all sanitary facilities as required by the health and building codes of the city, and shall be designed, constructed and maintained in accordance with the statutes, ordinances and regulations of the city and the Commonwealth of Massachusetts.

3. Such a comprehensive development plan must be submitted to the Planning Board for its approval and be in accord with the stated or implied development objectives as listed in approved planning reports and studies of the city. Such approval is required prior to the issuance of a permit to build.

4. The Planning Board shall be satisfied that adequate financing exists for the development.

10.1.3 Use Regulations. The following uses are to be allowed in the PD-MU zone:

1. Primary Uses: Primary uses will be from one or more of the following categories: residential, retail, service, general office, research and development, and recreational facilities. It is further intended to ensure that adequate open space and development regulations will create a favorable environment for abutting uses as well

as ensuring the compatibility and harmonious existence of development within the PD-MU zone. Businesses located within this District are encouraged to provide street level uses which allow for, and facilitate, pedestrian activity for area residents, workers, and visitors.

2. Accessory Uses: The limitations on accessory uses contained in Sections 4.2 shall not apply in any PD-MU zone. Any other use, which is ancillary, and ordinarily incident to, any of the foregoing primary uses will also be deemed to be appropriate. For all uses that were not indicated in the approved Comprehensive Plan and which are not indicated in paragraph 1 of this section, the applicant should refer to Article XII of the Lowell Zoning Ordinance, which has been amended to incorporate the new PD-MU zone.

10.1.4 Development Standards. The development shall harmonize with existing adjacent land uses and not interfere with the privacy and amenity of adjacent properties. To achieve these objectives, the following standards shall be met:

1. Dimensional Requirements. More than one building may be located on a single lot within the PD-MU zone.

There shall be no requirement for setbacks for any interior lot lines within the PD-MU zone (i.e. lot lines separating individual lots within the PD-MU zone). The maximum height shall be 100 feet and 8 stories. The maximum floor area ratio shall be 4.0. There shall be no minimum frontage requirement in the PD-MU zone. Parking areas shall be set back ten (10) feet from any building and five (5) feet from any external lot line."

\*\*\*

Lowell Zoning Ordinance, Article V, Section 5.1 (adopted 2003). Additionally, Section 5.1.1 indicates that a dwelling in any business or industrial district shall be subject to the same dimensional and useable open space requirements as a dwelling in the Residential UM2 District, except for height.

B-1 (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

B-2 (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

B-3 (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

IP (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

IPHR (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

IA (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

#### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the Lowell Zoning Ordinance, Section 4.2 Table of Use Regulations (adopted 2003), multifamily housing is allowed by right in the following districts:

Residence UM2 District –UM2- Urban Multifamily Dwellings

Residence SM2 District –SM2- Suburban Multifamily Dwellings

Residence M3 District –M3-Multifamily Dwellings

Residence M-4 District –M4–Acre Urban Residential

Business B4 District- B4- Mixed Retail/Residential or Office/Residential

Planned Development – Mixed Use (PD-MU) – see Section 10.2

\*\*\*

DWELLING, MULTIFAMILY : A building containing three (3) or more dwelling units, and wherein units may be located on more than one (1) floor.

TOWNHOUSE DEVELOPMENT : Development of individual dwelling units in a row of at least three such units in which each unit has its own access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

\*\*\*

According to the table of uses:

Three family attached or semi-detached is allowed by special permit from board of appeals in SMF, SMU, NB, UMF, DMU and INST and by right in TMF, TMU, UMU.

Multifamily dwelling (4 to 6 units) is allowed by special permit from the planning board in TMF, NB, DMU and by right in SMF, SMU, TMU, UMF, UMU.

Multifamily dwelling (7 or more units) is allowed by special permit from the planning board in NB, UMF, DMU, HRC, INST and by right in SMF, SMU, TMU, UMU.

Townhouse development (3 to 6 units) is allowed by special permit from the planning board in SMU, TMF, TMU, UMU, INST, and by right in SMF, UMF.

Townhouse development (7 or more units) is allowed by special permit from the planning board in SMU, TMU, UMU, INST, and by right

in SMF, UMF.

"Other dwellings converted for more than two families; where all dimensional and other requirements are met, including all applicable provisions of Section 8.1" is allowed by special permit from the board of appeals in SMF, SMU, TMF, TMU, NB, UMF, UMU, DMU, INST.

"Buildings located in historic mill complexes or religious or educational buildings converted for more than two families; where all dimensional and other requirements are met, including all applicable provisions of Section 8.1" are allowed by special permit from the planning board in all districts EXCEPT for HRC, OP, LI, GI.

\*\*\*

11.4.2 Applicability. The following types of activities and uses on a single lot or on contiguous lots in common ownership require site plan review:

1. Construction, exterior alteration or expansion of a nonresidential structure of involving more than 10,000 square feet of gross floor area.
2. Construction, exterior alteration, conversion, or expansion of any multifamily residential structure with more than three dwelling units;
3. Construction or expansion of any parking lot with more than fourteen spaces or 4,000 square feet of impervious surface.
4. Any commercial construction involving the installation or construction of self-service gasoline pumps or drive-through or drive-up customer service on the premises.

\*\*\*

Notes on density:

Lowell Zoning Ordinance, Article V, Section 5.1 Table of Dimensional Regulations (adopted 2003).

UM2 (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

SM2 (min. lot size: 6000 sq. ft.; min. size per dwelling unit 2000 sq. ft.)

M-3 (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1000 sq. ft.)

M-4 (min. lot size 3400 sq. ft.; min. size per dwelling unit 850 sq. ft.)

B-4 (min. lot size 3400 sq. ft.; min. size per dwelling unit 850 sq. ft.)

PD-MU (min. tract of land 5 acres)

A note to the Table of Dimensional Regulations states that building in this district must conform to the same lot size and dwelling size requirements as the M-4 district except for height.

Lowell Zoning Ordinance, Article V, Section 5.1.2(2)(adopted 2003) states that: "Where a dwelling with more than two (2) dwelling units is authorized in a district, the minimum lot area shall apply for the first two (2) dwelling units only. Any additional area specified for such dwelling unit(s), over and above the first two units, shall be added to the minimum lot area requirement."

The dimensional requirements for the PD-MU district are located in the Lowell Zoning Ordinance, Article X, Section 10.1(adopted 2003): "SECTION 10.1 PLANNED DEVELOPMENT-MIXED USE (PD-MU)

10.1.1 Purpose. The purpose of the Planned Development – Mixed Use (PD-MU) District is to promote the economical and efficient use of land, an improved level of physical amenities, appropriate and harmonious physical development, creative and imaginative design and the overall improvement of the urban environment for the welfare of the entire community. More specifically, this district is intended to promote and encourage the planned and orderly development of sites that have been previously developed and which are now vacant or under utilized.

10.1.2 Minimum Requirements. To qualify for PD-MU zoning, the following specifications must be satisfied:

1. Any PD-MU zone shall contain not less than five (5) contiguous acres of land, while a minimum of 30% of the site must be occupied or have been occupied by buildings or structures for a period of not less than 30 years.
2. The applicant shall have a comprehensive development plan for the entire zone, to include all sanitary facilities as required by the health and building codes of the city, and shall be designed, constructed and maintained in accordance with the statutes, ordinances and regulations of the city and the Commonwealth of Massachusetts.
3. Such a comprehensive development plan must be submitted to the Planning Board for its approval and be in accord with the stated or implied development objectives as listed in approved planning reports and studies of the city. Such approval is required prior to the issuance of a permit to build.
4. The Planning Board shall be satisfied that adequate financing exists for the development.

10.1.3 Use Regulations. The following uses are to be allowed in the PD-MU zone:

1. Primary Uses: Primary uses will be from one or more of the following categories: residential, retail, service, general office, research and development, and recreational facilities. It is further intended to ensure that adequate open space and development regulations will create a favorable environment for abutting uses as well as ensuring the compatibility and harmonious existence of development within the PD-MU zone. Businesses located within this District are encouraged to provide street level uses which allow for, and facilitate, pedestrian

activity for area residents, workers, and visitors.

2. Accessory Uses: The limitations on accessory uses contained in Sections 4.2 shall not apply in any PD-MU zone. Any other use, which is ancillary, and ordinarily incident to, any of the foregoing primary uses will also be deemed to be appropriate. For all uses that were not indicated in the approved Comprehensive Plan and which are not indicated in paragraph 1 of this section, the applicant should refer to Article XII of the Lowell Zoning Ordinance, which has been amended to incorporate the new PD-MU zone.

10.1.4 Development Standards. The development shall harmonize with existing adjacent land uses and not interfere with the privacy and amenity of adjacent properties. To achieve these objectives, the following standards shall be met:

1. Dimensional Requirements. More than one building may be located on a single lot within the PD-MU zone.

There shall be no requirement for setbacks for any interior lot lines within the PD-MU zone (i.e. lot lines separating individual lots within the PD-MU zone). The maximum height shall be 100 feet and 8 stories. The maximum floor area ratio shall be 4.0. There shall be no minimum frontage requirement in the PD-MU zone. Parking areas shall be set back ten (10) feet from any building and five (5) feet from any external lot line."

\*\*\*

Lowell Zoning Ordinance, Article V, Section 5.1 (adopted 2003). Additionally, Section 5.1.1 indicates that a dwelling in any business or industrial district shall be subject to the same dimensional and useable open space requirements as a dwelling in the Residential UM2 District, except for height.

B-1 (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

B-2 (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

B-3 (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

IP (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

IPHR (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

IA (min. lot size: 6000 sq. ft.; min. size per dwelling unit: 1500 sq. ft.)

## Lunenburg

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Lunenburg Protective Zoning Bylaw (Amended 2004)

2.1.1.43. TOWN HOUSE : A single family dwelling attached to another single family in such a manner that each dwelling has a door at ground level and front and rear access to the outside. Said dwelling may be in separate ownership from the unit(s) to which it is attached.

4.2.3. Uses Permissible by Special Permit Granted by the Planning Board

4.2.3.1. In a Residence A, Residence B or Outlying District, the Planning Board may authorize, in a specific case, by Special Permit and subject to the approval of a Plan if required by Town Bylaw and in accordance with the provisions of Section 5., any of the following additional uses. The provisions of the Section 4.2.3., Section 5.4., Section 5.5 and Section 6.4. may be modified by application to the Planning Board, who in this instance shall hear and determine the application for said modification.

a) A Mixed Residential Development, provided that in Residence A District or Outlying District twenty-five (25) percent and in Residence B twenty (20) percent of the dwelling units are sold to buyers who qualify as low or moderate income households as defined by the Commonwealth of Massachusetts Executive Office of Communities and Development.

The Mixed Residential Development may include:

1. All one (1) family dwelling structures.
2. A mix of any of the following: one (1), two (2), three (3), and/or four (4) family dwellings.
3. Package sewage treatment facilities or common leaching area (s) for use by all the dwellings in the Mixed Residential Development in accordance with the provisions of Section 4.1.4.4.
4. Common open space, defined as land not included in lots for building purposes and which, is left in a natural or landscaped state for the enjoyment of the residents of the Mixed Residential District.

b) A Planned Residential area, which may include:

1. Town Houses

2. A mix of Town Houses and two-family dwellings.

3. A mix of Town Houses, one-family and two-family dwellings.

4. An eighteen (18) hole golf course, similar to a Professional Golf Association golf course whether public or private, may have club facilities including a restaurant, function room, equipment repair and retail sale of golf equipment, provided that equipment used in connection with the maintenance of the course and facilities is stored in an enclosed structure.

5. Accessory uses and recreation facilities for the use of the residents of the area only to include golf course, tennis courts, jogging trails, swimming pools and similar outdoor facilities community building not to exceed five (5) percent of the total floor area of the residential units, parking areas and garages, storage sheds, cabanas, detached fireplaces and similar facilities for use by the residents of the planned residential areas, but not including home occupations, taking of boarders or lodgers, renting rooms or professional offices.

4.2.3.2, Assisted Living Residence and Continuing Care Retirement Community, provided that irrespective of the dimensional requirements shown on the table in Section 5.4.1.2.f), the dimensional requirements shall be:

Minimum frontage per facility: 300 feet

Minimum front, rear and side yard setback: 100 feet

Minimum area per facility: 5 acres

Maximum height 35 feet

Maximum area coverage 35% of site

4.12. Lake Whalom Overlay District

4.12.4. Uses Permissible by Special Permit granted by the Planning Board.

4.12.4.1. Town houses, and garden apartment limited to four (4) units per structure.

5.4. Purpose: Mixed Residential Development

The purpose of Section 5.4. is to provide an opportunity for varied housing stock as opposed to conventional single family subdivision or development and to encourage development alternatives.

\*\*Webmasters Note: The previous section has been added as per an update approved at a town meeting held on 5/1/04.

5.4.1. Intensity and Dwelling Unit Mix

5.4.1.1. Intensity and Dwelling Unit Mix

a) The minimum area of any Mixed Residential Development shall be not less than five (5) acres and not more than ten (10) percent of this minimum area shall consist of wetlands or land under water or land with a slope in excess of fifteen (15) percent.

b) Where a Mixed Residential Development abuts a residential use other than another Mixed Residential Development or Planned Residential Area, there shall be a buffer of a continuous width of at least fifty (50) feet. Said buffer shall be maintained in its natural state or planted or landscaped with vegetation indigenous to the area.

c) If there is more than one (1) housing type in the Mixed Residential Development, e.g., one (1) family, two (2) family or more, no one (1) type shall constitute more than sixty (60) percent nor less than twenty (20) percent of the total number of dwelling units.

d) There shall be no more than one (1) structure constructed or used as a dwelling on a lot in a Mixed Residential Development

e) The maximum number of dwelling units in a Mixed Residential Development may not exceed two (2) percent of the total number of dwelling units in Town as shown on the record of the Board of Assessor's for the year in which the application for the Special Permit is filed.

f) In any one (1) year no more units may be constructed than are equal to one (1) percent of the total. number of dwelling units in Town as shown on the record of the Board of Assessors for the year in which the application for Special Permit is filed.

g) Notwithstanding the foregoing subparagraphs a) through f), the number of building lots and/or the number of dwelling units to be constructed, may not exceed the number of building lots and/or the number of dwelling units of said tract of land which could be constructed under this Bylaw by means of a conventional development or subdivision plan, considering the whole tract, exclusive of water bodies and wetlands and land prohibited from development by legally enforceable restrictions, easements or covenants.

5.4.1.2. Dimensional Regulations a) In a Mixed Residential Development, lots shall be developed in accordance with the following table, provided that all units within the development are connected to public water or are served by a common or individual well approved by the Lunenburg Board of Health and are connected to a sewer or an on-site sewage treatment facility approved by the Lunenburg Board of Health.

\*\*\*

Dimensional Requirements

Residence A and Outlying District  
# of units Min. Lot

|     |          |
|-----|----------|
|     | (sq.ft.) |
| ... |          |
| 3   | 40,000   |
| 4   | 41,000   |

Residence B  
# of units Min. Lot  
(sq.ft.)

|     |        |
|-----|--------|
| ... |        |
| 3   | 80,000 |
| 4   | 94,000 |

\*\*\*

#### 5.5 Purpose: Planned Residential Area

The purpose of Section 5.5 is to provide opportunities for other than single- family development by establishing regulations that includes intensity, dimensions, design, ownership, maintenance and etc.

\*\*Webmasters Note: The previous section has been added as per an update approved at a town meeting held on 5/1/04.

5.5.1. In Residence A, Residence 8 or Outlying Districts, the following regulations shall apply to any grant of a Special Permit for a Planned Residential Area, a single lot, unified development, as may be authorized by the Planning Board pursuant to Section 8.0. Pursuant to approval of the Definitive Plan in accordance with the Rules and Regulations Governing the Subdivision of Land adopted by the Lunenburg Planning Board, said application shall be reviewed in accordance with the standard set forth in Section 9, General Laws, Chapter 40A, these Protective Bylaws and Rules and Regulations promulgated by the Lunenburg Planning Board for granting of a Definitive Plan.

##### 5.5.1.1. Intensity

- a) The minimum area of any Planned Residential Area shall be not less than five (5) acres and that not more than ten (10) percent of this minimum area shall consist of wetlands or land under water or land with a slope in excess of fifteen (15) percent.
- b) In addition to the minimum five (5) acres required in paragraph a) above, there shall be provided for each dwelling unit within the Planned Residential Area an area equivalent to the lot area required within the District for a detached one-family dwelling.
- c) If twenty (20) percent or more of the dwelling units qualify as low or moderate income housing, as defined by the Commonwealth of Massachusetts executive Office of Communities and Development for Lunenburg for the year in which they are to be first occupied and further provided that measures satisfactory to appropriate Town Boards, Selectmen are executed to assure that these units remain available as low or moderate income units and conform to the requirements of the Local Initiative Program then:
  1. The minimum five (5) acres of area required by paragraphs a) and b) above shall not be required.
  2. The lot area required in 5.5.1.1.b.) equivalent to a single family detached building may be reduced by thirty (30) percent and the frontage requirement in 5.5.1.2. may be reduced at the discretion of the Planning Board, provided that the Planned Residential Area has at least one hundred (100) feet of frontage on an accepted public way for the first ten (10) units and an additional two hundred (200) feet of frontage on an accepted public way for any additional units to assure two (2) means of entrance which are properly spaced or one hundred (100) feet if the second entrance is on a second public way.
- d) The maximum number of dwelling units in a Planned Residential Area shall not exceed two (2) percent of the total number of dwelling units in Town, as shown on the record of the Board of Assessor's for the year in which the application is filed.
- e) In any one (1) year no more units will be constructed than are equal to one (1) percent of the total number of dwelling units in Town, as shown on the record of the Board of Assessors for the year in which the application is filed.  
Notwithstanding the foregoing subparagraphs a) through d), the number of building lots and/or the number of dwelling units to be constructed within the Planned Residential Area, may not exceed the number of building lots and/or the number of dwelling units of said tract of land which could be constructed under this Bylaw by means of a conventional development or subdivision plan, considering the whole tract, exclusive of waterbodies and wetlands and land prohibited from development by legally enforceable restrictions, easements or covenants.

##### 5.5.1.2. Dimensional Regulations

- a) A Planned Residential area shall have a minimum frontage on a public way and/or a way approved by the Planning Board under the Subdivision Control Law, equivalent to fifty (50) feet for each dwelling unit contained within the planned development. The requirements of this section may be modified if review and a determination by the Planning Board is made that adequate access is provided and changes will not derogate from the intent of Section 5.5., Planned Residential Area.
- b) No building within a Planned Residential Area shall contain more than four (4) dwelling units.
- c) No building in a Planned Residential Area shall exceed twenty-eight (28) feet in height, said height to be determined by the vertical distance between the average finished grade of the ground adjoining the building to the highest point of the Feet beams
- d) No building or structure shall be located closer than one hundred (100) feet from the center line of any public way or other way utilized to meet the frontage requirements of this Section or within seventy-five (75) feet from the center line of any interior street, way, or driveway.
- e) No building or structure shall be located within areas which are required to be maintained in a natural state.
- f) No building or structure shall be located within fifty (50) feet of a property or lot line.
- g) If there is more than one building containing dwelling units on a single lot, there shall be a minimum of fifty (50) feet between such buildings.
- h) Each dwelling unit shall have at least two (2) sides with full exposures and shall have two (2) separate exits.
- i) No floor, except an unfinished basement, of a dwelling unit shall be located beneath the average finished grade of the ground adjoining the building.

# Lynn

## Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to the City of Lynn Zoning Ordinance, Section 4.4 Table of Use Regulations (Last Amended 2001), Lynn allows multifamily housing as an apartment house in the Residence 3, Residence 4, and Residence 5 districts by right.

\*\*\*

### 5.1.5 Row House:

Dwellings for one or two families each in a connected row of three or more houses, each two houses separated by a fire proof division with no openings.

### 5.1.6 Apartment House:

A dwelling for more than two families under one roof. All apartment houses over three stories shall be provided with elevator service.

### 5.1.7 Multi-Family Residential High Rise:

A residential apartment building that has a height in excess of five stories or sixty feet.

\*\*\*

In section 4.4, Table of Use Regulations:

Row houses are allowed by right in R3, R4, R5 by right. In B3, B, CBD, LI, HI by special permit.

Apartment houses are allowed by right in R3, R4, R5 by right. In B3, B, CBD, LI, HI by special permit.

Multifamily residential high rise is allowed only by special permit - in R5, B3, B, CBD, LI, HI.

\*\*\*

According to the City of Lynn Zoning Ordinance, Section 8.1(1), the Table of Dimensional Requirements, the multifamily minimum lot area as 15,000 sq. ft.

In the three zones in which multifamily housing is allowed by right, R3, R4 and R5, the minimum lot area is 15,000 sq. ft.

## Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** 5.1.5 Row House:

Dwellings for one or two families each in a connected row of three or more houses, each two houses separated by a fire proof division with no openings.

### 5.1.6 Apartment House:

A dwelling for more than two families under one roof. All apartment houses over three stories shall be provided with elevator service.

### 5.1.7 Multi-Family Residential High Rise:

A residential apartment building that has a height in excess of five stories or sixty feet.

\*\*\*

In section 4.4, Table of Use Regulations:

Row houses are allowed by right in R3, R4, R5 by right. In B3, B, CBD, LI, HI by special permit.

Apartment houses are allowed by right in R3, R4, R5 by right. In B3, B, CBD, LI, HI by special permit.

Multifamily residential high rise is allowed only by special permit - in R5, B3, B, CBD, LI, HI.

\*\*\*

According to the City of Lynn Zoning Ordinance, Section 8.1(1), the Table of Dimensional Requirements, the multifamily minimum lot area is 15,000 sq. ft.

In the three zones in which multifamily housing is allowed by right, R3, R4 and R5, the minimum lot area is 15,000 sq. ft.

## Lynnfield

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** To make an area an Elderly-housing District, the zoning needs to be changed at the town meeting by a majority vote.

Lynnfield has an Elderly Housing District which allows multi-family housing by right (restricted by age). The Master Plan states that "Currently multi-family housing is permitted only in the Elderly Housing Zone."

Town of Lynnfield, MA, Master Plan, Chapter 8 (September 2002)

Multi-family housing (22.8 acres or 0.3% of the town's total area) is located on Partridge Lane off Main Street near Rte. 128, off Salem Street near the intersection of Route 128 and Rte. 1, and in the two Elderly Housing districts, LIFE Essex Village, near the boundary with Peabody, and the LIFE Center Village, near Lynnfield Center.

ZONING BYLAWS, TOWN OF LYNNFIELD, Section 2.10 and 4.6, OCTOBER 20, 2003

#### 4.6 Housing for the Elderly District

In a Housing for the Elderly District, no building or land shall be used and no buildings shall be erected or converted except for the following purposes:

1. To provide Housing for the Elderly, such housing to be owned and/or controlled by a non-profit organization, or by the Town or by the Lynnfield Housing Authority, or jointly by such organizations so far as permitted by law. For the purposes of this subsection, a "private non-profit corporation" shall mean a corporation, foundation or other organization no part of the net earnings of which inures to the benefit of any private shareholder or individual and which has been organized pursuant to Massachusetts General Laws, Chapter 180, as amended.

#### 2.10 Housing for the Elderly

Multi family dwellings which contain three or more independent dwelling units consisting of a room or suite of rooms, its own bath and toilet facilities, and its own kitchen facility. Each such building may also include central kitchen and dining facilities for providing meals to residents thereof and their guests but not to the public and may also provide lounge rooms for the common use of residents and their guests. In one of such buildings, a unit may be included for occupancy by the manager of the project and his immediate family, one room of which may be used as an office, and except for the unit to be occupied and used as aforesaid by the manager, no unit in such building shall be occupied unless at least one of the tenants is a person who is sixty years of age or over. No Housing for the Elderly development shall contain more than 136 independent dwelling units. S.T.M. 4/29/82

\*\*\*

Lot area required: 4 acres  
Lot frontage required: 300 feet  
Minimum dwelling units: 3  
Maximum dwelling units per development: 136 units

\*\*\*

According to the Master Plan, "by special permit as assisted living housing in The RA, RB, RC, and RD zones."

ZONING BYLAWS, TOWN OF LYNNFIELD, Section 4.1.1 (OCTOBER 20, 2003)

Any of the following additional uses, if authorized by the Board of Appeals.

9. Assisted Living Residence in Single Residence A, B, C, and D Districts, which is authorized under the Special Permit Subsection entitled Assisted Living Residence.

S.T.M. 10/19/98

From the Master Plan (p.154):

Assisted Living Residences

Assisted living residences providing housing, personalized supportive services, and health care designed to respond to the individual needs of those who need help in the activities of daily living are permitted by Special Permit in any of the residence districts (RA, RB, RC, and RD). The site must be 25 acres or more. Under this provision the site area requirements can be reduced to 13,750 square feet per unit.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** To make an area an Elderly-housing District, the zoning needs to be changed at the town meeting and have a majority vote.

Lynnfield has an Elderly Housing District which allows multi-family housing by right (restricted by age). The Master Plan states that "Currently multi-family housing is permitted only in the Elderly Housing Zone."

Town of Lynnfield, MA, Master Plan, Chapter 8 (September 2002)

Multi-family housing (22.8 acres or 0.3% of the town's total area) is located on Partridge Lane off Main Street near Rte. 128, off Salem Street near the intersection of Route 128 and Rte. 1, and in the two Elderly Housing districts, LIFE Essex Village, near the boundary with Peabody, and the LIFE Center Village, near Lynnfield Center.

ZONING BYLAWS, TOWN OF LYNNFIELD, Section 2.10 and 4.6, OCTOBER 20, 2003

4.6 Housing for the Elderly District

In a Housing for the Elderly District, no building or land shall be used and no buildings shall be erected or converted except for the following purposes:

1. To provide Housing for the Elderly, such housing to be owned and/or controlled by a non-profit organization, or by the Town or by the Lynnfield Housing Authority, or jointly by such organizations so far as permitted by law. For the purposes of this subsection, a "private non-profit corporation" shall mean a corporation, foundation or other organization no part of the net earnings of which inures to the benefit of any private shareholder or individual and which has been organized pursuant to Massachusetts General Laws, Chapter 180, as amended.

2.10 Housing for the Elderly

Multi family dwellings which contain three or more independent dwelling units consisting of a room or suite of rooms, its own bath and toilet facilities, and its own kitchen facility. Each such building may also include central kitchen and dining facilities for providing meals to residents thereof and their guests but not to the public and may also provide lounge rooms for the common use of residents and their guests. In one of such buildings, a unit may be included for occupancy by the manager of the project and his immediate family, one room of which may be used as an office, and except for the unit to be occupied and used as aforesaid by the manager, no unit in such building shall be occupied unless at least one of the tenants is a person who is sixty years of age or over. No Housing for the Elderly development shall contain more than 136 independent dwelling units. S.T.M. 4/29/82

\*\*\*

Lot area required: 4 acres  
Lot frontage required: 300 feet  
Minimum dwelling units: 3  
Maximum dwelling units per development: 136 units

\*\*\*

According to the Master Plan, "by special permit as assisted living housing in The RA, RB, RC, and RD zones."

ZONING BYLAWS, TOWN OF LYNNFIELD, Section 4.1.1 (OCTOBER 20, 2003)

Any of the following additional uses, if authorized by the Board of Appeals.

9. Assisted Living Residence in Single Residence A, B, C, and D Districts, which is authorized under the Special Permit Subsection entitled Assisted Living Residence.

S.T.M. 10/19/98

From the Master Plan (p.154):

Assisted Living Residences

Assisted living residences providing housing, personalized supportive services, and health care designed to respond to the individual needs of those who need help in the activities of daily

living are permitted by Special Permit in any of the residence districts (RA, RB, RC, and RD). The site must be 25 acres or more. Under this provision the site area requirements can be reduced to 13,750 square feet per unit.

## Malden

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to the table of use regulations, the following uses are allowed:

Dwelling, three and four family... by right in B, C, RO, BN, BH.  
Dwelling, Town or Row... by special permit in A, by right in B, C, RO, BN, BH.  
Dwelling, Multi-family, up to 3 stories inclusive... by right in B, C, RO, BN, BC, BH.  
Dwelling, multifamily, more than 3 stories but not exceeding 6 stories... by right in C, RO, BC, BH  
Dwelling, multifamily, more than 6 stories but not to exceed 12 stories... by special permit in C, BC.  
PUD by special permit in C, RO.

\*\*\*

300.26 Residential Incentive Overlay (RIO).

A RIO, consistent with the recommendations of the Malden Square Zoning and Design Plan dated March 1998, may be applied over parcels within the Central Business (BC) District. The overlay shall not restrict property owner rights relative to the underlying zone. However, if the owner elects to use the RIO for development purposes, development shall conform to the following regulations, and other regulations that may apply consistent with the ordinances of the City of Malden:

.1 The RIO shall permit multi-family residential use by right up to 12 stories and a height of 120 feet from the highest point of the established grade.

\*\*\*

21 DWELLING, MULTIFAMILY : A building used for, or occupied by, five (5) or more dwelling units.

.22 DWELLING, THREE AND FOUR FAMILY : A building used, or occupied by, three (3) or four (4) dwelling units, but not to include town or row houses.

.23 DWELLING, TOWN OR ROW : A single family attached unit with party walls.

\*\*\*

As listed in the Table of Intensity Regulations, Section 400 of the Malden Zoning Ordinance:

In areas zoned for multifamily by right, the minimum lot size requirements and requirements for minimum lot area per dwelling unit are as follows:

-dwelling three & four family: 12,000 sq. ft.  
-dwelling, multifamily up to three stories inclusive, 12,000 sq. ft.  
-dwelling, multifamily: more than three stories but not exceeding six stories, 12,000 sq. ft.  
-dwelling, multifamily: more than six stories, 12,000 sq. ft.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to the table of use regulations, the following uses are allowed:

Dwelling, three and four family... by right in B, C, RO, BN, BH.  
Dwelling, Town or Row... by special permit in A, by right in B, C, RO, BN, BH.  
Dwelling, Multi-family, up to 3 stories inclusive... by right in B, C, RO, BN, BC, BH.  
Dwelling, multifamily, more than 3 stories but not exceeding 6 stories... by right in C, RO, BC, BH  
Dwelling, multifamily, more than 6 stories but not to exceed 12 stories... by special permit in C, BC.  
PUD by special permit in C, RO.

\*\*\*

300.26 Residential Incentive Overlay (RIO).

A RIO, consistent with the recommendations of the Malden Square Zoning and Design Plan dated March 1998, may be applied over parcels within the Central Business (BC) District. The overlay shall not restrict property owner rights relative to the underlying zone. However, if the owner elects to use the RIO for development purposes, development shall conform to the following regulations, and other regulations that may apply consistent with the ordinances of the City of Malden:

.1 The RIO shall permit multi-family residential use by right up to 12 stories and a height of 120 feet from the highest point of the established grade.

\*\*\*

21 DWELLING, MULTIFAMILY : A building used for, or occupied by, five (5) or more dwelling units.

.22 DWELLING, THREE AND FOUR FAMILY : A building used, or occupied by, three (3) or four (4) dwelling units, but not to include town or row houses.

.23 DWELLING, TOWN OR ROW : A single family attached unit with party walls.

\*\*\*

As listed in the Table of Intensity Regulations, Section 400 of the Malden Zoning Ordinance:

In areas zoned for multifamily by right, the minimum lot size requirements and requirements for minimum lot area per dwelling unit are as follows:

-dwelling three & four family: 12,000 sq. ft.

-dwelling, multifamily up to three stories inclusive, 12,000 sq. ft.

-dwelling, multifamily: more than three stories but not exceeding six stories, 12,000 sq. ft.

-dwelling, multifamily: more than six stories, 12,000 sq. ft.

\*\*\*

As listed in the Table of Intensity Regulations, Section 400 of the Malden Zoning Ordinance:

-dwelling, town or row house, 8,000 sq. ft.

-dwelling, more than 6 stories but not to exceed 12 stories, minimum lot area per dwelling is not listed in table of intensity regulations.

\*\*\*

300.16 Dwelling, Town or Row may be allowed in Residence A Districts only by special permit granted by the City Council in conformance with the dimensional controls of this ordinance, unless specifically changed by this section.

. 1 Minimum lot size shall be nine thousand five hundred (9,500) square feet with a minimum of three thousand five hundred (3,500) square feet for each end unit and two thousand five hundred square feet (2,500) for each middle unit.

. 2 Minimum rear yard requirements shall be twenty-five (25) feet.

. 3 The size, scale, appearance, and construction of the town or row dwelling must be in harmony with the surrounding neighborhood.

. 4 The town or row dwellings must not overtax the capacities of the surrounding streets and utilities.

. 5 No more than one (1) parking space shall be permitted between each dwelling unit and the street.

. 6 The City Council must find that the town or row houses are in the interest of the common good.

\*\*\*

300.26 Residential Incentive Overlay (RIO).

A RIO, consistent with the recommendations of the Malden Square Zoning and Design Plan dated March 1998, may be applied over parcels within the Central Business (BC) District. The overlay shall not restrict property owner rights relative to the underlying zone. However, if the owner elects to use the RIO for development purposes, development shall conform to the following regulations, and other regulations that may apply consistent with the ordinances of the City of Malden:

.1 The RIO shall permit multi-family residential use by right up to 12 stories and a height of 120 feet from the highest point of the established grade.

# Manchester-by-the-Sea

## Is multi-family housing allowed by right in any part of the municipality?

**Yes** Town of Manchester-By-The-Sea, Zoning Bylaw, Section 4.3.10 and 4.3.11 (Adopted 1978, Last Amended 2003).

"4.3.10 An existing dwelling which is altered or reconstructed so as to contain not more than 3 dwelling units. Such alteration or reconstruction shall not include an increase in floor area or volume. Except for shed dormers, individual dormers are not considered to be an increase in volume.

4.3.11 A new or enlarged existing dwelling containing not more than 4 dwelling units if authorized by a special permit issued by the Planning Board in accordance with the provisions of Section 7.5 (Special Permits); in addition, the following stated provisions shall also apply. After the required public hearing, the Planning Board shall find and determine that such dwelling and use, including the site, plans and designs of the dwelling and any accessory buildings, constitute a desirable development in and will not be detrimental to the neighborhood, and subject further to the following conditions:

4.3.11.1 Each unit shall have independent cooking facilities.

4.3.11.2 Not more than 25% of the lot area shall be occupied by the dwelling and any accessory building;

4.3.11.3 No living quarters shall be located so that the floor elevation is more than 36 inches below the finished exterior grade nor above the second story;

4.3.11.4 The dwelling and to the extent appropriate any accessory building shall connect with a municipal sanitary sewer;

4.3.11.5 The density shall not exceed the rate of 15 dwelling units per acre of lot except for a dwelling constructed or enlarged on a lot of less than 12,000 square feet existing on January 25, 1974;

4.3.11.6 Such other conditions and restrictions as the Planning Board may prescribe in the interest of the Town in carrying out the purposes of this By-Law."

\*\*\*

The only residential use allowed in the "Single Residential Districts" is "A dwelling having not more than one dwelling unit."

In Residence District D, two family dwellings, by construction or conversion, are allowed by special permit from the board of appeals. Single family residences are allowed by right.

In the General District, conversion to three dwelling units is allowed (by right?) and conversion to four dwelling units is allowed by special permit from the planning board.

\*\*\*

6.9 Site Plan Review Special Permit

6.9.2 Applicability:

Any new development, expansion, or change of use other than a single-family or two-family residence which would, under the parking schedule "Off-Street Parking Regulations" of Section 6.2, require ten (10) or more parking spaces, regardless of the number of parking spaces existing on the premises, shall be permitted only upon the issuance of a special permit from the Planning Board for Site Plan Review. A special permit shall be granted only if the permit-granting authority finds that it is consistent with the purposes outlined in Section 6.9.1 of this By-Law.

## Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** Town of Manchester-By-The-Sea, Zoning Bylaw, Section 4.3.10 and 4.3.11 (Adopted 1978, Last Amended 2003).

"4.3.10 An existing dwelling which is altered or reconstructed so as to contain not more than 3 dwelling units. Such alteration or reconstruction shall not include an increase in floor area or volume. Except for shed dormers, individual dormers are not considered to be an increase in volume.

4.3.11 A new or enlarged existing dwelling containing not more than 4 dwelling units if authorized by a special permit issued by the Planning Board in accordance with the

provisions of Section 7.5 (Special Permits); in addition, the following stated provisions shall also apply. After the required public hearing, the Planning Board shall find and determine that such dwelling and use, including the site, plans and designs of the dwelling and any accessory buildings, constitute a desirable development in and will not be detrimental to the neighborhood, and subject further to the following conditions:

4.3.11.1 Each unit shall have independent cooking facilities.

4.3.11.2 Not more than 25% of the lot area shall be occupied by the dwelling and any accessory building;

4.3.11.3 No living quarters shall be located so that the floor elevation is more than 36 inches below the finished exterior grade nor above the second story;

4.3.11.4 The dwelling and to the extent appropriate any accessory building shall connect with a municipal sanitary sewer;

4.3.11.5 The density shall not exceed the rate of 15 dwelling units per acre of lot except for a dwelling constructed or enlarged on a lot of less than 12,000 square feet existing on January 25, 1974;

4.3.11.6 Such other conditions and restrictions as the Planning Board may prescribe in the interest of the Town in carrying out the purposes of this By-Law."

\*\*\*

The only residential use allowed in the "Single Residential Districts" is "A dwelling having not more than one dwelling unit."

In Residence District D, two family dwellings, by construction or conversion, are allowed by special permit from the board of appeals. Single family residences are allowed by right.

In the General District, conversion to three dwelling units is allowed (by right?) and conversion to four dwelling units is allowed by special permit from the planning board.

\*\*\*

#### 6.9 Site Plan Review Special Permit

##### 6.9.2 Applicability:

Any new development, expansion, or change of use other than a single-family or two-family residence which would, under the parking schedule "Off-Street Parking Regulations" of Section 6.2, require ten (10) or more parking spaces, regardless of the number of parking spaces existing on the premises, shall be permitted only upon the issuance of a special permit from the Planning Board for Site Plan Review. A special permit shall be granted only if the permit-granting authority finds that it is consistent with the purposes outlined in Section 6.9.1 of this By-Law.

\*\*\*

Notes on density:

The minimum lot area is 6,000 sq. ft.

The density shall not exceed the rate of 15 dwelling units per acre of lot except for a dwelling constructed or enlarged on a lot of less than 12,000 square feet existing on January 25, 1974.

## Mansfield

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Multiple residence is allowed by right in Industrial District 3 Mixed use. Rowhouse, townhouse is allowed by right in Business District 2 and Industrial District 3 Mixed use.

#### 3.3 CLASSIFICATION OF RESIDENTIAL USES

3.3.4 Multiple Residence: A building containing three or more dwelling units for families, which dwelling units contain kitchen and toilet facilities.

3.3.5 Rowhouse, Townhouse: A building comprising three or more attached dwelling units separated by party walls.

3.3.10 Residential Facilities for Residents Fifty-Five (55) Years of Age or Older A residential facility which provides housing units

exclusively for residents 55 years of age or older. Such a facility must include the following:

- A. The facility shall be located on a parcel, or contiguous parcels, of land which has a total acreage of not less than ten (10) acres.
- B. No site shall accommodate more than 100 units nor exceed a density of ten (10) units per acres of upland land area.
- C. Each site shall contain at least 35% of the total area as permanent open space, which shall not include land devoted to streets or parking area, but may include land within the minimum setback areas required herein.

\*\*\*

#### 4.2.1 Density and Dimensional Regulations Residential Districts 4.2.3.4 Special Exemption

The Zoning Board of Appeals may by special permit authorize the issuance of building permits in excess of the limits imposed by Section 4.2.3.3 for low income housing or moderate income housing which the Zoning Board of Appeals determines would serve the needs of the Town and that the benefits of such housing project outweigh its detrimental effects after consideration of the following criteria:

- 4.2.3.4.1 Impact on the health, safety, convenience, general welfare and amenities of the inhabitants of the Town;
- 4.2.3.4.2 Effects on adjoining premises, neighborhood character, and social structure;
- 4.2.3.4.3 Adequacy of municipal facilities and services, including but not limited to, fire and police protection, water provision, and wastewater disposal;
- 4.2.3.4.5 Effects on the natural environments; and
- 4.2.3.4.6 Fiscal impacts, including the effect on the tax and employment base, municipal finances, and property values.

#### 4.2.3.5 Severability

A determination that any portion or provision of the Scheduled Development by-law is invalid shall not invalidate any other portion or provision hereof

\*\*\*

According to the table of uses, the following are also listed under "classification of other uses":

- "Older building reuse", by special permit of the planning board in most districts.

- "Mixed bus/res use", by right in business district 1, and by special permit from the planning board in business district 2 and industrial district 3.

### 3.7 CLASSIFICATION OF OTHER USES

3.7.1 Older Building Reuse: The Planning Board may grant a special permit to convert any building containing more than two thousand (2,000) square feet of floor area and built prior to February, 1953, a public school building, or other municipal building in its entirety for uses allowed in the district in which it is located regardless of development density provided (1) there is sufficient parking in accordance with Section 4.4 of this by-law, (2) the Planning Board finds that the site, architectural and landscape plans and conditions of approval are sufficiently advantageous to the Town to grant a special permit, and 3) no additions to the building are allowed, except for minimal additions necessary to comply with building, safety and health codes. or for the reasonable use of the building.

3.7.2 Mixed Business and Residential Use: In the Business 1 (B1), Business 2 (B2) and Industrial 3 (I3) Districts, both non-residential and residential uses are permitted on the same lot in conformance with Section 4.2.2.

\*\*\*

Minimum lot area:

By right:

Industrial District 3 minimum lot size is 15,000 sq.ft.

Business District 2 minimum lot size is not specified (chart says "--").

Researcher thinks these numbers refer to the minimum lot area per dwelling unit but could not find clarification in by-law.

\*\*\*

According to the municipal planner, is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?

Yes, planning director Shaun Burke said (10/26/04) that most of the remaining buildable land in the town is in the district that allows MF by right. Mr. Burke said the issue has to do with parking by-laws which may limit the amount of MF that can be developed in any given location. Mr. Burke said that Mansfield has recently been adapting old factories for re-use, including MF housing. He also said that 60 permits have been issued recently for apartments above commercial space in I-3.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Mansfield Zoning Bylaw

Multiple residence is allowed by right in Industrial District 3 Mixed use.  
Rowhouse, townhouse is allowed by right in Business District 2 and Industrial District 3 Mixed use.

**3.3 CLASSIFICATION OF RESIDENTIAL USES**

3.3.4 Multiple Residence: A building containing three or more dwelling units for families, which dwelling units contain kitchen and toilet facilities.

3.3.5 Rowhouse, Townhouse: A building comprising three or more attached dwelling units separated by party walls.

3.3.10 Residential Facilities for Residents Fifty-Five (55) Years of Age or Older A residential facility which provides housing units exclusively for residents 55 years of age or older. Such a facility must include the following:

A. The facility shall be located on a parcel, or contiguous parcels, of land which has a total acreage of not less than ten (10) acres.

B. No site shall accommodate more than 100 units nor exceed a density of ten (10) units per acres of upland land area.

C. Each site shall contain at least 35% of the total area as permanent open space, which shall not include land devoted to streets or parking area, but may include land within the minimum setback areas required herein.

\*\*\*

**4.2.1 Density and Dimensional Regulations Residential Districts**

**4.2.3.4 Special Exemption**

The Zoning Board of Appeals may by special permit authorize the issuance of building permits in excess of the limits imposed by Section 4.2.3.3 for low income housing or moderate income housing which the Zoning Board of Appeals determines would serve the needs of the Town and that the benefits of such housing project outweigh its detrimental effects after consideration of the following criteria:

4.2.3.4.1 Impact on the health, safety, convenience, general welfare and amenities of the inhabitants of the Town;

4.2.3.4.2 Effects on adjoining premises, neighborhood character, and social structure;

4.2.3.4.3 Adequacy of municipal facilities and services, including but not limited to, fire and police protection, water provision, and wastewater disposal;

4.2.3.4.5 Effects on the natural environments; and

4.2.3.4.6 Fiscal impacts, including the effect on the tax and employment base, municipal finances, and property values.

**4.2.3.5 Severability**

A determination that any portion or provision of the Scheduled Development by-law is invalid shall not invalidate any other portion or provision hereof

\*\*\*

According to the table of uses, the following are also listed under "classification of other uses":

- "Older building reuse", by special permit of the planning board in most districts.

- "Mixed bus/res use", by right in business district 1, and by special permit from the planning board in business district 2 and industrial district 3.

**3.7 CLASSIFICATION OF OTHER USES**

3.7.1 Older Building Reuse: The Planning Board may grant a special permit to convert any building containing more than two thousand (2,000) square feet of floor area and built prior to February, 1953, a public school building, or other municipal building in its entirety for uses allowed in the district in which it is located regardless of development density provided (1) there is sufficient parking in accordance with Section 4.4 of this by-law, (2) the Planning Board finds that the site, architectural and landscape plans and conditions of approval are sufficiently advantageous to the Town to grant a special permit, and 3) no additions to the building are allowed, except for minimal additions necessary to comply with building, safety and health codes. or for the reasonable use of the building.

3.7.2 Mixed Business and Residential Use: In the Business 1 (B1), Business 2 (B2) and Industrial 3 (I3) Districts, both non-residential and residential uses are permitted on the same lot in conformance with Section 4.2.2.

\*\*\*

Minimum lot area:

By right:  
Industrial District 3 minimum lot size is 15,000 sq.ft.  
Business District 2 minimum lot size is not specified (chart says "--").

Researcher thinks these numbers refer to the minimum lot area per dwelling unit but could not find clarification in by-law.

## Marblehead

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** A. Explanation of allowed uses.

(1) Residence uses.

(e) Row house: one or no more than four adjoining dwellings, each designed for and occupied by one family and separated by vertical party walls; a townhouse.

(f) Multifamily dwelling: a dwelling for more than two families under one roof.

\*\*\*

200-37. Special permit for site plan approval.

An applicant for site plan approval may not be issued a building permit unless or until site plan approval has been granted by the Planning Board. No building permit may be issued unless in conformance with an approved site plan.

A. Applicability. The Planning Board shall determine whether to grant, grant with conditions, or deny if the submission is incomplete, a special permit for site plan approval for the following cases:

(1) New construction or external addition exceeding 700 square feet in nonresidential or combined nonresidential and residential gross floor area, including both proposed construction and the cumulative construction which has taken place over the previous five years, and to hotels, motels, and rooming houses having a capacity of three or more guests.

(2) New construction or external addition exceeding 1,000 square feet in gross floor area for a building containing three or more dwelling units.

(3) Any construction or external addition provided that the addition exceeds 500 square feet in gross floor area in any of the five Shoreline Districts or in the Harborfront District.

(4) In the case of accessory buildings within any Harborfront or Shoreline District, the Planning Board may determine that site plan approval is not required.

(5) Any subdivision resulting in three or more lots. If the subdivision is an "approval not required" plan under M.G.L. Ch. 41 Sections 81K - 81GG, the subdivision as defined in the Marblehead Zoning Bylaw," resulting in three lots or more is subject to the site plan approval process prior to the issuance of a building permit. [Amended 5-5-1997 ATM by Art. 19]

\*\*\*

According to Table 1 Land Use Regulations, the following multifamily uses are allowed:

Converted dwelling... by special permit in each district.

Row house...by special permit in U & SU, E-C, C-R & SC-R, and B-R.

Multifamily dwelling ... by special permit in U & SU.

Combined residential and non residential... by right in H, and by special permit in B, U & SU, B1 and B-R.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** A. Explanation of allowed uses.

(1) Residence uses.

(e) Row house: one or no more than four adjoining dwellings, each designed for and occupied by one family and separated by vertical party walls; a townhouse.

(f) Multifamily dwelling: a dwelling for more than two families under one roof.

\*\*\*

200-37. Special permit for site plan approval.

An applicant for site plan approval may not be issued a building permit unless or until site plan approval has been granted by the Planning Board. No building permit may be issued unless in conformance with an approved site plan.

A. Applicability. The Planning Board shall determine whether to grant, grant with conditions, or deny if the submission is incomplete, a special permit for site plan approval for the following cases:

(1) New construction or external addition exceeding 700 square feet in nonresidential or combined nonresidential and residential gross floor area, including both proposed construction and the cumulative construction which has taken place over the previous five years, and to hotels, motels, and rooming houses having a capacity of three or more guests.

(2) New construction or external addition exceeding 1,000 square feet in gross floor area for a building containing three or more dwelling units.

(3) Any construction or external addition provided that the addition exceeds 500 square feet in gross floor area in any of the five Shoreline Districts or in the Harborfront District.

(4) In the case of accessory buildings within any Harborfront or Shoreline District, the Planning Board may determine that site plan approval is not required.

(5) Any subdivision resulting in three or more lots. If the subdivision is an "approval not required" plan under M.G.L. Ch. 41 Sections 81K - 81GG, the subdivision as defined in the Marblehead Zoning Bylaw," resulting in three lots or more is subject to the site plan approval process prior to the issuance of a building permit. [Amended 5-5-1997 ATM by Art. 19]

\*\*\*

According to Table 1 Land Use Regulations, the following multifamily uses are allowed:

Converted dwelling... by special permit in each district.

Row house...by special permit in U & SU, E-C, C-R & SC-R, and B-R.

Multifamily dwelling ... by special permit in U & SU.

Combined residential and non residential... by right in H, and by special permit in B, U & SU, B1 and B-R.

\*\*\*

According to the Table 2 Dimensional Requierments in the Bylaws, the minimum lot size is 10,000 sq. ft. or 5000 sq. ft per unit, whichever is greater.

## Marlborough

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** City of Marlborough Zoning Ordinance

MULTIFAMILY DWELLING: A dwelling, including single-family attached units, designed for or occupied by three (3) or more families. [Zoning ByLaw City of Marlborough, Article II, Section 200-05: Definitions]

SINGLE FAMILY ZERO LOT LINE DWELLING: A single family dwelling where a side yard need not be provided on that side of the dwelling that shares a party wall or double wall with an adjacent dwelling.

200-18. Conditions for Use as Noted in the Table of Uses, Section

- (1) Single family zero lot line.
  - (a) Located within an Open Space Development in accordance with the requirements of Section 200-28 (E) 3;
  - (b) Have the appearance and character of single family dwellings;
  - (c) Are affordable as defined in Section 200-05.
- (2) Conversion of a single family house to a two family house.

Conversion of a single-family house existing at the time of the passage of the original Zoning Ordinance in 1956 to accommodate two (2) families, provided that:

- (a) The house contains at least one thousand eight hundred (1,800) square feet of gross floor area, not including basement rooms or open attic space.
  - (b) The lot contains at least fifteen thousand (15,000) square feet in Rural Residence Districts and ten thousand (10,000) square feet in Residence A-1, Residence A-2 and residence A-3 Districts.
  - (c) The appearance and character of a single-family house is preserved.
  - (d) Stairways, unless on the rear of the building, shall be located within the walls of the building and, on corner lots, shall be within the walls of the building.
- (3) Conversion of a two family to a three.

The conversion of a one or two-family residence building to accommodate not more than three (3) dwelling units, provided that:

- (a) The exterior one-or two-family character of the building is not altered and no major structural change is made in the exterior other than is necessary to provide means of egress from each unit as required by the Building Code. Stairways, unless in the rear of the building, shall be located within the walls of the building and, on corner lots, shall be within the walls of the building.
  - (b) There is at least six hundred (600) square feet of floor area for each dwelling unit and provided further that each dwelling unit has separate toilet and cooking facilities.
- (4) Multi-family dwelling. One (1) structure consisting of a multifamily dwelling containing three (3) or more dwelling units on a single lot, provided that the lot meets all the requirements of Article VII and, in addition, has a landscaped area meeting all the requirements of Section 200-18, item (9), subsection (e).

\*\*\*

Minimum Lot Area Requirements in areas zoned for Multifamily are:

- (RB) 8,000 sq. ft. plus 4,000 sq. ft. for each additional dwelling over 2
- (RC) 10,000 sq. ft. plus 2,000 for each additional dwelling over 3
- (B) 5,000 sq. ft.

## Marshfield

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** At this point, multifamily is only allowed by SP and only for seniors. Town Planner Angus Jennings (10/27/04) said that the board is planning on looking into downtown mixed-use and redevelopment options next spring but that he could not predict what the outcomes would be.

Planned mixed use development is allowed by special permit (see section 11.05) in B1, B2, B3, B4, IA, WRPD.

According to section 11.05, the uses allowed in the planned mixed use development include: limited retail, office, residential (elderly), nursing home/assisted living, and profit recreation.

Town of Marshfield Zoning Bylaw (Amended 2004)

Article II Definitions

DWELLING, MULTIFAMILY : A building containing three or more dwelling units.

\*\*\*

Name of district/code/lot size in sq. ft./ MF if allowed

- 1 Residential- Rural R-1/ 43,560 / elderly (it seems that MF is an option) by SP
- 2 Residential- Suburban R-2/ 20,000 / elderly (it seems that MF is an option) by SP
- 3 Residential- Waterfront R-3/ 10,000 / elderly (it seems that MF is an option) by SP
- 4 Residential Business RB/ 20,000 elderly (it seems that MF is an option) by SP
- 5 Business -Mixed-Use B-1/ 10,000 / elderly (it seems that MF is an option) by SP
- 15 Planned Mixed-Use Development No code/ elderly (it seems that MF is an option) by SP

Section 11.08 Age-Restricted Adult Village

2. Required Performance Standards

- a. In the R-1 district, the total number of proposed dwelling units within the development shall not exceed three (3) units per upland acre.
- b. In the R-2 and RB districts, the total number of proposed dwelling units within the development shall not exceed four (4) units per upland acre.
- c. In the R-3 district, the total number of proposed dwelling units within the development shall not exceed four (4) units per upland acre.
- d. In the B-1 district, the total number of proposed dwelling units within the development shall not exceed eight (8) units per upland acre.

1. Applicability and Use

- a. The tract of single or consolidated ownership at the time of application shall be at least six (6) acres in size in all residential zones and at least 10,000 square feet in the B-1 District, and shall be subject to approval by the Board acting as the Special Permit Granting Authority.

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 10/27/03.

## Maynard

**Is multi-family housing allowed by right in any part of the municipality?**

**Yes** According to the Town of Maynard Zoning Bylaws, Section 2.3, Table of Uses, garden apartments and high rise apartments are allowed by right in the Garden Apartment and High Rise Apartment Districts.

However, according to Carolyn Britt, Maynard Community Development Office, (7/29/04) the High Rise Apartment District is on the books, but not on the zoning map. Therefore, technically, the only multifamily zoning by right occurs in the Garden Apartment District.

\*\*\*

According to the table of uses:

"Multifamily dwelling" is allowed by special permit from the board of appeals in Residential GR, Business B.

"Garden apartments" are allowed by right in Apartments GA.

"High-rise apartment" are allowed by right in HRA.

"Health care/elderly housing, Medically assisted housing" is allowed by right in the HC/I district.

\*\*\*

## SECTION 4 GENERAL RESIDENCE DISTRICTS

### 4.1 REQUIREMENTS

C. Dwellings for 3 or more families, if authorized by a special permit issued by the Zoning Board of Appeals as specified under Section 12.4 of these Zoning By-Laws, as amended.

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/20/03.

### 4.3 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD

1. In General Residence districts, no building or structure shall be constructed or altered for a use as a dwelling for three or more families except in conformity with an approved Site Plan as delineated in Section 14 of these Zoning By-Laws.

## SECTION 6A GARDEN APARTMENT DISTRICTS

### 6A.1 REQUIREMENTS

In a Garden Apartment District, no building or structure shall be constructed, used or arranged or designed to be used in any part and no change shall be made in the use of the land or premises, except for use as Garden Apartments. For the purpose of this By Law, a Garden Apartment shall be defined as a building or a series of buildings located on a fully landscaped building lot and used exclusively for dwelling purposes, each building thereon containing not less than three (3) full family units with full kitchen and bath facilities.

### 6A.2 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD

1. All non-residential buildings, structures, parking lots, or any other man-made construction projects, must be erected in conformity with this Site Plan Approval By-Law; all building and occupancy permits must be issued in conformity with an approved Site Plan, as described in Section 14 of these Zoning By-Laws.

2. Any expansion of an existing use, or change in use which requires, in the opinion of the Planning Board, changes to the exterior of an existing building, and/or which in the opinion of the Planning Board, Substantially affects site layout, installation of utilities to the building, parking layout, traffic patterns or intensity of traffic, lighting, pedestrian access, or any other substantive change to the site of the subject building, must be undertaken in conformity with an approved Site Plan, as described in Section 14 of these Zoning By-Laws. All building and occupancy permits shall be issued in conformity with an approved Site Plan as described in Section 14 of these Zoning By-Laws.

## SECTION 6B HIGH RISE APARTMENT DISTRICTS

### 6B.1 REQUIREMENTS

In a High Rise Apartment District, no building or structure shall be constructed, used or arranged or designed to be used in any part and no change shall be made in the use of the land or premises, except for use as High Rise Apartments. For the purpose of this By Law, a High Rise Apartment shall be defined as "a building or a series of buildings located on a fully landscaped building lot and used exclusively for dwelling purposes, with each unit containing full kitchen and bath facilities".

### 6B.2 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD

1. All non-residential buildings, structures, parking lots, or any other man-made construction projects, must be erected in conformity with this Site Plan Approval By-Law; all building and occupancy permits must be issued in conformity with an approved Site Plan, as described in Section 14 of these Zoning By-Laws.

2. Any expansion of an existing use, or change in use which requires, in the opinion of the Planning Board, changes to the exterior of an existing building, and/or which in the opinion of the Planning Board, substantially affects site layout, installation of utilities to the building, parking layout, traffic patterns or intensity of traffic, fighting, pedestrian access, or any other substantive change to the site of the subject building, must be undertaken in conformity with an approved Site Plan, as described in Section 14 of these Zoning By-Laws. All building and occupancy permits shall be issued in conformity with an approved Site Plan as described in Section 14 of these Zoning By-Laws.

### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the table of uses:

"Multifamily dwelling" is allowed by special permit from the board of appeals in Residential GR, Business B.

"Garden apartments" are allowed by right in Apartments GA.

"High-rise apartment" are allowed by right in HRA.

"Health care/elderly housing, Medically assisted housing" is allowed by right in the HC/I district.

\*\*\*

## SECTION 4 GENERAL RESIDENCE DISTRICTS

### 4.1 REQUIREMENTS

C. Dwellings for 3 or more families, if authorized by a special permit issued by the Zoning Board of Appeals as specified under Section 12.4 of these Zoning By-Laws, as amended.

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/20/03.

### 4.3 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD

1. In General Residence districts, no building or structure shall be constructed or altered for a use as a dwelling for three or more families except in conformity with an approved Site Plan as delineated in Section 14 of these Zoning By-Laws.

## SECTION 6A GARDEN APARTMENT DISTRICTS

### 6A.1 REQUIREMENTS

In a Garden Apartment District, no building or structure shall be constructed, used or arranged or designed to be used in any part and no change shall be made in the use of the land or premises, except for use as Garden Apartments. For the purpose of this By Law, a Garden Apartment shall be defined as a building or a series of buildings located on a fully landscaped building lot and used exclusively for dwelling purposes, each building thereon containing not less than three (3) full family units with full kitchen and bath facilities.

### 6A.2 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD

1. All non-residential buildings, structures, parking lots, or any other man-made construction projects, must be erected in conformity with this Site Plan Approval By-Law; all building and occupancy permits must be issued in conformity with an approved Site Plan, as described in Section 14 of these Zoning By-Laws.

2. Any expansion of an existing use, or change in use which requires, in the opinion of the Planning Board, changes to the exterior of an existing building, and/or which in the opinion of the Planning Board, Substantially affects site layout, installation of utilities to the building, parking layout, traffic patterns or intensity of traffic, lighting, pedestrian access, or any other substantive change to the site of the subject building, must be undertaken in conformity with an approved Site Plan, as described in Section 14 of these Zoning By-Laws. All building and occupancy permits shall be issued in conformity with an approved Site Plan as described in Section 14 of these Zoning By-Laws.

## SECTION 6B HIGH RISE APARTMENT DISTRICTS

### 6B.1 REQUIREMENTS

In a High Rise Apartment District, no building or structure shall be constructed, used or arranged or designed to be used in any part and no change shall be made in the use of the land or premises, except for use as High Rise Apartments. For the purpose of this By Law, a High Rise Apartment shall be defined as "a building or a series of buildings located on a fully landscaped building lot and used exclusively for dwelling purposes, with each unit containing full kitchen and bath facilities".

### 6B.2 REQUIREMENT FOR SITE PLAN APPROVAL BY THE PLANNING BOARD

1. All non-residential buildings, structures, parking lots, or any other man-made construction projects, must be erected in conformity with this Site Plan Approval By-Law; all building and occupancy permits must be issued in conformity with an approved Site Plan, as described in Section 14 of these Zoning By-Laws.

2. Any expansion of an existing use, or change in use which requires, in the opinion of the Planning Board, changes to the exterior of an existing building, and/or which in the opinion of the Planning Board, substantially affects site layout, installation of utilities to the building, parking layout, traffic patterns or intensity of traffic, fighting, pedestrian access, or any other substantive change to the site of the subject building, must be undertaken in conformity with an approved Site Plan, as described in Section 14 of these Zoning By-Laws. All building and occupancy permits shall be issued in conformity with an approved Site Plan as described in Section 14 of these Zoning By-Laws.

\*\*\*

Garden Apartments (1 acre lot size and 10,000 sq. ft. per unit)

High Rise Apartments (5 acre lot size and 5000 sq. ft. per unit)

This information is from the Town of Maynard Zoning Bylaws, Section 8.1, Table I. Note that requirements for elderly and multifamily housing are different in the GR and B than for other types of buildings in each of those districts. Table I notes that the general requirements are 7000 sq. ft. for lot area, but subscripts next to that number in the table indicate the increased lot size requirements for elderly and multifamily housing.

General Residential District and the Business District (elderly housing 10,000 sq. ft. lot area and 2,000 sq. ft. per dwelling unit. For

multifamily housing, 10,000 sq. ft. lot area and 5,000 sq. ft. per dwelling unit).

## Medfield

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** From ordinance.com:

2.1.16 DWELLING, MULTIFAMILY : A building containing three or more dwelling units.

\*\*\*

According to the Table of Use Regulations, the following multifamily uses are allowed:

"Alteration of two- or multi-family dwelling (See Section 14.10.6.h)... by special permit in R-U and B. (SPGA is Board of Appeals)

"Multifamily dwelling, including Public Housing for the Elderly (See section 14.13)"... PB in R-U. PB stands for: "A use which is permitted by right in the District but which requires a Special Permit indicating Site Plan Approval from the Planning Board in accordance with Section 14."

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** From ordinance.com:

2.1.16 DWELLING, MULTIFAMILY : A building containing three or more dwelling units.

\*\*\*

According to the Table of Use Regulations, the following multifamily uses are allowed:

"Alteration of two- or multi-family dwelling (See Section 14.10.6.h)... by special permit in R-U and B. (SPGA is Board of Appeals)

"Multifamily dwelling, including Public Housing for the Elderly (See section 14.13)"... PB in R-U. PB stands for: "A use which is permitted by right in the District but which requires a Special Permit indicating Site Plan Approval from the Planning Board in accordance with Section 14."

\*\*\*

From the Zoning Bylaw for the Town of Medfield, Massachusetts, Section 6.2 Table of Area Regulations.

R-U (24,000 sq. ft. required for 3 units plus 6000 sq. ft. for each additional unit)

## Medford

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Medford Zoning Ordinance from Municode.com, from definitions:

Dwelling, multiple means an apartment house or building designed for or occupied as a residence by more than two families; or a building designed for or occupied by one or more families in addition to a nonresidential use, but not including a group of three or more attached single-family dwellings, a lodging house, a hotel or motel, a dormitory, fraternity or sorority house.

\*\*\*

According to the Table of Use Regulations in Article IV (Use Regulations) of the Medford Zoning Ordinance on municode.com:

Attached single family dwelling, three or more dwelling structure... by right in Apt 1, 2, 3

Multiple dwelling not over three stories in height ... by right allowed in Apt 1, Apt 2, Apt 3, C1, and MUZ.

Multiple dwelling not over 75 feet or six stories in height... by right allowed in Apt 2, Apt 3, C1, MUZ.

#### ARTICLE VI. SITE PLAN REVIEW

##### Sec. 94-331. Purpose.

The purpose of this article is to provide a comprehensive review procedure for construction projects which will have significant impacts on the city, herein defined, to ensure compliance with the goals and objectives of the city, and the provisions of this chapter, to minimize adverse impacts of such development, and to promote development which is harmonious with surrounding areas; in particular to assure proper drainage, safe access, adequate parking and loading spaces, public convenience and safety and adequate consideration of abutting land owners.

(Ord. No. 527, § 3(16A.1), 6-7-1988)

##### Sec. 94-332. Definitions.

For the purposes of this article the following definition of terms shall apply to any construction project.

Major projects:

- (1) Residential projects containing six or more units; including conversions of existing dwellings to contain six or more units;
- (2) Nonresidential projects which involve new construction of 10,000 square feet or more of floor area, or the addition of 10,000 square feet or more of gross floor area;
- (3) Projects which involve a change in principal use of an existing building containing 10,000 square feet or more of floor area;
- (4) Parking lots, including municipal lots, not accessory to principal uses;
- (5) Drive-in eating places;
- (6) Eating places other than drive in eating places with more than 2,500 square feet of floor area;
- (7) Medical offices containing 5,000 square feet or more of gross floor area;
- (8) Gasoline service stations;

(Ord. No. 527, § 3(16A.2), 6-7-1988)

Cross references: Definitions generally, § 1-2.

\*\*\*

John Bavuso from Code Enforcement confirmed that multifamily housing is zoned by right.

\*\*\*

Lauren DiLorenzo also confirmed that multifamily development is by right, not special permit. She did indicate that projects may require site plan review, but they have never denied a project. (12/03/04)

\*\*\*

From Table 6.3 Table of Dimensional Requirements, of the Medford Zoning Ordinance on municode.com.

Attached single family dwelling - end dwelling unit (3,500 sf), middle dwelling unit (2,500 sf).

Multiple dwelling - 10,000 sf total lot

- 1st and 2nd dwelling units: 4,500 sf
- each additional unit on first three floors: 1,000 sf
- each additional unit on or above fourth floor: 600 sf.

#### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Medford Zoning Ordinance from Municode.com, from definitions:

Dwelling, multiple means an apartment house or building designed for or occupied as a residence by more than two families; or a building designed for or occupied by one or more families in addition to a nonresidential use, but not including a group of three or more attached single-family dwellings, a lodging house, a hotel or motel, a dormitory, fraternity or sorority house.

\*\*\*

According to the Table of Use Regulations in Article IV (Use Regulations) of the Medford Zoning Ordinance on municode.com:

Attached single family dwelling, three or more dwelling structure... by right in Apt 1, 2, 3

Multiple dwelling not over three stories in height ... by right allowed in Apt 1, Apt 2, Apt 3, C1, and MUZ.

Multiple dwelling not over 75 feet or six stories in height... by right allowed in Apt 2, Apt 3, C1, MUZ.

#### ARTICLE VI. SITE PLAN REVIEW

Sec. 94-331. Purpose.

The purpose of this article is to provide a comprehensive review procedure for construction projects which will have significant impacts on the city, herein defined, to ensure compliance with the goals and objectives of the city, and the provisions of this chapter, to minimize adverse impacts of such development, and to promote development which is harmonious with surrounding areas; in particular to assure proper drainage, safe access, adequate parking and loading spaces, public convenience and safety and adequate consideration of abutting land owners.

(Ord. No. 527, § 3(16A.1), 6-7-1988)

Sec. 94-332. Definitions.

For the purposes of this article the following definition of terms shall apply to any construction project.

Major projects:

- (1) Residential projects containing six or more units; including conversions of existing dwellings to contain six or more units;
- (2) Nonresidential projects which involve new construction of 10,000 square feet or more of floor area, or the addition of 10,000 square feet or more of gross floor area;
- (3) Projects which involve a change in principal use of an existing building containing 10,000 square feet or more of floor area;
- (4) Parking lots, including municipal lots, not accessory to principal uses;
- (5) Drive-in eating places;
- (6) Eating places other than drive in eating places with more than 2,500 square feet of floor area;
- (7) Medical offices containing 5,000 square feet or more of gross floor area;
- (8) Gasoline service stations;

(Ord. No. 527, § 3(16A.2), 6-7-1988)

Cross references: Definitions generally, § 1-2.

\*\*\*

John Bavuso from Code Enforcement confirmed that multifamily housing is zoned by right.

\*\*\*

Lauren DiLorenzo also confirmed that multifamily development is by right, not special permit. She did indicate that projects may require site plan review, but they have never denied a project. (12/03/04)

## Medway

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**No** No multifamily housing (3+ families, not townhouses) is allowed in Medway. Townhouses are allowed as a part of the ARCPUD.

\*\*\*

AR-I includes the statement, "Only single-family residences shall hereafter be erected in this district" while AR-II states, "Only single-family residences shall hereafter be erected in this district except that two-family dwellings will be permitted when authorized by the Zoning Board of Appeals."

Medway has multifamily housing according to the May 1999 Master Plan -- 112 2-family units, 20 3-family units, 9 multi-buildings lots (23 units), and 24 apartments (181 units). (p. 23).

The commercial and industrial use districts only mention single-family uses.

### ZONING BY-LAW & MAP

Medway Planning Board

Medway, Massachusetts

Updated – September 3, 2002

(Includes amendments approved by Town Meeting on November 5, 2001, May 13, 2002 and June 24, 2002)

### SECTION II. DEFINITIONS

Dwelling: A building or portion thereof designed exclusively for residential occupancy, including single family, two family, and multiple

family dwellings, but not including hotels, motels, boarding houses, trailers, or structures solely for transient or overnight occupancy.

Multifamily Dwelling or Apartment House: A building intended and designed to be occupied by more than two families living independently in separate dwelling units.

Two Family House: A dwelling intended and designed to be occupied by two families living independently in separate dwelling units.

## SECTION V. USE REGULATIONS

### E. AGRICULTURAL AND RESIDENTIAL DISTRICT I

1. Buildings, structures, and premises may be used for lawful residential, municipal, or nonprofit recreational purposes, for any agricultural use, except piggeries and fur farms, and for uses customarily accessory thereto, and for the following commercial purposes but no others:

- a) The display and sale at a roadside stand or otherwise of natural products, the major portion of which are raised on the premises of the owner.
- b) The office of a doctor or dentist or other member of a recognized profession residing on the premises, providing there is no display or advertising except for permitted signs.
- c) Any of the following uses, provided it is not injurious, noxious, or offensive and only if authorized by the Board of Appeals subject to appropriate conditions where such are deemed necessary to protect the Town:
  - 1) Greenhouse or sawmill.
  - 2) Aviation field, golf course, boathouse, livery riding stable or ski tow.
  - 3) Gravel, loam, sand, or stone removal. No authorization by the Board of Appeals shall be required when the removal of such materials is incidental to the construction or alteration of buildings thereon for which a permit has been issued by the Board of Selectmen or to the construction of a street or way in the subdivision which has been approved by the Planning Board.
  - 4) Veterinary hospital.
  - 5) The use of a room in a dwelling or accessory building for a customary home occupation.
  - 6) Any other use determined by the Board of Appeals to be similar to one or more of the uses specifically authorized and not detrimental to a neighborhood.

2. Only single-family residences shall hereafter be erected in this district.

3. Any dwelling hereafter erected in this district indicated on the Zoning By-Law Map dated September 3, 1966, shall be located on a lot having a continuous frontage of not less than 180 ft. on a street or streets, and an area of not less than 44,000 sq. ft., except that one single family dwelling may be erected on a lot having lesser frontage and area where said lot existed at the time this By-Law was adopted and did not adjoin other land of the same owner available for use in connection with said lot.

4. All buildings shall extend no nearer to any street line than 35 ft., and shall not be less than 15 ft. from the side lot lines and 15 ft. from the rear lot line. The Board of Appeals may make exception to this upon appeal or written request if the setbacks of buildings on adjoining lots vary from its requirement.

5. No person shall sell or convey a portion of his land whereby the remaining land shall become non-conforming. A lot or parcel of land containing two or more dwellings at the time of the adoption of this By-Law, which cannot be divided in conformity with these requirements may, under a special permit of the Board of Appeals, be divided in a manner complying as closely as possible with these requirements.

### F. AGRICULTURAL AND RESIDENTIAL DISTRICT II

1. Buildings, structures and premises may be used for lawful residential, municipal, religious, educational or nonprofit recreational purposes, for any agricultural use except piggeries and fur farms, and for uses customarily accessory thereto, except that livestock and poultry are prohibited on premises having a total land area less than 44,000 sq. ft., and for the following purposes but no others:

- a) The display and sale at a roadside stand or otherwise of natural products, the major portion of which are raised on the premises of the owner.
- b) The office of a doctor or dentist or other member of a recognized profession residing on the premises, providing there is no display or advertising except for permitted signs.
- c) Any of the following uses, provided it is not injurious, noxious, or offensive and only if authorized by the Board of Appeals subject to appropriate conditions where such are deemed necessary to protect the Town:
  - 1) Greenhouses.

- 2) Aviation field, golf course, boathouse, livery riding stable or ski tow.
- 3) Gravel, loam, sand, or stone removal. No authorization by the Board of Appeals shall be required for the removal of such materials when incidental to the construction or alteration of buildings thereon for which a permit has been issued by the Board of Selectmen or to the construction of a street or way in the subdivision which has been approved by the Planning Board.
- 4) The use of a room in a dwelling or accessory building for a customary home occupation.
- 5) Any other use determined by the Board of Appeals to be similar to one or more of the uses specifically authorized and not detrimental to a neighborhood.

2. Only single-family residences shall hereafter be erected in this district except that two-family dwellings will be permitted when authorized by the Zoning Board of Appeals.

3. Any single-family dwelling hereafter erected in this district shall be located on a lot having a continuous frontage of not less than 150 ft. on a street or streets, and an area of not less than 22,500 sq. ft., except that one dwelling may be erected on a lot having lesser frontage and area where said lot existed at the time this By-Law was adopted and did not adjoin other land of the same owner available for use in connection with said lot.

4. Any two-family dwelling hereafter erected in this district shall be located on a lot having a frontage of not less than 150 ft. on a street or streets, and an area of not less than 30,000 sq. ft. For two-family dwellings, there shall be provided on each lot an off-street parking area or areas, indoor or outdoor, of sufficient size to allow two parking spaces for each dwelling unit. No parking area shall be located nearer than 10 ft. to the line of an adjoining lot. No space shall be considered available for parking which reduces the effective width of a driveway providing access to this or any other dwelling.

5. Alteration and conversion of a single-family dwelling to accommodate two families may be permitted when authorized by the Zoning Board of Appeals provided that the exterior design of the structure is not changed from the character of a single-family dwelling. For all such converted or altered dwellings, there shall be provided on each lot an off-street parking area or

areas, indoor or outdoor, of sufficient size to allow two parking spaces for each dwelling unit. No parking area shall be located nearer than 10 ft. to the line of an adjoining lot. No space shall be considered available for parking which reduces the effective width of a driveway providing access to this or any other dwelling.

6. All buildings shall extend no nearer to any street line than 35 ft., and shall not be less than 15 ft. from the side lot lines and 15 ft. from the rear lot line. The Board of Appeals may make exception to this upon appeal or written request, if the setbacks of buildings on adjoining lots vary from its requirement.

7. No person shall sell or convey a portion of his land whereby the remaining land shall become non-conforming. A lot or parcel of land containing two or more dwellings at the time of the time of adoption of this By-Law, which cannot be divided in conformity with these requirements may, under a special permit of the Board of Appeals, be divided in a manner complying as closely as possible with these requirements.

\*\*\*

TOWN HOUSE : A residential building of two (2) or more stories in height containing a single dwelling that is one (1) of a group of three (3) or more such buildings that are attached or semi-attached to one another, sharing at least one (1) common or party or fire wall, and with each building having at least one (1) floor at ground level with a separate entrance. A town house may be constructed on its own individual and separate lot or may be one of several individual dwellings on a common lot, but if it is part of an ARCPUD Single Family Subdivision, each townhouse shall be constructed on an individually defined Home Site on an individual lot. (Amended STM 10/16/00, approved 2/12/01)

\*\*\*

#### C. SITE PLAN APPROVAL

(Amended 2/12/01 approved 3/14/01)

In all districts, no building shall be constructed, no exterior enlargement or substantial exterior alteration or any new use shall be allowed on a lot or tract of land until a site plan has been approved by the Board of Selectmen unless Site Plan Approval is specifically waived herein. This provision shall not apply to Single Family Homes, and two family homes, including additions and enlargements. The procedure for site plan, approval is as follows.

\*\*\*

ZONING BY-LAW & MAP  
Medway Planning Board

Medway, Massachusetts

Updated – September 3, 2002

(Includes amendments approved by Town Meeting on November 5, 2001, May 13, 2002 and June 24, 2002)

#### T. ADULT RETIREMENT COMMUNITY OVERLAY DISTRICTS (Amended STM 10/16/00, approved 2/12/01)

##### 4. Adult Retirement Community Planned Unit Development (ARCPUD):

a) Purpose and Intent: the purpose of Adult Retirement Community Planned Unit Development, or ARCPUD, is to encourage development of master-planned residential communities for persons fifty-five (55) years of age and older by allowing for a greater variety of uses and building types at a higher density than would normally be allowed, and allowing greater flexibility in site planning so as to promote affordable housing and the preservation of open space within the development. It is intended that an ARCPUD development provide a range of housing types and facilities that are responsive to the socio-cultural, healthcare and recreational needs of senior residents. The intent of an ARCPUD also is to achieve, to the greatest possible degree, land development that is responsive to an analysis of the environmental assets and constraints of a site, both natural and man-made. The ARCPUD should be a well-integrated development in terms of land use, functional systems and major design elements such as buildings, roads, utilities, drainage systems and open space. Design standards should be supportive of a New England character, with a cohesive center and a sense of neighborhood. An ARCPUD is allowed greater design flexibility so that site planning for a development may protect natural features and consider most fully the surrounding land use and development context. This may allow for development to be more highly concentrated on one portion of a site than would otherwise be the case with a resulting lower intensity of development and preservation of open space elsewhere on the site. Development should be concentrated in the most suitable and least environmentally sensitive areas of the landscape. Preservation of natural open space is strongly promoted, as is provision and enhancement of additional open space for recreational use and enjoyment of residents. It is intended that the benefits of ARCPUD development will act to encourage property owners/developers to consolidate land parcels so that comprehensive and responsible site planning will occur.

b) Pre-Application Meeting: A pre-application meeting and review with the Planning Board is required. This will provide the applicant with the opportunity to present preliminary development plan concepts and gain informal feedback from the Planning Board, other Town officials and interested citizens. This review also will allow the Planning Board and involved Town officials to provide guidance to the applicant on the Special Permit application and review process.

c) ARCPUD General Standards: An Adult Retirement Community Planned Unit Development (ARCPUD) shall comply with the following general standards:

1) All dwellings in an ARCPUD shall be subject to an age restriction described in a deed/deed rider, restrictive covenant, or other document approved by the Planning Board that shall be recorded at the Registry of Deeds or Land Court. The age restriction shall limit the Dwelling Units to occupancy by seniors, age fifty-five (55) or older; or their spouses of any age; provide for reasonable time-limited guest visitation rights; and may authorize special exceptions that allow persons of all ages to live in a Dwelling Unit together with a senior resident, if the Planning Board so approves and specifies this in its special permit. The Special Permit including the age restriction shall run with the land in perpetuity and shall be enforceable by any owner(s) of dwelling units in the ARCPUD and/or the Planning Board of the Town of Medway.

2) An ARCPUD shall be on a site that is a minimum of ten (10) acres in area. The site may consist of a single lot or of multiple, contiguous lots.

3) The ARCPUD shall include a mixture of two or more types of adult retirement community residential uses as defined in Section II of this By-Law and may be developed in multiple phases.

4) Upon approval by the Planning Board, an ARCPUD also may include Local Convenience Retail use of no more than 7,500 square feet of gross building area. If located within an ARCPUD development, by definition, the total amount of building area occupied by Local Convenience Retail uses shall not exceed five percent (5%) of the ARCPUD total gross building area or 7,500 square feet, whichever is greater.

5) Upon approval by the Planning Board, an ARCPUD also may include an ARCPUD Community Center or Community Building(s) intended for use and benefit of the ARCPUD residents, provided that such use(s) shall occupy not more than ten percent (10%) of the gross building floor area constructed within the approved ARCPUD, and that in the opinion of the Planning Board, such use enhances the general purpose of this ARCPUD and enhances better site and community planning, and if the Planning Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the residents, owners or their agents and that the residents, owners or their agents will bear all expenses related thereto.

6) The maximum number of permitted housing units in an ARCPUD shall be determined by multiplying the gross acreage of the ARCPUD site by a factor of three (3.0). A housing unit shall be defined as equal to:

(a) A home Site in an ARCPUD Residential Subdivision, a townhouse, or a dwelling unit as defined in the By-Law;

(b) Two (2) dwellings or rooms in an Assisted Living or Congregate Living Residence Facility, provided such dwellings do not meet the definition of a dwelling unit;

(c) Three (3) dwellings or rooms in a Long-Term Care Facility.

An applicant or developer of an ARCPUD is not entitled to the maximum number of housing units described above. The allowable increased density, up to the calculated maximum number of housing units for the given ARCPUD site, is at the discretion of the Planning Board based on evaluation of the proposed development plan, its impacts and its benefits to the community.

7) When an ARCPUD is within more than one (1) base zoning district, applicable use standards will be based on the percentage of acreage in each district.

8) The maximum number of permitted housing units within all permitted ARCPUD developments in the Town of Medway shall be limited to a number equivalent to ten percent (10%) of the existing single-family residential housing units (excluding ARCPUD units) located in the Town of Medway. For the purpose of this By-Law, the number of single-family residential housing units shall be as established by the Board of Assessors as of January 1 of the calendar year.

d) ARCPUD Open Space Standards: A minimum of forty percent (40%) of the total land area of the ARCPUD shall be set aside and maintained as open space. The following standards shall apply to the required ARCPUD open space land area:

1) The following shall not be counted as part of the required ARCPUD open space: Community Buildings or other buildings housing common facilities, median strips, landscaped areas within parking lots, or lawn/landscaped areas on individual Home Site lots, or any impervious areas for the open collection and management of storm water.

2) A minimum of forty percent (40%) of the required ARCPUD open space shall be suitable for use for passive and/or active recreational purposes.

3) A minimum of fifty percent (50%) of the required ARCPUD open space shall be preserved in its natural pre-development condition, unless the Planning Board finds that it is not practical for the ARCPUD to preserve this amount of natural land due to previous land alteration activities.

4) Wetland resource areas as defined and regulated pursuant to the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131A) shall comprise not more than fifty percent (50%) of the required ARCPUD open space.

5) The required ARCPUD open space shall be contiguous, unless the Planning Board finds that it is not practical for all the open space to be contiguous due to the particular shape and topography of the ARCPUD site or, for the same reasons, that it is advantageous to allow separated open space areas in order to best protect natural features of the site.

6) To the greatest extent possible, the allocation and reserve of ARCPUD open space should establish a network of open space within the site. Wherever possible, the ARCPUD open space shall be contiguous to and interconnect with other existing open spaces bordering the ARCPUD. The ARCPUD plan should take into account any Town of Medway or other public agency plans for preservation or improvements to public open space adjacent to the ARCPUD site, so as to provide potential for linkage and access to said adjacent public open space. As a condition of issuance of the Special Permit for an ARCPUD, the Planning Board may require the ARCPUD applicant to provide paths, walkways or other appropriate physical connections to adjacent open spaces.

7) A minimum of fifty percent (50%) of the required ARCPUD open space shall be set aside permanently as Protected Open Space. The Protected Open Space shall be maintained as open space in perpetuity. If protected by a deed restriction or conservation restriction pursuant to M.G.L. Chapter 40A, Section 9 for common open space, the Protected Open Space may be owned in whole or part by a private corporation or trust representing the owners or persons responsible for development of the ARCPUD, resident owners within the ARCPUD, or a non-profit conservation organization. A covenant shall be placed on the land such that no part of the ARCPUD shall be sold or occupied until a satisfactory written agreement has been executed for protection of the Protected Open Space. Otherwise, the required Protected Open Space shall be conveyed by deed to the Medway Conservation Commission or a land trust designated by the Medway Conservation Commission. The Planning Board may require such conveyance as a condition of approval of the ARCPUD, though the Planning Board shall not make a requirement of public dedication of more than the required Protected Open Space.

8) Drainage facilities (i.e. detention and retention basins) shall not be located in the open space areas. Dedicated open space may be utilized as natural courses for disposal of storm runoff from impervious surfaces. Other than minor berming (maximum 3:1 slopes which shall blend into the landscape) and riprap at pipe outflows, no significant disruption of the land (contour changes greater than three (3) feet) for drainage is permitted.

9) Open space shall be laid out to provide eco-corridors and other areas identified for open space preservation. Land within fifty (50) feet of any dwelling unit shall not be counted toward the open space acreage. Areas to remain as naturally-existing woods, fields, meadows and wetlands shall be maintained and a plan for funding the maintenance provided.

10) If the dedicated open space is not to be conveyed to the town, the applicant must provide a written program describing how the open space will be maintained in perpetuity to standards satisfactory to the Board. The applicant shall also provide an agreement empowering the town to perform maintenance of the open space in the event of failure to comply with the program. This agreement shall provide that, if the town is required to perform any maintenance work, the owner(s) of the open space shall pay the cost thereof and any unpaid costs shall constitute liens upon homeowners' property until said costs have been paid.

e) ARCPUD Site Development Standards: The following site development standards shall apply to all ARCPUD developments.

- 1) Each lot or contiguous lots upon which an ARCPUD is located shall have a minimum of two hundred fifty linear feet (250') of total frontage on an existing public way(s).
  - 2) Each building in the ARCPUD shall face either upon an existing street or upon a public or private way constructed within the ARCPUD.
  - 3) Each building in the ARCPUD shall have a minimum front yard of no less than twenty feet (20') from the edge of the paved way to the closest point of the structure and a side yard of not less than ten feet (10') from the edge of the paved way to the closest point of the structure.
  - 4) Each building in the ARCPUD shall be set back a minimum of fifty feet (50') from the ARCPUD's perimeter lot line. The setback area shall be maintained as natural open space or as a landscaped buffer.
  - 5) Each building in the ARCPUD shall be set back a minimum of fifty feet (50') from the right-of-way line of any public way.
  - 6) In an ARCPUD Residential Subdivision, each Home Site lot shall be a minimum of 6,000 square feet in area and meet upland and lot shape requirements specified within this By-Law.
  - 7) There shall be no minimum standards for internal lot line setbacks within the ARCPUD unless required by the Planning Board in its issuance of a special permit based on specific findings that there is need for greater physical separation of specific buildings or uses.
  - 8) Within the ARCPUD a minimum of two (2) off-street parking spaces shall be required for each dwelling unit. The required parking space(s) shall be provided on the same lot as the dwelling(s) or on a contiguous lot (within the ARCPUD) provided that there are easements ensuring rights of access, use and maintenance. The Planning Board may, as a condition of granting a special permit for the ARCPUD, require additional off-street parking areas to be provided for use in common by dwelling unit owners or residents and their guests.
  - 9) A minimum of one (1) off-street parking space shall be required for each 500 square feet of gross building area occupied by a permitted Local Convenience Retail use. The Planning Board may reduce this requirement if the nature and design of a particular ARCPUD indicates that parking demand will be lower due to enhanced pedestrian access or a reduced reliance on motor vehicle travel within the ARCPUD. The required parking space(s) shall be provided on the same lot as the permitted use or on a contiguous lot (within the ARCPUD) provided that there are easements ensuring rights of access, use and maintenance. The Planning Board may, as a condition of granting a special permit for the ARCPUD, require additional off-street parking areas to be provided for accessory uses within the ARCPUD.
  - 10) All roadways and driveways serving more than one dwelling shall be a minimum paved width of twenty-two feet (22').
  - 11) All roadways, driveways and parking areas within the ARCPUD shall be maintained by the applicant, developer of the ARCPUD, its assigns, or owners or their agents.
  - 12) Landscape design shall give preference to the maintenance of existing healthy trees and groundcover. The development of large lawn areas shall be minimized.
  - 13) All utilities shall be underground.
  - 14) No mobile homes or trailers shall be allowed to be used as dwelling units in the ARCPUD.
  - 15) Utilities and on-site storage shall be shielded from view by walls or fences.
  - 16) All solid waste removal within the ARCPUD shall be the responsibility of the residents, owners or their agents and they shall bear all expenses related hereto.
- f) Planning Board Findings for ARCPUD Special Permit: The Planning Board shall review and make findings that the following requirements and features of an ARCPUD are satisfied in the proposed development. The permitted ARCPUD shall clearly demonstrate:
- 1) That the ARCPUD is a defined tract of land of a minimum of ten (10) acres in area;
  - 2) That the ARCPUD is developed in a comprehensive, design-integrated manner according to an overall master plan with two (2) or more types of senior residential use, or at least one (1) type of senior residential use and at least one (1) type of Local Convenience Retail use;
  - 3) That the ARCPUD is consistent with all ARCPUD general standards and all applicable ARCPUD site development standards set forth herein;
  - 4) That the ARCPUD is consistent with the goals and objectives of the Town of Medway Master Plan;
  - 5) That the ARCPUD locates or clusters development sites, especially buildings and parking areas, in a manner that preserves natural open space and historic features of the site and provides usable open space for the recreation and enjoyment of

ARCPUD residents;

- 6) That the ARCPUD makes efficient use of land by properly considering topography and protection of significant natural features including, but not limited to: waterways, wetlands floodplains and wildlife habitat;
  - 7) That the ARCPUD demonstrates coordinated site development including, but not limited to:
    - (a) The appropriate integration or separation of land uses and housing types;
    - (b) The use of consistent or compatible architecture that serves to visually unify the elements of the ARCPUD;
    - (c) The establishment of contiguous expanses of preserved open space;
    - (d) The development of an efficient vehicular access and circulation system and other infrastructure, that is to the degree practical, designed to serve all the various elements of the ARCPUD development;
    - (e) The establishment of pedestrian networks within the site as appropriate to serve residents.
  - 8) That the ARCPUD roadway and other infrastructure systems are sized to accommodate the overall service demand of all uses in the ARCPUD development;
  - 9) That the ARCPUD roadway and other infrastructure systems are linked to and coordinated with the surrounding off-site public roadways and infrastructure in a manner that is safe, efficient and non-injurious to the public and an improvement or benefit to the public where possible;
  - 10) That the ARCPUD includes provisions for the ownership and preservation of required ARCPUD open space;
  - 11) That the ARCPUD includes appropriate deed restrictions or covenants requiring compliance of all development with the ARCPUD master plan and with any site plan or architectural guideless or standards specifically included by the Planning Board as part of the ARCPUD.
  - 12) The Planning board may, as a special permit condition, require that all proposed laws or similar binding ARCPUD regulations which may be relevant to the issuance of the special permit, including but not limited to: by-law provisions prohibiting the presence of persons under age 55 residing in the ARCPUD and limiting or prohibiting the presence in the ARCPUD of mobile homes or trailers, boats, boat trailers or recreational vehicles, be made a part of the Special Permit, and that any change to or failure to enforce said provisions shall be a violation of said Special Permit.
  - 13) Depending on the nature of the particular ARCPUD and it uses, the Planning Board may, as a condition of any Special permit for an ARCPUD, require that the land area on which the ARCPUD is located be permanently maintained as one undivided lot and that from and after the date of the issuance of the Building Permit for said ARCPUD or any portion thereof, no subdivision of said lot shall be allowed without the express approval of the Planning Board. However, the recording of a condominium master deed and the conveyance of condominium units within the area covered by said deed shall be allowed.
  - 14) Depending on the nature of the particular ARCPUD and its uses, the Planning Board may, as a condition of any Special Permit for an ARCPUD, require a legal mechanism as will, in the opinion of the Planning Board, assure that the said ARCPUD will not be subdivided, nor its individual units shall not be further subdivided, or that the ARCPUD will remain as rental housing, or that ownership will remain consolidated.
- g) Administration:
- 1) Overview: The Planning Board shall, in its discretion, require the following Basic Information (a) to (e) below for all applications for special ARCPUD permits and any additional information, if applicable, including, but not limited to items listed in (f) to (r) below. Only that information which is applicable to a proposed use or structure will be required of the applicant. The applicant is required to have a preliminary meeting with the Planning Board before submitting the application to help the applicant identify the applicable information requirements.
  - 2) Basic Information:
    - (a) Names, addresses and telephone numbers of the applicant, the owner if other than the applicant and other agents for the applicant, such as the architect, engineer and/or attorney, and the name and address of the proposed project;
    - (b) A plot plan (certified by a land surveyor) indicating total land area boundaries, angles and dimensions of the site and a north arrow;
    - (c) Locus of the land shown on the plan at a scale of no smaller than 1"=100', with sufficient information to accurately locate the land and adjacent land, all property lines and buildings within 500' of the land;
    - (d) Plans showing:
      - i. Present and proposed use(s) of the land and existing buildings, if any;

- ii. Dimensions of existing and proposed building(s) or other structures including height, setback(s) from property lines and total square footage of all floors;
- iii. Locations and dimensions of any easements, public or private rights-of-way, or other burdens existing or proposed;
- iv. At-grade parking and loading areas showing number, location and dimensions of parking and loading spaces, driveways, access and sidewalks, preferably indicated on plot plan; and
- (e) A brief written description of the proposed project, such as proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees, and/or occupants and methods and hours of operation, as applicable.

Additional Information, if applicable:

- (f) The total floor area and ground coverage ratio of each proposed building and structure;
- (g) Front, side and rear elevations;
- (h) Existing and proposed contour elevations in two foot increments;
- (i) Provisions for vehicular and pedestrian access ways, including proposals for new or relocated curb-cuts and access for emergency vehicles;
- (j) Color, materials and exterior features of proposed structures;
- (k) Landscaping and screening, including trees, stones, walls, fences and other features to be retained and removed as well as color, size and type of landscaped surface materials;
- (l) Measures taken to preserve and protect natural resources;
- (m) Outdoor lighting, including location and intensity of lighting facilities;
- (n) Location and significance of historical structures;
- (o) Locations of and adequacy of existing and proposed on-site public utilities, facilities and conditions (water, sewerage and drainage), showing size and direction of flow;
- (p) A traffic study including estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions;
- (q) Wetlands ponds and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 131, section 40, and rules promulgated hereunder, 310 CMR 10.00 and any other applicable local bylaws, rules or regulations; and
- (r) Such other information as will aid the Board in judging the application and in determining special conditions and safeguards and as the Board should deem necessary in its determination of completeness of said application.

### 3. Procedures for Special Permits, Application Procedures and Information

Required: Applications for a special ARCPUD permit shall be made to the Planning board on forms provided for that purpose, accompanied by the required fee. Copies of the completed application shall be distributed to those boards and departments as specified in the Rules and Regulations, which shall include, but not be limited to: the Selectmen, Inspector of Buildings and Conservation Commission.

\*\*\*

## Melrose

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Zoning Ordinance of the City of Melrose, Massachusetts, Section 2.1

Apartment house. A building designed or intended or used as the home or residence of three (3) or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Dwelling, multi-family. A building containing three (3) or more dwelling units and including apartment house, garden apartment house and multi-family dwellings.

Townhouse. A row of at least three (3) but not more than five (5) one-family dwelling units whose side walls are separated from the other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner. (Ord. of 7/20/87)

\*\*\*

Multifamily housing is allowed by right in the following districts:  
Multifamily Dwelling--Medical Business District  
Townhouses--B Urban Residence, C Urban Residence, D Urban Residence and Medical Business District.  
Apartment Houses--C Urban Residence, D Urban Residence and Medical Business District.

\*\*\*

According to the Table of Use Regulations, Section 5.4, on ordinance.com:

"Mixed residential/business uses where all dwelling units are above the first floor level (Ord. of 5/1/95)" is allowed by special permit in UR-B, UR-C, UR-D and by right in BA-1, BC, BD.

Section 11.5 Special Permits for Multi-family Residential Use in Nonresidentially Zoned Areas , Authorized by the Planning Board.

1. General. Said permits may be authorized where the public good would be served after a finding by the Planning Board that such nonresidentially zoned area would not be adversely affected by such a residential use, and that permitted uses in such a zone are not noxious to a multifamily use.
2. Location. Special permits for multifamily residential use may be applied for only within the BA-1 and BB-1 zones.
3. Dimensional and Density Regulations. Under separate application, said permit may be applied for in conjunction with a Design Review Permit. Otherwise all other provisions of this Ordinance shall apply.

\*\*\*

Notes on density:

Townhouse: B Urban Residence (7500 sq. ft. plus 3,000 sq. ft. each for dwelling unit more than one), C Urban Residence and D Urban Residence(6000 sq. ft. plus 1250 sq. ft. for each dwelling unit more than one), and Medical Business (5000 sq. ft., no additional unit requirement)

Multifamily Dwelling:C Urban Residence and D Urban Residence(6000 sq. ft. plus 1250 sq. ft. for each dwelling unit more than one), and Medical Business (5000 sq. ft., no additional unit requirement)

Apartment Houses: C Urban Residence and D Urban Residence(6000 sq. ft. plus 1250 sq. ft. for each dwelling unit more than one), and Medical Business (5000 sq. ft., no additional unit requirement)

\*\*\*

By special permit:

Townhouse: A Urban Residence (10,000 sq. ft., no additional unit requirement).

Multifamily Dwelling: B Urban Residence (7500 sq. ft. plus 3,000 sq. ft. each for dwelling unit more than one), and Local Business (5000 sq. ft., no additional unit requirement).

Apartment Houses: B Urban Residence (7500 sq. ft. plus 3,000 sq. ft. each for dwelling unit more than one)

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Zoning Ordinance of the City of Melrose, Massachusetts, Section 2.1

Apartment house. A building designed or intended or used as the home or residence of three (3) or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Dwelling, multi-family. A building containing three (3) or more dwelling units and including apartment house, garden apartment house and multi-family dwellings.

Townhouse. A row of at least three (3) but not more than five (5) one-family dwelling units whose side walls are separated from the other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner. (Ord. of 7/20/87)

\*\*\*

Multifamily housing is allowed by right in the following districts:  
Multifamily Dwelling--Medical Business District  
Townhouses--B Urban Residence, C Urban Residence, D Urban Residence and Medical Business District.  
Apartment Houses--C Urban Residence, D Urban Residence and Medical Business District.

\*\*\*

According to the Table of Use Regulations, Section 5.4, on ordinance.com:

"Mixed residential/business uses where all dwelling units are above the first floor level (Ord. of 5/1/95)" is allowed by special permit in UR-B, UR-C, UR-D and by right in BA-1, BC, BD.

Section 11.5 Special Permits for Multi-family Residential Use in Nonresidentially Zoned Areas , Authorized by the Planning Board.

1. General. Said permits may be authorized where the public good would be served after a finding by the Planning Board that such nonresidentially zoned area would not be adversely affected by such a residential use, and that permitted uses in such a zone are not noxious to a multifamily use.

2. Location. Special permits for multifamily residential use may be applied for only within the BA-1 and BB-1 zones.

3. Dimensional and Density Regulations. Under separate application, said permit may be applied for in conjunction with a Design Review Permit. Otherwise all other provisions of this Ordinance shall apply.

\*\*\*

Notes on density:

Townhouse: B Urban Residence (7500 sq. ft. plus 3,000 sq. ft. each for dwelling unit more than one), C Urban Residence and D Urban Residence(6000 sq. ft. plus 1250 sq. ft. for each dwelling unit more than one), and Medical Business (5000 sq. ft., no additional unit requirement)

Multifamily Dwelling:C Urban Residence and D Urban Residence(6000 sq. ft. plus 1250 sq. ft. for each dwelling unit more than one), and Medical Business (5000 sq. ft., no additional unit requirement)

Apartment Houses: C Urban Residence and D Urban Residence(6000 sq. ft. plus 1250 sq. ft. for each dwelling unit more than one), and Medical Business (5000 sq. ft., no additional unit requirement)

\*\*\*

By special permit:

Townhouse: A Urban Residence (10,000 sq. ft., no additional unit requirement).

Multifamily Dwelling: B Urban Residence (7500 sq. ft. plus 3,000 sq. ft. each for dwelling unit more than one), and Local Business (5000 sq. ft., no additional unit requirement).

Apartment Houses: B Urban Residence (7500 sq. ft. plus 3,000 sq. ft. each for dwelling unit more than one)

## Mendon

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**No** No provisions for multifamily housing found in the Mendon bylaw, besides the definition.

Town of Mendon Zoning Bylaw (Amended 2002)

"MULTI-UNIT DWELLING : Any structure or building used In whole or in part to contain three or more housekeeping units."

## Merrimac

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Merrimac Zoning Bylaw 2004

MULTI-FAMILY DWELLING (OR MULTIPLE UNIT DWELLING) : A building containing three or more dwelling units.

ARTICLE 4. VILLAGE RESIDENTIAL DISTRICT (VR)

4.4. Uses and Structures Permitted by Special Permit.

In the Village Residential District, the Planning Board may grant a special permit for any of the following uses:

4.4.3. Multi-family dwelling, subject to "Regulations for Multi-Family Housing in the Village Residential District" at Section 4.13 of this Bylaw.

4.4.4. The conversion of a single-family dwelling in existence prior to 1950 to a MULTIFAMILY dwelling, subject to the "Accessory Dwelling Units and Conversion of Existing Single-Family Dwellings" regulations in Article 17 of this Bylaw.

4.11. Regulations for Infill Residential Uses.

4.11.4. Permitted Uses. Infill residential uses include the following, subject to compliance with the AFFORDABLE HOUSING Requirements at Section 4.11.7.

4.11.4.1. SINGLE-FAMILY DWELLING.

4.11.4.2. TWO-FAMILY DWELLING.

4.11.4.3. Multi-family, zero-lot line or common-wall dwelling units, up to four such units with a combined total of no more than eight bedrooms on a reduced-frontage lot.

4.11.4.4. A single-family dwelling unit built on a reduced FRONTAGE LOT may never be converted to a two-family or MULTI-FAMILY dwelling, and it may never be altered to include an accessory apartment. All infill residential uses shall be connected to the municipal sewer system.

4.11.7. AFFORDABLE HOUSING Requirements. An infill residential use must provide housing that meets the following requirements:

4.11.7.1. Low- and moderate-income housing eligible for listing on the Chapter 40B SUBSIDIZED HOUSING INVENTORY, i.e., affordable to households with incomes at or below 80% of area median income.

4.11.7.2. "BELOW-MARKET" housing units affordable to households with incomes between 81-100% of area median income.

4.11.7.3. The affordable housing requirements shall be met according to the following schedule of uses:

[Table]

4.11.7.4. All low- and moderate-income housing units must be approved for listing on the Chapter 40B SUBSIDIZED HOUSING INVENTORY through the DHCD Local Initiative Program, 760 CMR 45.00. No occupancy permit shall be issued for an infill residential use until the applicant has submitted the following documentation in a form satisfactory to the BUILDING COMMISSIONER:

4.11.7.5. Affordable Housing Use Restriction:

The applicant shall have recorded a USE RESTRICTION or regulatory agreement at the Registry of Deeds. Model use restrictions for low- and moderate-income units and below-market units shall be supplied by the Planning Board and incorporated in the Planning Board's Infill Residential Use regulations.

4.13. Regulations for Multi-Family Housing in the Village Residential District

The Planning Board may grant a SPECIAL PERMIT for MULTI-FAMILY housing in the Village Residential District under the following

conditions:

4.13.1. Multi-family housing in the Village Residential District is intended to provide a mix of housing types at a density and scale appropriate for the historic character of the district. To qualify for a MULTI-FAMILY housing SPECIAL PERMIT, the applicant must include housing affordable to low- or moderate-income households as defined in this Bylaw, according to the following schedule:

4.13.1.1. In a multi-family housing development subject to this Bylaw, the seventh housing unit and every third unit thereafter shall be a LOW- AND MODERATE-INCOME housing unit; except that beginning with the 22nd unit, that 22nd unit and every fourth unit thereafter shall be a LOW- AND MODERATE-INCOME housing unit. Nothing in this section shall preclude a developer from providing more low- or moderate-income housing units than the minimum required by this Bylaw.

4.13.1.2. All low- and moderate-income affordable units shall be subject to a use restriction pursuant to G.L. c.184, Sections 31-32.

4.13.1.3. The Planning Board may allow a developer of non-rental MULTIFAMILY housing units to make a cash payment to the Town through its Affordable Housing Trust Fund for each affordable low- or moderate-income unit. The cash payment shall be equal to the difference between the fair market value for a typical market-rate housing unit in the proposed development, as determined by the Board, and the price of a housing unit affordable to a low- or moderate-income household.

4.13.2. The Building Inspector may not issue an occupancy permit to the applicant without prior receipt of evidence that the use restriction or regulatory agreement has been recorded at the Registry of Deeds and that the low- and moderate-income units have been approved for listing on the Chapter 40B SUBSIDIZED HOUSING INVENTORY by the Department of Housing and Community Development.

4.13.3. The following density and dimensional rules shall apply to MULTI-FAMILY housing in the Village Residential District:

4.13.3.1. Multi-family dwellings shall not exceed eight units per acre unless the applicant proposes and the Planning Board approves a higher percentage of affordable housing units than the percentage achieved under Section the 20% minimum set forth in Section 4.13.1. In- no event shall the Planning Board issue a SPECIAL PERMIT for more than ten units per acre.

4.13.3.2. A MULTI-FAMILY development shall provide a mix of one-, two-, and three-bedroom units, except that no more than ten percent of the units in a MULTI-FAMILY development shall be three-bedroom units.

4.13.3.3. A MULTI-FAMILY building shall contain no more than eight units, and shall not exceed a building height of 35 feet and two and one half stories.

4.13.4. Multi-family housing STRUCTURES shall avoid monotonous, look alike designs and promote high standards of exterior quality and appearance.

4.13.5. Off-Street Parking. Applicants shall provide 1.5 parking spaces per one-bedroom unit and 2 parking spaces. per two- or three-bedroom unit. At least one space per unit shall be located so as to provide convenient access to its assigned dwelling unit. Parking garages will be permitted as a parking space if located and designed so as to complement the building design and site layout.

4.13.6. Setbacks. All buildings must be located at least 25 feet from any side or rear LOT line and 25 feet from any established street layout or, where applicable, any defined street line of a public road; which street setback area shall be undeveloped and/or landscaped.

4.13.6.1. Upon a finding by the Planning Board that a setback of lesser width would be sufficient to screen and/or separate the development from adjacent property, the setback may be reduced. The Board may require no-cut easements, conservation restrictions or the like where the setback has been reduced.

4.13.6.2. The Planning Board may also reduce the setback for MULTIFAMILY development of five or fewer units if the building is architecturally similar to single-family residences in the same general area.

4.13.6.3. Buildings shall be located at least 20 feet from interior roadways and driveways that are not considered streets or public roads.

4.13.7. Distance between structures. The distance between STRUCTURES shall be no less than the average height of the two STRUCTURES or 35 feet, whichever is greater. . Such distance shall include any garages or other accessory STRUCTURES.

4.13.8. Road construction. Roads that serve MULTI-FAMILY housing shall be constructed in accordance with the standards of the Subdivision Rules and Regulations of the Town of Merrimac with the exception of width, which shall be determined by the Planning Board. Inspection of the roads during construction shall be in accordance with the procedures contained in the Subdivision Rules and Regulations and the inspection process shall be administered by the Planning Board. Such procedure shall include the payment of any fees or deposits for the inspections as required by the Subdivision Rules and Regulations at the time of site plan submittal.

4.13.9. Special Permit Granting Criteria. Before the Planning Board may issue a SPECIAL PERMIT for MULTI-FAMILY housing in the Village Residential District, it shall consider the following criteria:

4.13.9.1. Consistency with the Merrimac Master Plan.

4.13.9.2. Consistency with the requirements of this section of the bylaw.

- 4.13.9.3. Desirability of architectural design.
- 4.13.9.4. Desirability of the number and mix of units proposed, and the provision of housing units accessible to persons with disabilities.
- 4.13.9.5. Protection of adjoining premises against detrimental or offensive uses on the site.
- 4.13.9.6. Adequacy of space for vehicular access to the site and off street parking and loading/unloading on the site.
- 4.13.9.7. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent WAYS and land.
- 4.13.9.8. Adequacy of water supplies and distribution for domestic use fire protection.
- 4.13.9.9. Adequacy of the methods of:
  - 4.13.9.9.1. Disposal of sanitary sewage. For multi-family housing by special permit from the Planning Board, connection , to the municipal sewer is mandatory. No on-site disposal of wastewater or use of tight tanks is allowed.
  - 4.13.9.9.2. Storage and disposal of refuse and solid wastes resulting from the uses permitted on the site.
  - 4.13.9.9.3. Drainage and retention of surface water.

ARTICLE 8. VILLAGE CENTER DISTRICT (VC)

8.2. Permitted Uses and Structures.

8.2.5. Residential and Accessory Uses

- 8.2.5.1. Accessory dwelling unit above the ground floor of a building occupied principally by commercial uses.
- 8.2.5.2. Live-and-work space, e.g. artist's residence and studio.

8.3. Uses and Structures Permitted by Special Permit

In the Village Center District, the Planning Board may issue a special permit and site plan approval for the following uses:

- 8.3.1. Multi-family dwellings restricted for occupancy by persons over 65 and persons with disabilities, up to six dwelling units on a conforming LOT.

ARTICLE 9. RURAL HIGHWAY DISTRICT (RH)

9.2. Permitted Uses and Structures.

- 9.2.7.1. Conversion of an existing single-family home to a TWO-FAMILY DWELLING or a MULTI-FAMILY STRUCTURE of no more than four units, provided that one (1) of the units is occupied by the owner of the property.

- 9.2.7.2. Live-and-work space, e.g. artist's residence and studio.

All permitted uses in the Rural Highway District are subject to SITE PLAN REVIEW.

9.3. Uses and Structures Permitted by Special Permit.

In the Rural Highway District, the Planning Board may issue a special permit and site plan approval for the following uses:

9.3.8. Residential uses

- 9.3.8.2. Multi-family dwelling when carried out in a MIXED-USE development that includes permitted commercial uses, subject to "Regulations for Multi-Family Housing in the Rural Highway District" at Section 9.10 of this Bylaw.

9.10. Regulations for Multi-Family Housing in the Rural Highway District

The Planning Board may grant a SPECIAL PERMIT for MULTI-FAMILY housing in the Rural Highway District under the following conditions:

- 9.10.1. Multi-family housing in the Rural Highway District is intended to be part of a MIXED-USE development and contribute to the MIXED-USE character of the district as a whole. To qualify for a MULTI-FAMILY housing SPECIAL PERMIT, the applicant must integrate dwelling units with a proposed commercial development. Integration may be achieved by one or both of the following methods:

- 9.10.1.1. Locating units above the ground floor of a commercial building, i.e., an accessory dwelling in a structure occupied principally for commercial uses.

- 9.10.1.2. Constructing "free-standing" or separate MULTI-FAMILY buildings on the same lot, provided they are located behind a commercial development that is oriented toward Route 110 and are connected to the commercial development by pedestrian walkways, appropriate landscaping, lighting and other elements of the site plan.

- 9.10.1.3. The Town strongly prefers that some of units be located above the ground floor of one or more commercial buildings in a development, and the Planning Board may require the same as a condition of SPECIAL PERMIT approval.

9.10.2. The following density and dimensional rules shall apply to MULTI-FAMILY housing:

- 9.10.2.1. No more than 60% of the GROSS FLOOR AREA of a proposed MIXED-USE development shall be used for MULTI-FAMILY dwelling units.

- 9.10.2.2. Multi-family dwellings shall not exceed eight units or sixteen bedrooms per acre.

- 9.10.2.3. A building designed exclusively for MULTI-FAMILY use shall contain no more than six units, and shall not exceed a building height of 35 feet and two and one half stories.
- 9.10.2.4. Buildings designed exclusively for MULTI-FAMILY housing shall avoid monotonous, look-alike designs and promote high standards of exterior quality and appearance.
- 9.10.3. Parking. Applicants shall provide 1.5 parking spaces per one-bedroom unit and 2 parking spaces per two- or three-bedroom unit. At least one space per unit shall be located so as to provide convenient access to its assigned dwelling unit. Parking garages will be permitted as a parking space if located and designed so as to complement the building design and site layout.
- 9.10.4. Setbacks. All buildings must be located at least 50 feet from any side or rear LOT line and 50 feet from any established street layout or, where applicable, any defined street line of a public road, which street setback area shall be undeveloped and/or landscaped. Upon a finding by the Planning Board that a setback of lesser width would be sufficient to screen and/or separate the development from adjacent property, the setback may be reduced. The Board may require no-cut easements, conservation restrictions or the like where the setback has been reduced. Buildings shall be located at least 20 feet from interior roadways and driveways that are not considered streets or public roads.
- 9.10.5. Distance between STRUCTURES. The distance between two STRUCTURES shall be no less than their average height or 35 feet, whichever is greater. Such distance shall include any garages or other accessory STRUCTURES.
- 9.10.6. Road construction. Roads that serve MULTI-FAMILY housing in a MIXED-USE development shall be constructed in accordance with the standards of the Subdivision Rules and Regulations of the Town of Merrimac with the exception of width, which shall be determined by the Planning Board. Inspection of the roads during construction shall be in accordance with the procedures contained in the Subdivision Rules and Regulations and the inspection process shall be administered by the Planning Board. Such procedure shall include the payment of any fees or deposits for the inspections as required by the Subdivision Rules and Regulations at the time of site plan submittal.
- 9.10.7. SPECIAL PERMIT granting criteria. Before the Planning Board may issue a SPECIAL PERMIT for MULTI-FAMILY housing in the Rural Highway District, it shall consider the following criteria:
- 9.10.7.1. Consistency with the Merrimac Master Plan.
- 9.10.7.2. Compliance with all applicable provisions of this Bylaw.
- 9.10.7.3. Desirability of architectural design.
- 9.10.7.4. Desirability of the number and mix of units proposed, and the provision of housing units accessible to persons with disabilities.
- 9.10.7.5. Protection of adjoining premises against detrimental or offensive uses on the site.
- 9.10.7.6. Adequacy of space for vehicular access to the site and off-street parking and loading/unloading on the site.
- 9.10.7.7. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent WAYS and land.
- 9.10.7.8. Adequacy of water supplies and distribution for domestic use fire protection.
- 9.10.7.9. Adequacy of the methods of
- 9.10.7.9.1. Disposal of sanitary sewage, as determined by the Board of Health or regulations of the Merrimac Sewer Commission where applicable. Connection to the municipal sewer system is required for property located in a designated sewer service area.
- 9.10.7.9.2. Storage and disposal of refuse and solid wastes resulting from the uses permitted on the site.
- 9.10.7.9.3. Drainage and retention of surface water.

## Methuen

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Methuen Zoning Ordinance

An application for a Multi-Family and/or Attached Dwellings Development Special Permit shall be allowed in the MA, MB, CBD, BL and zoning districts.

The Multi-Family Residence A District is composed of all those areas so designated on the official zoning map. Single and Two Family homes are allowed in this district; Attached Dwellings, Multi-family and Planned Unit Developments are allowed by Special Permit.

The Multi-Family Residence B District is composed of all those areas so designated on the official zoning map. Single Family and Two Family Dwellings are allowed in this district. Attached Dwellings, Multi-family and Planned Unit Development are allowed by Special Permit. This district is primarily established to accommodate the urbanized areas of Methuen.

Section II - Definitions  
DWELLING, FAMILY :

a) Dwelling: any privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home, residence or sleeping place of one or more persons. The terms "one-family", "two-family", or "multi-family" dwelling shall not include: hotel, lodging house, hospital, membership club, mobile home, or

dormitory.

b) Dwelling Unit: one or more rooms designed and equipped for one family to occupy as a housekeeping residence with permanent provisions for living, sleeping, eating, cooking and sanitation.

c) Single-Family Dwelling (with a separate lot): a detached dwelling designed for single family occupancy and developed on an approved subdivision or grand fathered lot.

d) Single-Family Dwelling (without a separate lot): a detached dwelling designed for single family occupancy and developed on an approved special permit lot in conjunction with other detached and/or attached dwellings.

e) Two-Family Dwelling: a detached dwelling designed for two families, or a pair of semi-detached single-family dwellings.

f) Multi-Family Dwelling: a dwelling designed for three or more families. This definition is intended to include building types commonly known as garden or terrace apartments and apartment houses and does not distinguish between units for sale or rented.

g) Attached Dwelling: a building arranged, intended and designed to be occupied as a residence and separated from another attached dwelling on one or both sides either by a vertical party wall or walls without side yards. Also referred to as town houses or rowhouses.

**TOWN HOUSE STRUCTURE** : A row of at least three (3) one-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row, or town house, may be owned by a separate owner and shall have its own access at grade level.

**APARTMENT HOUSE** : A building designed or intended or used as the home or residence of three or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

a. Garden Apartment House: An apartment house of not more than three stories in height, and containing not less than four dwelling units.

-What is the maximum allowable density for MF?

The development shall comply with the maximum density requirements for the zoning district in which the development will be located. The maximum gross density of dwelling units (du) per gross acre of land for the applicable zoning district shall be as follows: MA (2du), MB (4du), CBD (6du), and BL (4du).

The minimum lot area for Multi-Family and Attached Dwellings developments shall be as follows: MA and BL (130,680 square feet); MB (43,560 square feet); and CBD (20,000 square feet).

\*\*\*

#### Section XI-D - Special Permit Specific Regulations

##### 2. Multi-Family and Attached Dwellings Development

###### A. Purposes:

- a. To allow the more efficient use of land.
- b. To provide a diversity of housing types at a variety of costs.
- c. To meet the affordable housing needs of the Town.

###### B. Applicability:

An application for a Multi-Family and/or Attached Dwellings Development Special Permit shall be allowed in the MA, MB, CBD, BL and zoning districts.

###### D. Requirements:

A Multi-Family and/or Attached Dwellings Development shall conform with the following requirements:

a. Minimum Lot Area: The minimum lot area for Multi-Family and Attached Dwellings developments shall be as follows: MA and BL (130,680 square feet); MB (43,560 square feet); and CBD (20,000 square feet).

b. Allowable Density: The development shall comply with the maximum density requirements for the zoning district in which the development will be located. The maximum gross density of dwelling units (du) per gross acre of land for the applicable zoning district shall be as follows: MA (2du), MB (4du), CBD (6du), and BL (4du). A density bonus may be approved by the Community Development Board in accordance with Section XI-D, 7 hereof.

c. Allowable Uses: Detached, attached and multi-family dwellings as described in Section II hereof.

d. Dimensional and Other Requirements: The minimum dimensional controls for the zoning district in which the development will be located shall be met for each dwelling type building being proposed for development as specified in the Table of Dimensional Regulations of Section VI-D hereof. In addition to these minimum requirements, the detached, attached and multi-family dwelling units shall comply with the following specific requirements:

1. The development shall be subject, if applicable, to approval under the Methuen Subdivision Control Regulations.
2. The proposed development shall be served by both public water and sewerage systems.
3. Multi-family buildings The minimum distance between multi-family dwelling buildings and/or attached dwelling buildings on the same lot, or between two facing walls forming a court, which contain dwelling units and which are not joined by a party wall shall be forty (40) feet.
4. Attached buildings The minimum distance between attached dwelling buildings and/or multi-family dwelling buildings on the same lot shall be forty (40) feet. Each attached dwelling shall be a minimum of twenty (20) feet wide, measured between party walls. Inner courts shall not be permitted in attached dwelling buildings. The maximum number of attached dwelling units per building shall be nine (9).
5. Detached buildings the minimum distance between a detached dwelling building to another detached dwelling building shall be twenty (20) feet. The minimum distance between detached dwelling buildings and a multi-family or attached dwelling buildings shall be forty (40) feet.
6. The Community Development Board may require a Buffer Screen of up to ten (10) feet in width and six (6) feet in height be installed and/or maintained around the perimeter of the development by the owner of the development. (See Section II for definition of Buffer Screen)

7. No open parking or driveway shall be closer than twelve (12) feet to a wall containing windows to habitable rooms of a dwelling unit which is on the ground floor or basement floor.

8. All roadways, drainage facilities, water lines, sewer lines, utilities, grading and other site improvements shall be built in accordance with the subdivision control standards of Methuen unless waived by the Community Development Board. All roadways directly entering and serving Multi-family and Attached Dwelling Developments shall be private ways and privately maintained.

9. The minimum parking, loading and sign regulations shall be as specified in Sections VI, VII and VIII.

10. The applicant shall install street identification signs as approved by the Department of Public Works on all right-of-ways and drives within the development. Said signs shall be in place upon completion of binder paving of each respective drive.

11. The developer shall install street lighting of a type approved by the Department of Public Works on all right-of-ways and drives within the development. The lighting shall be in place and in operation prior to the issuance of any occupancy permits.

12. The Community Development Board shall require that the construction of ways, water lines, sewer lines, streetlights, and other public utilities and their appurtenant features be secured in part by one of the methods described in Chapter 41, Section 81U, clauses 1, 2, 3 and 4.

e. Open Space Requirements:

1. The Multi-family and Attached Dwellings Development shall contain a minimum of thirty percent (30%) of the gross area of the development as permanent Open Space Land. Open Space Land shall be defined as all land within a development not designated for buildings, structures, parking, loading, roadway or driveway areas or privately owned lots, but may contain active or passive recreation areas, including incidental paving related thereto, e.g. tennis courts, swimming pools, etc.

2. A minimum of forty percent (40%) of the Open Space Land Shall be Useable Open Space Land. Useable Open Space Land shall be defined as Open Space Land that has a shape, slope, location, and condition that is useable and suitable as a place for active and/or passive recreation uses in the opinion of the Community Development Board. Useable Open Space Land shall contain no wetlands as defined by The Wetland Protection Act, Chapter 131, Section 40 M.G.L. and DEP regulations made thereunder; and The Wetland Protection Ordinance, Chapter 12, Methuen Municipal Code. A minimum of twenty five percent (25%) of the Useable Open Space Land shall have a grade not exceeding six percent (6%). All Multi-family and Attached Dwellings Developments of ten acres or more shall include at least one area that meets or exceeds the dimensions of 100' by 150'.

3. The Open Space Land included in a Multi-family and Attached Dwellings Development shall be set aside as common land covenanted to be maintained as permanent common land in private, cooperative and/or public ownership.

4. The Open Space Land shall be owned and maintained by the applicant until such time as it is conveyed to one or more of the following entities: the Town of Methuen, subject to Town Council approval; a public conservation commission or a nonprofit organization the principal purpose of which is the conservation of open space; a corporation, trust or association owned or to be owned by the owners of lots or residential units within the development; or some other legal entity as may be approved by the Community Development Board. The applicant shall specify the method of ownership in which the open space land will be held as part of the application for a Special Permit.

5. If a corporation, trust or association method of ownership of open space land is to be used, the articles of the corporation, trust or association shall be submitted to the Community Development Board prior to final approval of the Special Permit and shall specify that ownership thereof shall pass with the conveyances of the lots or residential units. In any case where such open space land is not conveyed to the Town, a restriction enforceable by the Town of Methuen shall be recorded providing that such land shall be kept in an open or natural state and not be built upon or developed for accessory uses as parking or roadway. All such open space land shall be restricted by deed from all future building. Said deed shall be approved by the Community Development Board.

6. Any open space land to be deeded to the Town shall contain at least one-hundred (100) feet of frontage along a public way.

\*\*\*

Minimum Lot Areas:

MA: 130,680 sq. ft

MB: 43,560 sq. ft

BL: 130,680 sq. ft

CBD: 20,000 sq. ft

## Middleborough

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Middleborough Zoning Bylaw

MULTIPLE DWELLING : shall be defined as a building containing more than one dwelling unit. (Effective 9-25-69).

A. RESIDENCE DISTRICTS

2. Uses Allowed By Special Permit (Effective 4-25-78)

i. Conversion of a residential building in existence as of January 1, 1987, to include a total of three dwelling units, including the owner-occupied unit in the dwelling without any increase in floor area. As a condition of the special permit, the owner must occupy one dwelling unit.

B. BUSINESS DISTRICT

1. Permitted Uses

d. Multiple dwellings situated above the street level floors of buildings in existence on May 4, 1981, by special permit of the Zoning Board of Appeals to be obtained pursuant to the provisions of subsection C of Section VII of these By-laws.

G. ALL DISTRICTS

(EFFECTIVE 4-28-87)

Notwithstanding any other provisions of Section V. the following shall apply:

1. Except as provided in Section IV.A.2.i no multiple dwelling shall hereafter be erected, placed altered or converted in the General Use District on any lot having an area of less than thirty thousand square feet per dwelling unit and continuous street frontage of less than two hundred feet, and no multiple dwelling shall hereafter be erected, placed, altered, or converted in the General Use X District on any lot having an area of less than forty thousand square feet per dwelling unit and continuous street frontage of less than two hundred feet. (Amended ATM 6/13/94)
2. No multiple dwelling shall occupy more than 25% of the lot.
3. No multiple dwelling shall have less than two (2) 10' x 20' parking stalls for each dwelling unit in the remaining 75% of the lot.
4. The above Subsection G 1, G. 2. and G 3. shall not apply to multiple dwellings situated above the street floor level of buildings in the Business District as such use may be permitted by the Zoning Board of Appeals pursuant to applicable provisions of these By-laws.
5. Amend the zoning map to show the new General Use X District as described above.

## Middleton

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Middleton Zoning Bylaw, Section 4.3 (Last Amended 2003).  
"4.3 R-2 Village Residential Districts

Are intended for dwellings with more than one dwelling unit, such as garden apartments and townhouses, in an open setting, reflecting the rural, historical character of the town.

4.3.1 Permitted Uses:

(With Site Plan Approval as provided in Section 8.1)

- A. Religious and non-profit education uses.
- B. Public building and uses.
- C. Single-family Dwelling in accordance with the regulation of the R-1b Residence District.

4.3.2 Allowed by Special Permit:

(By the Planning Board as provided for in Section 11.8, the following)

- A. Multi-family or Attached Dwelling in accordance with the requirements of Sub-Section 5.2
- B. Conversion of a single-family dwelling existing at the time of adoption of this district into a dwelling with more than one dwelling unit or rooming house subject to the following conditions:

1. Its external appearance is not significantly changed,
2. The maximum number of dwelling units on each lot does not exceed that allowed in the R-2 Village Residential District, or the number of paying guests does not exceed that allowed in a rooming house as defined in Section 2.
3. That sufficient parking be provided in accordance with the Table of Minimum Requirements for such uses,
4. The Board of Health shall be satisfied with the adequacy of the methods of waste disposal.
5. Area requirements are in conformance with Sub-Section 5.1. "

\*\*\*

Definitions on ordinance.com:

**ATTACHED DWELLINGS** : A one family dwelling in a row of a least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. Attached dwellings are also referred to as townhouse dwellings or rowhouses.

**ATTACHED DWELLING COMPLEX** : A group of three or more attached dwellings located on contiguous lots or on a single or commonly owned lot. Attached dwelling complexes are usually comprised of units for sale as individual townhouse dwellings (with their own lots) or as condominium units.

**GARDEN APARTMENT** : A multi-family dwelling of not more than three habitable stories in height containing not less than three dwelling units.

**HIGH-RISE APARTMENT** : A multi-family dwelling of more than six stories in height.

**MID-RISE APARTMENT** : A multi-family dwelling of more than three stories but not more than six stories in height.

**MULTI-FAMILY DWELLING** : A building designed or intended or used as the home of three or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways. This definition is intended to include building types commonly know as garden apartments, mid-rise apartments and high-rise apartments.

\*\*\*

## SECTION 8. SPECIAL REGULATIONS

### 8.1 Site Plans

For the purpose of administering the provisions of this By-law relating to parking and loading spaces, and to ensure the most advantageous use of all properties within the same district and for the reasonable protection of the legitimate interest of adjoining property owners, no permit shall be issued for garden apartments in a residence district nor for any new buildings or structures in a B-Business or M-Manufacturing District nor in an "I"-Institutional District or "IH" - Interstate Highway Business District, nor for an addition to or alteration of an existing building for commercial use, until the site plan, prepared by a professional architect, engineer or landscape architect, has been submitted to the Building Inspector and reviewed by him with the advice of the Planning Board, and approved by the Board of Appeals after a public hearing.

\*\*\*

Town of Middleton Zoning Bylaw, Section 5.2 (Last Amended 2003).

"5.2 R-2 Village Residential District:

#### 5.2.1 Lot Area:

A. The minimum lot size in an R-2 Village Residential district shall be at least one-hundred thousand (100,000) square feet (2.296 ac.) for an attached Dwelling or Townhouse complex. Individual attached dwelling lots within an Attached Dwelling complex shall have an area of not less than three thousand (3,000) square feet.

B. For lots within the Watershed Protection Overlay District, the requirements of Section 5.10.1 shall apply.

#### 5.2.2 Lot Coverage:

A. The maximum overall density in an R-2 Village Residential District shall be one (1) dwelling unit per twenty thousand (20,000) square feet.

B. The maximum coverage of all buildings shall not exceed twenty (20) percent of the development parcel.

C. At least thirty (30) percent of the development parcel shall be maintained as Open Space Land.

D. At least forty (40) percent of the development parcel shall be maintained as Open Area. "

Town of Middleton Zoning Bylaw, Section 8.7 (Last Amended 2003).

"8.7 Residential Density Bonuses for Including Senior Housing and/or a Senior Center in a Development :

8.7.1: In any zoning district that permits residential use, a bonus of 10% above the level of allowed dwelling units will be permitted if the developer of the dwelling units restricts sale and occupancy of the units to persons over age 54. The restriction must be made by use of a restrictive covenant on the property deed, and recorded as such at the Essex County Registry of Deeds. A development must include at least 10 dwelling units to qualify for this bonus. An additional bonus unit will be permitted for each additional 5-10 units permitted in any zoning district that permits residences. Individual building lots containing one dwelling unit per lot, may be proportionately smaller than normally required, but not less than 80% than otherwise required, to allow for the overall applicable residential density bonus.

8.7.2: In any zoning district that permits residential use, a bonus of 10% above the level of allowed dwelling units may be permitted if the developer of the dwelling units includes a senior center of at least 3,000 sq. ft. on the ground floor. The senior center must be fully enclosed, weather-tight, insulated, and include full heating, air conditioning, and plumbing and electrical facilities. It must include an office, a kitchen, 2 lavatories equipped for disabled persons, and two or more large meeting/activity rooms, in addition to ample paved parking, twice the number of handicapped parking spaces normally required, and access drives. A developer will receive both bonuses, amounting to 20% more dwelling units than those normally allowed, if both an age restricted development and senior center are included in a development.

8.7.3: Development under Section 8.7.1 and Section 8.7.2 above shall be subject to issuance of a special permit by the Planning Board. If either age restricted residential development, under provisions of Section 8.7. 1, or a senior center, under provisions of Section 8.7.2 are created, the Planning Board shall review all plans and may only recommend issuance of a Special Permit if it is satisfied that proper consideration has been given to the safety, convenience, appearance and functioning of each development, including the provision of ample parking, drives, walkways, landscaping and all requirements of Section 8. 1. If the Planning Board recommends denial of a Special Permit under Section 8.7.3, it must give written reasons for denial to the applicant within 30 days of its denial.

8.7.4: A senior center produced under the bonus provisions of Section 8.7.2 must be made available, in an equitable manner, to all residents of Middleton over age 54.

8.7.5: Plans submitted in support of application for a Special Permit under Section 8.7 must clearly show provisions for water supply, wastewater disposal, parking, surface water drainage and disposal, vehicle and pedestrian circulation, landscaping, management, maintenance and equitable use of a senior center, if included, and all requirements of Section 8.1."

## Milford

### Is multi-family housing allowed by right in any part of the municipality?

**No** From Milford Comprehensive Plan, 2003:

Since 1972, Milford has prohibited the construction of residential buildings with more than two units, except in PRD's since 1985. Historically, Milford provided nearly all the multi-family housing among surrounding communities. Concerned about this unbalanced distribution of apartments, Milford amended the zoning bylaw to no longer allow for multi-unit buildings. While Milford still provides much of the rental housing in this region today, the units are deteriorating with age. It is reasonable to assume that some of these units may be no longer marketable or safe in the near future, thereby reducing the total number of apartments available to renters in Milford.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** Multifamily by PRD in RB, RC, RD  
Age restricted multifamily in RA, RB, RC, RD

Town of Milford Zoning Bylaw (Amended 2003)

Dwelling, Multi-family - A structure occupied by three or more families living independently of each other.

Zoning By-Law Town of Milford Section 3.11 Housing for the Elderly - Multi- family dwellings, and accessory structures and facilities, which are constructed for or by, and operated and maintained by the Milford Housing Authority for use by the elderly, shall be permitted within any residential zoning district notwithstanding the provisions of Section 2.3, above.

Zoning By-Law Town of Milford Section 3.12 Congregate Retirement Living Facilities - Congregate Retirement Living Facilities may be developed in either the RB or RC districts within the Town of Milford subject to the issuance of a Special Permit from the Zoning Board of Appeals and subject to the approval of a site plan by the planning Board, all as per Section 2.3, herein.

Zoning By-Law Town of Milford Section 6.1 Planned Residential Development - Notwithstanding the provisions of Article II of this By-Law, the Planning Board may grant a Special Permit for tracts of land in Single-Family Residential (RB), Rural Residential C (RC), or Rural Residential D (RD) Districts to be utilized as a Planned Residential Development (PRD), subject to the requirements and conditions of this Article VI, thereby exempting such PRD Special Permits from the lot area and frontage requirements of Section 2.5 of this By-Law.

6.4.2 Requirements ~ Dwelling Style: A maximum of four (4) dwelling units per structure shall be permitted in structures that, to the extent feasible, resemble single- family residences.

\*\*\*

Minimum Lot Size:  
MF Housing for Elderly -  
6,000 sq.ft. 1st two units + 1,000 per additional unit

PUD: Minimum tract size is 5 contiguous acres in the RB District, or 10 contiguous acres in the RC and RD Districts.

\*\*\*

From Milford Comprehensive Plan, 2003:

Since 1972, Milford has prohibited the construction of residential buildings with more than two units, except in PRD's since 1985. Historically, Milford provided nearly all the multi-family housing among surrounding communities. Concerned about this unbalanced distribution of apartments, Milford amended the zoning bylaw to no longer allow for multi-unit buildings. While Milford still provides much of the rental housing in this region today, the units are deteriorating with age. It is reasonable to assume that some of these units may be no longer marketable or safe in the near future, thereby reducing the total number of apartments available to renters in Milford.

## Millbury

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Millbury Zoning Bylaws (Updated 2003)

Dwelling, multifamily or apartment. Premises containing two or more dwelling units, irrespective of ownership or tenure. (Bylaws of 5-1-90, Article 69)

Section 22. Residential Districts.

22.2 In a Residential I District the following principal uses are permitted if granted a special permit by the special permit granting authority:

22.21 In a Residential I District

· Multifamily dwelling; provided that it is serviced by public sewerage and public water; and provided that access from a major street as herein defined does not require use of a minor street substantially developed for single-family homes;

22.22 In a Residential II District:

· Multifamily dwelling; provided that it is serviced by public sewerage and public water; and provided that access from a major street as herein defined does not require use of a minor street substantially developed for single-family homes.

22.23 In a Residential III District:

Multifamily addition or renovation to an existing structure, under Section 14.11 (a) special permit from Planning Board.

22.3 In a Residential District, no lot shall be built upon or changed in size or shape except in conformity with the following:

\* In the Residential III District for dwelling units in excess of one, increase the minimum lot area by 10,000 square feet per additional unit plus 5,000 per additional bedroom.

Section 23. Suburban Districts.

23.2 In a Suburban District, the following principal uses are permitted if granted a Special Permit for an exception by the special permit granting authority:

· Multifamily dwelling, provided that it is serviced by public sewerage and public water, and provided that access from a major street as herein defined does not require use of a minor street substantially developed for single-family homes. In a Suburban Zone for dwelling units in excess of one, increase the minimum lot area requirement by 10,000 s.f. per additional dwelling unit, plus 5,000 sf per additional bedroom.

Section 24. Business Districts.

24.2 In a Business I or II District, the following uses are permitted if granted a special permit by the special permit granting authority:

24.21 Business I special permit uses:

· Multifamily dwelling;

32.8 Special Density Provisions. For multifamily dwellings in the Business I district, the lot area requirements of the Business II district shall apply, except that the special permit granting authority may grant a special permit for a reduction provided that the following are complied with:

(a) At least twenty (20%) percent of the lot area shall be maintained with lawns, shrubs, or other vegetative cover.

(b) The lot area provided shall not be less than twelve thousand five hundred (12,500) square feet, and also not less than the smaller of:

(1) One thousand two hundred fifty (1250) square feet per dwelling unit, plus five hundred (500) square feet per bedroom, plus the ground coverage for any nonresidential use; or

(2) For new structures only, seventy-five (75) per cent of the lot area per dwelling unit presently provided on the site, in cases where the site is presently occupied by a dwelling.

\*\*\*

Section 48. Route 146 Highway Corridor Overlay District.

48.3 Classified Uses. All uses within the 146 HCOD shall be subject to the use limitations as described in section 48.30 through 48.34 of this section. All uses exclusively permitted shall be permitted only where incorporated into a coordinated development with an aggregate lot area so designated by the node classification chart.

48.31 Node Classification I. Node classification I shall be any parcel in the 146 HCOD which contains a minimum lot area of sixteen (16) contiguous acres.

Uses Permitted by Special Permit:

Theaters, museums, cultural and/or social community facilities, convention centers.

Research and development.

Business and professional offices.

Child/elderly day care facility.

Retail sales and services.

Restaurant.

Motel or hotel.

Parking to service a permitted use but not having more than one (1) commercial vehicle or any construction equipment or any truck over one and one-half (1 1/2) tons.

Personal services.

Indoor and outdoor recreational facilities.

Multifamily dwellings.

48.34 Mixed Use. A concentration of complementary land uses that combine uses in a compact area, in one or separate structures on the same node, are strongly encouraged. These uses would be physically integrated by road and pedestrian systems. All uses allowed by the Route 146 Highway Corridor Overlay District requires access be obtained on accessory roads.

\*\*\*

Residential I - III:

MLA 40,000 sf\*

\*In the Residential III District for dwelling units in excess of one, increase the minimum lot area by 10,000 sq.ft. per additional unit plus 5,000 sq.ft. per additional bedroom.

Suburban I - IV:

In a Suburban Zone for dwelling units in excess of one, increase the minimum lot area requirement by 10,000 s.f. per additional dwelling unit, plus 5,000 sf per additional bedroom.

MLA I 60,000 sf

MLA II-IV 40,000 sf\*

\*The minimum lot area requirement may be reduced to 32,000 s.f. if the lot will be serviced by public water. The minimum lot area requirement may be reduced to 15,000 s.f. if the lot will be serviced by public sewerage or if the lot is serviced by public water and public sewerage.

Business I:

MLA 12,500 sf\*

\*For two-family dwellings or a single or two-family dwelling on the same lot as a non-residential use, increase lot area by 50%.

## Millis

### Is multi-family housing allowed by right in any part of the municipality?

**No** From ordinance.com:

DWELLING, MULTI-FAMILY - MULTI DWELLING UNIT : A detached building or buildings, occupied by three or more families and including apartment house, garden apartment house, town house, multi-row house, condominium or cooperative.

TOWNHOUSE : A row of at least three (3) and not more than eight (8) one family attached dwelling units, each separated from other dwelling units by a fire wall or walls and each with direct access to the outside.

\*\*\*

Section XIII Special Permit Conditions

A. Special Conditions.

B. Multi-Family Development

(Added May 13, 1985)

1. Intent

\*\*\*

2. Objectives

\*\*\*

3. Standards

In reviewing a Site Plan under this section, the Building Inspector, Planning Board, and the Board of Appeals, shall consider, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located, the following:

a. Minimum Tract Size - Multi-family development shall be permitted upon a single tract, in one ownership with definite boundaries ascertainable from a recorded deed or record plan, which has an area of not less than 217,800 sq. ft. Existing public or private ways need not constitute boundaries of the tract but the area within such ways shall not be counted in determining tract size.

b. Building Separation - As a practical design goal, the desired distance between buildings shall be 50 feet. However, depending upon architectural, aesthetic, land planning, topographical and ground factors, the Planning Board may permit such distance to be less than 50 feet, but in no case shall such distance be less than 35 feet. Attachments of two buildings with breeze ways or other architectural extensions to avoid the required separation of structures as determined by the Boards shall not be allowed.

c. Parking and Access Roads - All roads, drives, parking areas, walks, municipal services and improvements shall be designed and constructed in accordance with the Land Subdivision Rules and Regulations of the Planning Board of the Town of Millis on file in the office of the Town Clerk at the time the application for Special Permit is filed. Multi-family developments shall have adequate access with minimum 24 foot roadways to accepted ways without substantial intrusion on areas zoned for single family use. Proper maintenance of all private roads, drives, parking areas and walks on the project site, including snow removal, shall be the responsibility of the owner or Homeowners Association. Sidewalks shall be a minimum of 4 feet in width, 4 inch thick reinforced concrete and shall be provided along one side of all access drives and in other areas as required by the Planning Board. Roads and access drives shall provide acceptable access and maneuvering areas for fire and other truck traffic. No parking lot or access drive or parking area with a length over 500 feet shall have a single access. No paved area will be closer than 20 feet to any building.

On-site paved parking areas, including at least two parking spaces for each dwelling unit with minimum dimensions as specified in Section VIII of this By-Law and provisions for 24 foot aisles, 24 foot drives, adequate visitor parking, and snow removal and disposal, shall be provided. Separate buildings for parking garages may be permitted if located and designed so as to complement the building design and site layout. Parking shall not be allowed within 50 feet of the property line. The Board may permit such distance to be reduced to 25 feet if adequate screening by planting and fencing is provided. All paved areas shall be curbed with granite, concrete, or bituminous concrete in a manner acceptable to the Planning Board. Driving lanes shall be a minimum of 24 feet for perpendicular parking. Angled parking spaces may be allowed but only by special approval of the Planning Board. Turnaround spaces shall be provided in all dead-end parking lanes. The layout of the parking area shall allow sufficient space for the storage of plowed snow, unless removal by some other means is assured. When the total amount of parking area and/or loading area on a lot or building site exceeds 40,000 square feet, the parking lot shall be separated into smaller lots or segments of not more than 20,000 square feet each with dividers at least 5 feet wide and containing vegetation as specified by the Planning Board.

d. Building Height - No building shall exceed two and one-half stories in height, exclusive of basements, nor thirty-five (35) feet in height. Dwelling units located in part below the upper finished grade on sloping sites in accordance with sub-section hereof shall be counted as one story. No more than two (2) stories shall be allowed for living space.

e. Dwelling Units per Building - No townhouse unit shall contain fewer than three (3) nor more than eight (8) dwelling units. No other multi-family structure shall contain fewer than eight (8) nor more than twenty (20) dwelling units except that fewer than eight (8) but not less than three (3) dwelling units may be allowed by the Planning Board, if such Board approves of such reduction as being compatible with architectural, aesthetic and other planning considerations.

f. Dwelling Unit Space - All dwelling units within multi-family buildings shall have minimum floor areas as follows:

1. efficiency unit 500 square feet
2. one bedroom unit 800 square feet
3. two bedroom unit 1,000 square feet
4. three bedroom unit 1,200 square feet

g. No multi-family development shall have more than 25 percent of the total number of units with three (3) bedrooms. In no case shall there be more than three (3) bedrooms per unit. In addition to considering a combined sleeping and living room in an Efficiency Unit as one bedroom, any other room in any apartment which is not a single living room or equipped kitchen, and is shown on a plan as being for other than bedroom use but which, because of location, size or arrangement, could, in the opinion of the Planning Board, be used as a regular bedroom or adapted to such use, shall be considered as a bedroom for density calculations. No attic or other storage or similarly usable space shall ever be used as or altered to create regular bedroom space nor shall the construction of other aspects thereof be such as would facilitate such use or alteration.

h. Landscaping and Screening - The site shall be preserved and enhanced by retaining and protecting trees, shrubs, ground cover, stone walls and other site features insofar as practicable. Additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features such as sewage facilities, parking areas, dumpster or other solid waste disposal facility locations, service areas, and equipment conveniences and recreational areas. Plantings shall also be provided to buffer adjacent land uses as directed by the Board.

i. Buffer Areas - No portion of any multi-family building or accessory building shall be less than two hundred (200) feet from any other zoning district or single family residence and such area shall be undeveloped except for parking, drives, walks and landscaping.

j. Relation to Surroundings - The location, scale, and characteristics of proposed land uses on the site; the design, siting, and scale of structures; and circulation and other characteristics of the development shall be in harmony with surrounding properties and land uses. All structures shall be of high design and construction quality and shall be compatible with existing on-site structures within the neighborhood and the town as to design characteristics including, but not limited to, scale, massing, proportions, height, roofs, exterior detailing, colors and materials. All service areas, loading areas, outdoor storage, utility structures, mechanical equipment, refuse disposal facilities, or other service or utility facilities shall be located or visually screened so as not to create hazards or visual or other nuisances. Light fixtures, walls, fences, benches, recreation facilities and other such site appurtenances shall be harmoniously designed, constructed, and located in relation to other site features.

k. Exterior Antennas - ...

l. Exterior Lighting and Screening - ...

m. Rubbish Disposal - ...

n. Sloping Conditions - ...

o. Water. Sewerage. Power and Other Utilities - ...

p. Common Open Space - ...

4) Bonus Provision (Added May 20, 1986)

Upon application, the Planning Board may permit additional dwelling units in the proposed multi-family development, provided that:

- a. the other wise allowable density not be exceeded by more than ten (10) percent,
- b. such additional dwelling units are to be purchased by the Millis Housing Authority at the price at which the applicable state or other agency has committed funds for the purchase, for the purpose of meeting low and moderate income housing needs of the Town,
- c. a purchase and sale agreement has theretofore been executed by the developer and the Millis Housing Authority with respect to such additional dwelling units,
- d. such additional dwelling units are similar in character to other dwellings in the proposed multi-family development,
- e. such additional dwelling units comply with the same requirements and regulations applicable to other dwelling units in the proposed multi-family development,
- f. the Planning Board finds that the development meets all other conditions of this By-Law.

5. Administration

- a. Conceptual Plan ...
- b. Site Plan ...
- c. Public Hearing. ...
- d. Approval. Modification and Approval. Approval with Conditions. or Disapproval. ...
- e. Recording of Plan for Common Land and Homeowners Associations. ...
- f. The Planning Board may enact Multi-Family Development Rules and Regulations to effectuate the purposes of the Millis Zoning By-Laws relative to multi-family developments.

\*\*\*

According to the Table of Use Regulations, the following uses are allowed:

Multifamily (see section XIII.B.) is allowed by special permit (SPB) in R-V.

Housing for the elderly is allowed by special permit (SPB) in R-S and R-V.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the Table of Use Regulations, the following uses are allowed:

Multifamily (see section XIII.B.) is allowed by special permit (SPB) in R-V.

Housing for the elderly is allowed by special permit (SPB) in R-S and R-V.

\*\*\*

From ordinance.com:

DWELLING, MULTI-FAMILY - MULTI DWELLING UNIT : A detached building or buildings, occupied by three or more families and including apartment house, garden apartment house, town house, multi-row house, condominium or cooperative.

TOWNHOUSE : A row of at least three (3) and not more than eight (8) one family attached dwelling units, each separated from other dwelling units by a fire wall or walls and each with direct access to the outside.

\*\*\*

Section XIII Special Permit Conditions

A. Special Conditions.

B. Multi-Family Development

(Added May 13, 1985)

1. Intent

\*\*\*

## 2. Objectives

\*\*\*

## 3. Standards

In reviewing a Site Plan under this section, the Building Inspector, Planning Board, and the Board of Appeals, shall consider, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located, the following:

a. Minimum Tract Size - Multi-family development shall be permitted upon a single tract, in one ownership with definite boundaries ascertainable from a recorded deed or record plan, which has an area of not less than 217,800 sq. ft. Existing public or private ways need not constitute boundaries of the tract but the area within such ways shall not be counted in determining tract size.

b. Building Separation - As a practical design goal, the desired distance between buildings shall be 50 feet. However, depending upon architectural, aesthetic, land planning, topographical and ground factors, the Planning Board may permit such distance to be less than 50 feet, but in no case shall such distance be less than 35 feet. Attachments of two buildings with breeze ways or other architectural extensions to avoid the required separation of structures as determined by the Boards shall not be allowed.

c. Parking and Access Roads - All roads, drives, parking areas, walks, municipal services and improvements shall be designed and constructed in accordance with the Land Subdivision Rules and Regulations of the Planning Board of the Town of Millis on file in the office of the Town Clerk at the time the application for Special Permit is filed. Multi-family developments shall have adequate access with minimum 24 foot roadways to accepted ways without substantial intrusion on areas zoned for single family use. Proper maintenance of all private roads, drives, parking areas and walks on the project site, including snow removal, shall be the responsibility of the owner or Homeowners Association. Sidewalks shall be a minimum of 4 feet in width, 4 inch thick reinforced concrete and shall be provided along one side of all access drives and in other areas as required by the Planning Board. Roads and access drives shall provide acceptable access and maneuvering areas for fire and other truck traffic. No parking lot or access drive or parking area with a length over 500 feet shall have a single access. No paved area will be closer than 20 feet to any building.

On-site paved parking areas, including at least two parking spaces for each dwelling unit with minimum dimensions as specified in Section VIII of this By-Law and provisions for 24 foot aisles, 24 foot drives, adequate visitor parking, and snow removal and disposal, shall be provided. Separate buildings for parking garages may be permitted if located and designed so as to complement the building design and site layout. Parking shall not be allowed within 50 feet of the property line. The Board may permit such distance to be reduced to 25 feet if adequate screening by planting and fencing is provided. All paved areas shall be curbed with granite, concrete, or bituminous concrete in a manner acceptable to the Planning Board. Driving lanes shall be a minimum of 24 feet for perpendicular parking. Angled parking spaces may be allowed but only by special approval of the Planning Board. Turnaround spaces shall be provided in all dead-end parking lanes. The layout of the parking area shall allow sufficient space for the storage of plowed snow, unless removal by some other means is assured. When the total amount of parking area and/or loading area on a lot or building site exceeds 40,000 square feet, the parking lot shall be separated into smaller lots or segments of not more than 20,000 square feet each with dividers at least 5 feet wide and containing vegetation as specified by the Planning Board.

d. Building Height - No building shall exceed two and one-half stories in height, exclusive of basements, nor thirty-five (35) feet in height. Dwelling units located in part below the upper finished grade on sloping sites in accordance with sub-section hereof shall be counted as one story. No more than two (2) stories shall be allowed for living space.

e. Dwelling Units per Building - No townhouse unit shall contain fewer than three (3) nor more than eight (8) dwelling units. No other multi-family structure shall contain fewer than eight (8) nor more than twenty (20) dwelling units except that fewer than eight (8) but not less than three (3) dwelling units may be allowed by the Planning Board, if such Board approves of such reduction as being compatible with architectural, aesthetic and other planning considerations.

f. Dwelling Unit Space - All dwelling units within multi-family buildings shall have minimum floor areas as follows:

1. efficiency unit 500 square feet
2. one bedroom unit 800 square feet
3. two bedroom unit 1,000 square feet
4. three bedroom unit 1,200 square feet

g. No multi-family development shall have more than 25 percent of the total number of units with three (3) bedrooms. In no case shall there be more than three (3) bedrooms per unit. In addition to considering a combined sleeping and living room in an Efficiency Unit as one bedroom, any other room in any apartment which is not a single living room or equipped kitchen, and is shown on a plan as being for other than bedroom use but which, because of location, size or arrangement, could, in the opinion of the Planning Board, be used as a regular bedroom or adapted to such use, shall be considered as a bedroom for density calculations. No attic or other storage or similarly usable space shall ever be used as or altered to create regular bedroom space nor shall the construction of other aspects thereof be such as would facilitate such use or alteration.

h. Landscaping and Screening - The site shall be preserved and enhanced by retaining and protecting trees, shrubs, ground cover, stone walls and other site features insofar as practicable. Additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features such as sewage facilities, parking areas, dumpster or other solid waste disposal facility locations, service areas, and equipment conveniences and recreational areas. Plantings shall also be provided to buffer

adjacent land uses as directed by the Board.

i. Buffer Areas - No portion of any multi-family building or accessory building shall be less than two hundred (200) feet from any other zoning district or single family residence and such area shall be undeveloped except for parking, drives, walks and landscaping.

j. Relation to Surroundings - The location, scale, and characteristics of proposed land uses on the site; the design, siting, and scale of structures; and circulation and other characteristics of the development shall be in harmony with surrounding properties and land uses. All structures shall be of high design and construction quality and shall be compatible with existing on-site structures within the neighborhood and the town as to design characteristics including, but not limited to, scale, massing, proportions, height, roofs, exterior detailing, colors and materials. All service areas, loading areas, outdoor storage, utility structures, mechanical equipment, refuse disposal facilities, or other service or utility facilities shall be located or visually screened so as not to create hazards or visual or other nuisances. Light fixtures, walls, fences, benches, recreation facilities and other such site appurtenances shall be harmoniously designed, constructed, and located in relation to other site features.

k. Exterior Antennas - ...

l. Exterior Lighting and Screening - ...

m. Rubbish Disposal - ...

n. Sloping Conditions - ...

o. Water. Sewerage. Power and Other Utilities - ...

p. Common Open Space - ...

#### 4) Bonus Provision (Added May 20, 1986)

Upon application, the Planning Board may permit additional dwelling units in the proposed multi-family development, provided that:

a. the other wise allowable density not be exceeded by more than ten (10) percent,

b. such additional dwelling units are to be purchased by the Millis Housing Authority at the price at which the applicable state or other agency has committed funds for the purchase, for the purpose of meeting low and moderate income housing needs of the Town,

c. a purchase and sale agreement has theretofore been executed by the developer and the Millis Housing Authority with respect to such additional dwelling units,

d. such additional dwelling units are similar in character to other dwellings in the proposed multi-family development,

e. such additional dwelling units comply with the same requirements and regulations applicable to other dwelling units in the proposed multi-family development,

f. the Planning Board finds that the development meets all other conditions of this By-Law.

#### 5. Administration

a. Conceptual Plan ...

b. Site Plan ...

c. Public Hearing. ...

d. Approval. Modification and Approval. Approval with Conditions. or Disapproval. ...

e. Recording of Plan for Common Land and Homeowners Associations. ...

f. The Planning Board may enact Multi-Family Development Rules and Regulations to effectuate the purposes of the Millis Zoning By-Laws relative to multi-family developments.

\*\*\*

According to the table of dimensional requirements, multifamily requires a lot size of 217,800 square feet for developments of up to 22 dwelling units. Each dwelling unit thereafter requires 10,000 sf.

## Millville

**Is multi-family housing allowed by right in any part of the municipality?**

No

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** 2) DWELLING : A building, a modular unit, or portion thereof designed exclusively for residential occupancy, including single family, two family, and multiple family dwellings, but not including motels, hotels, boarding houses, trailers, or structures solely for the use of transient or overnight occupants.

According to table of uses:

"Multi-family, apartment, or condominium" by special permit from planning board in VR, VC.

Dimensional requirements for multifamily are not specifically listed.

Minimum lot size:

VR: 40,000 sf

VC: 20,000 sf

## Milton

**Is multi-family housing allowed by right in any part of the municipality?**

No

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Zoning Bylaws Town of Milton, Section VI (L)(Current Electronic Draft as of July 1, 2004)

**L. Condominium Conversion Special Permit**

The purpose of this subsection L is to permit existing buildings on large tracts of land in Residence Districts AA, A, B and C to be converted to single family condominium dwelling units compatible with such Residence Districts, to create new housing involving relatively little new construction, to generate tax revenue to the Town, to preserve existing buildings, to preserve the residential character of the Town and to preserve open space in the Town. In order to provide for development that is compatible with Residence Districts AA, A, E, and C, which Districts are primarily for single family residences, the conversions to dwelling units under this subsection L are to condominium dwelling units, which can be separately owned, and are therefore a type of development similar in character to other development in such Districts. Properties meeting the following requirements shall be eligible for consideration for a condominium conversion special permit:

(1) Parcels of not less than 10 acres and with not less than 150 feet of frontage on a public way, with one or more existing buildings in a Residence AA, A, B, or C District.

(2) Any building on the parcel built prior to January 1, 1980 may be converted to condominium dwelling units.

**Section VI - Area Regulations**

-60-

(3) The total number of dwelling units that can be created under a condominium conversion special permit shall not exceed  $(n-2)$  where "n" is the number of acres in the parcel.

(4) Each condominium dwelling unit shall be an independent dwelling unit intended for use by a single family, with its own bath and toilet facilities and its own kitchen. The average square footage of the interior living space of the units shall be not less than 1,200 square feet per unit.

(5) No building (including both buildings converted to condominium dwelling units and other buildings not converted to condominium dwelling units) shall be externally enlarged except with the approval of the Planning Board, and in no event shall such enlargements add to any one building more floor area than a number equal to 5% of the above grade floor area of such building, the floor area of porches and decks to be included in the calculations of floor area.

(6) No new building for dwelling purposes may be built on the parcel. New structures may be built pursuant to paragraphs 8 (b) and 12 (e) below.

(7) There shall be at least one off-street automobile parking space for each condominium dwelling unit.

(8) For the purposes of this subsection L, "open space" shall mean all of the land on the parcel except that land occupied by buildings to be converted to condominium dwelling units and existing buildings to be used for parking purposes. To insure the preservation of open space, the following requirements shall be met:

- a. Open space may be used for the following purposes: flower gardens, gardens, landscaping, required parking, roadways and driveways reasonably necessary for this development, underground utilities, recreation not requiring any facility or structure, and land left in its natural state. The open space may be used for other purposes permitted in the Residence District if approved by the Planning Board as consistent with the condominium development and character of the neighborhood.
- b. On open land all facilities and structures for accessory purposes (such as swimming pools, tennis courts, garages, carports, parking areas, lamp posts, small sheds for tools or sports equipment, fences, including the kind enclosing a tennis court or swimming pool, bath houses and other accessory structures for accessory purposes) shall be subject to the approval of the Planning Board as to their number, design, locations, uses and sizes, provided however, that all such facilities and structures, including roadways and driveways, shall not involve the use of more than 20% of all of the open land on the parcel.
- c. All new utilities, including wiring for lights on open spaces, paths and driveways, shall be placed underground.

(9) An application for a condominium conversion special permit shall include the following:

- a. Proposed Master Deed and proposed plans to be recorded therewith, including floor plans, at least one elevation for each building being converted to dwelling units and site plan for the parcel locating at least each building, roadways, and driveways, parking, recreation facilities, utilities and accessory facilities and structures.
- b. Proposed Bylaws.

Section VI - Area Regulations

-61-

c. A sample proposed Unit Deed.

d. A copy of an assessor's plan showing the parcel and all land immediately adjacent thereto, including nearby buildings and structures.

e. Such other plans, photographs, models or elevations as the Planning Board shall reasonably deem necessary or appropriate to help understand the proposal.

(10) In case of a natural disaster or casualty, the damaged building or buildings may be rebuilt or restored to its or their condition prior to the natural disaster or casualty as near as possible or practicable. The Planning Board shall oversee such rebuilding or restoration under paragraph 13 below.

(11) No special permit pursuant to this subsection L shall be granted until a public hearing has been held as provided in M.G.L.c.40A. The Planning Board shall be the special permit granting authority for condominium special permits.

(12) The Planning Board shall not grant a condominium conversion special permit unless it makes the following findings:

- a. That the proposal presented for approval is financially practical and will in reasonable probability be completed. The Board may set time limits for completion of parts of and the whole of a condominium development, determine the order of construction, and set other conditions and limitations on the special permit as are consistent with the subsection L.
- b. That any external enlargement of any existing building is compatible with the architecture of the existing building.
- c. That appropriate provision has been made for the preservation and restoration of significant architectural and landscaping features, particularly those visible from a public way.
- d. That the purposes for which the open space is to be used is consistent with the condominium development and character of the neighborhood.
- e. That the facilities and structures permitted on the open space are necessary for parking and access and egress or are for permitted accessory purposes and that the number, design, location, use and size of such facilities and structures are consistent with the condominium development and character of the neighborhood.
- f. That the provisions of the proposed Master Deed and Bylaws will insure the preservation and maintenance of the open space on the parcel.
- g. That the roads within the parcel are adequate for the condominium development.

(13) After a condominium conversion special permit has been granted, any change in the location or use of a building, any enlargement of a building, any material exterior restoration or rebuilding of a building following a natural disaster or casualty or any material change in the use of the open space or in the facilities or structures thereon, shall not be permitted except upon an amendment to the special permit which shall be upon petition to the Planning Board and after a public hearing (with the provisions of paragraph 11 applying) and upon a finding by the Planning Board that the proposed change or changes do not substantially derogate from the intent and purpose of this subsection L.

(14) A special permit or amendment thereto granted under this subsection L shall lapse two years from the grant thereof unless such construction has commenced, or if no construction is required, unless a Master Deed has been filed.

(15) A special permit granted under this section shall be subject to the review by the Planning Board of the final plans, and of the Master Deed, and plans to be recorded therewith, and Bylaws, as they are to be initially recorded, which final plans, Master Deed, plans and bylaws shall all be substantially the same as those approved with the special permit in all respects material to considerations relevant to the special permit, in which case the Chairman of the Planning Board shall endorse copies of such final plans and such Master Deed, plans and bylaws as having received final review and approval under this subsection L, which endorsement shall be conclusive evidence thereof. Thereafter the Master Deed, and plans recorded therewith, and Bylaws may be amended without Planning Board approval, provided however, that an amendment to the special permit shall be required for those matters specified in paragraph 13 hereof. Any amendment to the Master Deed, and plans recorded therewith, and Bylaws related to an amendment to the special permit shall be endorsed by the Chairman of the Planning Board as provided herein for such documents as initially recorded.

(16) Provisions of this subsection L shall be construed as superseding subsections A, B, C, D and E of Section VI and shall be in addition to subsections F and G of said Section VI. The provisions of paragraph 7 above shall supersede the provisions of A.1. of Section VII. The limitation in subsection B.1.(a) of Section III with respect to garaging or maintaining more than three registered automobiles shall apply with respect to each unit owner rather than with respect to the entire parcel. Otherwise condominium conversions under this subsection L shall be subject to all other provisions of this bylaw where the intent and context permits.

(17) All references herein to the Massachusetts General Laws shall be to those provisions in effect on the date hereof.

\*\*\*

### SECTION III. Use Regulations.

#### A. Residence AA, A, B and C District Uses.

In a Residence AA, A, B, C district, except as herein otherwise provided, no building or land shall be used and no building shall be erected or altered which is intended or designed to be used for a store or shop, or for manufacturing or commercial purposes, or for other purposes except one or more of the following:

8. The following use, if authorized by permit issued by the Planning Board and subject to appropriate conditions, limitation, and safeguards stated in writing by the Planning Board and made a part of the permit:

Condominium units converted from existing estate buildings, as provided in subsection L of Section VI.

\*\*\*

#### Zoning Bylaws Town of Milton, Section III (D) (Current Electronic Draft as of July 1, 2004)

D. Residence D, D-1 and D-2 Use. In a Residence D, D-1 or D-2 district, except as herein otherwise provided, no building or land shall be used and no building shall be erected or converted except for the following purposes:

1. To provide Housing for the Elderly in a Residence D district; to provide Housing for the Elderly or Handicapped in a Residence D-1 district; and to provide Housing for the Elderly in a Residence D-2 district, such housing to be owned and operated only by either a private non-profit organization or by a local Housing Authority established under General Laws Chapter 121 Section 26K, as it may from time to time be amended, or owned and operated jointly by such organizations so far as permitted by law.

2. For the purposes of Subsection D.I above a "private non-profit corporation" shall mean a corporation, foundation or other organization no part of the net earnings of which inures to the benefit of any private shareholder or individual, except that with respect to the Residence D-2 district, such term shall mean a corporation, foundation or other organization established under applicable state law, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

3. If any part of land included in a Limited Residence D district is not being used for Housing for the Elderly, the owner may apply to the Board of Appeals for a special permit to use said part of the land for any use permitted in a Residence AA, A, B or C district. If the permit is granted, all provisions in this bylaw applicable to the most appropriate Residence District shall apply and the Board of Appeals shall determine whether the land for which the permit is granted shall be governed by the provisions of a Residence AA, A, B or C district. While any such permit is in force any such land shall be free of all restrictions and conditions applicable to the use of land for Housing for the Elderly and need not be owned or operated by a non-profit corporation or Housing Authority. Land subject to such a permit may at any time, on application of the owner or with his consent, be redesignated by the Board of Appeals for the primary use of Section D.

If any part of land included in a Limited Residence D-1 District is not being used for Housing for the Elderly or Handicapped, the owner may apply to the Board of Appeals for a special permit to use said part of land for any use permitted in the Residence AA, A, B or C district within which said

part of land was located immediately prior to its incorporation into a Residence D-1 district. If the permit is granted, all provisions in this bylaw applicable to the appropriate Residence district shall apply and the Board of Appeals shall determine whether the land for which the permit is granted shall be governed by the provisions of a Residence AA, A, B or C district. While any such permit is in force any such land shall be free of all restrictions and conditions applicable in Residence D-1 districts to the use and ownership of such land. Land subject to such a permit may at any time, on application of the owner or with his consent, be re-designated by the Board of Appeals for the primary use in a Residence D or D-1 district.

4. On each lot in a Residence D, D-1 or D-2 district, permitted accessory uses shall include one separate building, not exceeding one story in height, to house snow removal and mowing machines, garden and other tools, and other equipment required to maintain and service the Housing for the Elderly buildings in a Residence D district, the Housing for the Elderly or Handicapped buildings in a Residence D-1 district, and the Housing for the Elderly buildings in a Residence D-2 district Section III - Use Regulations erected on said lot and shall include such other accessory uses as are customarily incident to such Housing.

5. In Residence D, D-1 and D-2 districts the owners and operators shall comply with all the rules and regulations of the Town Departments concerning safety, services, ways and health.

## Nahant

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**No** Answer based on 6/29/04 phone conversation with Ms. Hambleton, Planning Board Treasurer and Town Assessor. There is multifamily housing which was built prior to zoning and is considered a non-conforming use -- if it burns down or other natural disaster occurs and it is not replaced in 2 years then the new buildings must be single family. This has occurred twice in Nahant.

\*\*\*

MULTI-FAMILY DWELLING : A building designed or intended or used as the home of three or more families, each in a separate dwelling unit, living independently of each other and who may have common rights in halls and stairways.

## Natick

**Is multi-family housing allowed by right in any part of the municipality?**

**Yes** Zoning Bylaw of the Town of Natick, Section 200 (from website, 8/04) - Defintions

Apartment House: Any building designated for, or occupied as a permanent (as distinguished from hotels, motels and boarding houses) residence for three or more families in separate dwelling units with means of egress and other essential facilities. \*

Apartment House-Garden Type: An apartment house of one or two stories above grade, with not more than eight (8) apartments all served by two (2) separated and direct means of egress from the building, at least one of which shall be a primary entrance. \*

Garden-Type Apartment House: An apartment house of one or two stories above grade with not more than eight (8) apartments all served by two means of egress, one of which shall be a primary entrance.

Dwelling, Multi-Family: A residential building (such as apartment houses and town houses) designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided. \*

Zoning Bylaw of the Town of Natick, Section III-A.2 (from website, 8/04)

### III-A.2 USE REGULATIONS SCHEDULE

Multiple family building types for not less than three (3) dwelling units in any one building, such as: apartment houses and/or town houses. (Art. 44 A.T.M. 1965, Art.1 S.T.M. June 17, 1969 & Art. 3. S.T.M. 11/18/75) (Art. 2 S.T.M. #2, Oct. 10, 2000)

These are allowed by right in the RM and PCD districts.

Zoning Bylaw Town of Natick, Section III-D (from Natick website as of August 19, 2004)

Multifamily, with no more than 6 units per building is allowed by right in the LC district.

### III-34

#### III-D USE REGULATIONS FOR LC DISTRICTS:

Only those uses provided for below are permitted or allowed in an LC District. All other uses are prohibited, except as they may be provided for hereafter.

1. PERMITTED USES: The following uses are permitted as of right in an LC District.

- a. One -family detached dwelling;
- b. One family attached or detached dwelling for personnel required for safe operation of a permitted use to reside on the premises thereof;
- c. Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings;
- d. Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre;
- e. Renting of one or two rooms and/or the furnishing of board by a resident family to a total of not more than four (4) non-transient persons;
- f. The storage and parking of motor vehicles, with no provision for operations incidental to the servicing of such vehicles;
- g. Private or commercial club, including golf (by natural light only), outdoor swimming, riding, outdoor tennis and boating facilities, provided that no structures are located closer than one hundred (100') feet from any lot line;
- h. Lodge building or other non-profit social or civic use, but not including any use the principal activity of which is one customarily conducted as a business;
- i. Customary home occupation;
- j. Wholesale or retail stores or office or showroom with inside storage of goods;

### III-35

- k. Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with no repair services and excluding used-car lots;
- l. Business or professional office or agency; bank or other financial institution; administrative office, clerical office; statistical office and establishment for research and development; craft, consumer, professional or commercial service establishment dealing directly with the general public; business training center;
- m. Printing or publishing establishment;
- n. Restaurant, tea room, lunchroom or other eating establishment serving food and beverages inside a lodge building in connection with non-profit social or civic activities to which admission is limited or controlled, and specifically excluding any activity customarily conducted as a business;
- o. Cafeteria or restaurant for use of personnel employed on the premises carrying on a permitted use;
- p. Building owned by the Federal Government, the Commonwealth of Massachusetts or the Town of Natick or its departments; and libraries and museums; but excluding solid waste disposal

facilities.

q. Indoor Wireless Communications Facility (IWCF). (Art. 30, Fall ATM, 10/8/98)

2. USES ALLOWED ON SPECIAL PERMIT ONLY. The following uses may be allowed by the Board of Appeals acting as a Special Permit Granting Authority in accordance with Section VI - E - 2:

a. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from a residential district;

b. Indoor tennis or racquet club or other indoor recreation place with membership requirements and limited public participation, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from any residential use; and provided further that parking demand generation for such use shall not exceed 40 spaces;

III-36  
c. Sanitarium, nursing or rest home;

d. Accessory use.

e. The provision of seating accommodations in conjunction with the carrying on of a retail food use, provided that such accommodations will not permit a total of more than 16 customers to be seated at any one time. (Art. 21, Fall A.T.M., 10/5/93)

f. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)

g. The provision of seating accommodations in conjunction with the carrying on of retail food use which is conducted solely as an accessory use to a retail use in the same building, said seating to be limited to one (1) seat for each 250 square feet of retail space and said seating area shall not exceed ten (10%) percent of the total retail space, excluding the area devoted to retail food use. In addition, there shall be no drive up window associated with the accessory retail food use, the accessory retail food use shall be operated exclusively by the operator of the principal retail use, the hours of operation of the accessory retail food use shall be limited to those of the principal retail use, and there shall be no sign visible from or located exterior to the building that advertises, calls attention to or indicates the carrying on of the accessory retail food use. (Art. 7, S.T.M. #2, 10/10/00)

3. DIMENSIONAL AND DENSITY REQUIREMENTS. The following intensity regulations shall apply in addition to the general requirements of Section IV-A of these By-Laws in an LC District:

a. MINIMUM LOT DIMENSIONS: Area = 40,000 square feet, but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have an area as low as 20,000 sq ft.; Continuous frontage = 200 ft., but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have a frontage as low as 120 feet; Depth = 40 ft.

b. MINIMUM YARD DIMENSIONS: Front yard = 50 ft., but where the depth of an LC lot, measured at its point of greatest depth is 150 ft. or less, the front yard dimension may be one-third of the depth, but in no case less than 25 feet; side yard = 40 feet; rear yard = 40 ft.

c. MAXIMUM % BUILDING COVERAGE (include any accessory building): 20 %

d. MAXIMUM HEIGHT OF BUILDING AND/OR STRUCTURES: 35 feet; however, if the State Building Code is more restrictive then such Code height limitations shall govern.

e. MINIMUM OPEN SPACE REQUIREMENT PER LOT: 10%.  
(Art. 6 S. T. M. March 20, 1979)

\*\*\*

From ordinance.com:

VI-DD SITE PLAN REVIEW

1. Purpose and Intent Administration

...

## 2. Applicability and SPGA Designation

a) All uses, other than Uses Nos. 1, 3, 5, 8, 9, 17, 18, 46, 47 and 48, permitted or allowed in the following Zoning districts, shall be subject to the Site Plan Review Procedure described herein, to be administered by the Planning Board, acting as the SPGA:

...

b) All uses, other than Uses No. 46, 47, 48 and 54 which are permitted or allowed under the Use Regulation Schedule in the Commercial II (C-II), Industrial I (In-I), and Industrial II (In-II) zoning districts, shall be subject to the Site Plan Review procedure described herein with the following SPGA designations:

1.) The Board of Appeals shall act as the SPGA for all such review procedures involving less than 150,000 square feet of new or rehab construction floor space, or the development of a parcel of land having such area limitation.

2.) The Planning Board shall act-as the SPGA for all such review procedures involving more than 150,000 square feet of new or rehab construction floor space, or the development of a parcel of land having such area limitation:

c) Notwithstanding the foregoing, in the Commercial II, Industrial I, and Industrial II districts, the Site Plan Review procedures described herein shall not be required with respect to alteration or rehab construction unless:

1.) There is a change from one use designation to another use designation as described in the Use Regulation Schedule or

2.) The proposed alteration of a structure in existence prior to the effective date of this by-law section will increase the floor area of a building on the premises by more than five (5%) percent.

d) All uses, other than Use No. I, which are permitted or allowed under the Use Regulation Schedule in the AP (Administrative & Professional) District, shall be subject to the Site Plan Review procedure described herein, with the Board of Appeals acting as the SPGA for all such review procedures.

e) Where Site Plan Review is not otherwise required by the provisions of Section VI DD, in all zoning districts referred to in this Section VI-DD - 2 the construction of roads, driveways and parking areas shall be subject to the Site Plan Review procedure described herein to be administered by the Planning Board as the SPGA. This section VI-DD 2 (e) shall not remove the exclusions created by Section VI-DD 2 (c).

## 3. General Requirements

a) Final Site Plan: No person shall undertake a use, construction or alteration of any structure which is subject to the provisions of the Site Plan Review Procedure in those districts and/or uses to which this Section VI-DD applies, unless he has first submitted to the SPGA for its approval, a Final Site Plan of such proposed use or alteration. Once approved by the SPGA, the SPGA shall issue a Special Permit therefor and such Plan shall not be changed in any material respect without being amended or modified in the same manner as provided for obtaining initial approval. No building or use permit shall be issued by the Building Inspector for any use subject to the Site Plan Review Procedure, and no construction or site preparation shall be started, until a decision of the SPGA approving the final Site Plan has been filed with the Town Clerk. An applicant for site plan review may not attach conditions to its submittal of plans for review, and any site plan so submitted may be rejected as not being in conformance with these bylaws. There shall only be one (1) Final Site Plan in effect for a tract at any point in time. The SPGA shall not approve multiple Final Site Plans for all or any portion of a tract subject to the Site Plan Review Procedure. Although final Site Plans may be approved for all or part of a project on a tract to accommodate the phasing thereof, any subsequent changes in such previously approved Final Site Plan may be accomplished by amending or modifying the prior approval, including by substituting or replacing previously approved plans or portions thereof. Notwithstanding any other provision in these By-laws, once a building permit is issued for development under plans approved by the SPGA under the Site Plan Review Procedure for all or any part of a tract, all further development of the remainder of such tract shall be subject to this Site Plan Review Procedure, regardless of the zoning classification applicable to such tract at the time of site plan approval, prior thereto, or effective thereafter.

b) Content of Final Site Plan and Other Submittals: ...

\*\*\*

In response to the question, is multifamily housing zoned by right on available/undeveloped land, Sarkis Sarkisian, Community Development Director, said: "Most of Natick is built out. What you are seeing is redevelopment. The area you will see multifamily in is the regional center. They are proposing units by the mall: rentals, condos. Also across from the strip mall there is 2.5 acres. A developer came with a 40B. We turned down the project. There was no integration of housing with the retail. They were just dropping the buildings in. We turned it down. We are now in superior court. We are waiting for the decision."

Mr. Sarkisian explained that although multi-family housing is zoned by right, most new multifamily housing would require a special permit, as the town is already built up and the multifamily is through re-redevelopment. "There are historic buildings, neighbors."

\*\*\*

Zoning Bylaw Town of Natick, Section IV-B (from Natick website as of August 19, 2004) - Intensity Regulations By Zoning District

Zoning Bylaw of the Town of Natick, Section III-A.2 (from website, 8/04)

### III-A.2 USE REGULATIONS SCHEDULE

Multiple family building types for not less than three (3) dwelling units in any one building, such as: apartment houses and/or town houses. (Art. 44 A.T.M. 1965, Art.1 S.T.M. June 17, 1969 & Art. 3. S.T.M. 11/18/75) (Art. 2 S.T.M. #2, Oct. 10, 2000)

These are allowed by right in the RM and PCD districts.

Zoning Bylaw Town of Natick, Section III-D (from Natick website as of August 19, 2004)

Multifamily, with no more than 6 units per building is allowed by right in the LC district.

### III-34

#### III-D USE REGULATIONS FOR LC DISTRICTS:

Only those uses provided for below are permitted or allowed in an LC District. All other uses are prohibited, except as they may be provided for hereafter.

1. PERMITTED USES: The following uses are permitted as of right in an LC District.

- a. One -family detached dwelling;
- b. One family attached or detached dwelling for personnel required for safe operation of a permitted use to reside on the premises thereof;
- c. Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings;
- d. Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre;
- e. Renting of one or two rooms and/or the furnishing of board by a resident family to a total of not more than four (4) non-transient persons;
- f. The storage and parking of motor vehicles, with no provision for operations incidental to the servicing of such vehicles;
- g. Private or commercial club, including golf (by natural light only), outdoor swimming, riding, outdoor tennis and boating facilities, provided that no structures are located closer than one hundred (100') feet from any lot line;
- h. Lodge building or other non-profit social or civic use, but not including any use the principal activity of which is one customarily conducted as a business;
- i. Customary home occupation;
- j. Wholesale or retail stores or office or showroom with inside storage of goods;

### III-35

- k. Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with no repair services and excluding used-car lots;
- l. Business or professional office or agency; bank or other financial institution; administrative office, clerical office; statistical office and establishment for research and development; craft, consumer, professional or commercial service establishment dealing directly with the general public; business training center;
- m. Printing or publishing establishment;
- n. Restaurant, tea room, lunchroom or other eating establishment serving food and beverages inside a lodge building in connection with non-profit social or civic activities to which admission is limited or controlled, and specifically excluding any activity customarily conducted as a business;
- o. Cafeteria or restaurant for use of personnel employed on the premises carrying on a permitted use;
- p. Building owned by the Federal Government, the Commonwealth of Massachusetts or the Town of Natick or its departments; and libraries and museums; but excluding solid waste disposal

facilities.

q. Indoor Wireless Communications Facility (IWCF). (Art. 30, Fall ATM, 10/8/98)

2. USES ALLOWED ON SPECIAL PERMIT ONLY. The following uses may be allowed by the Board of Appeals acting as a Special Permit Granting Authority in accordance with Section VI - E - 2:

a. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from a residential district;

b. Indoor tennis or racquet club or other indoor recreation place with membership requirements and limited public participation, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from any residential use; and provided further that parking demand generation for such use shall not exceed 40 spaces;

c. Sanitarium, nursing or rest home;

d. Accessory use.

e. The provision of seating accommodations in conjunction with the carrying on of a retail food use, provided that such accommodations will not permit a total of more than 16 customers to be seated at any one time. (Art. 21, Fall A.T.M., 10/5/93)

f. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)

g. The provision of seating accommodations in conjunction with the carrying on of retail food use which is conducted solely as an accessory use to a retail use in the same building, said seating to be limited to one (1) seat for each 250 square feet of retail space and said seating area shall not exceed ten (10%) percent of the total retail space, excluding the area devoted to retail food use. In addition, there shall be no drive up window associated with the accessory retail food use, the accessory retail food use shall be operated exclusively by the operator of the principal retail use, the hours of operation of the accessory retail food use shall be limited to those of the principal retail use, and there shall be no sign visible from or located exterior to the building that advertises, calls attention to or indicates the carrying on of the accessory retail food use. (Art. 7, S.T.M. #2, 10/10/00)

3. DIMENSIONAL AND DENSITY REQUIREMENTS. The following intensity regulations shall apply in addition to the general requirements of Section IV-A of these By-Laws in an LC District:

a. MINIMUM LOT DIMENSIONS: Area = 40,000 square feet, but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have an area as low as 20,000 sq ft.; Continuous frontage = 200 ft., but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have a frontage as low as 120 feet; Depth = 40 ft.

b. MINIMUM YARD DIMENSIONS: Front yard = 50 ft., but where the depth of an LC lot, measured at its point of greatest depth is 150 ft. or less, the front yard dimension may be one-third of the depth, but in no case less than 25 feet; side yard = 40 feet; rear yard = 40 ft.

c. MAXIMUM % BUILDING COVERAGE (include any accessory building): 20 %

d. MAXIMUM HEIGHT OF BUILDING AND/OR STRUCTURES: 35 feet; however, if the State Building Code is more restrictive then such Code height limitations shall govern.

e. MINIMUM OPEN SPACE REQUIREMENT PER LOT: 10%. (Art. 6 S. T. M. March 20, 1979)

\*\*\*

In the RM (Residential Multifamily) district: 20,000 sf minimum lot area. 20,000 sf for the first four families. 4,300 sf for each family thereafter.

In the PCD (Planned Cluster District), 750,000 sf for minimum lot area. "In a PCD District and each subarea as hereinafter defined, an overall minimum of 4,500 square feet of land area for each dwelling unit. The number of dwelling units permitted under such overall minimum in a lot in a PCD District shall be the number arrived at by dividing the total square foot area by 4,500. Subarea shall mean

any portion of the lot designed for 600 dwelling units or less.

In the SH Subsidized Housing district, the minimum lot area is 12,000 sf.

In the Limited Commercial District: Multifamily is allowed with no more than 6 units per building. The lot must be at least 20,000 sf or 40,000 sf.

\*\*\*

Zoning Bylaw of the Town of Natick, Section III-A.2 (from website, 8/04)

### III-A.2 USE REGULATIONS SCHEDULE

Multiple family building types for not less than three (3) dwelling units in any one building, such as: apartment houses and/or town houses. (Art. 44 A.T.M. 1965, Art.1 S.T.M. June 17, 1969 & Art. 3. S.T.M. 11/18/75) (Art. 2 S.T.M. #2, Oct. 10, 2000)

These are allowed by special permit in the SH district.

Zoning Bylaw Town of Natick, Section III E (from Natick website as of August 19, 2004)

Downtown Mixed Use is a district where multifamily housing is allowed by special permit.

### III-38

#### III-E DOWNTOWN MIXED USE DISTRICT DM

##### 1. PURPOSE AND INTENT:

To establish a compact business center which does not include noxious or land-expansive uses, is centrally located, and is designed primarily for pedestrian shoppers. Some multi-family dwellings may be included to provide economic viability to such center while adding to the housing stock of the community. The DM District is intended to apply only to the central business area in the vicinity of the intersection of Routes 135 and 27.

##### 2. USE REGULATIONS FOR DM DISTRICTS:

Only those uses provided for below are permitted or allowed in a DM District. All other uses are prohibited, except as may be provided for hereafter.

##### a. PERMITTED USES:

The following uses are permitted as a matter of right in a Downtown Mixed Use District, such uses may be combined in the same structure and/or on the same lot:

1. One-family detached dwelling only if existing as of the time of adoption of this By-Law.
2. One-family attached or detached dwelling for personnel required for the safe operation of a permitted use to reside on the premises thereof.
3. Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings if existing as of the time of adoption of this By-Law.
4. (reserved)
5. (reserved)
6. (reserved)
7. Private garage or outdoor vehicles storage in connection with a dwelling.

### III-39

8. Lodge building or other non-profit social or civic use, but not including any use the principal activity of which is one customarily conducted as a business.
9. Customary home occupation.
10. Wholesale or retail stores or office of show room with inside storage of goods for sale on the premises only.
11. (reserved)
12. (reserved)
13. Business or professional office or agency, bank or other

financial institution, administrative offices, clerical offices, statistical offices, craft, consumer, professional or commercial service establishments dealing directly with the general public, business training center.

14. Undertaking establishment or funeral home.

15. Printing or publishing establishment.

16. Restaurant, tearooms, lunchrooms, or other places serving permitted beverages inside a lodge building in connection with non-profit social or civic activities to which admission is limited or controlled, and specifically excluding any activity customarily conducted as a business.

17. Eating establishments serving customers inside of the building without live or mechanical entertainment.

18. Cafeteria or restaurant for use of personnel employed on the premises carrying on a permitted use.

19. (reserved)

20. Warehouse of less than 1,000 square feet gross floor area.

21. Establishments for scientific research or scientific development or related production.

III-40

22. A governmental facility and building for public uses and purposes, including libraries, museums, and public schools but excluding solid waste disposal facilities.

23. Public utility structure including telephone exchanges, and radio and TV stations offices (excluding towers).

24. Church, rectory, convent, parish house, and other religious institutions such as religious sectarian schools.

25. Schools conducted by a non-profit educational corporation on land which it owns.

26. Fallout shelters.

27. All uses, which by any of the provisions of the Massachusetts General Laws, including Chapter 40A, may not be prohibited, are hereby included by reference as permitted uses.

b. USES ALLOWED ON SPECIAL PERMIT ONLY:

The following uses may be allowed by the Board of Appeals acting as a Special Permit Granting Authority in accordance with the provisions of Chapter 40A of the General Laws and in accordance with Section VI-DD of this By-law.

1. Multi-family dwellings, provided the Zoning Board of Appeals specifically determines that adequate provision has been made for off-street parking.

2. Indoor amusement or recreation place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and such use is located not less than one hundred (100) feet from a residential district.

3. Indoor tennis or racquet club or other in-door recreation place, provided that the building is so insulated and maintained as to confine noise to the premises.

4. Gasoline or service station.

5. Eating establishments providing live or mechanical entertainment or service to customers outside of the building.

6. Warehouse of more than 1,000 square feet gross floor area.

III-41

7. Accessory use.

8. Boarding House, Tourist Home or Lodging House.

9. Hotel and Motel.

10. Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with no repair services and excluding used-car lots.

11. Commercial parking lot

12. The serving of food and/or permitted beverages, with or without accompanying entertainment, on the premises of a hotel or motel, including without limitation, all restaurants, cocktail lounges, room service facilities, meeting and function rooms on the premises.

3. DIMENSIONAL AND DENSITY REQUIREMENTS

a. MINIMUM LOT DIMENSIONS: Area - 10,000 square feet; continuous frontage - 80 feet; depth - 120 feet.

b. MINIMUM YARD DIMENSIONS : Front yard – fifteen (15') feet or, if less, the smallest front yard existing on any abutting lot having frontage on the same side of the same street, upon the issuance of a

Special Permit by the SPGA based on a finding that such lesser setback will not be detrimental to the neighborhood; Side yard – ten (10') feet where premises abut a residential district, otherwise none required; Rear yard - Twenty (20') feet. (Art. 6, S.T.M. #2, 10/10/00)  
c. MAXIMUM PERCENTAGE BUILDING COVERAGE: (Includes any accessory building): 60 %.

d. MAXIMUM HEIGHT OF BUILDING AND/OR STRUCTURES:  
Fifty (50') feet. However, height may be as much as sixty (60') feet if there are one or more existing buildings within 200 feet of the premises on a lot with frontage on the same side of the same street having a building height equal to the height of the proposed structure. For the purpose of the preceding clause only, the building height of existing buildings within 200 feet of the premises shall not include roof tanks and their supports, ventilating, air conditioning and similar building service equipment; steeples, chimneys, railings, skylights and other similar features of buildings; fixtures and equipment used for the wireless transmission and reception of radio signals, including but not limited to antennae, communication dishes and similar devices, monopoles, and lattice towers. No part of a building lying within twenty (20') feet of a residential district boundary may exceed forty (40') feet.

(Art. 6, S.T.M. #2, 10/10/00)

e. MINIMUM HEIGHT OF BUILDINGS:  
Building height for any new building shall equal at least thirty (30) feet.

(Art. 6, S.T.M. #2, 10/10/00)

f. OPEN SPACE REQUIREMENT PER LOT: Ten (10%) percent which is landscaped and at grade level; provided that any structure in existence on January 1, 1987 may be altered and improved without increasing the open space in existence on January 1, 1987. (Art 47 S.T.M. April 7, 1987)

Zoning Bylaw Town of Natick, Section III F (from Natick website as of August 19, 2004)

### III-F CLUSTER DEVELOPMENT ALLOWED IN CERTAIN DISTRICTS

#### III-1. F. TOWN HOUSE CLUSTER DEVELOPMENT

##### 1. PURPOSE AND INTENT:

To permit more economical and efficient use of land than may be accomplished through standard subdivision development by protecting the existing character of the landscape and preserving open space areas for conservation and recreation.

##### 2. APPLICABILITY:

The Planning Board may grant a special permit for the construction and occupancy of a Town House Cluster Development located in the RSA District, provided that the gross land area of the parcel is at least 40 contiguous acres. The applicant must either own or submit authorization in writing to act for all the owners of the parcel. Two or more adjacent parcels which are separated by a distance of 100 ft., or less, may be combined and treated as a single parcel for the purpose of this section (ART. 50 1988 ATM).

##### 3. PERMITTED USES:

Any use permitted as a matter of right or under a special permit in the RS District as set forth elsewhere in this By-Law may be undertaken on a parcel to which this Section III-F is to be applied; however, the Planning Board, acting as a Special Permit Granting Authority as hereinafter provided may grant a special permit in accordance with the provisions of this By-Law and MGL Chapter 40A to allow the following additional uses:

- a. Town Houses;
- b. Country Club, including golf by natural light only, swimming, tennis and other similar recreational uses, provided they are included within the Overall Development Plan of a Town House Cluster Development and are available to the general public;
- c. Clubhouse, incidental to the operation of a country club including eating facilities for members and guests, provided it is included within the Overall Development plan of a Town House Cluster Development, and the building housing the facilities does not exceed 20,000 sq. ft. in gross floor area, and the planning Board determines that its operation will not be detrimental or injurious to adjacent residential uses or the value or adjacent properties.

III-45

7. REQUIREMENTS:

A town house Cluster Development must conform to the following :

a. Number of Dwelling Units

The maximum number of dwelling units shall equal the Net Usable Land Area within the parcel to be used for the Town House Cluster Development in accordance with this Section III-F divided by 15,000, rounded to the nearest whole number. Net Usable Land Area as used herein shall mean sixty-five (65) per cent of the area remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel to be used for residential use and open space. The flood plain and wetlands maps and aerial surveys adopted as official maps by the Planning Board from time to time shall be used to determine areas of water, 100 year flood plain elevations and wetland boundaries.

III-2.F SINGLE FAMILY TOWN HOUSE CLUSTER DEVELOPMENT

1. PURPOSE AND INTENT:

To permit more economical and efficient use of residential land than may be accomplished through standard subdivision development by: protecting the existing character of the landscape, introducing some variety into residential development, and preserving for the Town more open space for water supply; flood protection; woodland, field and wetland habitat; conservation; and recreation. Such objectives may be obtained as an alternative or optional choice by a landowner in certain residential districts.

2. APPLICABILITY

The Planning Board may grant a Site Plan Approval in accordance with Section VI-DD & VI-EE of these by-laws for the construction and occupancy of a Single Family Town House Cluster Development located in the RS-B, RS-D or RS-E Districts, provided that the gross land area of the parcel is at least 1,000,000 square feet. The applicant must either own or submit authorization in writing to act for all the owners of the lots comprising the parcel.

Two or more adjacent parcels, each of which contain 1,000,000 square feet, which are separated by a distance of 100 feet, or less, may be combined and treated as a single parcel for the purposes of this section.

3. ALLOWED USES:

The following uses may be undertaken under the alternative procedure and requirements provided for in Section III-2.F upon Site Plan Approval by the Planning Board in accordance with the provisions and requirements of Section VI-DD & VI-EE of these Zoning By-laws:

- a. Any use permitted in the RS District as set forth in Section III-A.2;
- b. Town Houses, provided that the total number of Town House units does not amount to more than thirty-five (35 per cent) per cent of the total number of dwelling units allowable in the entire cluster development pursuant to Section III-2. F-7; and
- c. Zero-lot-line single family homes, provided that the total number of Single Family homes so attached plus the total number of Town House units does not amount to more than thirty-five (35 percent) per cent of the total number of dwelling units allowable in the entire cluster development pursuant to Section III-2F-7.

As used herein, "zero-lot-line" shall mean the joining of two dwelling units together at a common property line by reducing the normal required side yard to zero on each lot and then attaching the units by a common wall located on the property line; no more than two units may be joined at a single property line, and no more than three units may be so attached in a row.

d. Existing Residential Buildings: Any residential building existing prior to January 1, 1980 which contains 4,000 square feet or more gross floor area may be subdivided into residential units having at least 2,000 square feet each, provided that the building is not expanded in size. However, in no event shall the Planning Board permit the number of these additional units, when added to the number of units determined in accordance with Section III-2F.6, to increase the latter by more than fifteen (15%) percent. Such units shall be in addition to the number of dwelling units calculated under Section III-2.F-7.

III-50

#### 6. NUMBER OF DWELLING UNITS:

The maximum number of dwelling units allowed in a Single Family Town House Cluster Development shall equal the "Net Usable Land Area" within the parcel divided by the minimum lot area requirements for a single family dwelling in that District as determined from Section IV-B of these By-laws then rounded to the nearest whole number. As used herein, "Net Usable Land Area" shall mean eighty (80 per cent) per cent of the resultant area obtained by subtracting seventy (70 per cent) per cent of the land area lying below the one hundred (100) year flood elevation as delineated on the Townwide Drainage Study maps by Coffin & Richardson Engineers (scale 1" equals 100') and fifty (50 percent) percent of the primary zone wetland area (also as shown on said Townwide Drainage Study maps) which is shown outside the limits of the one hundred (100) year flood elevation from the gross land area of a parcel or portion thereof classified within a single zoning district. If the Overall Development Plan lies in more than one zoning district, the number of dwelling units allowed shall be calculated as above for that portion of the parcel in each of the zoning districts separately and the resultant determinations added together to give an overall allowable total number of dwelling units for the parcel. Dwelling units may be transferred between zoning districts, being limited only by the overall allowable total and by the design restriction of the Overall Development Plan for the parcel.

#### 7. INTENSITY REGULATIONS:

Dwellings shall be on designated building lots with dimensional control varying from those otherwise permitted in the District as follows:

1. If in the RS-E or RS-D Districts, single family houses shall meet the requirements for the RS-B Districts;
2. If in the RS-B District; single family homes shall meet the requirements for the RS-C District;
3. Town Houses located in the RSB, RSD or RSE districts shall be on lots meeting the minimum lot area requirements of the RM Districts as set out in Section IV-B of these By-Laws and footnotes (d) thereto. The minimum lot frontage shall be eighty (80) feet, providing that a front building line is designated on the Overall Development Plan for such lot and the width of the lot at this building line is at least one hundred twenty (120) feet. However, no Town House within the Overall Development Plan shall contain more than three (3) dwelling units. Furthermore, the lot lines of each lot containing Town Houses in the Overall Development Plan shall be separated from the lot lines of any other lot containing Town Houses by at least fifty feet (50'). All Town Houses and above-ground structures or facilities related thereto and used in support thereof, including Town House parking, shall be set back at least one hundred (100) feet from the boundaries of the Overall Development Plan and all Town Houses shall be located at least two hundred (200) feet from all single family homes not located within the Overall Development Plan.
4. Exceptions to the otherwise applicable Intensity Regulations and to the otherwise applicable General Requirements of article IV-A are:
  - (i) More than one one Town House may be erected on a lot.
  - (ii) No building or parking shall be located within one hundred (100') feet of the boundaries of the Overall Development Plan;
  - (iii) Frontage need not exceed fifty (50') feet on any lot for a single family home providing a front building line is designated on the Plan for such lot, and if the width of the lot at this building line is at least equal to the frontage otherwise required under this Section; and
  - (iv) No construction shall take place within the one hundred (100) year flood elevation except in conformity with the requirements of Chapter 131, Section 40, and procedures established by the Town for such areas pursuant to the National Flood Insurance Program (42 USC 4001-4128) and the Regulations of the Secretary of Housing and Urban Development issued thereunder.
  - (v) Subject to the limitations of Sections III-2.F.3. (b) and (c), dwelling units which would otherwise qualify as Town Houses on an RM minimum sized lot and meet the intensity regulations of Section III 2.F.7. (3) for Town Houses may instead be divided into zero-lot-line single family homes provided that each lot resulting from the division of the RM lot has at least fifty (50) feet of frontage

and meets the minimum lot area requirements of Section III-2 F. 7 for single family homes, and the unattached sides of such units meet the side yard setbacks otherwise required under this Section.

(Art. 50, Spring A.T.M., 4/17/97)

III-52

#### 8. PRESERVED OPEN SPACE

In Single Family Town House Developments, it is desired to create an environment in which preserved open space is intermixed with housing. Preserved open space must include at least twenty (20 per cent) per cent of the frontage on the roads servicing the Development. A portion of the preserved open space may be used as a common surrounded by a one-way road, in which event all of the road abutting such common will be counted as frontage for the purpose of fulfilling the foregoing requirement. The preserved open space shall comprise not less than thirty (30 per cent) per cent of the total land area of the parcel for which there is an Overall Development Plan. At least eighty (80 per cent) per cent of the dwelling units shall abut or be within three hundred (300') feet of the preserved Open Space and have access via a public way or easement for a distance of no more than one hundred (100') to such Preserved Open Space. At least fifty (50 per cent) per cent of the Preserved Open Space shall not be primary zone wetlands or land within the 100 year flood elevation both as shown on the Townwide Drainage study maps unless a higher percentage is specifically approved by the Planning Board. The Special Permit authorizing the Cluster Development shall further provide that the Preserved Open Space shall be:

Zoning Bylaw Town of Natick, Section 320 (from Natick website as of August 19, 2004)

#### Section 320 - HIGHWAY OVERLAY DISTRICTS

##### 323.3 Certain Multi-family Residential Uses

In the RC district, hotels, motels, assisted living facilities, and similar multifamily development may be allowed by Special Permit granted by the Planning Board, subject to all requirements of the underlying district(s), and modified by the dimensional and other intensity regulations of Sections 324 and 326. Combinations of such residential and nonresidential uses may also be allowed in the RC district, subject to the requirements of each individual use as set forth elsewhere in this Bylaw. (Art 5, S.T.M. #2, 10/10/00)

\*\*\*

In the Downtown Mixed Use District, multifamily is allowed by special permit. The minimum lot size is 10,000 sf.

#### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Zoning Bylaw of the Town of Natick, Section 200 (from website, 8/04) - Definitions

Apartment House: Any building designated for, or occupied as a permanent (as distinguished from hotels, motels and boarding houses) residence for three or more families in separate dwelling units with means of egress and other essential facilities. \*

Apartment House-Garden Type: An apartment house of one or two stories above grade, with not more than eight (8) apartments all served by two (2) separated and direct means of egress from the building, at least one of which shall be a primary entrance. \*

Garden-Type Apartment House: An apartment house of one or two stories above grade with not more than eight (8) apartments all served by two means of egress, one of which shall be a primary entrance.

Dwelling, Multi-Family: A residential building (such as apartment houses and town houses) designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided. \*

Zoning Bylaw of the Town of Natick, Section III-A.2 (from website, 8/04)

### III-A.2 USE REGULATIONS SCHEDULE

Multiple family building types for not less than three (3) dwelling units in any one building, such as: apartment houses and/or town houses. (Art. 44 A.T.M. 1965, Art.1 S.T.M. June 17, 1969 & Art. 3. S.T.M. 11/18/75) (Art. 2 S.T.M. #2, Oct. 10, 2000)

These are allowed by right in the RM and PCD districts.

Zoning Bylaw Town of Natick, Section III-D (from Natick website as of August 19, 2004)

Multifamily, with no more than 6 units per building is allowed by right in the LC district.

### III-34

#### III-D USE REGULATIONS FOR LC DISTRICTS:

Only those uses provided for below are permitted or allowed in an LC District. All other uses are prohibited, except as they may be provided for hereafter.

1. PERMITTED USES: The following uses are permitted as of right in an LC District.

- a. One -family detached dwelling;
- b. One family attached or detached dwelling for personnel required for safe operation of a permitted use to reside on the premises thereof;
- c. Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings;
- d. Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre;
- e. Renting of one or two rooms and/or the furnishing of board by a resident family to a total of not more than four (4) non-transient persons;
- f. The storage and parking of motor vehicles, with no provision for operations incidental to the servicing of such vehicles;
- g. Private or commercial club, including golf (by natural light only), outdoor swimming, riding, outdoor tennis and boating facilities, provided that no structures are located closer than one hundred (100') feet from any lot line;
- h. Lodge building or other non-profit social or civic use, but not including any use the principal activity of which is one customarily conducted as a business;
- i. Customary home occupation;
- j. Wholesale or retail stores or office or showroom with inside storage of goods;

### III-35

- k. Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with no repair services and excluding used-car lots;
- l. Business or professional office or agency; bank or other financial institution; administrative office, clerical office; statistical office and establishment for research and development; craft, consumer, professional or commercial service establishment dealing directly with the general public; business training center;
- m. Printing or publishing establishment;
- n. Restaurant, tea room, lunchroom or other eating establishment serving food and beverages inside a lodge building in connection with non-profit social or civic activities to which admission is limited or controlled, and specifically excluding any activity customarily conducted as a business;
- o. Cafeteria or restaurant for use of personnel employed on the premises carrying on a permitted use;
- p. Building owned by the Federal Government, the Commonwealth of Massachusetts or the Town of Natick or its departments; and libraries and museums; but excluding solid waste disposal facilities.

- q. Indoor Wireless Communications Facility (IWCF). (Art. 30, Fall ATM, 10/8/98)
2. USES ALLOWED ON SPECIAL PERMIT ONLY. The following uses may be allowed by the Board of Appeals acting as a Special Permit Granting Authority in accordance with Section VI - E - 2:
- a. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from a residential district;
  - b. Indoor tennis or racquet club or other indoor recreation place with membership requirements and limited public participation, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from any residential use; and provided further that parking demand generation for such use shall not exceed 40 spaces;
  - III-36
  - c. Sanitarium, nursing or rest home;
  - d. Accessory use.
  - e. The provision of seating accommodations in conjunction with the carrying on of a retail food use, provided that such accommodations will not permit a total of more than 16 customers to be seated at any one time. (Art. 21, Fall A.T.M., 10/5/93)
  - f. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)
  - g. The provision of seating accommodations in conjunction with the carrying on of retail food use which is conducted solely as an accessory use to a retail use in the same building, said seating to be limited to one (1) seat for each 250 square feet of retail space and said seating area shall not exceed ten (10%) percent of the total retail space, excluding the area devoted to retail food use. In addition, there shall be no drive up window associated with the accessory retail food use, the accessory retail food use shall be operated exclusively by the operator of the principal retail use, the hours of operation of the accessory retail food use shall be limited to those of the principal retail use, and there shall be no sign visible from or located exterior to the building that advertises, calls attention to or indicates the carrying on of the accessory retail food use. (Art. 7, S.T.M. #2, 10/10/00)
3. DIMENSIONAL AND DENSITY REQUIREMENTS. The following intensity regulations shall apply in addition to the general requirements of Section IV-A of these By-Laws in an LC District:
- a. MINIMUM LOT DIMENSIONS: Area = 40,000 square feet, but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have an area as low as 20,000 sq ft.; Continuous frontage = 200 ft., but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have a frontage as low as 120 feet; Depth = 40 ft.
  - b. MINIMUM YARD DIMENSIONS: Front yard = 50 ft., but where the depth of an LC lot, measured at its point of greatest depth is 150 ft. or less, the front yard dimension may be one-third of the depth, but in no case less than 25 feet; side yard = 40 feet; rear yard = 40 ft.
  - c. MAXIMUM % BUILDING COVERAGE (include any accessory building): 20 %
  - d. MAXIMUM HEIGHT OF BUILDING AND/OR STRUCTURES: 35 feet; however, if the State Building Code is more restrictive then such Code height limitations shall govern.
  - e. MINIMUM OPEN SPACE REQUIREMENT PER LOT: 10%. (Art. 6 S. T. M. March 20, 1979)

\*\*\*

From ordinance.com:

#### VI-DD SITE PLAN REVIEW

1. Purpose and Intent Administration
- ...
2. Applicability and SPGA Designation

a) All uses, other than Uses Nos. 1, 3, 5, 8, 9, 17, 18, 46, 47 and 48, permitted or allowed in the following Zoning districts, shall be subject to the Site Plan Review Procedure described herein, to be administered by the Planning Board, acting as the SPGA:

...

b) All uses, other than Uses No. 46, 47, 48 and 54 which are permitted or allowed under the Use Regulation Schedule in the Commercial II (C-II), Industrial I (In-I), and Industrial II (In-II) zoning districts, shall be subject to the Site Plan Review procedure described herein with the following SPGA designations:

1.) The Board of Appeals shall act as the SPGA for all such review procedures involving less than 150,000 square feet of new or rehab construction floor space, or the development of a parcel of land having such area limitation.

2.) The Planning Board shall act-as the SPGA for all such review procedures involving more than 150,000 square feet of new or rehab construction floor space, or the development of a parcel of land having such area limitation:

c) Notwithstanding the foregoing, in the Commercial II, Industrial I, and Industrial II districts, the Site Plan Review procedures described herein shall not be required with respect to alteration or rehab construction unless:

1.) There is a change from one use designation to another use designation as described in the Use Regulation Schedule or

2.) The proposed alteration of a structure in existence prior to the effective date of this by-law section will increase the floor area of a building on the premises by more than five (5%) percent.

d) All uses, other than Use No. I, which are permitted or allowed under the Use Regulation Schedule in the AP (Administrative & Professional) District, shall be subject to the Site Plan Review procedure described herein, with the Board of Appeals acting as the SPGA for all such review procedures.

e) Where Site Plan Review is not otherwise required by the provisions of Section VI DD, in all zoning districts referred to in this Section VI-DD - 2 the construction of roads, driveways and parking areas shall be subject to the Site Plan Review procedure described herein to be administered by the Planning Board as the SPGA. This section VI-DD 2 (e) shall not remove the exclusions created by Section VI-DD 2 (c).

### 3. General Requirements

a) Final Site Plan: No person shall undertake a use, construction or alteration of any structure which is subject to the provisions of the Site Plan Review Procedure in those districts and/or uses to which this Section VI-DD applies, unless he has first submitted to the SPGA for its approval, a Final Site Plan of such proposed use or alteration. Once approved by the SPGA, the SPGA shall issue a Special Permit therefor and such Plan shall not be changed in any material respect without being amended or modified in the same manner as provided for obtaining initial approval. No building or use permit shall be issued by the Building Inspector for any use subject to the Site Plan Review Procedure, and no construction or site preparation shall be started, until a decision of the SPGA approving the final Site Plan has been filed with the Town Clerk. An applicant for site plan review may not attach conditions to its submittal of plans for review, and any site plan so submitted may be rejected as not being in conformance with these bylaws. There shall only be one (1) Final Site Plan in effect for a tract at any point in time. The SPGA shall not approve multiple Final Site Plans for all or any portion of a tract subject to the Site Plan Review Procedure. Although final Site Plans may be approved for all or part of a project on a tract to accommodate the phasing thereof, any subsequent changes in such previously approved Final Site Plan may be accomplished by amending or modifying the prior approval, including by substituting or replacing previously approved plans or portions thereof. Notwithstanding any other provision in these By-laws, once a building permit is issued for development under plans approved by the SPGA under the Site Plan Review Procedure for all or any part of a tract, all further development of the remainder of such tract shall be subject to this Site Plan Review Procedure, regardless of the zoning classification applicable to such tract at the time of site plan approval, prior thereto, or effective thereafter.

b) Content of Final Site Plan and Other Submittals: ...

\*\*\*

In response to the question, is multifamily housing zoned by right on available/undeveloped land, Sarkis Sarkisian, Community Development Director, said: "Most of Natick is built out. What you are seeing is redevelopment. The area you will see multifamily in is the regional center. They are proposing units by the mall: rentals, condos. Also across from the strip mall there is 2.5 acres. A developer came with a 40B. We turned down the project. There was no integration of housing with the retail. They were just dropping the buildings in. We turned it down. We are now in superior court. We are waiting for the decision."

Mr. Sarkisian explained that although multi-family housing is zoned by right, most new multifamily housing would require a special permit, as the town is already built up and the multifamily is through re-redevelopment. "There are historic buildings, neighbors."

\*\*\*

Zoning Bylaw Town of Natick, Section IV-B (from Natick website as of August 19, 2004) - Intensity Regulations By Zoning District

Zoning Bylaw of the Town of Natick, Section III-A.2 (from website, 8/04)

### III-A.2 USE REGULATIONS SCHEDULE

Multiple family building types for not less than three (3) dwelling units in any one building, such as: apartment houses and/or town houses. (Art. 44 A.T.M. 1965, Art.1 S.T.M. June 17, 1969 & Art. 3. S.T.M. 11/18/75) (Art. 2 S.T.M. #2, Oct. 10, 2000)

These are allowed by right in the RM and PCD districts.

Zoning Bylaw Town of Natick, Section III-D (from Natick website as of August 19, 2004)

Multifamily, with no more than 6 units per building is allowed by right in the LC district.

### III-34

#### III-D USE REGULATIONS FOR LC DISTRICTS:

Only those uses provided for below are permitted or allowed in an LC District. All other uses are prohibited, except as they may be provided for hereafter.

1. PERMITTED USES: The following uses are permitted as of right in an LC District.

- a. One -family detached dwelling;
- b. One family attached or detached dwelling for personnel required for safe operation of a permitted use to reside on the premises thereof;
- c. Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings;
- d. Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre;
- e. Renting of one or two rooms and/or the furnishing of board by a resident family to a total of not more than four (4) non-transient persons;
- f. The storage and parking of motor vehicles, with no provision for operations incidental to the servicing of such vehicles;
- g. Private or commercial club, including golf (by natural light only), outdoor swimming, riding, outdoor tennis and boating facilities, provided that no structures are located closer than one hundred (100') feet from any lot line;
- h. Lodge building or other non-profit social or civic use, but not including any use the principal activity of which is one customarily conducted as a business;
- i. Customary home occupation;
- j. Wholesale or retail stores or office or showroom with inside storage of goods;

### III-35

- k. Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with no repair services and excluding used-car lots;
- l. Business or professional office or agency; bank or other financial institution; administrative office, clerical office; statistical office and establishment for research and development; craft, consumer, professional or commercial service establishment dealing directly with the general public; business training center;
- m. Printing or publishing establishment;
- n. Restaurant, tea room, lunchroom or other eating establishment serving food and beverages inside a lodge building in connection with non-profit social or civic activities to which admission is limited or controlled, and specifically excluding any activity customarily conducted as a business;
- o. Cafeteria or restaurant for use of personnel employed on the premises carrying on a permitted use;
- p. Building owned by the Federal Government, the Commonwealth of Massachusetts or the Town of Natick or its departments; and libraries and museums; but excluding solid waste disposal facilities.

q. Indoor Wireless Communications Facility (IWCF). (Art. 30, Fall ATM, 10/8/98)

2. USES ALLOWED ON SPECIAL PERMIT ONLY. The following uses may be allowed by the Board of Appeals acting as a Special Permit Granting Authority in accordance with Section VI - E - 2:

a. Indoor amusement or recreation place or place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from a residential district;

b. Indoor tennis or racquet club or other indoor recreation place with membership requirements and limited public participation, provided that the building is so insulated and maintained as to confine noise to the premises and is located not less than one hundred (100') feet from any residential use; and provided further that parking demand generation for such use shall not exceed 40 spaces;

III-36

c. Sanitarium, nursing or rest home;

d. Accessory use.

e. The provision of seating accommodations in conjunction with the carrying on of a retail food use, provided that such accommodations will not permit a total of more than 16 customers to be seated at any one time. (Art. 21, Fall A.T.M., 10/5/93)

f. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/98)

g. The provision of seating accommodations in conjunction with the carrying on of retail food use which is conducted solely as an accessory use to a retail use in the same building, said seating to be limited to one (1) seat for each 250 square feet of retail space and said seating area shall not exceed ten (10%) percent of the total retail space, excluding the area devoted to retail food use. In addition, there shall be no drive up window associated with the accessory retail food use, the accessory retail food use shall be operated exclusively by the operator of the principal retail use, the hours of operation of the accessory retail food use shall be limited to those of the principal retail use, and there shall be no sign visible from or located exterior to the building that advertises, calls attention to or indicates the carrying on of the accessory retail food use. (Art. 7, S.T.M. #2, 10/10/00)

3. DIMENSIONAL AND DENSITY REQUIREMENTS. The following intensity regulations shall apply in addition to the general requirements of Section IV-A of these By-Laws in an LC District:

a. MINIMUM LOT DIMENSIONS: Area = 40,000 square feet, but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have an area as low as 20,000 sq ft.; Continuous frontage = 200 ft., but where adjacent lots in an LC District share a common driveway, or common access ways, any of the lots may have a frontage as low as 120 feet; Depth = 40 ft.

b. MINIMUM YARD DIMENSIONS: Front yard = 50 ft., but where the depth of an LC lot, measured at its point of greatest depth is 150 ft. or less, the front yard dimension may be one-third of the depth, but in no case less than 25 feet; side yard = 40 feet; rear yard = 40 ft.

c. MAXIMUM % BUILDING COVERAGE (include any accessory building): 20 %

d. MAXIMUM HEIGHT OF BUILDING AND/OR STRUCTURES: 35 feet; however, if the State Building Code is more restrictive then such Code height limitations shall govern.

e. MINIMUM OPEN SPACE REQUIREMENT PER LOT: 10%. (Art. 6 S. T. M. March 20, 1979)

\*\*\*

In the RM (Residential Multifamily) district: 20,000 sf minimum lot area. 20,000 sf for the first four families. 4,300 sf for each family thereafter.

In the PCD (Planned Cluster District), 750,000 sf for minimum lot area. "In a PCD District and each subarea as hereinafter defined, an overall minimum of 4,500 square feet of land area for each dwelling unit. The number of dwelling units permitted under such overall minimum in a lot in a PCD District shall be the number arrived at by dividing the total square foot area by 4,500. Subarea shall mean any portion of the lot designed for 600 dwelling units or less.

In the SH Subsidized Housing district, the minimum lot area is 12,000 sf.

In the Limited Commercial District: Multifamily is allowed with no more than 6 units per building. The lot must be at least 20,000 sf or 40,000 sf.

\*\*\*

Zoning Bylaw of the Town of Natick, Section III-A.2 (from website, 8/04)

### III-A.2 USE REGULATIONS SCHEDULE

Multiple family building types for not less than three (3) dwelling units in any one building, such as: apartment houses and/or town houses. (Art. 44 A.T.M. 1965, Art.1 S.T.M. June 17, 1969 & Art. 3. S.T.M. 11/18/75) (Art. 2 S.T.M. #2, Oct. 10, 2000)

These are allowed by special permit in the SH district.

Zoning Bylaw Town of Natick, Section III E (from Natick website as of August 19, 2004)

Downtown Mixed Use is a district where multifamily housing is allowed by special permit.

### III-38

#### III-E DOWNTOWN MIXED USE DISTRICT DM

##### 1. PURPOSE AND INTENT:

To establish a compact business center which does not include noxious or land-expansive uses, is centrally located, and is designed primarily for pedestrian shoppers. Some multi-family dwellings may be included to provide economic viability to such center while adding to the housing stock of the community. The DM District is intended to apply only to the central business area in the vicinity of the intersection of Routes 135 and 27.

##### 2. USE REGULATIONS FOR DM DISTRICTS:

Only those uses provided for below are permitted or allowed in a DM District. All other uses are prohibited, except as may be provided for hereafter.

###### a. PERMITTED USES:

The following uses are permitted as a matter of right in a Downtown Mixed Use District, such uses may be combined in the same structure and/or on the same lot:

1. One-family detached dwelling only if existing as of the time of adoption of this By-Law.
2. One-family attached or detached dwelling for personnel required for the safe operation of a permitted use to reside on the premises thereof.
3. Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings if existing as of the time of adoption of this By-Law.
4. (reserved)
5. (reserved)
6. (reserved)
7. Private garage or outdoor vehicles storage in connection with a dwelling.

### III-39

8. Lodge building or other non-profit social or civic use, but not including any use the principal activity of which is one customarily conducted as a business.
9. Customary home occupation.
10. Wholesale or retail stores or office of show room with inside storage of goods for sale on the premises only.
11. (reserved)
12. (reserved)
13. Business or professional office or agency, bank or other financial institution, administrative offices, clerical offices, statistical

offices, craft, consumer, professional or commercial service establishments dealing directly with the general public, business training center.

14. Undertaking establishment or funeral home.

15. Printing or publishing establishment.

16. Restaurant, tearooms, lunchrooms, or other places serving permitted beverages inside a lodge building in connection with non-profit social or civic activities to which admission is limited or controlled, and specifically excluding any activity customarily conducted as a business.

17. Eating establishments serving customers inside of the building without live or mechanical entertainment.

18. Cafeteria or restaurant for use of personnel employed on the premises carrying on a permitted use.

19. (reserved)

20. Warehouse of less than 1,000 square feet gross floor area.

21. Establishments for scientific research or scientific development or related production.

III-40

22. A governmental facility and building for public uses and purposes, including libraries, museums, and public schools but excluding solid waste disposal facilities.

23. Public utility structure including telephone exchanges, and radio and TV stations offices (excluding towers).

24. Church, rectory, convent, parish house, and other religious institutions such as religious sectarian schools.

25. Schools conducted by a non-profit educational corporation on land which it owns.

26. Fallout shelters.

27. All uses, which by any of the provisions of the Massachusetts General Laws, including Chapter 40A, may not be prohibited, are hereby included by reference as permitted uses.

b. USES ALLOWED ON SPECIAL PERMIT ONLY:

The following uses may be allowed by the Board of Appeals acting as a Special Permit Granting Authority in accordance with the provisions of Chapter 40A of the General Laws and in accordance with Section VI-DD of this By-law.

1. Multi-family dwellings, provided the Zoning Board of Appeals specifically determines that adequate provision has been made for off-street parking.

2. Indoor amusement or recreation place of assembly provided that the building is so insulated and maintained as to confine noise to the premises and such use is located not less than one hundred (100) feet from a residential district.

3. Indoor tennis or racquet club or other in-door recreation place, provided that the building is so insulated and maintained as to confine noise to the premises.

4. Gasoline or service station.

5. Eating establishments providing live or mechanical entertainment or service to customers outside of the building.

6. Warehouse of more than 1,000 square feet gross floor area.

III-41

7. Accessory use.

8. Boarding House, Tourist Home or Lodging House.

9. Hotel and Motel.

10. Salesroom for motor vehicles, trailers, boats, farm implements, or machinery, with no repair services and excluding used-car lots.

11. Commercial parking lot

12. The serving of food and/or permitted beverages, with or without accompanying entertainment, on the premises of a hotel or motel, including without limitation, all restaurants, cocktail lounges, room service facilities, meeting and function rooms on the premises.

3. DIMENSIONAL AND DENSITY REQUIREMENTS

a. MINIMUM LOT DIMENSIONS: Area - 10,000 square feet; continuous frontage - 80 feet; depth - 120 feet.

b. MINIMUM YARD DIMENSIONS : Front yard – fifteen (15') feet or, if less, the smallest front yard existing on any abutting lot having frontage on the same side of the same street, upon the issuance of a Special Permit by the SPGA based on a finding that such lesser

setback will not be detrimental to the neighborhood; Side yard – ten (10') feet where premises abut a residential district, otherwise none required; Rear yard - Twenty (20') feet. (Art. 6, S.T.M. #2, 10/10/00)  
c. MAXIMUM PERCENTAGE BUILDING COVERAGE: (Includes any accessory building): 60 %.

d. MAXIMUM HEIGHT OF BUILDING AND/OR STRUCTURES:  
Fifty (50') feet. However, height may be as much as sixty (60') feet if there are one or more existing buildings within 200 feet of the premises on a lot with frontage on the same side of the same street having a building height equal to the height of the proposed structure. For the purpose of the preceding clause only, the building height of existing buildings within 200 feet of the premises shall not include roof tanks and their supports, ventilating, air conditioning and similar building service equipment; steeples, chimneys, railings, skylights and other similar features of buildings; fixtures and equipment used for the wireless transmission and reception of radio signals, including but not limited to antennae, communication dishes and similar devices, monopoles, and lattice towers. No part of a building lying within twenty (20') feet of a residential district boundary may exceed forty (40') feet.

(Art. 6, S.T.M. #2, 10/10/00)

e. MINIMUM HEIGHT OF BUILDINGS:

Building height for any new building shall equal at least thirty (30) feet.

(Art. 6, S.T.M. #2, 10/10/00)

f. OPEN SPACE REQUIREMENT PER LOT: Ten (10%) percent which is landscaped and at grade level; provided that any structure in existence on January 1, 1987 may be altered and improved without increasing the open space in existence on January 1, 1987. (Art 47 S.T.M. April 7, 1987)

Zoning Bylaw Town of Natick, Section III F (from Natick website as of August 19, 2004)

### III-F CLUSTER DEVELOPMENT ALLOWED IN CERTAIN DISTRICTS

#### III-1. F. TOWN HOUSE CLUSTER DEVELOPMENT

##### 1. PURPOSE AND INTENT:

To permit more economical and efficient use of land than may be accomplished through standard subdivision development by protecting the existing character of the landscape and preserving open space areas for conservation and recreation.

##### 2. APPLICABILITY:

The Planning Board may grant a special permit for the construction and occupancy of a Town House Cluster Development located in the RSA District, provided that the gross land area of the parcel is at least 40 contiguous acres. The applicant must either own or submit authorization in writing to act for all the owners of the parcel. Two or more adjacent parcels which are separated by a distance of 100 ft., or less, may be combined and treated as a single parcel for the purpose of this section (ART. 50 1988 ATM).

##### 3. PERMITTED USES:

Any use permitted as a matter of right or under a special permit in the RS District as set forth elsewhere in this By-Law may be undertaken on a parcel to which this Section III-F is to be applied; however, the Planning Board, acting as a Special Permit Granting Authority as hereinafter provided may grant a special permit in accordance with the provisions of this By-Law and MGL Chapter 40A to allow the following additional uses:

a. Town Houses;

b. Country Club, including golf by natural light only, swimming, tennis and other similar recreational uses, provided they are included within the Overall Development Plan of a Town House Cluster Development and are available to the general public;

c. Clubhouse, incidental to the operation of a country club including eating facilities for members and guests, provided it is included within the Overall Development plan of a Town House Cluster Development, and the building housing the facilities does not exceed 20,000 sq. ft. in gross floor area, and the planning Board determines that its operation will not be detrimental or injurious to adjacent residential uses or the value or adjacent properties.

III-45

## 7. REQUIREMENTS:

A town house Cluster Development must conform to the following :

### a. Number of Dwelling Units

The maximum number of dwelling units shall equal the Net Usable Land Area within the parcel to be used for the Town House Cluster Development in accordance with this Section III-F divided by 15,000, rounded to the nearest whole number. Net Usable Land Area as used herein shall mean sixty-five (65) per cent of the area remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel to be used for residential use and open space. The flood plain and wetlands maps and aerial surveys adopted as official maps by the Planning Board from time to time shall be used to determine areas of water, 100 year flood plain elevations and wetland boundaries.

## III-2.F SINGLE FAMILY TOWN HOUSE CLUSTER DEVELOPMENT

### 1. PURPOSE AND INTENT:

To permit more economical and efficient use of residential land than may be accomplished through standard subdivision development by: protecting the existing character of the landscape, introducing some variety into residential development, and preserving for the Town more open space for water supply; flood protection; woodland, field and wetland habitat; conservation; and recreation. Such objectives may be obtained as an alternative or optional choice by a landowner in certain residential districts.

### 2. APPLICABILITY

The Planning Board may grant a Site Plan Approval in accordance with Section VI-DD & VI-EE of these by-laws for the construction and occupancy of a Single Family Town House Cluster Development located in the RS-B, RS-D or RS-E Districts, provided that the gross land area of the parcel is at least 1,000,000 square feet. The applicant must either own or submit authorization in writing to act for all the owners of the lots comprising the parcel.

Two or more adjacent parcels, each of which contain 1,000,000 square feet, which are separated by a distance of 100 feet, or less, may be combined and treated as a single parcel for the purposes of this section.

### 3. ALLOWED USES:

The following uses may be undertaken under the alternative procedure and requirements provided for in Section III-2.F upon Site Plan Approval by the Planning Board in accordance with the provisions and requirements of Section VI-DD & VI-EE of these Zoning By-laws:

- a. Any use permitted in the RS District as set forth in Section III-A.2;
- b. Town Houses, provided that the total number of Town House units does not amount to more than thirty-five (35 per cent) per cent of the total number of dwelling units allowable in the entire cluster development pursuant to Section III-2. F-7; and
- c. Zero-lot-line single family homes, provided that the total number of Single Family homes so attached plus the total number of Town House units does not amount to more than thirty-five (35 percent) per cent of the total number of dwelling units allowable in the entire cluster development pursuant to Section III-2F-7.

As used herein, "zero-lot-line" shall mean the joining of two dwelling units together at a common property line by reducing the normal required side yard to zero on each lot and then attaching the units by a common wall located on the property line; no more than two units may be joined at a single property line, and no more than three units may be so attached in a row.

d. Existing Residential Buildings: Any residential building existing prior to January 1, 1980 which contains 4,000 square feet or more gross floor area may be subdivided into residential units having at least 2,000 square feet each, provided that the building is not expanded in size. However, in no event shall the Planning Board permit the number of these additional units, when added to the number of units determined in accordance with Section III-2F.6, to increase the latter by more than fifteen (15%) percent. Such units shall be in addition to the number of dwelling units calculated under Section III-2.F-7.

III-50

### 6. NUMBER OF DWELLING UNITS:

The maximum number of dwelling units allowed in a Single Family Town House Cluster Development shall equal the "Net Usable Land Area" within the parcel divided by the minimum lot area requirements for a single family dwelling in that District as determined from Section IV-B of these By-laws then rounded to the nearest whole number. As used herein, "Net Usable Land Area" shall mean eighty (80 per cent) per cent of the resultant area obtained by subtracting seventy (70 per cent) per cent of the land area lying below the one hundred (100) year flood elevation as delineated on the Townwide Drainage Study maps by Coffin & Richardson Engineers (scale 1" equals 100') and fifty (50 percent) percent of the primary zone wetland area (also as shown on said Townwide Drainage Study maps) which is shown outside the limits of the one hundred (100) year flood elevation from the gross land area of a parcel or portion thereof classified within a single zoning district. If the Overall Development Plan lies in more than one zoning district, the number of dwelling units allowed shall be calculated as above for that portion of the parcel in each of the zoning districts separately and the resultant determinations added together to give an overall allowable total number of dwelling units for the parcel. Dwelling units may be transferred between zoning districts, being limited only by the overall allowable total and by the design restriction of the Overall Development Plan for the parcel.

#### 7. INTENSITY REGULATIONS:

Dwellings shall be on designated building lots with dimensional control varying from those otherwise permitted in the District as follows:

1. If in the RS-E or RS-D Districts, single family houses shall meet the requirements for the RS-B Districts;
2. If in the RS-B District; single family homes shall meet the requirements for the RS-C District;
3. Town Houses located in the RSB, RSD or RSE districts shall be on lots meeting the minimum lot area requirements of the RM Districts as set out in Section IV-B of these By-Laws and footnotes (d) thereto. The minimum lot frontage shall be eighty (80) feet, providing that a front building line is designated on the Overall Development Plan for such lot and the width of the lot at this building line is at least one hundred twenty (120) feet. However, no Town House within the Overall Development Plan shall contain more than three (3) dwelling units. Furthermore, the lot lines of each lot containing Town Houses in the Overall Development Plan shall be separated from the lot lines of any other lot containing Town Houses by at least fifty feet (50'). All Town Houses and above-ground structures or facilities related thereto and used in support thereof, including Town House parking, shall be set back at least one hundred (100) feet from the boundaries of the Overall Development Plan and all Town Houses shall be located at least two hundred (200) feet from all single family homes not located within the Overall Development Plan.
4. Exceptions to the otherwise applicable Intensity Regulations and to the otherwise applicable General Requirements of article IV-A are:
  - (i) More than one one Town House may be erected on a lot.
  - (ii) No building or parking shall be located within one hundred (100') feet of the boundaries of the Overall Development Plan;
  - (iii) Frontage need not exceed fifty (50') feet on any lot for a single family home providing a front building line is designated on the Plan for such lot, and if the width of the lot at this building line is at least equal to the frontage otherwise required under this Section; and
  - (iv) No construction shall take place within the one hundred (100) year flood elevation except in conformity with the requirements of Chapter 131, Section 40, and procedures established by the Town for such areas pursuant to the National Flood Insurance Program (42 USC 4001-4128) and the Regulations of the Secretary of Housing and Urban Development issued thereunder.
  - (v) Subject to the limitations of Sections III-2.F.3. (b) and (c), dwelling units which would otherwise qualify as Town Houses on an RM minimum sized lot and meet the intensity regulations of Section III 2.F.7. (3) for Town Houses may instead be divided into zero-lot-line single family homes provided that each lot resulting from the division of the RM lot has at least fifty (50) feet of frontage and meets the minimum lot area requirements of Section III-2 F. 7

for single family homes, and the unattached sides of such units meet the side yard setbacks otherwise required under this Section.

(Art. 50, Spring A.T.M., 4/17/97)  
III-52

#### 8. PRESERVED OPEN SPACE

In Single Family Town House Developments, it is desired to create an environment in which preserved open space is intermixed with housing. Preserved open space must include at least twenty (20 per cent) per cent of the frontage on the roads servicing the Development. A portion of the preserved open space may be used as a common surrounded by a one-way road, in which event all of the road abutting such common will be counted as frontage for the purpose of fulfilling the foregoing requirement. The preserved open space shall comprise not less than thirty (30 per cent) per cent of the total land area of the parcel for which there is an Overall Development Plan. At least eighty (80 per cent) per cent of the dwelling units shall abut or be within three hundred (300') feet of the preserved Open Space and have access via a public way or easement for a distance of no more than one hundred (100') to such Preserved Open Space. At least fifty (50 per cent) per cent of the Preserved Open Space shall not be primary zone wetlands or land within the 100 year flood elevation both as shown on the Townwide Drainage study maps unless a higher percentage is specifically approved by the Planning Board. The Special Permit authorizing the Cluster Development shall further provide that the Preserved Open Space shall be:

Zoning Bylaw Town of Natick, Section 320 (from Natick website as of August 19, 2004)

#### Section 320 - HIGHWAY OVERLAY DISTRICTS

##### 323.3 Certain Multi-family Residential Uses

In the RC district, hotels, motels, assisted living facilities, and similar multifamily development may be allowed by Special Permit granted by the Planning Board, subject to all requirements of the underlying district(s), and modified by the dimensional and other intensity regulations of Sections 324 and 326. Combinations of such residential and nonresidential uses may also be allowed in the RC district, subject to the requirements of each individual use as set forth elsewhere in this Bylaw.  
(Art 5, S.T.M. #2, 10/10/00)

\*\*\*

In the Downtown Mixed Use District, multifamily is allowed by special permit. The minimum lot size is 10,000 sf.

## Needham

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Needham allows by right "apartment or multi-family dwelling" in the Apartment A-1, A-2, and A-3 Use Districts.

The Land Use Ordinance of Needham  
NORFOLK COUNTY, MASSACHUSETTS  
ZONING BY-LAW

#### 3. USE REGULATIONS

##### 3.2 Schedule of Use Regulations

3.2.1 Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, Industrial-1 and Industrial Park Districts.

\*\*\*

The apartment districts also require 150' min frontage in A-2 and A-3 with 120' in A-1.

The Land Use Ordinance of Needham  
NORFOLK COUNTY, MASSACHUSETTS  
ZONING BY-LAW

4. DIMENSIONAL REGULATIONS

4.3 Dimensional Regulations for Apartment Districts

4.3.1 Table of Regulations

\*\* The total area used in calculating density shall exclude 100% of all water bodies; 70% of land located in a Flood Plain District; and 70% of land subject to M.G.L., Ch. 131, S. 40 and S. 40A, and to federal flood storage restrictions included within the Charles River Valley Storage Project.

A-1:

Min Lot Size: 20,000 sqft

Max Dwelling Units per acre: 18

A-2:

Min Lot Size: 43,560 sqft

Max Dwelling Units per acre: 8

A-3:

Min Lot Size: 43,560 sqft

Max Dwelling Units per acre: 4

\*\*\*

According to the municipal planner, is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?

Answer confirmation via 7/6/04 email from Lee Newman, Planning Director -- NO.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Needham allows by right "apartment or multi-family dwelling" in the Apartment A-1, A-2, and A-3 Use Districts.

The Land Use Ordinance of Needham  
NORFOLK COUNTY, MASSACHUSETTS  
ZONING BY-LAW

3. USE REGULATIONS

3.2 Schedule of Use Regulations

3.2.1 Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, Industrial-1 and Industrial Park Districts.

\*\*\*

The apartment districts also require 150' min frontage in A-2 and A-3 with 120' in A-1.

The Land Use Ordinance of Needham  
NORFOLK COUNTY, MASSACHUSETTS  
ZONING BY-LAW

4. DIMENSIONAL REGULATIONS

4.3 Dimensional Regulations for Apartment Districts

4.3.1 Table of Regulations

\*\* The total area used in calculating density shall exclude 100% of all water bodies; 70% of land located in a Flood Plain District; and 70% of land subject to M.G.L., Ch. 131, S. 40 and S. 40A, and to federal flood storage restrictions included within the Charles River Valley Storage Project.

A-1:

Min Lot Size: 20,000 sqft

Max Dwelling Units per acre: 18

A-2:

Min Lot Size: 43,560 sqft

Max Dwelling Units per acre: 8

A-3:

Min Lot Size: 43,560 sqft

Max Dwelling Units per acre: 4

\*\*\*

Multifamily housing is allowed by Special Permit in the business districts.

CSB, CB, ASB, HAB: Minimum Lot Area: 10,000 sqft

\*\*\*

Multifamily units are allowed by special permit in Needham's business districts -- CSB, CB, ASB, and HAB. In the CSB and CB, apartments are limited to the second floor only; consistent with density requirements for A-1. In the single-family residential districts (RRC SRA SRB GR), multifamily is not allowed by right, but they do allow senior housing by special permit -- The use of an owneroccupied structure for shared elderly housing for up to six elderly occupants (age 60 or over); provided, (1) that such structure so used shall not be sub-divided into separate apartments, (2) that occupancies therein by non-owner occupants shall be pursuant to an agreement specifying a term of occupancy of not less than one year, (3) that at any time there shall be in the town no more than fifty structures for which permits have been issued under authority of this section, (4) that no more than 20 percent of such structures shall be located in any one precinct of the town, and (5) that the number of structures for which permits are granted hereunder in any one year shall not exceed five.

The Land Use Ordinance of Needham  
NORFOLK COUNTY, MASSACHUSETTS  
ZONING BY-LAW  
3. USE REGULATIONS

3.2.1 Uses in the Rural Residence-Conservation, Single Residence A, Single Residence B, General Residence, Apartment A-1, Apartment A-2, Apartment A-3, Institutional, Industrial, Industrial-1 and Industrial Park Districts.

3.2.2 Uses in the Business, Chestnut Street Business, Center Business, Avery Square Business and Hillside Avenue Business Districts

#### 4. DIMENSIONAL REGULATIONS

4.4 Dimensional Requirements for Commercial Districts

4.4.1 Minimum Lot Area and Frontage

## Newbury

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Multifamily only allowed by special permit in OSRD.

Town of Newbury Zoning Bylaw (Adopted 1959, Amended 1999)

Section 47.2. Eligibility.

A. Any development that will create more than 4 lots or units shall submit an application for OSRD to the Planning Board.

B. Contiguous Parcels. To be eligible for consideration as a OSRD, the tract shall consist of a parcel or set of contiguous parcels.

Section 47.3. Special permit required.

The Planning Board may authorize a OSRD pursuant to the grant of a special permit.

Section 47.7. Basic maximum number of lots.

The Basic Maximum Number shall be derived from a Yield Plan. The Yield Plan shall show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional subdivision. The Yield Plan shall contain the information required for a Sketch Plan as set forth above in ~ 97-47.6. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots resulting from the design and engineering specifications shown on the Yield Plan.

Section 47.8. Reduction of dimensional requirements.

The Planning Board encourages applicants to modify lot size, unit placement, shape, and other dimensional requirements for lots within a OSRD, subject to the following limitations:

A. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) will further the goals of this bylaw.

§ 97-47.8. Reduction of dimensional requirements.

The Planning Board encourages applicants to modify lot size, unit placement, shape, and other dimensional requirements for lots within an OSRD, subject to the following limitations:

A. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) will further the goals of this bylaw.

B. At least 50% of the required setbacks for the district shall be maintained in the OSRD unless a reduction is otherwise authorized by the Planning Board. Where structures containing three to four dwelling units are being proposed, the side lot lines between units may be 0 feet, however the distance between structures shall be a minimum of 20 feet.

C. Minimum Frontage: The minimum frontage may be reduced from the frontage otherwise required in the zoning district; provided, however, that no lot shall have less than 50 feet of frontage.

D. Setbacks: Every dwelling fronting on the proposed roadways shall be set back a minimum of 20 feet from the roadway right-of-way, and 10 feet from any rear or side lot line. In the event that dwellings are located on exclusive use areas or contain no interior lot lines, a minimum distance of 20 feet between single and two-family dwellings shall be required.

## Newburyport

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the table of uses:

Multifamily is allowed by special permit in R3, B1, B2, B3, I2, WMD.

"Over 20 units" is allowed by special permit in R3, B1, B2, B3, WMD. Footnote: (a) Multifamily developments twenty (20) units or over require a special permit from the board of appeals and the planning board.

Under the "business" heading, "mixed use" is allowed by special permit in B-2, B-3, I-2, WMD, WMU.

\*\*\*

Multifamily also by PUD in R2.

City of Newburyport Zoning Ordinance, Amended 2004

R-3 multifamily district. The multifamily district is composed of all areas so designated on the official zoning map. It is intended that this district allow multifamily units at no greater than six (6) units per structure and generally exceeding densities of ten (10) dwelling units per acre of land. Single and two-family homes are allowed.

These districts, insofar as is possible, are located near or along major streets. Uses which would detract from the desired residential character, or otherwise interfere with the intent of this ordinance are prohibited.

Multifamily: A building or portion thereof used for occupancy by three or more families living independently of each other and containing three (3) or more dwelling units.

V-C.1.I.B. "Multiple-family dwellings." For the purposes of this ordinance, a multiple family dwelling shall mean a building containing two (2) or more dwelling units.

## SECTION XXII. FEDERAL STREET OVERLAY DISTRICT (FSOD)

### [XXII]-A Purpose.

Due to the distinct features of land use, historic architecture, cultural history and property area of the Archdiocese properties located along Federal St., the Newburyport City Council finds it necessary to enact the Federal St. Overlay District (FSOD) under M.G.L.A. c. 40A § 5 for the following purposes:

1. To preserve and enhance the significant historic structures exhibited in the St. Louis Gonzague Church, William Bartlett and William Pierce/Johnson Houses;
2. To protect the heritage of the city through preservation and adaptive reuse of these historic structures and abutting vacant property which constitute or reflect distinctive features of the architectural, cultural, economic and cultural history of the city;
3. To prevent adverse influences to this purpose;
4. To foster appropriate use, scale, setbacks, height, design and density of this property and structures that is consistent complimentary to the overall neighborhood character;
5. To encourage consideration of the recommendations of the master plan and preservation plan;
6. To encourage attractive and viable development projects within the district;
7. To encourage affordable housing within an overall density that is generally consistent with the zoning ordinances and the immediate neighborhood.

(Ord. of 10-28-02(4))

### [XXII]-B Establishment.

The FSOD is hereby established as an overlay district. The FSOD shall include the buildings and property situated on approximately 67,865 S.F. of land located on Federal, Beck and Ship St. as shown on the attached map. Within the FSOD, the provisions of the underlying R-3 district shall remain in full force and effect except where a special permit is issued under [section] X-H.7.

(Ord. of 10-28-02(4))

### [XXII]-C Permitted uses.

In addition to uses permitted in the R-3 zoning district the following uses are permitted under the special permit:

1. Multifamily dwelling units up to eight (8) units per structure or lot;
2. Single- or two-family residential dwelling unit(s), meeting space or theater assembly uses within the St. Louis Gonzague Church.

(Ord. of 10-28-02(4))

### [XXII]-D Dimensional and density regulations.

For all new construction, alterations or additions, the following criteria shall apply:

1. Dimensional setbacks, lot area and maximum height:

Front yard setbacks:

Federal St. - Match existing setback line of William Bartlett and William Pierce/Johnson Houses up to zero (0) feet;

Beck and Ship St. - zero (0) feet;

Side yard setbacks: Five (5) feet with a waiver to zero (0) for attached or accessory structures;

Rear yard setbacks: Twenty (20) feet. Except along the existing buildings on Ship St. where no impervious area, including but not limited to driveways or parking areas within the rear yard setback is permitted;

Minimum lot area:

Single-family: 3,000 SF;

Two-family: 4,500 [SF];

Multi-family: 8,000 SF;

Maximum height: No proposed buildings shall exceed the existing height of the William Bartlett House;

Off-street parking: All residential dwelling units shall provide off-street parking in accordance with section VII: Parking except that a maximum of two (2) stacked parking spaces may be permitted per driveway provided stacked parking spaces are separated from other parking spaces or driveways by at least a six (6) foot landscaped buffer strip.

2. Permitted density: The permitted density in the R-3 zoning district is generally up to ten (10) dwelling units per acre with no more than eight (8) dwelling units per structure or lot. Within the FSOD, the board will increase this by-right density by twenty-five percent (25%), for a maximum overall density of sixteen (16) units, if the special permit criteria listed in section 3.E. is met.

3. Density bonus: The board may provide a density bonus of four (4) units for a project that proposes to preserve and donate the St. Louis Gonzague Church property to a non-profit organization for community, organizational or other nonresidential use. The board may also grant a density bonus of two (2) units per existing building for a project that proposes to preserve and redevelop either the William Bartlett and William Pierce/Johnson Houses as single-family residences with deeded preservation restrictions adhering to the rehabilitation standards of the secretary of the interior's "Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings." Note, a second dwelling unit may be permitted within either the William Bartlett or William Pierce/Johnson House properties if the unit is not within the principle existing structure.

(Ord. of 10-28-02(4))

### [XXII]-E Special permit procedure and criteria.

Following the review procedures listed in section X-H.8., an applicant or property owner may request a special permit from the planning board provided the project meets the following criteria. The planning board may issue a special permit for the project provided the requirements of section X-H.5. and the following criteria are met:

1. At least 10%, not less than two (2) units, of the proposed dwelling units shall be affordable as defined under M.G.L.A. c. 40B § 20

(including amendments);

2. Deeded preservation restrictions governing the rehabilitation of the St. Louis Gonzague Church, William Bartlett and William Pierce/Johnson House shall be required that are consistent with the historic rehabilitation standards from the secretary of the interior's "Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings";
  3. Except in the case of catastrophe or fire, the main structures shall be not be demolished or razed. Demolition of accessory structures or additions may be permitted;
  4. All projects require design review where all proposed structures shall be consistent in design, style, height, materials, scale, massing, setbacks and general character with the neighborhood and abutting properties.
- (Ord. of 10-28-02(4))

[XXII]-F Factors considered in design review.

The board shall review all new construction, alterations, and additions within the context of the overall neighborhood character. Exterior architectural features such as roof lines, building materials, placement, massing, setbacks and other site features. Accordingly, the applicant shall submit the following application requirements:

1. A site plan, scale 1" = 20 feet, of the existing conditions, including a dimensional footprint of all existing buildings, parking areas and driveways shall be shown;
  2. A plot plan, scale 1" = 20 feet of all proposed construction, parking and driveways, fence lines, landscaping, lighting, sidewalks, pathways and park areas;
  3. Exterior building elevations, including building and roof materials, cupolas, roof decks, height, colors and fenestration;
- After advisory review, the planning director will submit comments to the board as a technical report on the suitability of the proposed project.

(Ord. of 10-28-02(4))

[XXII]-G Special permit appeal procedure.

Any appeal to a final decision of the planning board may be appealed to the zoning board of appeals as outlined under section X-H.5. of the Newburyport Zoning Ordinances.

(Ord. of 10-28-02(4))

[XXII]-H Severability.

The provisions of this section are severable and, in the event that any provision of this section is determine to be invalid for any reason, the remaining provisions shall remain in full force and effect.

(Ord. of 10-28-02(4))

## SECTION XXI. PLUM ISLAND OVERLAY DISTRICT (PIOD)

XXI-A Statement of purpose.

The purpose of the Plum Island Overlay District (PIOD) is to: reduce damage to public and private property resulting from flood waters; ensure public safety by reducing threats to life and personal injury; eliminate costs associated with the response and cleanup of flooding conditions; avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact areas of the community beyond the site of flooding; prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding; eliminate new hazards to emergency response officials; and, limit the expansion of nonconforming single and two-family structures so as to prevent the exacerbation of existing problems with density and intensity of use.

(Ord. of 7-9-01)

XXI-B Establishment.

The PIOD is described on a map entitled "City of Newburyport Plum Island Overlay District," dated May 9, 2001. All maps are hereby made a part of the zoning ordinance and are on file in the office of the city clerk.

(Ord. of 7-9-01)

XXI-C Overlay district.

The PIOD is hereby established as on overlay district. Within the PIOD, the provisions of the underlying district(s) shall remain in full force and effect, except to the extent that the provisions of the PIOD are more stringent. In such cases, the provisions of PIOD shall supersede the provisions of the underlying district(s).

(Ord. of 7-9-01)

XXI-D Permitted uses.

1. Municipal uses owned or operated by the City of Newburyport;
2. Single-family dwellings, subject to the dimensional requirements set forth in the table below:  
Minimum lot area: Twelve thousand (12,000) square feet.  
Minimum lot frontage: One hundred twenty (120) feet.  
Maximum building height: Thirty-five (35) feet.  
Maximum number of stories: Two (2).  
Minimum front setback: Twenty (20) feet.  
Minimum side setback: Twenty (20) feet.  
Minimum rear setback: Twenty (20) feet.  
Maximum floor area ratio: .25.  
Maximum lot coverage by buildings: Twenty (20) percent.

(Ord. of 7-9-01)

XXI-E Prohibited uses.

Any use not set forth in section XXI-D is prohibited in the PIOD.

(Ord. of 7-9-01)

XXI-F Nonconforming uses and structures, excluding single and two-family structures.

The provisions of the PIOD shall not apply to pre-existing nonconforming structures or uses lawfully in existence as of [July 9, 2001]. Nonconforming uses and structures within the PIOD shall not be enlarged or extended; provided, however, that the following types of changes or alterations to nonconforming uses or structures may be authorized upon grant of a special permit for nonconformities by the board of appeals upon its determination that the proposed alteration to the nonconforming structure or use shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood or the PIOD:

1. Change of a pre-existing nonconforming use;
2. Change of a pre-existing nonconforming use to another, less detrimental, nonconforming use;
3. Reconstruction or structural change to a nonconforming structure;
4. Alteration of a nonconforming structure to provide for a substantially different purpose or for the same purpose in a substantially different manner.

(Ord. of 7-9-01)

XXI-G Nonconforming single and two-family residential structures.

1. General. No preexisting nonconforming single- or two-family residential structure within the PIOD shall be altered, reconstructed, extended, or structurally changed except as set forth in this section XXI-G.
2. Additional bedroom. One (1) additional bedroom may be created in a lawfully preexisting nonconforming single- or two-family structure with one (1) or two (2) bedrooms, subject to the applicable regulations set forth in subsections XXI-G.3 and XXI-G.4.
3. As of right changes. Except as restricted by section XXI-G.1, the alteration, reconstruction, or extension of, or change to such structures may be authorized upon the issuance of a building permit where the building inspector determines that such alteration, reconstruction, extension, or change shall:
  - a. Not increase the footprint of the existing structure; and
  - b. Not exceed the height of the existing structure, or thirty-five (35) feet, whichever is lower.
4. Special permit for nonconformities. The alteration, reconstruction, extension of, or change to such structures to an extent other than that authorized by section XXI-G.3, may be authorized by the grant of a special permit by the board of appeals upon its determination that such alteration, reconstruction, extension, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood or the PIOD. The board of appeals shall not grant a special permit for any alteration, reconstruction, extension of, or change to such structures that would cause such structure to be within ten (10) feet of the side lot line, more than two (2) stories, or more than thirty-five (35) feet in height.
5. Catastrophe or demolition: rebuilding as of right. A nonconforming single- or two-family residential structure may be demolished and rebuilt or rebuilt after destroyed or damaged by a catastrophe; provided, however, that:
  - a. The rebuilt structure shall not exceed the total aggregate area of all demolished or destroyed residential structures on the locus; and
  - b. The rebuilt structure shall not exceed the height of the tallest demolished or destroyed residential structure on the locus; and
  - c. The rebuilt structure shall not be located within ten (10) feet of the side lot line;
  - d. The rebuilt structure shall not contain more than the total number of bedrooms in all demolished or destroyed structures on the locus; provided, however that one (1) additional bedroom may be created where the total number of bedrooms before the catastrophe or demolition was one (1) or two (2).
  - e. Such structure shall be rebuilt not more than two (2) years after the demolition or catastrophe; such period may be extended for one (1) year good cause shown upon a written request to the building inspector.
6. Catastrophe or demolition: rebuilding after issuance of special permit for nonconformities. A nonconforming single- or two-family residential structure may be demolished and rebuilt or rebuilt after destroyed or damaged by a catastrophe so as to exceed the total aggregate area of all demolished or destroyed residential structures on the locus and/or exceed the height of the tallest demolished or destroyed residential structure on the locus; upon the grant of a special permit for nonconformities by the board of appeals.
  - a. Such structure shall be rebuilt not more than two (2) years after the issuance of the special permit for nonconformities; such period may be extended for one (1) year if good cause is shown upon a written request to and approval of the building inspector.
  - b. Such a special permit for nonconformities may be granted only upon the determination that the proposed rebuilding of the nonconforming structure shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood of the PIOD.
  - c. The rebuilt structure shall not contain more than the total number of bedrooms in all demolished or destroyed structures on the locus; provided, however that one (1) additional bedroom may be created where the total number of bedrooms before the catastrophe or demolition was one (1) or two (2).

(Ord. of 7-9-01)

XXI-H Frontage.

No building permit for a single-family residential structure within the PIOD shall be issued unless the lot to be built upon has frontage on a street.

(Ord. of 7-9-01)

XXI-I Unconstructed ways.

No building permit shall be issued for a lot with frontage an unconstructed way which does not qualify as a "street" until the planning board approves a plan, prepared by the applicant, demonstrating that the proposed way has sufficient width and suitable grades to provide for the needs of vehicular traffic in relation to the proposed use of the land thereon or served thereby and for the installation of municipal services to serve such land and the building erected or to be erected thereon and the first course of pavement for such way has been installed in accordance with such plan, as certified in writing by the director of the department of public works. No certificate of occupancy shall be issued for such lot until the second and final course of pavement has been installed in accordance with such plan, as certified in writing by the director of the department of public works.

(Ord. of 7-9-01)

XXI-J Use variances.

The board of appeals shall not grant use variances within the PIOD.  
(Ord. of 7-9-01)

XXI-K Definitions.

The following terms shall have the meanings set forth below within the PIOD:

Bedroom shall mean a bedroom as defined in 310 CMR 15.002 of the State Environmental Code.

Floor area, gross shall mean the total square feet of floor space within the outside dimensions of a building including each floor level, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Floor area ratio (FAR) shall be constructed as a mathematical expression determined by dividing total gross floor area of a building by the area of the lot on which is located. For example, a lot with twelve thousand (12,000) square feet in a district with a maximum FAR of .25 could contain three thousand (3,000) square feet of gross floor area ( $12,000 \times .25 = 3,000$ ).

Footprint shall mean the total square feet within the outside dimensions of a building at the top of the foundation, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Reconstruction shall mean the structural alteration of the existing building, but shall not include the demolition and rebuilding thereof.

Street shall mean:

1. A public way or a way which the city clerk certifies is physically constructed and maintained and used as a public way; or
2. A private way shown on a definitive subdivision plan endorsed subsequent to 1953 and built to the specifications set forth therein; or
3. A way presently having in the opinion of the planning board sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed uses of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

(Ord. of 7-9-01)

Section V-C.1

I. Definitions:

A. "Applicant." For the purposes of this ordinance, an applicant shall be deemed to include an individual, a trustee of a trust, partner or partnership, the beneficiary of a trust, corporation, corporate office or other legal entity in which the entity requesting to submit an application for a building permit holds any legal, beneficial or equitable ownership in the property to be affected.

B. "Multiple-family dwellings." For the purposes of this ordinance, a multiple family dwelling shall mean a building containing two (2) or more dwelling units.

C. "Subdivision." For the purposes of this ordinance, subdivision shall have the same meaning as a development.

D. "Housing development." For the purposes of this ordinance, housing development shall mean the establishment or construction of any new dwelling unit, whether on a single lot/unit, multi-lot, or within a multi-family development as well as replacement housing unit(s) from demolished structures deemed historically significant

E. "Dwelling unit." For the purposes of this ordinance, a dwelling unit shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

F. "Mixed-use." For the purposes of this ordinance, a mixed-use project shall mean at least 33% of the proposed building or property is dedicated for a residential use.

\*\*\*

TABLE FOOTNOTES

(a) The lot area requirements for multifamily developments are twenty thousand (20,000) square feet for the first four (4) units and four thousand (4,000) square feet for each additional unit. In addition the total maximum number of units allowed per structure is six (6).

(b) Except for the R-1, R-2, R-3 and WMD districts, the minimum open space shall be one thousand (1,000) square feet or a minimum of one hundred fifty (150) square feet per dwelling unit, whichever is greater.

[XXII-J] Dimensional and density regulations.

For all new construction, alterations or additions, the following criteria shall apply:

1. Dimensional setbacks, lot area and maximum height:

Front yard setbacks:

Federal St. - Match existing setback line of William Bartlett and William Pierce/Johnson Houses up to zero (0) feet;

Beck and Ship St. - zero (0) feet;

Side yard setbacks: Five (5) feet with a waiver to zero (0) for attached or accessory structures;

Rear yard setbacks: Twenty (20) feet. Except along the existing buildings on Ship St. where no impervious area, including but not limited to driveways or parking areas within the rear yard setback is permitted;

Minimum lot area:

Single-family: 3,000 SF;

Two-family: 4,500 [SF];

Multi-family: 8,000 SF;

Maximum height: No proposed buildings shall exceed the existing height of the William Bartlett House;

Off-street parking: All residential dwelling units shall provide off-street parking in accordance with section VII: Parking except that a maximum of two (2) stacked parking spaces may be permitted per driveway provided stacked parking spaces are separated from other parking spaces or driveways by at least a six (6) foot landscaped buffer strip.

2. Permitted density: The permitted density in the R-3 zoning district is generally up to ten (10) dwelling units per acre with no more than eight (8) dwelling units per structure or lot. Within the FSOD, the board will increase this by-right density by twenty-five percent (25%), for a maximum overall density of sixteen (16) units, if the special permit criteria listed in section 3.E. is met.

3. Density bonus: The board may provide a density bonus of four (4) units for a project that proposes to preserve and donate the St. Louis Gonzague Church property to a non-profit organization for community, organizational or other nonresidential use. The board may also grant a density bonus of two (2) units per existing building for a project that proposes to preserve and redevelop either the William Bartlett and William Pierce/Johnson Houses as single-family residences with deeded preservation restrictions adhering to the rehabilitation standards of the secretary of the interior's "Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings." Note, a second dwelling unit may be permitted within either the William Bartlett or William Pierce/Johnson House properties if the unit is not within the principle existing structure.  
(Ord. of 10-28-02(4))

## Newton

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Juris Alksnitis, chief zoning code official, confirmed (6/8/04) that multifamily housing is not zoned by right on any land in Newton.

It appears, however, that apartments over stores may be allowed by right in certain districts:

#### DIVISION 3. BUSINESS, MIXED USE and MANUFACTURING DISTRICTS

(a) Allowed Uses.

(11) Dwelling units above the first floor, provided that the first floor is used for a use allowed in section 30-11(a)(1)-(11);

\*\*\*

Definitions from ordinance.com:

APARTMENT HOUSE The same as "Multi-family"

DWELLINGS, ATTACHED : A building or structure that either:

GARDEN APARTMENT A building or group of buildings arranged, intended and designed to be Occupied by three (3) or more families per building. Such buildings shall occupy one lot in single ownership throughout.

(a) contains three (3) or more dwelling units, attached to one another at the ground level and each having a separate primary and secondary access at ground level, or

(b) contains two (2) dwelling units and is not a "dwelling, two family", as defined in section 30-1.

\*\*Webmasters Note: The previous definition has been amended as per an ordinance dated 12/2/02.

DWELLING, MULTI-FAMILY A building or structure containing three (3) or more dwelling units.

\*\*\*

Newton Zoning Ordinance, ordinance.com, Article II, Use Regulations:

Section 30-9. Use Regulations for Multi-Residence Districts.

(b) Special Permits in all Multi-Residence Districts.

(5) Single family attached dwellings, in one or more groups, provided that...

(c) Special Permits in hi Multi-Residence 1 Districts.

(1) The conversion of a structure in existence on May 7, 1979, to occupancy by more than two families, provided that there shall be no exterior alterations of the structure, other than those necessary to comply with applicable health, building and fire codes...

(d) Special Permits in Multi-Residence 2 and 3 Districts.

(1) A Multifamily dwelling

(e) Special Permits in Multi-Residence 2 Districts. In all multi-residence 2 districts, on lots of not less than 24,000 square feet, the board of aldermen may grant a special permit in accordance with the procedures in section 30-24 and the density and dimensional controls set forth in section 30-15 and tile parking requirements set forth in section 30-19 to use land, buildings and structures for garden construction on a single lot, provided, however, the board of aldermen, may permit the construction of apartments built under local, state or federal housing programs for elderly persons with a lesser lot area requirement for each dwelling unit, which shall in no case be less than fifteen hundred (1,500) square feet per dwelling unit.

(f) Special-Permits in Multi-Residence 3 Districts.

(g) Special Permits in Multi-Residence 4 Districts

(1) A Multi-family dwelling on a single lot, together with dining rooms and related facilities, and such accessory purposes as may be approved by the board of aldermen, provided that:

DIVISION 3. BUSINESS, MIXED USE and MANUFACTURING DISTRICTS

(a) Allowed Uses.

(11) Dwelling units above the first floor, provided that the first floor is used for a use allowed in section 30-11(a)(1)-(11);

- (d) Special Permits.
- (8) Multi-family dwelling;  
Sec. 30-13. Mixed Use Districts.
- (b) Special Permits in Mixed Use 1 Districts
- (10) Multi-family dwelling;
- (c) Allowed Uses in Mixed Use 2 Districts.
- (13) Dwelling units above the first floor, provided that the first floor is used for an allowed use described above;
- (e) Special Permits in Mixed Use 2.
- (9) Multi-family dwelling.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Definitions from ordinance.com:

APARTMENT HOUSE The same as "Multi-family"

DWELLINGS, ATTACHED : A building or structure that either:

(a) contains three (3) or more dwelling units, attached to one another at the ground level and each having a separate primary and secondary access at ground level, or

(b) contains two (2) dwelling units and is not a "dwelling, two family", as defined in section 30-1.

GARDEN APARTMENT A building or group of buildings arranged, intended and designed to be Occupied by three (3) or more families per building. Such buildings shall occupy one lot in single ownership throughout.

\*\*Webmasters Note: The previous definition has been amended as per an ordinance dated 12/2/02.

DWELLING, MULTI-FAMILY A building or structure containing three (3) or more dwelling units.

\*\*\*

Newton Zoning Ordinance, ordinance.com, Article II, Use Regulations:

Section 30-9. Use Regulations for Multi-Residence Districts.

(b) Special Permits in all Multi-Residence Districts.

(5) Single family attached dwellings, in one or more groups, provided that...

(c) Special Permits in hi Multi-Residence 1 Districts.

(1) The conversion of a structure in existence on May 7, 1979, to occupancy by more than two families, provided that there shall be no exterior alterations of the structure, other than those necessary to comply with applicable health, building and fire codes...

(d) Special Permits in Multi-Residence 2 and 3 Districts.

(1) A Multifamily dwelling

(e) Special Permits in Multi-Residence 2 Districts. In all multi-residence 2 districts, on lots of not less than 24,000 square feet, the board of aldermen may grant a special permit in accordance with the procedures in section 30-24 and the density and dimensional controls set forth in section 30-15 and tile parking requirements set forth in section 30-19 to use land, buildings and structures for garden construction on a single lot, provided, however, the board of aldermen, may permit the construction of apartments built under local, state or federal housing programs for elderly persons with a lesser lot area requirement for each dwelling unit, which shall in no case be less than fifteen hundred (1,500) square feet per dwelling unit.

(f) Special-Permits in Multi-Residence 3 Districts.

(g) Special Permits in Multi-Residence 4 Districts

(1) A Multi-family dwelling on a single lot, together with dining rooms and related facilities, and such accessory purposes as may be approved by the board of aldermen, provided that:

DIVISION 3. BUSINESS, MIXED USE and MANUFACTURING DISTRICTS

(a) Allowed Uses.

(11) Dwelling units above the first floor, provided that the first floor is used for a use allowed in section 30-11(a)(1)-(11);

(d) Special Permits.

(8) Multi-family dwelling;

Sec. 30-13. Mixed Use Districts.

(b) Special Permits in Mixed Use 1 Districts

(10) Multi-family dwelling;

(c) Allowed Uses in Mixed Use 2 Districts.

(13) Dwelling units above the first floor, provided that the first floor is used for an allowed use described above;

(e) Special Permits in Mixed Use 2.

(9) Multi-family dwelling.

\*\*\*

City of Newton Zoning Ordinance, Section 30-9, (2001).

"(c) Special Permits in Multi-Residence 1 Districts. In all multi-residence 1 districts, the board of aldermen may grant a special permit in accordance with the procedures in section 30-24, the density and dimensional controls set forth in section 30-15 and the parking requirements set forth in section 30-19 to use land, buildings and structures for one or more of the following purposes:

(1) The conversion of a structure in existence on May 7, 1979, to occupancy by more than two (2) families, provided that there shall be no exterior alterations of the structure, other than those necessary to comply with applicable health, building and fire codes, subject to the following conditions:

- a) There shall be provided for each family the minimum lot area of five thousand (5,000) square feet per dwelling unit"

\*\*\*

On ordinance.com, Table 1 - Density & Dimensional Controls in Residence Districts and For Residential Uses -

Single Residence 1

Single Attached Dwelling Units - 3 acres min required lot area, 25,000 per unit

Single Residence 2

Single Attached Dwelling Units - 2 acres min required lot area, 15,000 sf per unit

Single Residence 3

Single attached dwelling units - 1 acre, 10,000 per unit.

Multi-Residence 1

Attached dwellings - 15,000 sf min required lot area, 4,000 lot area per unit.

Multi-Residence 2

Attached dwellings - 15,000 minimum lot area, 4,000 lot area per unit.

Multi-family dwelling - 10,000 min lot area, 3,000 lot area per unit.

Garden apartments - 24,000 min lot area, 2,000 per unit

Multi-Residence 3

Attached dwellings - 15,000, 4,000

Multi-Family Dwelling - 10,000, 1,200

Multi-Residence 4

Multi-Family Dwelling - 3 acres, 1,000

\*\*\*

## DIVISION 2. RESIDENTIAL DISTRICTS

Sec. 30-8. Use Regulations for Single Residence Districts.

(b) Special Permits in Single Residence Districts.

(10) The conversion of a structure in existence on December 2, 1974, to occupancy by more than one (1) family, provided that there shall be no exterior alterations of the structure, other than those necessary to comply with applicable health, building and fire codes, subject to the following conditions: a) There shall be provided for each Family the minimum lot area required for a single dwelling unit as follows:

Sec. 30-9. Use Regulations for Multi-Residence Districts.

(c) Special Permits in Multi-Residence 1 Districts.

(1) The conversion of a structure in existence on May 7, 1979, to occupancy by more than two (2) families, provided that there shall be no exterior alterations of the structure, other than those necessary to comply with applicable health, building and fire codes, subject to the following conditions:

- a) There shall be provided for each family the minimum lot area of five thousand (5,000) square feet per dwelling unit;
- b) There shall be provided for each family two (2) off-street parking spaces.

**Is multi-family housing allowed by right in any part of the municipality?**

**Yes** According to Gino Carlucci (7/9/04), Multifamily is allowed by right as the 2nd floor apartments in the B-1 (Center Business) District. The Age-restricted housing can be multifamily, but it needs a special permit in order to do that.

\*\*\*

ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS  
Section D. USE REGULATIONS  
D.2. SCHEDULE OF USE REGULATIONS

Norfolk does not allow any residential uses by right in its 3 residential districts (Residence 1, Residence 2, and Residence 3) besides "SINGLE FAMILY DWELLING, HOME OCCUPATION, The use of a portion of a DWELLING or a BUILDING accessory thereto by a resident builder, carpenter, painter, plumber, or other artisan, or by a resident tree surgeon or landscape gardener for incidental work and storage in connection with his off-premises occupation. Subject to the same conditions and limitations as are specified above for HOME OCCUPATIONS; Renting of rooms to not more than 4 persons and furnishing of table board to not more than 5 persons; and DAYCARE, FAMILY HOME".

However, in the districts which are not strictly one use -- B-1 DISTRICT (TOWN CENTER), C-6 RESIDENTIAL/COMMERCIAL USE DISTRICT, and C-4 Mixed-Use District, they allow residential uses, but it is unclear whether it is multifamily or single-family or both.

In the B-1 district, the permitted use is "Residential DWELLINGS located above the ground floor of BUILDINGS, provided that a ground floor use exists prior to residential occupancy" while there is a special permit for "Conversion of a pre-existing SINGLE-FAMILY DWELLING to two-FAMILY DWELLING or to mixed business and residential use". Assisted living facilities are also allowed by right. The density of the residential uses that are non-assisted living are restricted, too. The bylaw states, "I.4.a.11. Residential Density. Residential DWELLING UNITS, except for ASSISTED LIVING FACILITIES, shall not have more than one bedroom per unit. Residential densities, except for ASSISTED LIVING FACILITIES, shall not exceed the ratio of six bedrooms per acre for any single LOT or an entire PLANNED MULTI-LOT DEVELOPMENT. Residential densities for ASSISTED LIVING FACILITIES shall not exceed the ratio of 16 bedrooms per acre for any single LOT or an entire PLANNED MULTI-LOT DEVELOPMENT, except by Special Permit by the Zoning Board of Appeals." Constructing a Planned Multi-Lot Development, however, requires a special permit from the Planning Board and this is probably the closest example to possible multifamily housing in Norfolk.

In the C-6 District, there is no list of permitted uses, but the two tables (On Highway Construction v. Off Highway Construction) of dimensional requirements show the dimensions for "Planned Multi-Lot Residential Development" and "Residential". Again, the "Planned Multi-Lot Residential Development" requires a special permit. There is no restriction on the number of bedrooms in this district.

"L.7. Allowed and Special Permit Allowed Regulated Uses in the C-6 District  
AGE RESTRICTED DWELLINGS shall not exceed two bedrooms per dwelling unit and shall not exceed a ratio of three units per acre on a single lot or an entire PMLD with the following Permitted Dwelling Configurations:  
(1) Detached one Family dwelling;  
(2) Attached one-family dwellings in a Town house style building not exceeding six; (6) Dwellings units per building and not exceeding two and one half stories in height.];"

From the part of the bylaw above, the conclusion can be made that multifamily housing is allowed by right, but it is restricted by age.

The C-4 district follows the example of the C-6 district with the two tables and two types of residential development. PMLD also requires a special permit. It also has similar wording on the residential uses being restricted by age.

"K.7. Allowed and Special Permit Allowed Regulated Uses in the C-4 District

No BUILDING, STRUCTURE or land in the C-4 District shall be used for any purpose or in any manner other than as set forth in this section. Any use not specifically enumerated herein shall be deemed prohibited. All residential uses herein permitted shall be subject to Section F. 11 Site Plan Approval and Section F. 12 Design Review.

K.7.a. Allowed Uses  
AGRICULTURAL, GREENHOUSE, Retail Nursery;  
ADULT DAY CARE;  
AGE RESTRICTED DWELLINGS shall not exceed two bedrooms per dwelling unit and shall not exceed a ratio of four units per acre on a single lot or an entire PMLD with the following Permitted Dwelling Configurations:  
(1) Detached one Family dwelling;  
(2) Attached one-family dwellings in a Town house style building not exceeding six; (6) Dwellings units per building and not exceeding two stories in height.];"

In both C-4 and C-6, a special permit is needed for assisted living facilities.

ZONING BYLAWS

I. B-1 DISTRICT (TOWN CENTER)

K. C-4 Mixed-Use District (Routes 115 and Holbrook Street)

L. C.6 RESIDENTIAL/COMMERCIAL USE DISTRICT (Route 1A, Dedham Street)

\*\*\*

F.11. Site Plan Approval

F. 11.a. Requirements for Site Plan

In all districts no BUILDING or structure shall be constructed or externally enlarged and no use shall be expanded in ground area or established in an existing BUILDING except in conformity with a site plan bearing an endorsement of approval by the Planning Board unless Site Plan Approval is specifically exempted herein. This provision shall not apply to SINGLE FAMILY homes, including additions or enlargements, which are permitted in the district in which the property is located as a matter of right. In addition, this provision shall not apply to uses exempt under M.G.L. Chapter 40A, Section 3 or to continuously occupied single-family residentially occupied dwellings in the B1 and C1 Districts. The Building Commissioner/Zoning Enforcement Officer shall make a determination as to which of the following applies:

\*\*\*

B-1 District:

I.4.b.2. Within the Business Core:

(A) BUILD-TO-LINE: At the APPLICANT'S discretion, shall be either eleven (11) or nineteen (19) feet from, and parallel with, the Frontage line(s) of the LOT;

(A).1. Notwithstanding the provisions of I.4.b.2.(A) above, the BUILD-TO LINE of a TOWN HALL shall be at least nineteen (19) feet and not more than one hundred twenty-five (125) feet from the FRONTAGE line of the LOT.

(A).2. Notwithstanding the provisions of I.4.6.2. (A) above, the BUILD-TO LINE of a Municipal BUILDING which is used as a library, shall be at least ten (10) feet and not more than thirty-five (35) feet from the frontage line of the LOT.

\*\*Webmasters Note: The previous subsection, (A), has been amended as per an update approved at a town meeting held on 10/28/03.

(B) Minimum front YARD setback: none;

(C) Minimum LOT size: 4,000 square feet\* or 30,000 square feet;

(D) Maximum LOT COVERAGE: 80 percent\* or 60 percent;

(E) Minimum side YARD setbacks: zero (0) feet;

(F) Minimum LOT FRONTAGE: 20 feet\* or 75 feet; and

(G) Minimum rear YARD setbacks: 5 feet.

\*For PLANNED MULTI-LOT DEVELOPMENT

I.4.b.3. Outside the Business Core:

(A) BUILD-TO LINE: none;

(B) Minimum front YARD setback: 25 feet for principal BUILDINGS;

(C) Minimum LOT size: 8,000 square feet\* or 30,000 square feet;

(D) Maximum LOT COVERAGE: 60 percent\* or 40 percent;

(E) Minimum side YARD setbacks: zero (0) feet;

(F) Minimum LOT FRONTAGE: 40 feet\* or 100 feet; and

(G) Minimum rear YARD setbacks: 10 feet.

\*For PLANNED MULTI-LOT DEVELOPMENT

C-4 District:

Highway Oriented:

Minimum Lot Size:

Planned Multi-Lot Residential Development: 8,000 sq ft

Residential: 30,000 sq ft

Non-Highway Oriented:

Minimum Lot Size:

Planned Multi-Lot Residential Development: 8,000 sq ft

Residential: 30,000 sq ft

C-6 District:

Highway Oriented:

Minimum Lot Size:

Planned Multi-Lot Residential Development: 8,000 sq ft

Residential: 30,000 sq ft

Non-Highway Oriented:

Minimum Lot Size:

Planned Multi-Lot Residential Development: 8,000 sq ft

Residential: 30,000 sq ft

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS  
Section D. USE REGULATIONS  
D.2. SCHEDULE OF USE REGULATIONS

Norfolk does not allow any residential uses by right in its 3 residential districts (Residence 1, Residence 2, and Residence 3) besides "SINGLE FAMILY DWELLING, HOME OCCUPATION, The use of a portion of a DWELLING or a BUILDING accessory thereto by a resident builder, carpenter, painter, plumber, or other artisan, or by a resident tree surgeon or landscape gardener for incidental work and storage in connection with his off-premises occupation. Subject to the same conditions and limitations as are specified above for HOME OCCUPATIONS; Renting of rooms to not more than 4 persons and furnishing of table board to not more than 5 persons; and DAYCARE, FAMILY HOME".

However, in the districts which are not strictly one use -- B-1 DISTRICT (TOWN CENTER), C-6 RESIDENTIAL/COMMERCIAL USE DISTRICT, and C-4 Mixed-Use District, they allow residential uses, but it is unclear whether it is multifamily or single-family or both.

In the B-1 district, the permitted use is "Residential DWELLINGS located above the ground floor of BUILDINGS, provided that a ground floor use exists prior to residential occupancy" while there is a special permit for "Conversion of a pre-existing SINGLE-FAMILY DWELLING to two-FAMILY DWELLING or to mixed business and residential use". Assisted living facilities are also allowed by right. The density of the residential uses that are non-assisted living are restricted, too. The bylaw states, "I.4.a.11. Residential Density. Residential DWELLING UNITS, except for ASSISTED LIVING FACILITIES, shall not have more than one bedroom per unit. Residential densities, except for ASSISTED LIVING FACILITIES, shall not exceed the ratio of six bedrooms per acre for any single LOT or an entire PLANNED MULTI-LOT DEVELOPMENT. Residential densities for ASSISTED LIVING FACILITIES shall not exceed the ratio of 16 bedrooms per acre for any single LOT or an entire PLANNED MULTI-LOT DEVELOPMENT, except by Special Permit by the Zoning Board of Appeals." Constructing a Planned Multi-Lot Development, however, requires a special permit from the Planning Board and this is probably the closest example to possible multifamily housing in Norfolk.

In the C-6 District, there is no list of permitted uses, but the two tables (On Highway Construction v. Off Highway Construction) of dimensional requirements show the dimensions for "Planned Multi-Lot Residential Development" and "Residential". Again, the "Planned Multi-Lot Residential Development" requires a special permit. There is no restriction on the number of bedrooms in this district.

"L.7. Allowed and Special Permit Allowed Regulated Uses in the C-6 District  
AGE RESTRICTED DWELLINGS shall not exceed two bedrooms per dwelling unit and shall not exceed a ratio of three units per acre on a single lot or an entire PMLD with the following Permitted Dwelling Configurations:  
(1) Detached one Family dwelling;  
(2) Attached one-family dwellings in a Town house style building not exceeding six; (6) Dwellings units per building and not exceeding two and one half stories in height.];"

From the part of the bylaw above, the conclusion can be made that multifamily housing is allowed by right, but it is restricted by age.

The C-4 district follows the example of the C-6 district with the two tables and two types of residential development. PMLD also requires a special permit. It also has similar wording on the residential uses being restricted by age.

"K.7. Allowed and Special Permit Allowed Regulated Uses in the C-4 District

No BUILDING, STRUCTURE or land in the C-4 District shall be used for any purpose or in any manner other than as set forth in this section. Any use not specifically enumerated herein shall be deemed prohibited. All residential uses herein permitted shall be subject to Section F. 11 Site Plan Approval and Section F. 12 Design Review.

K.7.a. Allowed Uses

AGRICULTURAL, GREENHOUSE, Retail Nursery;  
ADULT DAY CARE;

AGE RESTRICTED DWELLINGS shall not exceed two bedrooms per dwelling unit and shall not exceed a ratio of four units per acre on a single lot or an entire PMLD with the following Permitted Dwelling Configurations:

(1) Detached one Family dwelling;  
(2) Attached one-family dwellings in a Town house style building not exceeding six; (6) Dwellings units per building and not exceeding two stories in height.];"

In both C-4 and C-6, a special permit is needed for assisted living facilities.

ZONING BYLAWS

I. B-1 DISTRICT (TOWN CENTER)

K. C-4 Mixed-Use District (Routes 115 and Holbrook Street)

L. C.6 RESIDENTIAL/COMMERCIAL USE DISTRICT (Route 1A, Dedham Street)

\*\*\*

F.11. Site Plan Approval

F. 11.a. Requirements for Site Plan

In all districts no BUILDING or structure shall be constructed or externally enlarged and no use shall be expanded in ground area or established in an existing BUILDING except in conformity with a site plan bearing an endorsement of approval by the Planning Board unless Site Plan Approval is specifically exempted herein. This provision shall not apply to SINGLE FAMILY homes, including additions or enlargements, which are permitted in the district in which the property is located as a matter of right. In addition, this provision shall not apply to uses exempt under M.G.L. Chapter 40A, Section 3 or to continuously occupied single-family residentially occupied dwellings in the B1 and C1 Districts. The Building Commissioner/Zoning Enforcement Officer shall make a determination as to which of the following applies:

\*\*\*

B-1 District:

I.4.b.2. Within the Business Core:

(A) BUILD-TO-LINE: At the APPLICANT'S discretion, shall be either eleven (11) or nineteen (19) feet from, and parallel with, the Frontage line(s) of the LOT;

(A.)1. Notwithstanding the provisions of I.4.b.2.(A) above, the BUILD-TO LINE of a TOWN HALL shall be at least nineteen (19) feet and not more than one hundred twenty-five (125) feet from the FRONTAGE line of the LOT.

(A.)2. Notwithstanding the provisions of I.4.6.2. (A) above, the BUILD-TO LINE of a Municipal BUILDING which is used as a library, shall be at least ten (10) feet and not more than thirty-five (35) feet from the frontage line of the LOT.

\*\*Webmasters Note: The previous subsection, (A), has been amended as per an update approved at a town meeting held on 10/28/03.

(B) Minimum front YARD setback: none;

(C) Minimum LOT size: 4,000 square feet\* or 30,000 square feet;

(D) Maximum LOT COVERAGE: 80 percent\* or 60 percent;

(E) Minimum side YARD setbacks: zero (0) feet;

(F) Minimum LOT FRONTAGE: 20 feet\* or 75 feet; and

(G) Minimum rear YARD setbacks: 5 feet.

\*For PLANNED MULTI-LOT DEVELOPMENT

I.4.b.3. Outside the Business Core:

(A) BUILD-TO LINE: none;

(B) Minimum front YARD setback: 25 feet for principal BUILDINGS;

(C) Minimum LOT size: 8,000 square feet\* or 30,000 square feet;

(D) Maximum LOT COVERAGE: 60 percent\* or 40 percent;

(E) Minimum side YARD setbacks: zero (0) feet;

(F) Minimum LOT FRONTAGE: 40 feet\* or 100 feet; and

(G) Minimum rear YARD setbacks: 10 feet.

\*For PLANNED MULTI-LOT DEVELOPMENT

C-4 District:

Highway Oriented:

Minimum Lot Size:

Planned Multi-Lot Residential Development: 8,000 sq ft

Residential: 30,000 sq ft

Non-Highway Oriented:

Minimum Lot Size:

Planned Multi-Lot Residential Development: 8,000 sq ft

Residential: 30,000 sq ft

C-6 District:

Highway Oriented:

Minimum Lot Size:

Planned Multi-Lot Residential Development: 8,000 sq ft

Residential: 30,000 sq ft

Non-Highway Oriented:

Minimum Lot Size:

Planned Multi-Lot Residential Development: 8,000 sq ft

Residential: 30,000 sq ft

\*\*\*

A Planned Multi-Lot Residential Development which appears to be Norfolk's equivalent of multifamily housing requires a special permit for approval.

#### ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS

##### K.4.a. General C-4 District Requirements:

K.4.a.1. PLANNED MULTI-LOT DEVELOPMENT. PLANNED MULTI-LOT DEVELOPMENT ("PMLD") is the development of not less than 80,000 square feet of land into a formally associated group of LOTS or BUILDING sites as part of a common scheme by Special Permit by the Planning Board so that such LOTS need not be self-sustaining and adequate common provisions are made for parking, drainage, septic disposal and other infrastructure needs of the LOTS, BUILDINGS or STRUCTURES so accommodated.

##### L.4.a. General C-6 District Requirements:

L.4.a.1. PLANNED MULTI-LOT DEVELOPMENT. PLANNED MULTI-LOT DEVELOPMENT ("PMLD") is the development of not less than 80,000 square feet of land into a formally associated group of LOTS or BUILDING sites as part of a common scheme by Special Permit by the Planning Board so that such LOTS or BUILDING sites need not be self-sustaining and adequate common provisions are made for parking, drainage, septic disposal and other infrastructure needs of the LOTS, BUILDINGS or STRUCTURES so accommodated.

##### I.4.a. General B-1 District Requirements

I.4.a.2. Planned Multi-Lot Development. PLANNED MULTI-LOT DEVELOPMENT ("PMLD") is the development of not less than 80,000 square feet of land into a formally associated group of LOTS as part of a common scheme by Special Permit by the Planning Board so that such LOTS need not be self-sustaining and adequate common provisions are made for parking, drainage, septic disposal and other infrastructure needs of the LOTS, BUILDINGS or STRUCTURES so accommodated.

#### ZONING BYLAW FOR THE TOWN OF NORFOLK, MASSACHUSETTS

##### I. B-1 DISTRICT (TOWN CENTER)

###### I.4. Lot and Yard Requirements and Standards

##### K. C-4 Mixed-Use District (Routes 115 and Holbrook Street)

###### K.4.b.3. Non-Highway Oriented Buildings and Standards for Off Highway Oriented Buildings

##### L. C.6 RESIDENTIAL/COMMERCIAL USE DISTRICT (Route 1A, Dedham Street)

###### L.4.b.3. Non-Highway Oriented Buildings and Standards for Off-Highway Oriented Buildings

\*\*\*

##### B-1 District:

###### I.4.b.2. Within the Business Core:

(C) Minimum LOT size: 4,000 square feet\*

(D) Maximum LOT COVERAGE: 80 percent\*

(F) Minimum LOT FRONTAGE: 20 feet\*

\*For PLANNED MULTI-LOT DEVELOPMENT

###### I.4.b.3. Outside the Business Core:

(C) Minimum LOT size: 8,000 square feet\*

(D) Maximum LOT COVERAGE: 60 percent\*

(F) Minimum LOT FRONTAGE: 40 feet\*

\*For PLANNED MULTI-LOT DEVELOPMENT

##### C-4 District:

###### Highway Oriented:

###### Minimum Lot Size:

Planned Multi-Lot Residential Development: 8,000 sq ft

###### Non-Highway Oriented:

###### Minimum Lot Size:

Planned Multi-Lot Residential Development: 8,000 sq ft

##### C-6 District:

###### Highway Oriented:

###### Minimum Lot Size:

Planned Multi-Lot Residential Development: 8,000 sq ft

###### Non-Highway Oriented:

###### Minimum Lot Size:

Planned Multi-Lot Residential Development: 8,000 sq ft

# North Andover

## Is multi-family housing allowed by right in any part of the municipality?

**Yes** The bylaw on ordinance.com lists a range of multifamily uses that are allowed by right.

2.32 DWELLING, MULTI-FAMILY A building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein (same as apartment ).

2.69 TOWN HOUSE An attached house in a row of three or more such houses capable of being sold as an independent dwelling with its own lot, as provided by this Bylaw.

\*\*\*

### 4.122 Residence 4 District

14. One or two-family dwellings, including the right to convert any existing dwelling to accommodate not more than five (5) family units by Special Permit from the Zoning Board of Appeals after a public hearing with due notice given, provided:

a. No major exterior structural changes shall be made which alter the character of the existing neighborhood. The right to convert shall apply to any dwelling under the ownership of one single person, partnership or corporation to be converted for use as a dwelling of not more than five (5) family units, and meeting all requirements of the State and Town Statutes and Bylaws, including the Health Codes, Building Codes, Zoning Laws, and Zoning Bylaws.

b. Stairways leading to the second or any higher floor shall be enclosed. (1987/24)

\*\*\*

### 4.12 Permitted Uses

#### 4.121 Residence 1 District

Residence 2 District

Residence 3 District

20. Independent Elderly Housing by Special Permit in Residence District 3 only.

#### 4.123 Village Residential District (1987/11)

1. Single family residential structures.
2. Two family residential structures.
3. Multi-family residential structures, not exceeding five (5) dwelling units per structure.

16. One or two-family dwellings, including the right to convert an existing dwelling to accommodate not more than five (5) family units by Special Permit from the Zoning Board of Appeals after a public hearing with due notice given, provided:

a. No major exterior structural changes shall be made. The right to convert shall apply to any dwelling under the ownership of one single person, partnership, or corporation to be converted for use as dwellings of not more than five (5) family units, and meeting all requirements of the State and Town Statutes and Bylaws, including Health Codes, Safety Codes, Building Codes, Zoning Laws and Zoning Bylaws.

b. Stairways leading to the second or any higher floor shall be enclosed.

#### 4.124 Residence 5 District

14. Town houses.

17. Multi-family dwellings.

18. Professional offices on the ground floor of multi-family dwelling structures. (Floor area utilized for offices shall reduce the total floor space ordinarily permitted for residential use on a proportional basis. Each one-thousand (1000) square feet or part thereof of such floor space shall reduce the permitted number of dwelling units by one).

4.125 Residence 6 District (1989/43)

1. Single family residential structures.
2. Two family residential structures.
3. Multi family residential structures, not exceeding 7 dwelling units per structure.

4.127 Business 2 District

15. Multi-family dwelling and town houses (with Special Permit).
20. Residential use where such use is not more than fifty percent (50%) of the total floor space in the structure.

\*\*\*

According to the Table of Use Regulations on the North Andover website, the following uses are allowed:

Independent elderly housing... by right in R1-R3.

Multifamily dwellings and apartments... by right in VR, R5, R6, B1. By special permit in B2.

Town House... by right in R5, R6. By special permit in B2.

\*\*\*

2. Developments Which Require Site Plan Review a) Site Plan is required when:

- i) Any new building(s) or construction which contains more than two thousand (2,000) square feet of gross floor area which is undertaken on land within the Town of North Andover or results in the requirement of five (5) or more new or additional parking spaces;
- ii) Any construction which results in the addition of more than two thousand (2,000) square feet of gross floor area to an existing structure; or results in the requirement of five (5) or more new or additional parking spaces; iii) Any construction, site improvements, new uses in existing structures or developments which contain new processes not normally associated with the existing use and which result in changes in the potential nuisance to adjacent property traffic circulation; storm water drainage onto or off of the site, and/or the application of the parking standards of Section 8.1 indicate the need for five (5) or more new or additional parking spaces. iv) The construction of any new wireless service facility on a previously permitted facility as set forth in Section 8.9 (3)(a)(ii) Wireless Service Facilities Use Regulations. (Added ATM 5/12/98, approved 10/27/98) b) The following development(s) are exempt from Site Plan Review: i) Single family dwelling(s) and two family dwelling(s);
- ii) Small structures or additions which do not exceed two thousand (2,000) square feet of gross floor area and do not require five (5) or more parking spaces.
- iii) Routine repairs and maintenance that do not exceed the provisions of Section 8.31 (1)(c).

\*\*\*

SECTION 12 LARGE ESTATE CONDOMINIUM CONVERSION

12.1 Purpose

The purpose of this subsection is to permit existing buildings or large tracts of land in Residence Districts 1, 2, and 3 to be converted to single family condominium dwelling unit compatible with such residence districts, to create new housing involving relatively little new construction, to generate tax revenue to the Town, to preserve existing buildings, to preserve the residential character of the Town and to preserve open space in the Town. In order to provide for development that is compatible with Residence Districts 1, 2, and 3, which districts are primarily for single family residences, the conversions to dwelling units under this subsection are to condominium dwelling units, which can be separately owned, and are therefore a type of development similar in character to other development in such districts.

12.2 Requirements

Properties meeting the following requirements shall be eligible for consideration for a condominium conversion Special Permit:

1. Parcels with one (1) or more existing buildings in a Residence 1, 2, or 3 District of not less than ten (10) acres and with not less than one hundred and fifty (150) feet of frontage on the public way.
2. Any dwelling located on a lot of record as of April 24, 1982 may be converted to condominium dwelling units.
3. The total number of dwelling units that can be created under a condominium conversion Special Permit shall not exceed n-2, where n is the number of acres in the parcel.
4. Each condominium dwelling unit shall be an independent dwelling unit intended for use by a single family, with its own bath and

toilet facilities and its own kitchen. The average square footage of the interior living space of the units shall be not less than eight hundred and fifty (850) square feet per unit.

5. No building (including both buildings converted to condominium dwelling units and other buildings not converted to condominium dwelling units) shall be externally enlarged except with the approval of the Planning Board, and in no event shall such enlargement add to any one building more floor area than a number equal to five percent (5%) of the above grade floor area of such building, the floor area of porches and decks to be included in the calculations of floor area.

6. No new building for dwelling purposes may be built on the parcel. New structures may be built pursuant to paragraph 8 (b) below.

7. Parking requirements are subject to Section 8 of the Zoning Bylaw.

8. For the purposes of this subsection, open space shall mean all the land on the parcel except that land occupied by buildings to be converted to condominium dwelling units and existing buildings to be used for parking purposes. To insure that preservation of open space, the following requirements shall be met:

a. Open space may be used for the following purposes: flower gardens, gardens, landscaping, required parking, roadways and driveways reasonably necessary for the development, underground utilities, recreation not requiring any facility or structure, and land left in its natural state. The open space may be used for other purposes permitted in the residence district if approved by the Planning Board as consistent with the condominium development and character of the neighborhood.

b. On open land all facilities and structures for accessory purposes (such as swimming pools, tennis courts, garages, carports, parking areas, lamp posts, small sheds for tools or sports equipment, fences, including the kind enclosing a tennis court or swimming pool, bath houses, and other accessory structures for accessory purposes) shall be subject to the approval of the planning Board as to their number, design, locations, uses, and sizes; provided, however, that all such facilities and structures, including roadways and driveways, shall not involve the use of more than twenty percent (20%) of all of the open land on the parcel.

c. All new utilities, including wiring for lights on open space, paths, and driveways, shall be placed underground.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** 2.32 DWELLING, MULTI-FAMILY A building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein (same as apartment ).

2.69 TOWN HOUSE An attached house in a row of three or more such houses capable of being sold as an independent dwelling with its own lot, as provided by this Bylaw.

\*\*\*

4.122 Residence 4 District

14. One or two-family dwellings, including the right to convert any existing dwelling to accommodate not more than five (5) family units by Special Permit from the Zoning Board of Appeals after a public hearing with due notice given, provided:

a. No major exterior structural changes shall be made which alter the character of the existing neighborhood. The right to convert shall apply to any dwelling under the ownership of one single person, partnership or corporation to be converted for use as a dwelling of not more than five (5) family units, and meeting all requirements of the State and Town Statues and Bylaws, including the Health Codes, Building Codes, Zoning Laws, and Zoning Bylaws.

b. Stairways leading to the second or any higher floor shall be enclosed. (1987/24)

\*\*\*

4.12 Permitted Uses

4.121 Residence 1 District

Residence 2 District

Residence 3 District

20. Independent Elderly Housing by Special Permit in Residence District 3 only.

4.123 Village Residential District (1987/11)

1. Single family residential structures.

2. Two family residential structures.

3. Multi-family residential structures, not exceeding five (5) dwelling units per structure.

16. One or two-family dwellings, including the right to convert an existing dwelling to accommodate not more than five (5) family units by Special Permit from the Zoning Board of Appeals after a public hearing with due notice given, provided:

a. No major exterior structural changes shall be made. The right to convert shall apply to any dwelling under the ownership of one single person, partnership, or corporation to be converted for use as dwellings of not more than five (5) family units, and meeting all requirements of the State and Town Statutes and Bylaws, including Health Codes, Safety Codes, Building Codes, Zoning Laws and Zoning Bylaws.

b. Stairways leading to the second or any higher floor shall be enclosed.

4.124 Residence 5 District

14. Town houses.

17. Multi-family dwellings.

18. Professional offices on the ground floor of multi-family dwelling structures. (Floor area utilized for offices shall reduce the total floor space ordinarily permitted for residential use on a proportional basis. Each one-thousand (1000) square feet or part thereof of such floor space shall reduce the permitted number of dwelling units by one).

4.125 Residence 6 District (1989/43)

1. Single family residential structures.

2. Two family residential structures.

3. Multi family residential structures, not exceeding 7 dwelling units per structure.

4.127 Business 2 District

15. Multi-family dwelling and town houses (with Special Permit).

20. Residential use where such use is not more than fifty percent (50%) of the total floor space in the structure.

\*\*\*

According to the Table of Use Regulations on the North Andover website, the following uses are allowed:

Independent elderly housing... by right in R1-R3.

Multifamily dwellings and apartments... by right in VR, R5, R6, B1. By special permit in B2.

Town House... by right in R5, R6. By special permit in B2.

\*\*\*

2. Developments Which Require Site Plan Review a) Site Plan is required when:

i) Any new building(s) or construction which contains more than two thousand (2,000) square feet of gross floor area which is undertaken on land within the Town of North Andover or results in the requirement of five (5) or more new or additional parking spaces; ii) Any construction which results in the addition of more than two thousand (2,000) square feet of gross floor area to an existing structure; or results in the requirement of five (5) or more new or additional parking spaces; iii) Any construction, site improvements, new uses in existing structures or developments which contain new processes not normally associated with the existing use and which result in changes in the potential nuisance to adjacent property traffic circulation; storm water drainage onto or off of the site, and/or the application of the parking standards of Section 8.1 indicate the need for five (5) or more new or additional parking spaces. iv) The construction of any new wireless service facility on a previously permitted facility as set forth in Section 8.9 (3)(a)(ii) Wireless Service Facilities Use Regulations. (Added ATM 5/12/98, approved 10/27/98) b) The following development(s) are exempt from Site Plan Review: i) Single family dwelling(s) and two family dwelling(s);

ii) Small structures or additions which do not exceed two thousand (2,000) square feet of gross floor area and do not require five (5) or more parking spaces.

iii) Routine repairs and maintenance that do not exceed the provisions of Section 8.31 (1)(c).

\*\*\*

## SECTION 12 LARGE ESTATE CONDOMINIUM CONVERSION

### 12.1 Purpose

The purpose of this subsection is to permit existing buildings or large tracts of land in Residence Districts 1, 2, and 3 to be converted to single family condominium dwelling unit compatible with such residence districts, to create new housing involving relatively little new construction, to generate tax revenue to the Town, to preserve existing buildings, to preserve the residential character of the Town and to preserve open space in the Town. In order to provide for development that is compatible with Residence Districts 1, 2, and 3, which districts are primarily for single family residences, the conversions to dwelling units under this subsection are to condominium dwelling units, which can be separately owned, and are therefore a type of development similar in character to other development in such districts.

### 12.2 Requirements

Properties meeting the following requirements shall be eligible for consideration for a condominium conversion Special Permit:

1. Parcels with one (1) or more existing buildings in a Residence 1, 2, or 3 District of not less than ten (10) acres and with not less than one hundred and fifty (150) feet of frontage on the public way.
2. Any dwelling located on a lot of record as of April 24, 1982 may be converted to condominium dwelling units.
3. The total number of dwelling units that can be created under a condominium conversion Special Permit shall not exceed  $n-2$ , where  $n$  is the number of acres in the parcel.
4. Each condominium dwelling unit shall be an independent dwelling unit intended for use by a single family, with its own bath and toilet facilities and its own kitchen. The average square footage of the interior living space of the units shall be not less than eight hundred and fifty (850) square feet per unit.
5. No building (including both buildings converted to condominium dwelling units and other buildings not converted to condominium dwelling units) shall be externally enlarged except with the approval of the Planning Board, and in no event shall such enlargement add to any one building more floor area than a number equal to five percent (5%) of the above grade floor area of such building, the floor area of porches and decks to be included in the calculations of floor area.
6. No new building for dwelling purposes may be built on the parcel. New structures may be built pursuant to paragraph 8 (b) below.
7. Parking requirements are subject to Section 8 of the Zoning Bylaw.
8. For the purposes of this subsection, open space shall mean all the land on the parcel except that land occupied by buildings to be converted to condominium dwelling units and existing buildings to be used for parking purposes. To insure that preservation of open space, the following requirements shall be met:
  - a. Open space may be used for the following purposes: flower gardens, gardens, landscaping, required parking, roadways and driveways reasonably necessary for the development, underground utilities, recreation not requiring any facility or structure, and land left in its natural state. The open space may be used for other purposes permitted in the residence district if approved by the Planning Board as consistent with the condominium development and character of the neighborhood.
  - b. On open land all facilities and structures for accessory purposes (such as swimming pools, tennis courts, garages, carports, parking areas, lamp posts, small sheds for tools or sports equipment, fences, including the kind enclosing a tennis court or swimming pool, bath houses, and other accessory structures for accessory purposes) shall be subject to the approval of the planning Board as to their number, design, locations, uses, and sizes; provided, however, that all such facilities and structures, including roadways and driveways, shall not involve the use of more than twenty percent (20%) of all of the open land on the parcel.
  - c. All new utilities, including wiring for lights on open space, paths, and driveways, shall be placed underground.

\*\*\*

The minimum lot size requirement is 25,000 sq. ft. in the Business 2 district.

## North Attleborough

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to schedule of uses:

Multifamily dwelling - three dwelling units... is allowed by special permit in R-10, IC-30, and by right in R-10S.

Multifamily dwelling - More than three dwelling units (to a maximum of six dwelling units per building) ... is allowed by right in R-10S and by special permit in IC-30.

Multifamily dwelling - More than three dwelling units in separate buildings (to a maximum of six dwelling units per building) ... is allowed by special permit in R10S and IC-30.

Multifamily dwelling - Rehabilitation of existing structures to multifamily dwellings... is allowed by special permit in R-10S and IC-30.

Town house ... listed as "not allowed" in each district.

Conversion of existing dwelling structure to two or multifamily dwelling... allowed by special permit in R-10 and by right in R-10S.

Cluster residential development... is allowed by special permit in R-15, R-20, R-40.

Mixed residential/business uses where all dwelling units are above the first floor level - in existing structure ... by special permit in R-10, R-10S, C-75, IC-30.

Mixed residential/business uses where all dwelling units are above the first floor level - in new development... by special permit in C75, IC-30.

Housing for the elderly...by right in R-10, R-10S, by special permit in R-15, R-20, R-40.

\*\*\*

APARTMENTS . A building containing more than two dwelling units complete with kitchen facilities and bath.

DWELLING CONVERSION . Change in construction or occupancy of a dwelling to accommodate families in addition to the number by which it was previously occupied..

DWELLING, MULTI-FAMILY . A structure occupied by three or more families living independently of each other.

\*\*\*

According to Donald Johnson, Town Planner, the available land in the R-10s district is extremely limited. (11/4/04)

\*\*\*

The minimum lot area requirements for Multifamily (both 3-4 units and 5-6 units) in the R-10s district is 10,000 square feet plus 3,500 square feet per unit in excess of one.

### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to schedule of uses:

Multifamily dwelling - three dwelling units... is allowed by special permit in R-10, IC-30, and by right in R-10S.

Multifamily dwelling - More than three dwelling units (to a maximum of six dwelling units per building) ... is allowed by right in R-10S and by special permit in IC-30.

Multifamily dwelling - More than three dwelling units in separate buildings (to a maximum of six dwelling units per building) ... is allowed by special permit in R10S and IC-30.

Multifamily dwelling - Rehabilitation of existing structures to multifamily dwellings... is allowed by special permit in R-10S and IC-30.

Town house ... listed as "not allowed" in each district.

Conversion of existing dwelling structure to two or multifamily dwelling... allowed by special permit in R-10 and by right in R-10S.

Cluster residential development... is allowed by special permit in R-15, R-20, R-40.

Mixed residential/business uses where all dwelling units are above the first floor level - in existing structure ... by special permit in R-10, R-10S, C-75, IC-30.

Mixed residential/business uses where all dwelling units are above the first floor level - in new development... by special permit in C75, IC-30.

Housing for the elderly...by right in R-10, R-10S, by special permit in R-15, R-20, R-40.

\*\*\*

APARTMENTS . A building containing more than two dwelling units complete with kitchen facilities and bath.

DWELLING CONVERSION . Change in construction or occupancy of a dwelling to accommodate families in addition to the number by which it was previously occupied..

DWELLING, MULTI-FAMILY . A structure occupied by three or more families living independently of each other.

\*\*\*

The minimum lot area requirements for Multifamily (both 3-4 units and 5-6 units) in the R-10s district is 10,000 square feet plus 3,500 square feet per unit in excess of one.

The minimum lot area requirements for Multifamily by special permit are as follows:

R-10 (3 dwelling units): 10,000 square feet plus 3,500 additional for each unit in excess of one.

IC-30 (3 dwelling units, 4-6 dwelling units per building, 3+ units in separate buildings, rehabilitation existing structures): 30,000 square feet.

R-10s : 10,000 square feet plus 3,500 additional for each unit in excess of one.

The minimum parcel sizes are:

R-10: 17,000 square feet

IC-30: 30,000 square feet

R-10s: 17,000 square feet

## North Reading

### Is multi-family housing allowed by right in any part of the municipality?

**No** Zoning Bylaw Town of North Reading, Section 2.1.18 (from ordinance.com as of August, 2004)

18. DWELLING, MULTI-FAMILY : A building or group of buildings containing four or more dwelling units and including apartment house, garden apartment house and town house. Each unit may be owned by a separate owner.

65. TOWN HOUSE : Three or more attached single dwelling units whose sidewalks are separated from other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner.

Zoning Bylaw Town of North Reading, Section 8.4 (from ordinance.com as of August, 2004)

Table of Principal Use Regulations (Section 8.4): "Multi-Family dwellings containing four (4) or more dwelling units" are allowed by special permit only in the Residential Multifamily District. "Apartments containing three (3) or fewer independent dwelling units, owned and operated by the North Reading Housing Authority" are allowed by special permit in all of the residential districts except the Residential Multifamily District."

Researcher did not find any zoning for multifamily by right.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** Zoning Bylaw Town of North Reading, Section 2.1.18 (from ordinance.com as of August, 2004)

18. DWELLING, MULTI-FAMILY : A building or group of buildings containing four or more dwelling units and including apartment house, garden apartment house and town house. Each unit may be owned by a separate owner.

65. TOWN HOUSE : Three or more attached single dwelling units whose sidewalks are separated from other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner.

Zoning Bylaw Town of North Reading, Section 8.4 (from ordinance.com as of August, 2004)

Table of Principal Use Regulations (Section 8.4): "Multi-Family dwellings containing four (4) or more dwelling units" are allowed by special permit only in the Residential Multifamily District. "Apartments containing three (3) or fewer independent dwelling units, owned and operated by the North Reading Housing Authority" are allowed by special permit in all of the residential districts except the

Residential Multifamily District."

\*\*\*

Multifamily is allowed in the PUD at a density of one unit per acre of the gross acreage (100 acre minimum).

Zoning Bylaw Town of North Reading, Section 15.3 (from ordinance.com as of August, 2004)

#### Section 15.3 - North Reading Housing Authority Multi-Family Housing

A building or group of buildings operated by a public agency, having three or fewer independent dwelling units, each having a room or suite of rooms with its own bathroom and toilet facilities, for occupancy by a family unit consisting of one (1) or more persons, such building or group of buildings having separate kitchen facilities for the preparation and serving of meals to residents thereof and their guests (but not to the public), and at the option of the owner, lounge rooms for the common use of the residents thereof, and their guests, also in connection therewith, the parking of automobiles and such other accessory uses as are customary, all subject to conformity with the following subsections (1) through (6) of this Section:

1. No building or other structure shall be erected or placed on a lot containing less than forty-thousand (40,000) square feet in area;
2. In all respects, the dimensional and density regulations for the District in which the use is proposed shall apply;
3. No building or addition to any building, including accessory buildings, shall be erected or placed on a lot which will result in the covering by buildings of more than twenty (20) percent of the lot area;
4. No building shall exceed a maximum of two and one-half (2 1/2) stories in height;
5. No building or structure shall be located within ten (10) feet of any property boundary line abutting a public or private way or within ten (10) feet of any other property boundary line; and
6. No provision in this Zoning Bylaw of the Town of North Reading concerning height regulating, or area regulations, shall apply to this use except as set forth in this Section.

#### Section 15.4 - Multi-Family Residential

A building or group of buildings having four (4) or more independent dwelling units, each having a room or suite of rooms with its own bathroom and toilet facilities and kitchen and cooking facilities, for occupancy by a family unit consisting of one (1) or more persons and in connection therewith, the parking of automobiles in accordance with Chapter Thirteen and such other accessory uses as are customary, all subject to conformity with the following subsections (1) through (9) of this Section.

1. No building or other structure shall be erected or placed on a lot containing less than forty thousand (40,000) square feet in area;
2. There shall be provided a land area of not less than thirty-five hundred (3,500) square feet located within the RM District for each dwelling unit;
3. Each lot shall have a frontage of at least seventy-five (75) feet on a street. Said frontage shall be on a street as defined under Chapter 41, Section 81L as follows:
  - (a) A public way or a way which the Town Clerk certifies is maintained and used as a public way; or
  - (b) a way shown on a plan approved and endorsed under the Subdivision Control Law; or
  - (c) a way in existence on or before September 19, 1944, having, in the opinion of the Community Planning Commission, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed, use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon;
4. No building or addition to any building, including accessory buildings, shall be erected or placed on a lot located within the RM District by buildings of more than twenty (20) percent of the portion of the lot in the RM District;
5. No building shall exceed two and one-half (2 1/2) stories in height;
6. No building or structure shall be located within thirty (30) feet of any property boundary line abutting a street or within twenty (20) feet of any other property boundary line;
7. Screening and buffering shall be provided in accordance with the provisions of Section 12.4 and the provisions of Section 15.1 as applicable to multi-family development, except that the area between a property boundary line abutting a street and a line thirty (30) feet from and parallel thereto shall be kept open and in lawn or landscaped, unparked on and unbuilt upon except for driveways and walks. Any other provision to the contrary notwithstanding, the area between any other property boundary line and a line ten (10) feet from and parallel thereto shall be kept open and in lawn or landscaped, unparked on and unbuilt upon;

8. All parking and loading facilities shall be suitably landscaped. Such landscaping shall be designed to minimize the impact of the parking area upon adjacent property and within the lot by the use of existing vegetation to the extent practicable and new trees, shrubs, walls, fences and other landscape elements. In the case of parking facilities for more than forty (40) spaces, at least five (5) percent of the area within the limits of the parking facilities shall be set aside for landscaped areas and such areas shall be provided with a minimum width of ten (10) feet, curbing and shade trees;

9. No provision of this Zoning Bylaw concerning height regulations or area regulations shall apply to this use except as set forth in this Section.

## Northborough

### Is multi-family housing allowed by right in any part of the municipality?

No

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** The apartment district allows multifamily housing by special permit.  
The apartment district is not include on the schedule of use table. MF is also allowed by SP in BA in the form of mixed residential (above commercial space).

7-04-050

DWELLING, MULTIPLE-FAMILY — A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Mixed residential and office (offices on first floor only; residences on second floor only) [Amended 5-16-1988 ATM, Art 50; 5-21-1990 ATM, Art. 48; 5-22-1991 ATM, Art. 33B]

Mixed residential uses, office uses and/or uses allowed within a retail group or shopping center (residential on floors above nonresidential uses) [Amended 5-21-1990 ATM, Art. 48]

Researcher's note: While these two mentions of mixed residential do not explicitly mention MF, they are later referred to as such.

\*\*\*

RESIDENTIAL DISTRICTS: RA, RB, RC, GR [Amended 4-22-1996 ATM, Art. 8]

Uses Allowed as an Exception Under Special Permit by the Zoning Board of Appeals:

- In GR and RC districts only, retirement community park

BUSINESS DISTRICT A

Uses Allowed as an Exception Under Special Permit by the Zoning Board of Appeals:

- Mixed residential and office (offices on first floor only; residences on second floor only) [Amended 5-16-1988 ATM, Art 50; 5-21-1990 ATM, Art. 48; 5-22-1991 ATM, Art. 33B]
- Mixed residential uses, office uses and/or uses allowed within a retail group or shopping center (residential on floors above nonresidential uses) [Amended 5-21-1990 ATM, Art. 48]

APARTMENT DISTRICTS

Uses Allowed as an Exception Under Special Permit by the Zoning Board of Appeals:

- Multiple-family dwellings[Amended 5-16-1988 ATM, Art. 50]

\*\*\*

District/ Lot size

Apartment Districts (APT) /25 acres /MF

Business District A (BA) / 4,000 /MF

\*\*\*

7-20-080 Affordable Housing/Conditional Density Bonus [Amended 5-16-1988 ATM, Art. 39]

D. Requirements

(b) Lots for single-family structures shall be a minimum of ten thousand (10,000) square feet per unit. Lots for multifamily structures shall be a minimum of twenty thousand (20,000) square feet regardless of the total number of units.

7-12-030 Special Conditions

B. Conditions for special permit in an Apartment District.

(1) On any parcel of land in an Apartment District containing twenty-five (25) acres or more, the Zoning Board of Appeals may, by special permit, after approval of a site plan in accordance with § 7-20-040A hereof, vary the density and dimensional requirements in consideration of:

(a) The character of the development.

(b) The amount and location and proposed use of common open space.

(c) The location and physical characteristics of the site of the proposed development.

(d) The location, number, design and type of dwelling units.

(2) The Board shall have the power to determine whether the manner in which the developer proposes to dedicate the open space areas will effectively restrict the area to an unbuilt condition and will provide for adequate maintenance of same.

\*\*\*

Town planner Kathy Joubert said that while MF zoning does exist, most multifamily development did not come through conventional zoning but through variances and comprehensive permits. (10/25/04)

## Northbridge

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to table of uses:

"Multifamily dwelling" is allowed by special permit in R4 and B1 and by right in R5.

"Planned townhouse development" is allowed by special permit in R-6.

Town of Northbridge Zoning Bylaw Chapter 173 (Amended 2002)

ARTICLE II Definitions § 173-2. Terms defined.

DWELLING, MULTIFAMILY -- A building containing three or more dwelling units.

§ 173-17. Planned townhouse development.

B. Definitions. For the purposes of this section, the following terms shall have the meanings indicated: PLANNED TOWNHOUSE DEVELOPMENT -- A subdivision to be developed as an entity by a landowner with residential buildings comprising three or more dwelling units and having an exterior entrance serving no more than two dwelling units unless otherwise permitted by the Board of Appeals by special permit. Each unit shall have a screened yard or balcony.

Table of area regulations: ...

R-5 MF dwelling= A minimum area of 2,000 sq.ft. plus 2,000 per unit.

MF dwelling

in R-4 = 5,000 sq. ft. min. area plus 2,500 per unit.

MF dwelling in B-1 = 1,000 sq. ft. min. area.

Townhouse dwelling in

R-6 = see 173-17 to the right.

Age restricted multifamily in R5: 2,000 sf + 2,000 per each additional unit.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to table of uses:  
"Multifamily dwelling" is allowed by special permit in R4 and B1 and by right in R5.

"Planned townhouse development" is allowed by special permit in R-6.

Town of Northbridge Zoning Bylaw Chapter 173 (Amended 2002)

ARTICLE II Definitions § 173-2. Terms defined.  
DWELLING, MULTIFAMILY -- A building containing three or more dwelling units.

§ 173-17. Planned townhouse development.  
B. Definitions. For the purposes of this section, the following terms shall have the meanings indicated: PLANNED TOWNHOUSE DEVELOPMENT -- A subdivision to be developed as an entity by a landowner with residential buildings comprising three or more dwelling units and having an exterior entrance serving no more than two dwelling units unless otherwise permitted by the Board of Appeals by special permit. Each unit shall have a screened yard or balcony.

Table of area regulations: ...  
R-5 MF dwelling= A minimum area of 2,000 sq.ft. plus 2,000 per unit.

MF dwelling  
in R-4 = 5,000 sq. ft. min. area plus 2,500 per unit.

MF dwelling in B-1 = 1,000 sq. ft. min. area.

Townhouse dwelling in  
R-6 = see 173-17 to the right.

Age restricted multifamily in R5: 2,000 sf + 2,000 per each additional unit.

## Norton

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Norton Zoning Bylaw, 2004

ARTICLE II - DEFINITIONS  
2.2 The following words and terms shall have the meanings indicated below:  
d. DWELLING OR DWELLING UNIT one or more rooms...  
Multi-family dwelling is a building such as an apartment house, containing three or more dwelling units with independent cooking and sleeping facilities.

According to the table of uses, the following are allowed:

"Multifamily dwelling (excluding cluster development)" is allowed by special permit in R-40 and VC.

"Cluster development" is allowed by special permit in R-80, R-60, R-40.

"Housing for elderly" is allowed by special permit in R-80, R-60, R-40, VC and C.

R-40(Units per building/sq.ft.)  
3 units/110,000  
4 units/130,000  
5 units/150,000  
6 units/180,000

VC (Units per building/sq.ft.)  
3 units/34,000  
4 units/40,000

5 units/50,000  
6 units/60,000

## Norwell

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Conversion to 2- or 3-family housing is allowed by right in the residential districts, business A, and business B.

\*\*\*

Attached dwellings are allowed by special permit in the village overlay district (age restricted).

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** Conversion to 2- or 3-family housing is allowed by right in the residential districts, business A, and business B.

\*\*\*

Attached dwellings are allowed by special permit in the village overlay district (age restricted).

## Norwood

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** From ordinance.com:

DWELLING, MULTIFAMILY : Three or more dwelling units on a single lot, irrespective of structure type, ownership or tenure.

DWELLING, SINGLE-FAMILY : A detached residential building intended and designed to be occupied exclusively by a single family.

DWELLING, TWO-FAMILY : A detached residential building intended and designed to be occupied exclusively by two families.

\*\*\*

According to section 3300, Use Regulation Schedule, in the Norwood bylaw on ordinance.com, multifamily dwellings are allowed by right in the Resident A district, and by special permit in the Business districts GB, CB, HB, and LB. "Dwelling units in combination with stores or other permitted commercial purposes (three or more dwelling units) are allowed by special permit only in the CB, GB, and HB business districts. (One or two dwelling units in combination with commercial development is allowed by right in the business districts.)

\*\*\*

#### 8100. DOWNTOWN APARTMENT OVERLAY DISTRICT (DAO)

8110. Purpose. To provide additional rental housing options in close proximity to the downtown area and to public transportation.

8120. Application. The DAO is assigned over parcels of land specified in Section 2234. The DAO shall not restrict the owners' rights relative to the underlying zoning district. However, if the owner selects to use the DAO for development purposes, all development shall conform to the regulations set forth in this section, and any other regulations that may apply in the Norwood Zoning Bylaw.

8130. Uses. Multi-family residential structures as new construction, or as adaptive reuse of existing structures, or a combination is allowed as of right.

\*\*\*

Section 4210 lists the dimensional requirements.

In the Multifamily District (10,000 sq. ft. plus 3,500 sq. ft. for each additional unit after the first unit)

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** From ordinance.com:

DWELLING, MULTIFAMILY : Three or more dwelling units on a single lot, irrespective of structure type, ownership or tenure.

DWELLING, SINGLE-FAMILY : A detached residential building intended and designed to be occupied exclusively by a single family.

DWELLING, TWO-FAMILY : A detached residential building intended and designed to be occupied exclusively by two families.

\*\*\*

According to section 3300, Use Regulation Schedule, in the Norwood bylaw on ordinance.com, multifamily dwellings are allowed by right in the Resident A district, and by special permit in the Business districts GB, CB, HB, and LB. "Dwelling units in combination with stores or other permitted commercial purposes (three or more dwelling units) are allowed by special permit only in the CB, GB, and HB business districts. (One or two dwelling units in combination with commercial development is allowed by right in the business districts.)

\*\*\*

**8100. DOWNTOWN APARTMENT OVERLAY DISTRICT (DAO)**

8110. Purpose. To provide additional rental housing options in close proximity to the downtown area and to public transportation.

8120. Application. The DAO is assigned over parcels of land specified in Section 2234. The DAO shall not restrict the owners' rights relative to the underlying zoning district. However, if the owner selects to use the DAO for development purposes, all development shall conform to the regulations set forth in this section, and any other regulations that may apply in the Norwood Zoning Bylaw.

8130. Uses. Multi-family residential structures as new construction, or as adaptive reuse of existing structures, or a combination is allowed as of right.

\*\*\*

Section 4210 lists the dimensional requirements.

In the Multifamily District (10,000 sq. ft. plus 3,500 sq. ft. for each additional unit after the first unit)

CB (for multifamily dwelling it is 10,000 sq. ft. plus 3,500 sq. ft. for each additional unit after the first unit)  
HB (for multifamily dwelling it is 10,000 sq. ft. plus 3,500 sq. ft. for each additional unit after the first unit)  
LB (for multifamily dwelling it is 10,000 sq. ft. plus 3,500 sq. ft. for each additional unit after the first unit)

## Paxton

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Paxton Zoning Bylaw (Amended 2003)

According to the table of uses, senior residential development is allowed by special permit in GRB, GRA.

**SECTION 4. DIMENSIONAL REQUIREMENTS**

**4.1 Basic Requirements**

No building or other structure in any district shall be constructed which does not conform to the Dimensional Requirements as set forth in this Section 4 of this Bylaw. In Paxton, no building shall exceed two and one-half (2 1/2) stories in height.

\*\*\*

Town Services Coordinator Nancy Wilby said that the town does not really have any MF housing or duplexes. (11/18/04)

# Peabody

## Is multi-family housing allowed by right in any part of the municipality?

**Yes** Joe Viola, Senior Planner, (8/17/04) confirmed that Peabody has multifamily zoned by right in at least three districts. He said that some of the industrial districts were rezoned as multifamily by right.

City of Peabody Zoning Ordinance, Section 2 Definitions (Adopted 1978, Amended 2004)

Multiple-family dwelling A building designed for or occupied by three (3) or more families, living independently in dwelling units separated by vertical walls or horizontal floors, having separate sleeping, cooking, and sanitary facilities, and with separate or joint services for heat, lighting, and other utilities (including apartments, garden apartments, townhouses, cooperatives, condominiums, row-houses and tenement houses):

Apartment: A dwelling for more than two (2) families under one roof, or for one or more families above a first floor used for nonresidential purposes.

Garden apartment: A building or group of buildings on a landscaped lot not more than thirty-five (35) feet in height arranged, intended, and designed to be occupied by three (3) or more families per building, each family separated by party walls or floors from the other, with each apartment having individual living, sleeping, kitchen and toilet facilities, with those apartments with the floor below grade having window opening not less than thirty-six (36) inches in height with the bottom of said windows even with or above grade, such building or buildings occupying one lot in single ownership throughout and subject to the conditions and requirements of section 5.3.3 herein.

Row house: A dwelling for one family in a connected row of three (3) or more dwellings, where one family is not living over another.

City of Peabody Zoning Ordinance, Section 4.2 (Adopted 1978, Amended 2004)

\*\*\*

Section 4.2, Schedule of Use Regulations: multifamily dwelling units are allowed by right in R-3, R-4, and B-C. They are allowed by special permit in R-5 and PRD.

\*\*\*

Note: "public housing/low-moderate income and public housing/elderly persons" is allowed by special permit from City Council in all of the residential districts, PRD, B-R, B-C, BN, BN-2.

\*\*\*

Schedule of Dimensional Controls, Section 5.2 of Peabody's Zoning Ordinance.

In B-C: 750 feet per dwelling unit.

In R-3: 10,000 sf or 1,500 sf per bedroom

In R-4: 30,000 sf or 750 sf per bedroom, whichever is greater

Zoning Ordinance City of Peabody, Section B-C (Adopted 1978, Amended 2004)

4.4.8 Residential use in B-C district/requirements.

(a) The site shall have a minimum of seven hundred fifty (750) square feet of land per dwelling unit.

(b) A waiver of parking requirements for residential units located above the first floor of a building existing prior to adoption of this zoning ordinance as amended in 1983 may be allowed by grant of a special permit provided that the special permit granting authority determines, after a public hearing, that:

- (1) The maximum amount of off-street parking feasible is being provided;
- (2) The parking needs of the proposed use will be able to be accommodated through a combination of the off-street parking provided, the parking available on street, and in any public lots in the vicinity of the proposed use;
- (3) Waiver of the parking requirements will not be detrimental to the surrounding area;
- (4) Granting of the waiver complies with the provisions of section 4.4.1(d) of this ordinance;
- (5) Residential units are within the cubic volume of existing building and are not new construction. (Ord. of 2-9-84, § 2)

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Joe Viola, Senior Planner, (8/17/04) confirmed that Peabody has multifamily zoned by right in at least three districts. He said that some of the industrial districts were rezoned as multifamily by right.

City of Peabody Zoning Ordinance, Section 2 Definitions (Adopted 1978, Amended 2004)

Multiple-family dwelling A building designed for or occupied by three (3) or more families, living independently in dwelling units separated by vertical walls or horizontal floors, having separate sleeping, cooking, and sanitary facilities, and with separate or joint services for heat, lighting, and other utilities (including apartments, garden apartments, townhouses, cooperatives, condominiums, row-houses and tenement houses):

Apartment: A dwelling for more than two (2) families under one roof, or for one or more families above a first floor used for nonresidential purposes.

Garden apartment: A building or group of buildings on a landscaped lot not more than thirty-five (35) feet in height arranged, intended, and designed to be occupied by three (3) or more families per building, each family separated by party walls or floors from the other, with each apartment having individual living, sleeping, kitchen and toilet facilities, with those apartments with the floor below grade having window opening not less than thirty-six (36) inches in height with the bottom of said windows even with or above grade, such building or buildings occupying one lot in single ownership throughout and subject to the conditions and requirements of section 5.3.3 herein.

Row house: A dwelling for one family in a connected row of three (3) or more dwellings, where one family is not living over another.

City of Peabody Zoning Ordinance, Section 4.2 (Adopted 1978, Amended 2004)

\*\*\*

Secton 4.2, Schedule of Use Regulations: multifamily dwelling units are allowed by right in R-3, R-4, and B-C. They are allowed by special permit in R-5 and PRD.

\*\*\*

Note: "public housing/low-moderate income and public housing/elderly persons" is allowed by special permit from City Council in all of the residential districts, PRD, B-R, B-C, BN, BN-2.

\*\*\*

Schedule of Dimensional Controls, Section 5.2 of Peabody's Zoning Ordinance.

In B-C: 750 feet per dwelling unit.

In R-3: 10,000 sf or 1,500 sf per bedroom

In R-4: 30,000 sf or 750 sf per bedroom, whichever is greater

\*\*\*

Zoning Ordinance City of Peabody, Section B-C (Adopted 1978, Amended 2004)

4.4.8 Residential use in B-C district/requirements.

(a) The site shall have a minimum of seven hundred fifty (750) square feet of land per dwelling unit.

(b) A waiver of parking requirements for residential units located above the first floor of a building existing prior to adoption of this zoning ordinance as amended in 1983 may be allowed by grant of a special permit provided that the special permit granting authority determines, after a public hearing, that:

- (1) The maximum amount of off-street parking feasible is being provided;
- (2) The parking needs of the proposed use will be able to be accommodated through a combination of the off-street parking provided, the parking available on street, and in any public lots in the vicinity of the proposed use;
- (3) Waiver of the parking requirements will not be detrimental to the surrounding area;
- (4) Granting of the waiver complies with the provisions of section 4.4.1(d) of this ordinance;
- (5) Residential units are within the cubic volume of existing building and are not new construction. (Ord. of 2-9-84, § 2)

\*\*\*

City of Peabody Zoning Ordinance, Section 4 (Adopted 1978, Amended 2004)

4.4.5 Public housing/low-moderate income requirements.

(a) There shall be a minimum lot area of eight thousand (8,000) square feet for each public housing/low-moderate income site.

(b) The minimum area of land required per dwelling unit in each of the districts of the city in which a special permit may be granted shall be as follows:

Residence

District

Land Area Required Per One or Two

Bedroom Dwelling Unit

Land Area Required Per Three or More

Bedroom Dwelling Unit

Residence R-1 4,500 square feet 5,250 square feet

Residence R-1A 4,500 square feet 5,250 square feet

Residence R-2 3,000 square feet 3,700 square feet

Residence R-3 3,000 square feet 3,700 square feet

All other zoning districts are to be the same as Residence R-3.

The bedroom distribution of a public housing/low-moderate income development shall be determined by the Peabody Housing Authority and shall be that which is most compatible with the surrounding neighborhood and best meets the needs of the city at that location.

(c) There shall be a minimum street frontage of seventy-five (75) feet per development.

(d) In residence, R-1, R-1A, R-2, R-5 and PRD districts, the maximum lot coverage shall not exceed thirty-five (35) percent of the total land area. In residence R-3 and R-4 and in Business Districts the maximum lot coverage shall not exceed fifty (50) percent of the total land area. (Ord. No. 10-11-84, § 11)

(e) Not less than thirty (30) percent of the land area in a single development shall be free from structures, streets, parking areas, drives, walkways and other constructed approach or service areas and shall be attractively landscaped and maintained. The landscape requirements of section 6.5.5 (b) shall govern projects approved under this section. (Ord. of 5-29-97, § 2)

(f) The minimum setback line shall be the average of the setback lines of the structure abutting a public housing/low-moderate income structure, on both sides. Where such references are not available, the setback line shall be the same as that required for single-family dwellings in the district in which the development is located, with the business districts to be the same as residence R-3.

(g) The minimum side yard requirements shall be fifteen (15) feet and the sum of two (2) sides shall be at least thirty (30) feet.

(h) No structure shall be located closer than twenty (20) feet to any rear lot line.

(i) No structure shall be located closer than twenty (20) feet to any other structure in the development, except however, that the city council may permit a lesser distance.

(j) Not more than twelve (12) units shall be located in any one site.

(k) No two (2) sites for public housing/low-moderate income shall be within one-fourth of a mile of one another.

(l) Parking spaces shall be provided on the premises on a basis of one and one-half (1.5) spaces per dwelling unit, provided that the city council may give permission for a lesser number of spaces if circumstances warrant, but in no case less than one (1.0) space per dwelling unit. No parking space shall be located within the required set back distance from a street or from the side and rear lot lines. All parking area adjacent to abutting residential properties must be adequately screened from view by appropriate landscaping materials.

(m) Adequate sewage disposal systems shall be provided, either by ties to the municipal system or by construction of a private system approved by the local and state boards of health.

(n) No structure exceeding two (2) stories shall be built.

(o) The site plan and the architecture shall blend harmoniously with surrounding dwellings and topography, and both shall be subject to approval by the city council after recommendation of the planning board.

38

4.4.6 Public housing/elderly persons/requirements.

(a) There shall be a minimum lot area of twenty-five thousand (25,000) square feet for each public housing site for elderly persons.

(b) The minimum area of land required per dwelling unit in each of the zoning districts in which a special permit may be granted shall be seven hundred fifty (750) square feet per bedroom for a building of two (2) stories or less and shall be five hundred (500) square feet per bedroom for a building in excess of two (2) stories.

(c) There shall be provided a street frontage, in fee or by perpetual easement, which shall provide sufficient and proper access to and egress from the site for residents and guests and maintenance and emergency vehicles. The minimum width of said access to and egress from the site shall be seventy-five (75) feet.

(d) Maximum lot coverage by buildings two (2) stories in height shall not exceed thirty-five (35) percent of the total land area. Maximum lot coverage by buildings in excess of two (2) stories shall not exceed thirty-five (35) percent of the total land area.

(e) Not less than twenty-five (25) percent of the land area in a single development of buildings two (2)

stories or less in height shall be free from structures, streets, parking areas, driveways, walkways, or other constructed approach or service areas and shall be attractively landscaped and maintained. Not less than thirty (30) percent of the land area in a single development of buildings in excess of two (2) stories shall be free from structures, streets, parking areas, driveways, walkways or other constructed approach or service areas and shall be attractively landscaped and maintained. The landscape requirements of section 6.5.5 (b) shall govern projects approved under this section. (Ord. of 5-29-97, § 3)

(f) The minimum setback line applicable to public housing for the elderly shall be the average of the setback line of the structures abutting a housing for the elderly facility, on both sides. Where such references are not available, the setback line shall be the same as that required for single-family dwellings in each of the districts in which housing may be permitted, with the setback line in business districts to be the same as that required in a residence R-3 district.

(g) The minimum sideyard requirements shall be twenty-five (25) feet, and the sum of two (2) sides shall be at least fifty (50) feet, in all of the permitted districts, but in no event shall any structure be closer than twenty-five (25) feet from any other structure.

39

(h) No structures shall be located closer than twenty (20) feet to any rear lot line.

(i) Parking spaces shall be provided on the premises on the basis of one (1) space per dwelling unit. No parking space shall be located within the required setback distance from a public or private way or from the side and rear lot lines. Where a parking area is adjacent to an abutting district, such parking areas shall be adequately screened from view by fencing or appropriate landscaping materials.

(j) The maximum height in a public housing for the elderly project shall be that which the city council determines will blend harmoniously with the structures in the surrounding neighborhood, but in no event shall the city council require that a structure be less than three (3) stories in height.

(k) The site plan and the architecture shall blend harmoniously with surrounding dwellings and the topography and both shall be subject to approval by the special permit granting authority after recommendation of the planning board.

#### 4.4.7 Multiple family dwellings in R-5 district/requirements.

(a) The site shall not have more than a maximum average of four (4) dwelling units per acre, nor more than eight (8) bedrooms per acre. No building within the site shall be constructed within fifty (50) feet of a property line of an existing residence district. (Ord. of 3-12-81, § 1; Ord. of 5-10-84, § 25)

(b) Television, radio and communications services shall be supplied by a central system with underground connections.

(c) All utilities shall be installed underground using standards promulgated by the planning, health, building and public service departments of the City of Peabody, and sewerage shall be disposed of by means of adequate connections to the municipal sewerage system.

(d) Suitable recreation space with a cost of not less than five hundred dollars (\$500.00) per unit shall be provided. Not less than sixty (60) percent of the total land area of the site shall remain free from structures, parking and drives, and such area shall be left either in its natural state, attractively landscaped, or developed for uncovered recreational facilities.

(e) Provision shall be made for not less than two (2) parking spaces per dwelling unit, one of which shall be completely enclosed, having dimensions of each space not less than ten (10) feet in width and twenty (20) feet in length. Detached parking garages will be permitted if located and designed so as to compliment the building design and site layout, but shall not be constructed within the setback areas.

(f) The owner or owners shall be responsible for the maintenance of common areas, including, but not limited to, snow plowing within the site limits and rubbish disposal. No outside burning of rubbish or inside incineration shall be permitted.

(g) All lighting shall be directed away from adjoining property.

Zoning Ordinance City of Peabody, Section (Adopted 1978, Amended 2004)

Section 5.2 Schedule of Dimensional Requirements - 20acres for multifamily in R-5.

Zoning Ordinance City of Peabody, Section 4.5 (Adopted 1978, Amended 2004)

### 4.5 MUNICIPAL PROPERTIES REUSE DEVELOPMENT DISTRICT

#### 4.5.1 Purposes.

The municipal properties reuse development districts and uses created herein are intended to facilitate development proposals responsive to the city's comprehensive plan for the reuse of its properties that no longer serve a public purpose, to provide for a mixture of land usage at greater density and intensity than would normally be allowed provided that said land usage shall satisfy one or more of the following:

(a) Does not detract from the livability and aesthetic qualities of the environment;

(b) Is consistent with the objectives of the zoning ordinance;

(c) Provides more efficient use of land while protecting natural resources, such as water resources, wet lands, flood plains and wildlife;

(d) Provides diverse, energy-efficient housing at a variety of costs.

50

#### 4.5.7 Permitted uses.

In a municipal properties reuse development district the following uses are permitted by special permit:

(a) Residential:

- (1) Detached one-, two- or three-family residential structures;
- (2) Apartment houses;
- (3) Town houses.

(b) Business:

- (1) Banks and financial services;
- (2) Business and professional offices.

(c) Light industrial use:

- (1) Any uses which the special permit granting authority determines are not injurious to the safety or general welfare of the area, including but not limited to: laboratories and establishments devoted to research and development activities; optical and scientific instruments; jewelry manufacturers; material testing and research; light assembly, fabrication, molding, provided there are no noxious fumes or other nuisance characteristics; book binding; and small machine shops. (Ord. of 9-16-82, § 4)

#### 4.5.8 Area regulations.

(a) MPRD site area. No MPRD shall be permitted on a site of less than sixty thousand (60,000) square feet.

(b) Usable open space. In all MPRD's at least ten (10) percent of the land shall be set aside as permanent usable open space, provided that the special permit granting authority may give permission for a lesser percentage if circumstances warrant, but in no case less than five (5) percent.

(c) Setback requirements. All structures and facilities within the MPRD shall be subject to the following setback requirements:

- Front yard--75 feet
- Side yard--20 feet
- Rear yard--50 feet

(d) Floor area ratio. The floor area in all buildings in a municipal properties reuse development shall not exceed a ratio of 1.0 excluding parking structures, malls and plazas.

(e) Height. No building in the MPRD shall exceed fifty (50) feet in height. (Ord. of 9-16-82, § 4)

Zoning Ordinance City of Peabody, Section 4.6.8 (Adopted 1978, Amended 2004)

#### 4.6.8 Designated Development District – Residential Overlay

a) Residential use shall be as of right in the Residential Overlay District.

b) A site plan shall be prepared and submitted in accordance with Sections 4.6.2, 4.6.3 (1), (b), (c) and (d) of this Ordinance.

c) Density may not exceed 20 units per acre.

d) For all residential use, the dimensional standards shall be as follows:

Minimum lot size 2 acres

Maximum number of stories 6

Maximum building height 72 feet

Maximum floor to area ratio 0.5

e) All district uses except for access should observe the following regulations:

1) Building setbacks

(minimum feet) :

Route One (1) 100

Residential zoned land 100

District Access Road R.O.W. 40

Other property lines 30

2) Impervious site coverage

(maximum percentage) 60

3) Compact parking

(maximum percentage of total) 60

4) Parking space size

(minimum feet)

Compact 8.0 x 16.6

Full 9.0 x 18.0

Handicap 12.0 x 12.0

5) Parking aisle

(minimum feet) 20

f) Parking

All parking shall be accommodated on-site and within designated parking areas for each building(s).

The minimum number of off-street parking spaces should be one and three-quarters (1.75) spaces per residential unit.

g) Affordable Housing

All residential development constructed in this Designated Development Residential Overlay

District must comply with the Inclusionary Zoning Requirements of Section 4.11

\*\*\*

For public housing/low-moderate income:

Minimum lot area 8,000 sf.

Land required for 1 or 2 bedroom dwelling units:

4,500 sf in R-1  
4,500 sf in R-1A  
3,000 sf in R-2  
3,000 sf in R-3

For dwelling units with 3 or more bedrooms:

5,250 sf in R-1  
5,250 sf in R-1A  
3,700 sf in R-2  
3,700 sf in R-3

For public housing/elderly persons:

minimum lot area: 25,000 sf.

750 sf per bedroom (under 2 stories)

500 sf per bedroom (over 2 stories)

In R-5, multifamily is allowed by special permit:

4 dwelling units per acre. Maximum: 8 bedrooms per acre.

From the Schedule of Dimensional Requirements - 20 acres required in R-5 for multifamily

In the municipal properties reuse development district, three-family residential structures, apartment houses, and town houses are allowed by special permit. The site area must be 60,000 sf.

In the Designated Development District - Residential Overlay, the allowed density is 20 units per acre.

## Pembroke

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** MULTIUNIT DWELLING : Means a dwelling arranged, intended or designed to be occupied by three or more families.

-In which districts is MF allowed by special permit?  
Residential-Commercial District

Zoning Bylaws Town of Pembroke Section IV Use and Dimensional Regulations II. Residential-Commercial District (ordinance.com)

B. Uses Permitted by Special Permit

3. Multiunit Dwellings, including those designated as low and moderate income housing. Multi-dwelling structures, not to exceed a density of four dwelling units per acre, provided that the board of appeals, after notice and a public hearing, shall find and rule that such structure or structures shall not be injurious, noxious, offensive, or detrimental to the neighborhood and subject to the dimensional requirements of Paragraph (D), below..

D. Dimensional Regulations

Residence District A requirements apply to uses allowed in that district. The requirements below apply to all other uses allowed in this district:

1. Lot Sizes: All uses require at least 120,000 square feet of area, said area being exclusive of any and all easements, cranberry bogs, wetlands, floodplains and watershed areas. All multiple unit dwellings are limited to no more than one dwelling unit per 10,000 square feet of lot area exclusive of all easements, cranberry bogs, wetlands, floodplains and watershed areas.

2. Frontage: All uses require at least 250 contiguous feet at the way line, and in addition, multiunit dwellings require at least twenty feet of frontage per unit, all of which must be contiguous.

3. Minimum Lot Perimeter Ratio: All uses require a minimum lot perimeter ratio greater than fifty-five.

6. Rear Yards: No building, structure, or paved area shall be erected within fifty feet of the rear lot lines except that: Multiple unit dwellings abutting a residential use or district shall have, at a minimum, 100' rear yards whenever the rear lot line abuts the residential use or district.

\*\*\*

Minimum Lot Size:  
120,000 sq. ft.

Minimum Lot Area per dwelling unit:  
10,000 sq.ft.

## Pepperell

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** "C. MULTIFAMILY DWELLING: a building containing three or more dwelling units." (bylaws, definition sections)

Zoning By-Law, Town of Pepperell, Massachusetts (as amended 12/16/03)

According to the Table of Principal Uses:

"Multifamily dwelling" - by special permit from the planning board in UR, C.

"Dwelling units above first floor" - by right in C.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** "C. MULTIFAMILY DWELLING: a building containing three or more dwelling units." (bylaws, definition sections)

Zoning By-Law, Town of Pepperell, Massachusetts (as amended 12/16/03)

According to the Table of Principal Uses:

"Multifamily dwelling" - by special permit from the planning board in UR, C.

"Dwelling units above first floor" - by right in C.

· In which districts is MF allowed by special permit? >> Urban Residence and Commercial, by special permit from the Planning Board. Multifamily Residence Developments (MFRD) requirements and restrictions are detailed in Section 7300 of the bylaws, which apply to multifamily developments in UR and C districts.

· What is the maximum allowable density for MF?

Urban Residence: 40,000 sf

Commercial: no lot size requirements.

MFRD: up to 4 dwelling units on 40,000 sf

"7300. MULTIFAMILY RESIDENTIAL DEVELOPMENT

7310. General. Multifamily residential development shall be allowed only by special permit by the Planning Board in the Urban Residence District and in the Commercial District.

7320. Design Requirements.

7321. At least ten thousand (10,000) square feet of land area shall be allocated for each dwelling unit in each multifamily dwelling. Not more than four (4) dwelling units may be placed in any multifamily dwelling.

7322. Multifamily development shall be served by the public water system or a private communal water system, which

conforms to all applicable regulations of the Commonwealth of Massachusetts and the Town of Pepperell. Water supply shall be sufficient at all times to meet public water supply and fire protection requirements, and in this regard, the recommendations of the Town Water and Fire Departments shall be considered.

7323. The distance between buildings shall be a minimum of fifty (50) feet unless, after consideration of architectural, aesthetic, land planning, topographical, ground factors and emergency access, the Board determines that less distance is desirable. In no case shall such distance be less than twenty (20) feet.

7324. On-site drained parking areas shall comply with Section 5100, and adequate provision for aisles and drives shall be provided. Separate buildings for parking garages, if any, shall be located and designed so as to complement the apartment building design and site layout. Parking spaces located at the front of the site shall be suitably screened so as to not be viewed from the road.

7325. All dwelling units within apartment buildings shall have a minimum floor space area of four hundred-eighty (480) square feet.

20

7326. No multifamily development containing eight (8) or more units shall have more than twenty percent (20%) of the total number of apartments with three (3) or more bedrooms.

7327. Easements and deeds shall be granted to the town to secure access to town facilities, utilities and land.

7328. Excepting master antennas serving one (1) or more buildings, exterior antennas for reception or transmission of electronic signals shall not be permitted.

7330. Open Space. Open space and common land, if any, shall be laid out in such manner as to tend to assure compliance with the foregoing standards, to provide for pedestrian safety within the site and to provide an aesthetically pleasant setting for the multifamily residential development within its neighborhood. Such open space land shall meet the ownership, maintenance and conservation easement requirements as provided for an open space residential development under this chapter.

7340. Planning Board Action. Before acting upon the application, the Board shall submit it with the plan to the following boards, which may review it jointly or separately: Board of Health, Highway Surveyor, Conservation Commission, Police Chief, Board of Fire Engineers, Water Department and Sewer Commission. The Planning Board shall grant such special permit only when it determines that all of the standards for special permits contained in Section 9300 are met and the requirements set forth herein.

7341. Planning Board approval of a special permit hereunder shall not substitute for compliance with the Subdivision Control Act, nor oblige the Planning Board to approve any related plan for subdivision, nor reduce any time periods for Board consideration under the law. However, in order to facilitate processing, the Planning Board may, insofar as practical under existing law, accept a combined plan and application which shall satisfy both this section and the Board's regulations under the Subdivision Control Act.

7350. Conditions. Where a special permit for multifamily residential development is granted which is not subject to subdivision control, the Planning Board shall impose all or such part of its subdivision control requirements as it deems advisable as conditions upon its permit, including but not limited to the construction of roads and driveways, drainage facilities and other facilities and utilities, and shall require a bond or covenant in the manner prescribed in the subdivision regulations to secure performance of the entire plan for multifamily residential development as approved for special permit."

- Zoning By-Law, Town of Pepperell, Massachusetts (as amended 12/16/03). Sections 4140, 7300 and Appendix A

## Plainville

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to 2.8 Use Regulation Schedule, multifamily (up to 4 families) is allowed by right in the RD district. Multifamily (over 4 families) is allowed by special permit in the RD district.

According to the table of uses:

Multifamily, up to 4 families... is allowed by right in RD.

Multifamily, over 4... is allowed by special permit in RD.

Conversion... is allowed by right in RC, RD, CB.

Residential cluster (attached/detached)... is allowed by special permit in RA, RB, RC, RD.

Residential cluster (two family/attached)... is allowed by special permit in RC, RD.

Residential cluster (multifamily up to 6 families) ... is allowed by special permit in RD.

DWELLING, ATTACHED RESIDENTIAL CLUSTER - Two (2) or more attached dwelling units, each having individual entrances. (Amended at Annual Town Meeting, 1987.)

DWELLING CONVERSION - Change in construction or occupancy of a dwelling to accommodate families in addition to the number by which it was previously occupied.

DWELLING, DETACHED RESIDENTIAL CLUSTER - A dwelling unit having reduced yard, frontage, and area requirements and a provision for open space as conditions of a special permit. (Amended at Annual Town Meeting, 1987.)

DWELLING, MULTI-FAMILY - A structure occupied by three or more families living independently of each other.

According to 2.6 Intensity of Use Schedule, the minimum lot size requirements are as follows:

RD: 30,000 square feet (for multifamily development, 6,000 additional square feet are required for each family unit in excess of 4 units)

Town of Plainville Zoning Bylaw

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to 2.8 Use Regulation Schedule, multifamily (up to 4 families) is allowed by right in the RD district. Multifamily (over 4 families) is allowed by special permit in the RD district.

According to the table of uses:

Multifamily, up to 4 families... is allowed by right in RD.

Multifamily, over 4... is allowed by special permit in RD.

Conversion... is allowed by right in RC, RD, CB.

Residential cluster (attached/detached)... is allowed by special permit in RA, RB, RC, RD.

Residential cluster (two family/attached)... is allowed by special permit in RC, RD.

Residential cluster (multifamily up to 6 families) ... is allowed by special permit in RD.

DWELLING, ATTACHED RESIDENTIAL CLUSTER - Two (2) or more attached dwelling units, each having individual entrances. (Amended at Annual Town Meeting, 1987.)

DWELLING CONVERSION - Change in construction or occupancy of a dwelling to accommodate families in addition to the number by which it was previously occupied.

DWELLING, DETACHED RESIDENTIAL CLUSTER - A dwelling unit having reduced yard, frontage, and area requirements and a provision for open space as conditions of a special permit. (Amended at Annual Town Meeting, 1987.)

DWELLING, MULTI-FAMILY - A structure occupied by three or more families living independently of each other.

According to 2.6 Intensity of Use Schedule, the minimum lot size requirements are as follows:

RD: 30,000 square feet (for multifamily development, 6,000 additional square feet are required for each family unit in excess of 4 units)

2.13.0 Residential Cluster Development

3. Detached cluster units shall conform to 2.6 except for the lot and yard requirements provided below:

In the RA, RE, and RD districts, the minimum lot area is 20,000 square feet.

A residential cluster development shall conform to the following conditions:

1. Contain a minimum tract size of ten (10) acres in the RA, RD and RC Districts, and five (5) acres in the RD District.

Town of Plainville Zoning Bylaw

## Plymouth

**Is multi-family housing allowed by right in any part of the municipality?**

**Yes** Town of Plymouth Zoning Bylaw 2004

§ 205-54. Downtown/Harbor District (DH). [Added 4-6-1991 STM by Art. 17]

B. Allowed uses.

(1) Single-family, two-family, and multifamily dwellings, containing fewer than nine units on the same lot, provided that:

- (a) Each unit contains a minimum floor area of 600 square feet for one-bedroom units, 720 square feet for two-bedroom units, and (720 + 100X) square feet for (two + X) bedroom units; and
- (b) Such uses are not allowed on the street floor of a building located on a state-numbered highway, as designated as of January 24, 1991.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Plymouth Zoning Bylaw 2004

Definitions:

(2) MULTIFAMILY — A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided.

(3) PATIO HOUSE — A dwelling unit allowed only in planned unit developments, normally on a small lot, which may be either single-family detached or attached, which often spans the entire width of the lot and which is designed to create a private outdoor patio.

(4) SINGLE-FAMILY DETACHED — A detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.

§ 205-3

§ 205-3

PLYMOUTH CODE

07 - 15 - 2004 205:6

(5) SINGLE-FAMILY ATTACHED — A single-family residence which is attached to another single-family residence by a roof, carport, breezeway, or a common party wall, commonly called a "townhouse" or "row house."

(6) TOWNHOUSE — A form of single-family attached dwelling unit which embodies separate units, normally with front and rear entrances and private yard space, and utilizing party wall construction.

§ 205-45. Multifamily Residential (R-20MF). [Amended 3-28-1973 ATM by Art. 71; 4-21-1974 ATM by Art. 65]

A. Intent.

(1) To encourage compact development, thus discouraging scattered, sprawling, inefficient patterns of development.

(2) To provide alternative types of housing for people of differing housing needs. To ensure adequate open areas and high design quality through environmental design conditions.

B. Allowed uses. All uses allowed in R-20SL Zones.

C. Special permit uses. All uses authorized by special permit except those subject to environmental design conditions in R-25 Zones.

D. Special permit uses subject to environmental design conditions.

(1) All uses authorized by special permit subject to environmental design conditions in R-25 Zones.

(2) Multifamily and single-family attached dwellings subject to the environmental design conditions specified herein.

E. Prohibited uses. Any use prohibited in R-40 Zones.

F. Dimensional and intensity requirements. [Amended 4-8-1985 ATM by Art. 55]

(1) See Table 5, Table 8 and Table 9 herein.

Table 8

Multifamily and Single-Family Attached Dimensional and Intensity Regulations

Minimum Lot Requirements

Area Least Dimension Front Yard Other Yard

86,000 200 feet 30 feet minor street 2-story: 30 feet

60 feet collector street 3-story: 50 feet

100 feet major street

(2) Net acreage may include up to 5% in water or in inaccessible wetland areas as determined by the Board of Appeals.

(3) Lot utilization.

(a) Maximum floor area ratio, gross (FAR, G): 0.45 (total gross floor area/total site area).

(b) Minimum floor area net per dwelling unit: 768 square feet.

§ 205-45

§ 205-45

PLYMOUTH CODE

07 - 15 - 2004 205:114

(c) Maximum building coverage (including accessory): 25%.

(4) Parking requirements:

[...]

(5) Building design. The primary objectives of this section are to encourage residential architecture of a human scale and proportion which is compatible with existing development in the Town and require appropriate distances between structures to avoid undue density and monotony.

(a) Structures containing more than 15 dwelling units shall not normally be permitted. Wherever possible and appropriate, the mass and facades of structures shall be relieved by variations in height and by offsetting wall segments. Such structures should appear as a series of distinctly articulated masses, each segment of which imparts a sense of detached house scale and proportions.

(b) The following table indicates absolute maximum dimensions of structures and recommended maximum dimensions, according to whether the building mass is offset in segments as above.

§ 205-45

§ 205-45

PLYMOUTH CODE

07 - 15 - 2004 205:116

Table 9

Dimensions of Multifamily or Single-Family Attached Structures

Building without

Articulated

Segments

Building with

Articulated Segments

Size of

Segments

Minimum

Offset of

Segments

Length Width Length Width

Desirable

Maximum

120 feet 40 feet 75 feet 35 feet 30 to 35 feet 10 feet

desirable

Maximum 200 feet 80 feet 120 feet 45 feet 45 feet 3 feet minimum

(c) Maximum gross floor area per structure: total 15,000 square feet; ground floor, 12,000 square feet.

(d) The desired residential character and human scale shall be reinforced through appropriate use of design elements such as balconies, articulation of doors and windows, sculptural or textural relief of facades, brick belt courses or soldier courses, roof form and proportion, or other appurtenances such as lighting fixtures or planting. Such elements of facades should be used to reinforce the sense of human scale sought by articulation of building segments. Blank walls and scaleless verticality are specifically discouraged, and walls not containing windows shall be given human scale and interest by use of design elements such as those above.

(e) Pitched roofs should be utilized where possible but not for any span greater than 40 feet, and their slope should not be less than seven inches vertical to 12 inches horizontal.

(6) Distances between structures. The minimum distances between buildings shall be as follows in Table 10. Each wall of every building shall have a yard space in the shape of an isosceles triangle whose base shall be a straight line connecting the extreme ends of the wall and whose altitude (depth of yard) shall be equal to the length of the wall multiplied by the appropriate factor in Table 10.

\*\*\*

§ 205-49. General Commercial (GC).

B. Allowed uses. The following uses are allowed provided that they occupy no more than 4,000 square feet of ground floor area and 6,000 square feet total floor area, provided further that, in the Cedarville Village Service Area, any building containing or serving such uses is to be no larger than 24,000 square feet in total gross floor area. [Amended

4-7-1990 STM by Art. 9; 4-12-1994 ATM by Art. 23]

(16) Multifamily dwelling units which:

(a) Contain a minimum net floor area of 600 square feet for one-bedroom units, 720 square feet for two bedroom units, and  $(720 + 100X)$  square feet for  $(two + X)$  bedroom units.

(b) Are located within the net floor area of buildings in existence as of January 1, 1990; and

(c) Are located within stories of such buildings other than the street level story thereof.

\*\*\*

§ 205-54. Downtown/Harbor District (DH). [Added 4-6-1991 STM by Art. 17]

B. Allowed uses.

(1) Single-family, two-family, and multifamily dwellings, containing fewer than nine units on the same lot, provided that:

(a) Each unit contains a minimum floor area of 600 square feet for one-bedroom units, 720 square feet for two-bedroom units, and  $(720 + 100X)$  square feet for  $(two + X)$  bedroom units; and

(b) Such uses are not allowed on the street floor of a building located on a state-numbered highway, as designated as of January 24, 1991.

...

C. Special permit uses.

(5) Multifamily uses of greater than eight units on the same lot, subject to the density provisions of Subsection B(1).

## Plympton

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to table of uses, "Dwelling, Multi-Family, For Elderly and Handicapped Persons" is allowed by special permit in AR, B, LM.

Multifamily dwellings are not defined in the definitions section.

Town of Plympton Zoning By-Laws (2001 Edition)

Section 7 - Special Permits

7.2 Uses Authorized By Special Permit

No special permit may be issued for the following specific uses except in accordance with the conditions and requirements for each listed use as determined by the designated Special Permit Granting Authority. The Board of Appeals shall be the Special Permit Granting Authority except where otherwise specified.

Multi-Family Dwellings for Elderly and Handicapped Persons:

1) Authority

A building or group of buildings specifically designated for elderly and handicapped persons may be permitted by issuance of a special permit by the Board of Selectmen as the Special Permit Granting Authority.

2) Purpose

The availability of suitable housing for elderly and handicapped residents of the Town of Plympton is determined to be of public benefit, and the purpose of this section is to provide a means to meet this present and future need. It is intended that such housing may be permitted within the Town of Plympton in a density of which ever is the greater number: forty (40) dwelling units or that number of dwelling units determined as the ratio of one (1) such unit to each fifty (50) residents of the Town as determined by the latest state or federal census.

It is also intended that the special permit granting authority shall consider the effect of such use upon the present ability of the Town to

provide municipal services and the relationship of such use to the capital improvement program of the Town and the continued ability to provide services.

### 3) Definitions:

Elderly Persons: Persons who have reached the age of sixty-two (62).

Handicapped Persons: Persons who have an impairment duration and which substantially impedes the ability to live independently in conventional housing.

Dwelling Unit: For the purpose of this section, a dwelling unit shall be a single housekeeping unit with provisions for sleeping, cooking and sanitation.

### 4) Required Conditions

The special permit granting authority under this section shall require the following as conditions to such special permit.

4.1 Lot Size: Not less than one quarter (1/4) acre per dwelling unit with minimum lot size ten (10) acres.

4.2 Lot Access: Not less than forty (40) feet in width.

4.3 Building Height: Not more than two (2) stories.

4.4 Unit Size: The minimum interior floor area of a dwelling unit shall not be less than four hundred eighty (480) square feet.

4.5 Special Provisions for Handicapped Persons: Dwelling units and common areas on the ground floor shall be constructed in such a way as to meet the special needs of the handicapped.

4.6 Parking: A minimum of one and one half (1 1/2) parking spaces shall be provided for each dwelling unit.

### 5) Site Plan Review

5.1 Site Plan - A Condition of the Special Permit: The Special Permit Granting Authority shall require a site plan, which shall be a condition to the special permit. The purpose of the site plan is to ensure that design and layout of the specially permitted use will be suitable for the purpose and will not result in a detriment to the neighborhood or to the environment.

5.2 General Review The applicant for the special permit shall file copies of the application and the site plan in the form and quantities specified in the rules and regulations adopted by the Special Permit Granting Authority. Review of the site plan shall consider provisions that will ensure:

5.2.1 Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against light, sight, sound, dust, vibration, and preservation of light and air.

5.2.2 Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas.

5.2.3 Adequacy of the methods for disposal of wastes.

5.2.4 Protection of environmental features on the site and in adjacent areas.

5.3 Elements of the Site Plan: The site plan shall show all existing and proposed buildings, existing and proposed contour elevations, structures, parking spaces, driveway openings, driveways, service areas, facilities for sewage, refuse, and other waste disposal, and for surface water drainage, wetlands, surface water, areas subject to one hundred year flood, and landscape features such as fences, walls, planting areas, walks, and lighting, both existing and proposed. The site plan shall also show the relation of the above features to adjacent ways and properties. The site plan shall also show all contiguous land owned by the applicant or by the owner of the property which is the subject of the application.

5.4 Soil Conditions: The applicant shall submit material as may be required regarding measures proposed to prevent pollution of surface or groundwater, soil erosion, increased runoff, changes in groundwater level, and flooding.

5.5 Landscaping: The applicant shall submit such material as may be required regarding design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors.

5.6 Traffic Flow: The applicant shall submit such material as may be required regarding the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.

5.7 Water Supply: The applicant shall submit such material as may be required regarding the location of wells and other sources of potable water, together with lagoons, ponds, or water storage towers with sufficient capacity for fire protection.

### 6) Review by Other Town Boards:

The Special Permit Granting Authority may submit applications and site plans to other boards, such as but not limited to the Planning Board, Board of Health, the Conservation Commission, and the Council on Aging. The Council on Aging may be authorized by the Special Permit Granting Authority to maintain a list of resident applicants, such a list to be reviewed annually, and it shall be a condition to any special permit that due consideration of such list shall be included in the tenancy policies of the applicant. The Special Permit

Granting Authority may submit the application together with conceptual and site plans to a Housing Committee for review and recommendations as to general design. Such committee shall be composed of four (4) members from the Council on Aging, and three (3) other residents of the Town of Plympton. Selectmen are SPGA.

\*\*\*

Section 5

No more than one dwelling shall be built upon any lot.

5.1 Table of intensity of uses

AR, B, LM districts  
60,000 sq. ft.

Section 7

Special Permits

7.2 4)

Dwelling Unit: For the purpose of this section, a dwelling unit shall be a single housekeeping unit with provisions for sleeping, cooking and sanitation.

4) Required Conditions

The special permit granting authority under this section shall require the following as conditions to such special permit.

4.1 Lot Size: Not less than one quarter (1/4) acre per dwelling unit with minimum lot size ten (10) acres.

4.2 Lot Access: Not less than forty (40) feet in width.

4.3 Building Height: Not more than two (2) stories.

4.4 Unit Size: The minimum interior floor area of a dwelling unit shall not be less than four hundred eighty (480) square feet

4.5 Special Provisions for Handicapped Persons: Dwelling units and common areas on the ground floor shall be constructed in such a way as to meet the special needs of the handicapped.

4.6 Parking: A minimum of one and one half (1 1/2) parking spaces shall be provided for each dwelling unit.

7.1.3.

2) Purpose

The availability of suitable housing for elderly and handicapped residents of the Town of Plympton is determined to be of public benefit, and the purpose of this section is to provide a means to meet this present and future need. It is intended that such housing may be permitted within the Town of Plympton in a density of which ever is the greater number: forty (40) dwelling units or that number of dwelling units determined as the ratio of one (1) such unit to each fifty (50) residents of the Town as determined by the latest state or federal census.

## Princeton

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Princeton Zoning Bylaws (Adopted 1957, Amended 2002)

SECTION III. RESIDENTIAL - AGRICULTURAL DISTRICT:

1. In a Residential-Agricultural District no lot shall be used and no structure shall be erected, maintained, altered, or used for any purpose other than the following:

(B) Conversion, alteration or extension of the use of a dwelling, existing at the time this by-law was originally adopted, into a dwelling containing units for not more than three (3) families, upon permission from the Board of Appeals as provided for in Section VIII.2.(D) of this by-law. (Amended June 8, 1999)

(I) No such conversion shall be permitted under this subparagraph 1 (B) unless:

(a) The premises to be converted into a dwelling containing units for two (2) families shall include at least 130,600 square feet, (3 acres) of land and for conversion to three (3) units the premises shall include at least 217,720 square feet (5 acres) of land; and

(b) The conversion involves no substantial external enlargement of the pre-existing

dwelling.

(2) There shall be submitted to the Board of Appeals in duplicate with application for permission for the conversion, a site plan of the proposed conversion drawn to scale showing the land area and all existing buildings, and any proposed external changes therein, and all existing and proposed structures, parking facilities, driveways and service areas, facilities for sewage, refuse and waste disposal and surface water drainage. (Amended June 25, 1968, May 9, 1989)

**SECTION IV. BUSINESS DISTRICT:**

1. Uses permitted in a Business District shall be the following and no others:  
(A) Any use permitted in a Residential-Agricultural District.

**SECTION V. BUSINESS-INDUSTRIAL DISTRICT:**

1. Uses permitted in a Business-Industrial District shall be the following and no others:  
(A) Any use permitted and as regulated in a Residential-Agricultural District or a Business District.

## Quincy

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Zoning Ordinance City of Quincy, Section - Definitions (On website: <http://www.bpcnet.com/codes/quincy/>, 8/13/04)

Dwelling, Multifamily. "Multifamily dwelling" means a building or structure designed for occupancy as a residence by more than two families, but not including attached dwellings; an apartment house.

Zoning Ordinance City of Quincy, Section 17.16.020 (On website: <http://www.bpcnet.com/codes/quincy/>, 8/13/04)

According to the Table of Use Regulations, "multifamily dwellings" are allowed by right in Residence Districts B, C, and D, as well as business district C. They are allowed by special permit in business districts A and B. Lodging houses are also allowed by right in Residence C and Business B and C. Dormitories are also allowed by right in Residence C and Business B.

\*\*\*

According to Dennis Harrington, Director of Planning, (8/13/04) while the City is largely builtout, multifamily by right is being developed, and there is room to demolish businesses and construct multifamily.

\*\*\*

Section 17.20.040 Table of dimensional requirements--Explanatory notes.

A. Table of Dimensional Requirements.

Zoning Ordinance City of Quincy, Section 17.20.060 (On website: <http://www.bpcnet.com/codes/quincy/>, 8/13/04)

Section 17.20.060 Lot size, area and width.

A. Minimum Requirements. Where minimum lot requirements are established in Section 17.20.040, no building or use shall be erected or established on any lot of lesser size.

B. Multifamily Dwelling Units. For each multifamily dwelling unit providing its parking requirements as set forth in Section 17.28.020 within the principal structure or within an accessory parking structure, the lot area required for one dwelling unit may be reduced by ten percent upon special permission of the board of appeals.

Business C Central business;  
Residence B Multifamily, low density;  
Residence C Multifamily, medium density;  
Residence D Multifamily, high density;

Residence B: Min lot size  
1-3 units: 6,750 sf  
4-5 units: 6,750 sf  
6-16 units: 6,750 sf  
17 units and up: 6,750 sf

Residence B: Minimum lot area per dwelling unit

1-3 units: 2,500 sf  
4-5 units: 3,500 sf  
6-16 units: 4,500 sf  
17 units and up: 4,500 sf

Res C: 14,000 sf for min lot size, 2,000 sf for minimum lot area per dwelling unit

Res D: 42,000 sf min lot size; 2,500 sf for min lot area per dwelling unit.

Business C: 5,000 sf for min lot size.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Zoning Ordinance City of Quincy, Section - Definitions (On website: <http://www.bpcnet.com/codes/quincy/>, 8/13/04)

Dwelling, Multifamily. "Multifamily dwelling" means a building or structure designed for occupancy as a residence by more than two families, but not including attached dwellings; an apartment house.

Zoning Ordinance City of Quincy, Section 17.16.020 (On website: <http://www.bpcnet.com/codes/quincy/>, 8/13/04)

According to the Table of Use Regulations, "multifamily dwellings" are allowed by right in Residence Districts B, C, and D, as well as business district C. They are allowed by special permit in business districts A and B. Lodging houses are also allowed by right in Residence C and Business B and C. Dormitories are also allowed by right in Residence C and Business B.

\*\*\*

According to Dennis Harrington, Director of Planning, (8/13/04) while the City is largely builtout, multifamily by right is being developed, and there is room to demolish businesses and construct multifamily.

\*\*\*

Section 17.20.040 Table of dimensional requirements--Explanatory notes.

A. Table of Dimensional Requirements.

Zoning Ordinance City of Quincy, Section 17.20.060 (On website: <http://www.bpcnet.com/codes/quincy/>, 8/13/04)

Section 17.20.060 Lot size, area and width.

A. Minimum Requirements. Where minimum lot requirements are established in Section 17.20.040, no building or use shall be erected or established on any lot of lesser size.

B. Multifamily Dwelling Units. For each multifamily dwelling unit providing its parking requirements as set forth in Section 17.28.020 within the principal structure or within an accessory parking structure, the lot area required for one dwelling unit may be reduced by ten percent upon special permission of the board of appeals.

Business C Central business;  
Residence B Multifamily, low density;  
Residence C Multifamily, medium density;  
Residence D Multifamily, high density;

Residence B: Min lot size  
1-3 units: 6,750 sf  
4-5 units: 6,750 sf  
6-16 units: 6,750 sf  
17 units and up: 6,750 sf

Residence B: Minimum lot area per dwelling unit  
1-3 units: 2,500 sf  
4-5 units: 3,500 sf  
6-16 units: 4,500 sf  
17 units and up: 4,500 sf

Res C: 14,000 sf for min lot size, 2,000 sf for minimum lot area per dwelling unit

Res D: 42,000 sf min lot size; 2,500 sf for min lot area per dwelling unit.

Business C: 5,000 sf for min lot size.

\*\*\*

Zoning Ordinance City of Quincy, Section 17.20.040 (On website: <http://www.bpcnet.com/codes/quincy/>, 8/13/04)

B. Explanatory Notes.

1. In Residence A districts buildings shall be set back so as to conform to the average alignment of dwellings already erected on the same side of the street within three hundred feet on each side of the lot, except that no building shall be set back less than twenty-five feet and no building shall be set back more than fifty-five feet.

2. Multifamily residence and mixed use of a building are permitted within a Business A and B district with the issuance of a special permit in accordance with the standards and procedures of Sections 17.04.170 through 17.04.200 by the zoning board of appeals. Residential buildings and uses within Business A districts obtaining special permits, as provided herein, shall conform to all requirements of Residence B districts. Residential buildings and uses within Business B districts obtaining special permits, as provided herein, shall conform to all the requirements of Residence C districts. Multifamily residences and mixed use of a building are permitted within a Business C district; provided, that residential buildings and uses within a Business C district have a maximum FAR of three and five tenths, minimum lot size of forty-two thousand square feet, minimum lot area per dwelling unit of three hundred twenty-five square feet, minimum front, rear and side yards of one quarter the height of the building, minimum lot frontage and lot width of one hundred feet and minimum open space per dwelling unit of one hundred square feet. The site plans of buildings containing twelve units or more must be reviewed by the planning board.

3. Applies only to buildings hereafter constructed.

4. Notwithstanding the number of allowable stories, no residential building shall be more than sixty feet above the existing average grade exclusive of those necessary features appurtenant thereto as enumerated in Section 17.20.080, except for buildings in a PUD or PUD 1 district and commercial buildings where the height shall not be more than eighty feet above existing average grade. In no case shall any building exceed six stories except for those buildings in a PUD or PUD 1 district. Any commercial building with residential housing will be subject to the six-story above-grade limitation. These amendments shall not apply to any building for which a permit to construct foundations was issued prior to January 1, 1987.

5. Notwithstanding any provisions in the zoning by-law to the contrary, the minimum lot area per dwelling unit is two thousand five hundred square feet for residential uses as may be permitted in other districts, including Business A, B and C. (Ord. 99-106; Ord. 97-332; prior code Ch. 24, § 52)

\*\*\*

Multifamily housing is allowed by special permit in Business A and B districts. Minimum lot size requirements in these districts are 5,000 sf.

## Randolph

### Is multi-family housing allowed by right in any part of the municipality?

**No** Letter received from Mary McNeil, Building Commissioner, on 5/17/05:

"1. Multifamily uses are allowed in particular zoned areas. Three families are not allowed unless they are part of a multifamily zone.

2. Multifamily uses in the multifamily zone do not require any other zoning approvals if it conforms with the area requirements of one acre and with 100' of frontage. (See 200-37 and 200-34.B.) Multifamily 55 Plus was adopted in 2002 and a copy of 200-14.B. is included with this letter.

3. No new mixed uses are currently allowed. There is a proposed article to allow this in the downtown business district before the spring town meeting.

4. No special permit for multifamily in the correct zone. If an existing three family is not in a multifamily zone and wishes to add/alter the premises, they would need to go to the Board of Appeals for a special permit to alter/add to the non-conforming use prior to doing any work."

\*\*\*

Mary McNeil (11/23/04) said that multifamily is a use listed in the bylaw, but the town meeting must re-zone land in order for multifamily to be built.

Town of Randolph Zoning Bylaw, Section 200-14 (Amended 2003).  
Section 200-14 MULTIFAMILY DISTRICTS

No building or structure shall be erected in a Multifamily District which is designed or intended to be used as a single-family dwelling unit or for a mercantile, mechanical, manufacturing or other commercial use on land situated in Multifamily Districts or zones, except as hereinunder provided.

A. Permitted uses. The following uses are permitted in a Multifamily District:

(1) Multifamily apartment house as defined in the State Building Code for exclusive residential occupancy, but not stores or offices in such buildings, except that one room in one residential suite in such a building may be used as an office for renting apartments in that building. No building may be constructed unless public sewerage is available, under the rules and regulations of the Sewer Department of the Town of Randolph.

(2) Houses of worship, schools, public libraries, public museums, parish houses and philanthropic institutions.

(3) Erecting or maintaining signs as permitted in Article IX of this chapter.

B. Permitted uses. A Multi Family Fifty-Five (55) Plus dwelling shall constitute housing intended for persons of age fifty-five or over within the meaning of Mass. General Laws, c. 151B, Section 4 and 42 U.S.C. Section 3601, and in accordance therewith, one hundred percent (100%) of the dwelling units shall be owned and occupied by at least one person fifty-five years of age or older per dwelling unit and such development shall be operated and maintained in all other respects in compliance with the requirements of such statutes and regulations promulgated pursuant thereto, as the same are currently in effect and as the same may be amended. The following uses are permitted in a Multi-family Fifty-Five (55) Plus District:

1. Multi-family dwelling as defined in this bylaw. No building may be constructed unless public . sewerage is available under the rules and regulations of the Sewer Department of the Town of Randolph.

2. Houses of worship, schools, public libraries, public museums, parish houses and philanthropic institutions.

3. Erecting or maintaining signs as permitted in Article IX of this bylaw.

4. Cluster development and construction permitted for those sites containing a minimum of five (5) acres, pursuant to MGL 40A sec. 9 and in accordance with MGL 41 sec. 81K to 81GG inclusive.

\*\*\*

From Randolph bylaw, definitions:

(a) DWELLING, MULTIFAMILY : a building containing more than two dwelling units.

\*\*Webmasters Note: The previous definition has been added as per an update approved at a town meeting held on 11/18/02.

(b) DWELLING, MULTIFAMILY FIFTY-FIVE (55) PLUS : A multi-family dwelling as defined by this bylaw for exclusive residential occupancy by persons fifty-five (55) years or older.

\*\*Webmasters Note: The previous definition has been added as per an update approved at a town meeting held on 11/18/02.

\*\*\*

#### DESIGN REVIEW Section 200-91 PURPOSE

#### Section 200-93 REVIEWABLE ACTIONS

The following types of actions shall be subject to review by the Design Review Board and shall be subject to the design standards herein.

A. Actions in Business Districts, Business Professional Districts, Multifamily Districts and Industrial Districts

(1) In Business Districts, Business Professional Districts, Multifamily Districts and Industrial Districts, all new armatures, alterations, or additions to existing structures, changes in outdoor land use or changes in site design which require a

(1) Building permit, Special Permit, or Variance and which affect the exterior architectural appearance of a site shall be subject to review by the Design Review Board,

(2) All construction, alteration, demolition, or removal except for emergency removal or demolition for public safety purposes, that affects the exterior architectural appearance of a building or the appearance of a site in Business Districts, Business Professional Districts, Multifamily Districts and Industrial Districts shall be subject to review by the Design Review Board.

(3) For purposes of the subsection, "exterior architectural appearance" shall be defined as the architectural character and general composition of the exterior of a building including but not limited to, the kind, color, and texture of buildings materials, including paint color, and the type, design, and character of all windows, doors, light fixtures, signs, awnings, utility, and ventilation structures and all other appurtenant elements.

(4) For purposes of this subsection, the "appearance" of a site shall be defined as the character, layout, and general composition of

the site, including but not limited to, the kind, color, and texture of such materials as plantings, paving, benches, site lighting, free-standing signs, utility structures, and all other appurtenant elements.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Letter received from Mary McNeil, Building Commissioner, on 5/17/05:

"1. Multifamily uses are allowed in particular zoned areas. Three families are not allowed unless they are part of a multifamily zone.  
2. Multifamily uses in the multifamily zone do not require any other zoning approvals if it conforms with the area requirements of one acre and with 100' of frontage. (See 200-37 and 200-34.B.) Multifamily 55 Plus was adopted in 2002 and a copy of 200-14.B. is included with this letter."

\*\*\*

Mary McNeil (11/23/04) said that multifamily is a use listed in the bylaw, but the town meeting must re-zone land in order for multifamily to be built.

Town of Randolph Zoning Bylaw, Section 200-14 (Amended 2003).  
Section 200-14 MULTIFAMILY DISTRICTS

No building or structure shall be erected in a Multifamily District which is designed or intended to be used as a single-family dwelling unit or for a mercantile, mechanical, manufacturing or other commercial use on land situated in Multifamily Districts or zones, except as hereinunder provided.

A. Permitted uses. The following uses are permitted in a Multifamily District:

(1) Multifamily apartment house as defined in the State Building Code for exclusive residential occupancy, but not stores or offices in such buildings, except that one room in one residential suite in such a building may be used as an office for renting apartments in that building. No building may be constructed unless public sewerage is available, under the rules and regulations of the Sewer Department of the Town of Randolph.

(2) Houses of worship, schools, public libraries, public museums, parish houses and philanthropic institutions.

(3) Erecting or maintaining signs as permitted in Article IX of this chapter.

B. Permitted uses. A Multi Family Fifty-Five (55) Plus dwelling shall constitute housing intended for persons of age fifty-five or over within the meaning of Mass. General Laws, c. 151B, Section 4 and 42 U.S.C. Section 3601, and in accordance therewith, one hundred percent (100%) of the dwelling units shall be owned and occupied by at least one person fifty-five years of age or older per dwelling unit and such development shall be operated and maintained in all other respects in compliance with the requirements of such statutes and regulations promulgated pursuant thereto, as the same are currently in effect and as the same may be amended. The following uses are permitted in a Multi-family Fifty-Five (55) Plus District:

1. Multi-family dwelling as defined in this bylaw. No building may be constructed unless public . sewerage is available under the rules and regulations of the Sewer Department of the Town of Randolph.

2. Houses of worship, schools, public libraries, public museums, parish houses and philanthropic institutions.

3. Erecting or maintaining signs as permitted in Article IX of this bylaw.

4. Cluster development and construction permitted for those sites containing a minimum of five (5) acres, pursuant to MGL 40A sec. 9 and in accordance with MGL 41 sec. 81K to 81GG inclusive.

\*\*\*

From Randolph bylaw on ordinance.com, definitions:

(a) DWELLING, MULTIFAMILY : a building containing more than two dwelling units.

\*\*Webmasters Note: The previous definition has been added as per an update approved at a town meeting held on 11/18/02.

(b) DWELLING, MULTIFAMILY FIFTY-FIVE (55) PLUS : A multi-family dwelling as defined by this bylaw for exclusive residential occupancy by persons fifty-five (55) years or older.

\*\*Webmasters Note: The previous definition has been added as per an update approved at a town meeting held on 11/18/02.

\*\*\*

DESIGN REVIEW  
Section 200-91 PURPOSE

Section 200-93 REVIEWABLE ACTIONS

The following types of actions shall be subject to review by the Design Review Board and shall be subject to the design standards herein.

A. Actions in Business Districts, Business Professional Districts, Multifamily Districts and Industrial Districts

(1) In Business Districts, Business Professional Districts, Multifamily Districts and Industrial Districts, all new armatures, alterations, or additions to existing structures, changes in outdoor land use or changes in site design which require a

(1) Building permit, Special Permit, or Variance and which affect the exterior architectural appearance of a site shall be subject to review by the Design Review Board,

(2) All construction, alteration, demolition, or removal except for emergency removal or demolition for public safety purposes, that affects the exterior architectural appearance of a building or the appearance of a site in Business Districts, Business Professional Districts, Multifamily Districts and Industrial Districts shall be subject to review by the Design Review Board.

(3) For purposes of the subsection, "exterior architectural appearance" shall be defined as the architectural character and general composition of the exterior of a building including but not limited to, the kind, color, and texture of buildings materials, including paint color, and the type, design, and character of all windows, doors, light fixtures, signs, awnings, utility, and ventilation structures and all other appurtenant elements.

(4) For purposes of this subsection, the "appearance" of a site shall be defined as the character, layout, and general composition of the site, including but not limited to, the kind, color, and texture of such materials as plantings, paving, benches, site lighting, free-standing signs, utility structures, and all other appurtenant elements.

\*\*\*

"In a Moderate Density District (RM) each lot must have, as a minimum, sixteen thousand (16,000) square feet, with a frontage of not less than one hundred and twenty (120) feet and a depth and width of not less than eighty-five (85) feet."

\*\*\*

From ordinance.com:

ARTICLE VI Area Regulations  
Section 200-27 MINIMUM LOT AREA

In a Residential District or zone no dwelling shall be erected, altered or used except on lots as specified below:

A. For single-family dwellings, each lot must have, as a minimum, in a High Density District (RH) twelve thousand (12,000) square feet, with a frontage of not less than one hundred (100) feet and a depth of not less than one hundred (100) feet and a width of not less than seventy-five (75) feet. In a Moderate Density District (RM) each lot must have, as a minimum, sixteen thousand (16,000) square feet, with a frontage of not less than one hundred and twenty (120) feet and a depth and width of not less than eighty-five (85) feet.

\*\*Webmasters Note: The previous subsection has been amended as per an ordinance approved at a town meeting held on 4/23/01.

C. For two-family dwellings, whether new or by conversion of an existing one-family dwelling, each lot must have, as a minimum, twenty thousand (20,000) square feet, consisting of a frontage of not less than one hundred thirty (130) feet and a depth and a width of not less than one hundred (100) feet. Two-family dwellings must be first approved by the Planning Board by special permit as, required by Article VIII of this chapter.

D. In all districts, frontage may be measured at the front yard setback line if the street is an arc of a curve with a radius of one hundred (100) feet or less, provided that in any event there shall be not less than seventy-five percent (75%) of the required frontage at the street line. Notwithstanding the above provision, where the literal enforcement of this subsection would substantially diminish the value of the land, due to the shallowness or other irregularity of the lot boundaries or the curved or other peculiarity of the street location or other valid reason, the owner thereof may apply to the Board of Appeals for relief, and said Board shall grant, upon equitable terms and conditions, such relief as will carry out the intent of this chapter, but in no event to reduce the frontage to less than eighty-five (85) feet or reduce the minimum lot area for single-family dwellings below seven thousand five hundred (7,500) square feet or two-family dwellings below fifteen thousand (15,000) square feet.

E. A child care facility shall be permitted only on: (1) a lot which, with all its structures conform to the requirements of these By-laws, or (2) a lawfully nonconforming lot or structure as to which the area of the lot is not less than 10,000 square feet. [Added 4-20-99 ATM, Art. 7, approved 8-23-1999]

# Raynham

## Is multi-family housing allowed by right in any part of the municipality?

**Yes** Town of Raynham Zoning Bylaw (Amended 2003)

### 4.1.2 RESIDENTIAL B DISTRICT

- A. Any use permitted in Residential District "A."
- B. Multi-family dwellings. (amended S.T.M. 2/12/90)
- C. Cluster multi-family development. (added A.T.M.5/21/90)

1. Cluster multi-family developments shall only be permitted in "Residential B" district (and in no other district, including "General Use" district) upon issuance of "Site Plan Approval" from the Raynham Planning Board.

### Section 10 Definitions

**MULTI-FAMILY DWELLINGS:** A building occupied by more than one family living independently in separate dwelling units. Each dwelling unit shall be separated by sound-proof partition walls and/or floors from each other, with each unit having individual living, sleeping, kitchen and toilet facilities. Each building shall occupy one lot. Professional offices and home occupations are specifically excluded from "Multi-Family Dwellings". (added S.T.M. 2/12/90)

**DWELLING MULTI-FAMILY: (\*See Apartment House below)**

**DWELLING UNIT:** Living quarter for a single family with cooking, living, sanitary and sleeping facilities independent of any other unit. (also family unit)

**APARTMENT HOUSE:** is a multi-family dwelling. (added S.T.M. 2/12/90)

### 6.8 APARTMENTS

#### 6.8.1 GENERAL PROVISIONS

An apartment house is herewith defined as a multi-family dwelling. Each dwelling unit shall be separated by soundproof partition walls and/or floors from each other, with each unit having individual living, sleeping, kitchen and toilet facilities. Each building shall occupy one lot. Professional offices and home occupations are specifically excluded from multi-family dwellings. (amended S.T.M 2/12/90)

#### 6.8.2 HEIGHT AND BULK REGULATIONS

Apartment houses may be constructed subject to the following rules and regulations:

- (a). Maximum height shall be limited to thirty-five (35) feet above the average elevation of the finished grades of the building lot. Height shall be measured to the highest point on the roof of the building.
- (b). Maximum number of stories shall be limited to three including the basement level. A story is defined as that part of a building between any floor and the floor or roof next above. For the purpose of this Zoning By-Law, where a building is not divided into stories, a story shall be considered fifteen (15) feet in height. Steeples, cupolas, stage lofts, and the like shall not be considered as additional stories.
- A basement, or cellar, to be inhabited, must have the ceiling not less than five (5) feet above the average elevation of the land immediately surrounding the building foundation wall.
- (c). Floor-area ratio shall not exceed 40%. The floor-area ratio is defined as the ratio of the net floor area of the apartment building to the total lot area. Net floor area is the sum of the areas used for living, sleeping, kitchen and toilet use only, of the several floors of a building, measured from the exterior faces of the walls but shall not include areas used for hallways, closets and the like.
- (d). Minimum residential floor area is five hundred (500) square feet of living space per dwelling unit. Living space shall mean the total of the floor area of the rooms used or intended to be used as living, sleeping, and kitchen purposes only.
- (e). No more than twelve (12) one bedroom units, or eight (8) two (2) bedroom units allowable in each apartment building.

#### 6.8.3 AREA AND WIDTH REGULATIONS

- (a). The minimum lot size shall consist of not less than 43,560 square feet for the first family unit, plus an additional 4,000 square feet for each additional family unit, and not less than 250 feet wide. (amended S.T.M. 2/12/90)
- (b). The minimum lot size shall consist of not less than 60,000 square feet for the first family unit, plus an additional five thousand square feet for each additional family unit and no less than 200 feet wide where water is not supplied by the North or Center Water Districts.

#### 6.8.4 YARD REGULATIONS

- (a). Rear Yard—minimum depth shall not be less than fifty (50) feet, or other regulations by the Board of Health. Rear yard shall mean space unoccupied, extending for the full width of the lot between the rear line of the building wall and the rear lot line.
- (b). Side Yard—minimum width shall not be less than 30 feet. Side Yard shall mean an unoccupied space extending for the full length of a building wall and the side lot line.
- (c). Front Yard—minimum depth shall not be less than 100 feet. Front Yard shall mean a space extending for the full width of the lot between the front line of the nearest building wall and the street line.
- (d). Corner Lot—Yard requirements for lots located on the corners of two street shall be considered as two (2) front yards, one side yard, and one (1) rear yard.
- (e). Projections into required yards or other required open spaces shall not exceed four (4) feet.

#### 6.8.5 OFF-STREET PARKING REGULATIONS

- (a). Two (2) off-street delineated parking spaces shall be provided for each family unit. (amended S.T.M. 2/12/90)
- (b). The minimum size for each parking space shall be nine (9) feet wide by eighteen (18) feet long. Access areas and maneuvering

space shall be in addition to the required parking space area. (amended S.T.M. 2/12/90)

(c). No off-street parking space or accessory off-street parking shall be permitted within front yard areas.

(d). All parking areas containing more than five (5) parking spaces shall be effectively screened on the side that faces the side and/or rear lot line. The screening shall consist of a solid fence or wall not less than four (4) nor more than six (6) feet in height, or use of shrubbery, or both.

(e). Parking spaces shall be arranged so that no motor vehicle will be parked within twenty (20) feet of any side lot line, or within twenty (20) feet of any rear lot line except for interior adjoining sideline belonging to the same owner. (amended S.T.M. 2/12/90)

(f). Boarding houses must comply with all sections of 6.8.5. (amended S.T.M. 2/12/90)

#### 6.8.6 SITE PLANS

(a). A site plan shall be submitted to the Inspector of Buildings and Planning Board and shall show the following.

(1). Dimensions of lot.

(2). All proposed buildings.

(3). Structures.

(4). Parking facilities.

(5). Service areas.

(6). Open space, buffer zones and green spaces.

(7). Front, side, and rear yard areas.

(8). Any other information as may be necessary to determine that the requirements of the preceding sections shall be met.

\*\*\*

According to the municipal planner, is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?

According to the town planner (10/19/04), there is multifamily housing zoned by right on undeveloped land. There have been two recent successful developments.

\*\*\*

According to Article 5 - Minimum Requirements, Multi-family must have a minimum lot area of 43,560 square feet plus 4,000 square feet per unit.

\*\*\*

#### 4.1.2 RESIDENTIAL B DISTRICT

A. Any use permitted in Residential District "A."

B. Multi-family dwellings. (amended S.T.M. 2/12/90)

C. Cluster multi-family development. (added A.T.M.5/21/90)

1. Cluster multi-family developments shall only be permitted in "Residential B" district (and in no other district, including "General Use" district) upon issuance of "Site Plan Approval" from the Raynham Planning Board.

2. Purposes:

The purposes of open space multi-family development are to:

a. Allow for greater flexibility and creativity in the design of multi-family subdivisions, provided that the overall density of the development is no greater than what is normally allowed in a Residential B district.

b. Encourage the permanent preservation of open space, agricultural lands, and other natural resources.

c. Facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner.

d. Encourage a less sprawling form of development that consumes less open land, and offers more protection for wetland and conservation areas.

3. Additional General Requirements:

The following standards shall be used as additional requirements in the site plan approval process for all cluster developments.

a. The development shall include multi-family dwellings only.

b. There shall be adequate, safe, and convenient arrangement, to be determined by the Raynham Planning Board, of pedestrian circulation, recreational facilities, roadways and parking.

c. The site plan shall identify the location and extent of all wetlands on the site.

d. All site plans shall be in compliance with all of Raynham Zoning By-Laws for Residential B districts, except that portion of Section 6.8.1 of the Raynham Zoning By-Laws which reads "Each building shall occupy one lot"; and no site plan shall be approved if the Raynham Planning Board receives written opposition from the Raynham Board of Health based upon Raynham Board of Health Rules and Regulations.

4. Additional Utility Requirements:

The applicant shall submit a public sewer connection or septic system design prepared by a certified engineer and the location of public water lines or private well locations.

5. Dimensional and Density Requirements:

a. The maximum number of dwelling units permitted in a cluster development shall not be greater than the number of dwelling units that would be allowed in a Residential B subdivision.

b. Under the supervision of the Board of Health, percolation tests shall be conducted for all septic system locations.

c. The minimum street, rear and side yard setbacks shall be the same as required in a Residential B district. (See Section 5.1 of the Raynham Zoning By-Laws.)

d. There shall be no more than sixteen (16) bedrooms per building, and in any event, no more than twelve (12) units allowed in any one building.

e. No multi-family building will be located within sixty (60) feet of any one building.

6. Common Open Space Requirements:

All land not devoted to dwellings, accessory uses, roads, parking or other developments shall be set aside as common land for recreation, conservation, or agricultural uses which preserve the land in essentially its natural condition. The said common land will be maintained by the owner.

7. Procedures for Site Plan Approval:

All preliminary Site Plans shall conform to all the Rules and Regulations of the Raynham Planning Board as if it were a Form B Preliminary Subdivision Plan. All definitive Site Plans shall conform to all the Rules and Regulations of the Raynham Planning Board as if it were a Form C Definitive Subdivision Plan.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Raynham Zoning Bylaw (Amended 2003)

4.1.2 RESIDENTIAL B DISTRICT

A. Any use permitted in Residential District "A."

B. Multi-family dwellings. (amended S.T.M. 2/12/90)

C. Cluster multi-family development. (added A.T.M.5/21/90)

1. Cluster multi-family developments shall only be permitted in "Residential B" district (and in no other district, including "General Use" district) upon issuance of "Site Plan Approval" from the Raynham Planning Board.

Section 10 Definitions

MULTI-FAMILY DWELLINGS: A building occupied by more than one family living independently in separate dwelling units. Each dwelling unit shall be separated by sound-proof partition walls and/or floors from each other, with each unit having individual living, sleeping, kitchen and toilet facilities. Each building shall occupy one lot. Professional offices and home occupations are specifically excluded from "Multi-Family Dwellings". (added S.T.M. 2/12/90)

DWELLING MULTI-FAMILY:(\*See Apartment House below)

DWELLING UNIT: Living quarter for a single family with cooking, living, sanitary and sleeping facilities independent of any other unit. (also family unit)

APARTMENT HOUSE: is a multi-family dwelling. (added S.T.M. 2/12/90)

6.8 APARTMENTS

6.8.1 GENERAL PROVISIONS

An apartment house is herewith defined as a multi-family dwelling. Each dwelling unit shall be separated by soundproof partition walls and/or floors from each other, with each unit having individual living, sleeping, kitchen and toilet facilities. Each building shall occupy one lot. Professional offices and home occupations are specifically excluded from multi-family dwellings. (amended S.T.M 2/12/90)

6.8.2 HEIGHT AND BULK REGULATIONS

Apartment houses may be constructed subject to the following rules and regulations:

- (a). Maximum height shall be limited to thirty-five (35) feet above the average elevation of the finished grades of the building lot. Height shall be measured to the highest point on the roof of the building.
  - (b). Maximum number of stories shall be limited to three including the basement level. A story is defined as that part of a building between any floor and the floor or roof next above. For the purpose of this Zoning By-Law, where a building is not divided into stories, a story shall be considered fifteen (15) feet in height. Steeples, cupolas, stage lofts, and the like shall not be considered as additional stories.
- A basement, or cellar, to be inhabited, must have the ceiling not less than five (5) feet above the average elevation of the land immediately surrounding the building foundation wall.
- (c). Floor-area ratio shall not exceed 40%. The floor-area ratio is defined as the ratio of the net floor area of the apartment building to the total lot area. Net floor area is the sum of the areas used for living, sleeping, kitchen and toilet use only, of the several floors of a building, measured from the exterior faces of the walls but shall not include areas used for hallways, closets and the like.
  - (d). Minimum residential floor area is five hundred (500) square feet of living space per dwelling unit. Living space shall mean the total of the floor area of the rooms used or intended to be used as living, sleeping, and kitchen purposes only.
  - (e). No more than twelve (12) one bedroom units, or eight (8) two (2) bedroom units allowable in each apartment building.

#### 6.8.3 AREA AND WIDTH REGULATIONS

- (a). The minimum lot size shall consist of not less than 43,560 square feet for the first family unit, plus an additional 4,000 square feet for each additional family unit, and not less than 250 feet wide. (amended S.T.M. 2/12/90)
- (b). The minimum lot size shall consist of not less than 60,000 square feet for the first family unit, plus an additional five thousand square feet for each additional family unit and no less than 200 feet wide where water is not supplied by the North or Center Water Districts.

#### 6.8.4 YARD REGULATIONS

- (a). Rear Yard—minimum depth shall not be less than fifty (50) feet, or other regulations by the Board of Health. Rear yard shall mean space unoccupied, extending for the full width of the lot between the rear line of the building wall and the rear lot line.
- (b). Side Yard—minimum width shall not be less than 30 feet. Side Yard shall mean an unoccupied space extending for the full length of a building wall and the side lot line.
- (c). Front Yard—minimum depth shall not be less than 100 feet. Front Yard shall mean a space extending for the full width of the lot between the front line of the nearest building wall and the street line.
- (d). Corner Lot—Yard requirements for lots located on the corners of two street shall be considered as two (2) front yards, one side yard, and one (1) rear yard.
- (e). Projections into required yards or other required open spaces shall not exceed four (4) feet.

#### 6.8.5 OFF-STREET PARKING REGULATIONS

- (a). Two (2) off-street delineated parking spaces shall be provided for each family unit. (amended S.T.M. 2/12/90)
- (b). The minimum size for each parking space shall be nine (9) feet wide by eighteen (18) feet long. Access areas and maneuvering space shall be in addition to the required parking space area. (amended S.T.M. 2/12/90)
- (c). No off-street parking space or accessory off-street parking shall be permitted within front yard areas.
- (d). All parking areas containing more than five (5) parking spaces shall be effectively screened on the side that faces the side and/or rear lot line. The screening shall consist of a solid fence or wall not less than four (4) nor more than six (6) feet in height, or use of shrubbery, or both.
- (e). Parking spaces shall be arranged so that no motor vehicle will be parked within twenty (20) feet of any side lot line, or within twenty (20) feet of any rear lot line except for interior adjoining sideline belonging to the same owner. (amended S.T.M. 2/12/90)
- (f). Boarding houses must comply with all sections of 6.8.5. (amended S.T.M. 2/12/90)

#### 6.8.6 SITE PLANS

- (a). A site plan shall be submitted to the Inspector of Buildings and Planning Board and shall show the following.
  - (1). Dimensions of lot.
  - (2). All proposed buildings.
  - (3). Structures.
  - (4). Parking facilities.
  - (5). Service areas.
  - (6). Open space, buffer zones and green spaces.
  - (7). Front, side, and rear yard areas.
  - (8). Any other information as may be necessary to determine that the requirements of the preceding sections shall be met.

\*\*\*

According to the municipal planner, is there multifamily housing zoned by right on AVAILABLE/UNDEVELOPED land in the municipality?

According to the town planner (10/19/04), there is multifamily housing zoned by right on undeveloped land. There have been two recent successful developments.

\*\*\*

According to Article 5 - Minimum Requirements, Multi-family must have a minimum lot area of 43,560 square feet plus 4,000 square feet per unit.

\*\*\*

#### 4.1.2 RESIDENTIAL B DISTRICT

- A. Any use permitted in Residential District "A."
- B. Multi-family dwellings. (amended S.T.M. 2/12/90)
- C. Cluster multi-family development. (added A.T.M.5/21/90)

1. Cluster multi-family developments shall only be permitted in "Residential B" district (and in no other district, including "General Use" district) upon issuance of "Site Plan Approval" from the Raynham Planning Board.

##### 2. Purposes:

The purposes of open space multi-family development are to:

- a. Allow for greater flexibility and creativity in the design of multi-family subdivisions, provided that the overall density of the development is no greater than what is normally allowed in a Residential B district.
- b. Encourage the permanent preservation of open space, agricultural lands, and other natural resources.
- c. Facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner.
- d. Encourage a less sprawling form of development that consumes less open land, and offers more protection for wetland and conservation areas.

##### 3. Additional General Requirements:

The following standards shall be used as additional requirements in the site plan approval process for all cluster developments.

- a. The development shall include multi-family dwellings only.
- b. There shall be adequate, safe, and convenient arrangement, to be determined by the Raynham Planning Board, of pedestrian circulation, recreational facilities, roadways and parking.
- c. The site plan shall identify the location and extent of all wetlands on the site.
- d. All site plans shall be in compliance with all of Raynham Zoning By-Laws for Residential B districts, except that portion of Section 6.8.1 of the Raynham Zoning By-Laws which reads "Each building shall occupy one lot"; and no site plan shall be approved if the Raynham Planning Board receives written opposition from the Raynham Board of Health based upon Raynham Board of Health Rules and Regulations.

##### 4. Additional Utility Requirements:

The applicant shall submit a public sewer connection or septic system design prepared by a certified engineer and the location of public water lines or private well locations.

##### 5. Dimensional and Density Requirements:

- a. The maximum number of dwelling units permitted in a cluster development shall not be greater than the number of dwelling units that would be allowed in a Residential B subdivision.
- b. Under the supervision of the Board of Health, percolation tests shall be conducted for all septic system locations.
- c. The minimum street, rear and side yard setbacks shall be the same as required in a Residential B district. (See Section 5.1 of the Raynham Zoning By-Laws.)
- d. There shall be no more than sixteen (16) bedrooms per building, and in any event, no more than twelve (12) units allowed in any one building.
- e. No multi-family building will be located within sixty (60) feet of any one building.

##### 6. Common Open Space Requirements:

All land not devoted to dwellings, accessory uses, roads, parking or other developments shall be set aside as common land for recreation, conservation, or agricultural uses which preserve the land in essentially its natural condition. The said common land will be maintained by the owner.

##### 7. Procedures for Site Plan Approval:

All preliminary Site Plans shall conform to all the Rules and Regulations of the Raynham Planning Board as if it were a Form B Preliminary Subdivision Plan. All definitive Site Plans shall conform to all the Rules and Regulations of the Raynham Planning Board as if it were a Form C Definitive Subdivision Plan.

## Reading

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Town of Reading Zoning Bylaw, Section 4.2.2 Table of Uses, 2003 lists that there is multifamily housing (apartment) zoned by right in the Residential A-40 district and the Residential A-80 district.

\*\*\*

From ordinance.com:

2.2.2. APARTMENT : A dwelling arranged, intended or designed to be occupied by more than two (2) families.

2.2.30.1. TOWNHOUSE : A dwelling unit arranged, intended or designed to be occupied by a single family which is attached to one or more other single family dwelling units by one or more common walls, with each dwelling unit having its own exterior entrance. Each dwelling unit may be owned by a separate owner.

2.2.30.2. TOWNHOUSE DEVELOPMENT : A development of land with townhouses located in a Residence S-10 District and which is governed by the provisions of Paragraph 4.6. A townhouse development shall not be limited to one principal structure per lot. A swimming pool, club house, tennis courts and other usual single family accessory uses and facilities may be allowed as part of the Special Permit issued by the Board of Appeals in a townhouse development, subject to conditions imposed by the Board.

\*\*\*

#### 4.3.3. SITE PLAN REVIEW

4.3.3.1. Applicability. The following types of activities and uses require site plan review by the CPDC:

a. Construction, exterior alteration or exterior expansion of, or change of use within an institutional, commercial, industrial, or multi-family structure with four or more dwelling units;

b. Construction or expansion of a parking lot for an institutional, commercial, industrial, or multi-family structure or purpose.

\*\*\*

In areas zoned for multifamily by right (apartments), the minimum lot area is:

40,000 sq. ft in the Apartment 40 district and 80,000 sq. ft. in the apartment 80 district.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** Town of Reading Zoning Bylaw, Section 4.2.2 Table of Uses, 2003 lists that there is multifamily housing (apartment) zoned by right in the Residential A-40 district and the Residential A-80 district.

\*\*\*

From ordinance.com:

2.2.2. APARTMENT : A dwelling arranged, intended or designed to be occupied by more than two (2) families.

2.2.30.1. TOWNHOUSE : A dwelling unit arranged, intended or designed to be occupied by a single family which is attached to one or more other single family dwelling units by one or more common walls, with each dwelling unit having its own exterior entrance. Each dwelling unit may be owned by a separate owner.

2.2.30.2. TOWNHOUSE DEVELOPMENT : A development of land with townhouses located in a Residence S-10 District and which is governed by the provisions of Paragraph 4.6. A townhouse development shall not be limited to one principal structure per lot. A swimming pool, club house, tennis courts and other usual single family accessory uses and facilities may be allowed as part of the Special Permit issued by the Board of Appeals in a townhouse development, subject to conditions imposed by the Board.

\*\*\*

#### 4.3.3. SITE PLAN REVIEW

4.3.3.1. Applicability. The following types of activities and uses require site plan review by the CPDC:

- a. Construction, exterior alteration or exterior expansion of, or change of use within an institutional, commercial, industrial, or multi-family structure with four or more dwelling units;
- b. Construction or expansion of a parking lot for an institutional, commercial, industrial, or multi-family structure or purpose.

\*\*\*

In areas zoned for multifamily by right (apartments), the minimum lot area is:

40,000 sq. ft in the Apartment 40 district and 80,000 sq. ft. in the apartment 80 district.

\*\*\*

Multifamily is allowed by special permit in the PUD-R district:

4.9.6.2. Permitted Uses in PUD-R: Planned Unit Developments in an underlying residential district may contain two or more of the following uses subject to the findings of the CPDC as to net benefit and adverse impacts of the proposed PUD:

- a. Residential uses, including one family dwellings, two-family dwellings townhouses and apartments.
- b. Any or all of the uses allowed in a PUD-I in paragraphs (a), (b), (c), (f) and (h) of Section 4.9.4.2, housing for the elderly, day care facility, elder care facility, nursing home, medical clinic and ancillary offices an facilities, but only if such uses are located within 300 feet of a Town boundary.

\*\*\*

#### 4.9.6.3. Intensity of Use in PUD-R

4.9.6.3.1. Residential: The basic permitted intensity of the residential use in a PUD-R development shall not average more than six (6) units to the acre for the portions of a PUD-R development that are more than 300 feet from a municipal boundary. If developed residentially, as per Section 4.9.6.2.h., the basic permitted intensity of residential use in a PUD-R development shall not average more than eleven (11) units to the acre for the portions of a PUD-R development that lies within 300 feet of a Town boundary.

## Rehoboth

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Rehoboth Zoning Bylaw (2004)

"DWELLING, MULTI-FAMILY : A building with three or more dwelling units on a single lot, irrespective of structure type, ownership, or tenure but not as mobile homes."

#### 4.2 Business District - Use Regulations

Within any Business District a building or structure may be erected, altered or enlarged and a building structure or premises may be used for any of the following purposes and for no others:

Apartment or multi-family dwelling, subject to special permit under Article 8.0

\*\*\*

· In which districts is MF allowed by special permit?

Business, and Industrial. No reference found in definition of districts, but Industrial District is referenced in Article 8.5 Specific Uses by Special Permit, in discussion of multifamily dwellings.

Kathy Amaro of the Rehoboth Zoning Office confirmed that multifamily is permitted by special permit in the industrial district.

Article 8.5 Specific Uses by Special Permit.

"Multi-family dwellings in Business District of [sic. Should be 'or'? See note below] Industrial District (amended 5/5/95)

Conditions:

1. Multi-family dwellings shall be so located and designed that egress does not create hazard or create substantial increase in the traffic on any public way.
2. Multi-family dwellings shall be permitted only where site conditions for on-site sewage disposal are proven to be adequate by a registered engineer or sanitarian and approved by the Board of Health; and where the increased rate of storm water runoff following development is engineered to prevent harm to the environment.
3. The site shall be so designed that visibility of parking areas from public ways is minimized; lighting of parking area avoids glare on adjoining properties; major topographical changes or removal of existing trees are avoided; and effective use is made of topography, landscaping and building placement to maintain to the degree feasible, the character of the neighborhood.
4. Multi-family dwellings shall have a lot area of not less than sixty thousand (60,000) square feet per dwelling unit. There shall be not less than one hundred (100) feet from multi-family dwellings to the nearest property line or from the parking area to the nearest property line. Minimum frontage shall be four hundred (400) feet for three dwelling units; each additional unit in excess of three shall require an additional fifty (50) feet of additional, continuous frontage per unit.
5. No individual building is to contain more than six (6) dwelling units.
6. A minimum of one hundred (100) feet shall be maintained between multi-family buildings on a lot.
7. Multi-family dwellings shall be erected, altered as to the exterior, or enlarged, only in conformity with a site plan, which shall be submitted with the application for a Special Permit. (amended 5/1/95)

Upon receipt of site plan for multi-family dwellings, the ZBA shall submit said plan to the Planning Board which shall, within thirty-five (35) days, return to the ZBA a report and determination accompanied by any materials, maps or plans that will aid in the judgement of the special permit application. The ZBA shall not process the application until said report and determination have been received and considered, or until forty-five (45) days have elapsed, without the receipt of the report and determination. The ZBA may submit the site plan to the Inspector of Buildings for his review. (amended 5/1/95)"

[Researcher note: Many bylaws on ordinance.com appear to have word recognition errors likely resulting from the scanning process and word conversion software used to get the ordinances in electronic form. e.g. all instances of the letter 'i' appear in the capital form, "Board" often appears as "Hoard". The word 'or' could be misread as 'of' by the conversion software.]

## Revere

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Multifamily housing is allowed by right in Revere in the districts listed below.

The Land Use Ordinance of Revere (City)  
SUFFOLK COUNTY, MASSACHUSETTS  
Title 17 ZONING  
Chapter 17.12 DISTRICTS AND MAP\*  
17.12.010 Purpose  
17.16.040 Generally--Table of uses.

Residence C district (RC), apartment dwellings, fifty-foot height limit;  
Residence C1 district (RC1), apartment dwellings, one-hundred-twenty-foot height limit;  
Residence C2 district (RC2), apartment dwellings, two-hundred-foot height limit;  
Residence C3 district (RC3), apartment dwellings, three-story and six dwelling unit limit;  
Neighborhood business district (NB), neighborhood convenience business;  
General business district (GB), general business and professional offices;

\*\*\*

17.08.080 APARTMENT HOUSE . Apartment house means a dwelling for more than two families under one roof, or for one or more families above a first floor used for nonresidential purposes, including structures or buildings owned in condominium ownership under General Laws, Chapter 183A. (C.O. 83-3 Section 17-2(B)(3))e

17.08.230 DWELLING, THREE-FAMILY . Three-family dwelling means a building used for, or occupied by, three dwelling units. (C.O. 83-3 Section 17-2(B)(23))

17.08.240 DWELLING, TOWN OR ROW . Town or row dwelling means a single-family attached unit with party walls containing at least three attached units in a row. (C.O. 88-49 Section 1)

17.08.250 DWELLING, TWO-FAMILY . Two-family dwelling means a building used for, or occupied by, two dwelling units. (C.O. 83-3 Section 17-2(B)(22))

\*\*\*

#### Chapter 17.17 SITE PLAN REVIEW

##### 17.17.010 Purpose.

The purpose of this chapter is to ensure that the design and layout of new commercial, industrial and residential development will not be detrimental to the city of Revere's neighborhoods and environment. Further, the intent of the site plan review process is to regulate rather than prohibit use through reasonable conditions which may be imposed by the site plan review committee concerning the siting of buildings, open space and landscaping, parking areas, access and egress from proposed developments, drainage, sewerage, water supply and fire safety. (C.O. 90-237 Section 1(part))

##### 17.17.020 Applicability.

A. The building inspector, shall not issue a building permit unless and until a site plan review has been completed by the site plan review committee (SPRC), and, no building permit may be issued unless, in conformance with an approved site plan, except as provided in subsection B of this section and Section 17.17.040(E).

B. Site plan review is required for all uses allowed as of right or special permit and listed in Section 17.16.040, Table of Uses, and for all extensions of nonconforming uses. No building permit shall be issued in any case where a building is to be erected or externally enlarged and no area for parking, loading or vehicular service shall be established or substantially changed except in conformity with a site plan bearing an endorsement of approval by the site plan review committee. Site plan approval shall not be required in any case where a building is to be externally changed for the purpose of closing an entrance or creating a new entrance thereto and for other extension(s) to a building which in total shall not exceed one thousand square feet of gross floor area. (C.O. 90-237 Section 1(part))

\*\*\*

The Land Use Ordinance of Revere (City)  
SUFFOLK COUNTY, MASSACHUSETTS  
Title 17 ZONING  
Chapter 17.24 Dimensional Regulations  
17.24.010 Table of Dimension controls

\*\*\*

##### RC:

Minimum lot size: 10,000 sq ft  
FAR = 1.0

##### RC1:

Minimum lot size:25,000 sq ft  
FAR = 3.0

##### RC2:

Minimum lot size:25,000 sq ft  
FAR = 3.0

##### RC3:

Minimum lot size:10,000 sq ft

##### NB:

Minimum lot size:10,000 sq ft

##### GB:

Minimum lot size:10,000 sq ft  
FAR = 1.5

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Multifamily housing is allowed by right in Revere in the districts listed below.

The Land Use Ordinance of Revere (City)  
SUFFOLK COUNTY, MASSACHUSETTS  
Title 17 ZONING  
Chapter 17.12 DISTRICTS AND MAP\*  
17.12.010 Purpose  
17.16.040 Generally--Table of uses.

Residence C district (RC), apartment dwellings, fifty-foot height limit;  
Residence C1 district (RC1), apartment dwellings, one-hundred-twenty-foot height limit;  
Residence C2 district (RC2), apartment dwellings, two-hundred-foot height limit;  
Residence C3 district (RC3), apartment dwellings, three-story and six dwelling unit limit;  
Neighborhood business district (NB), neighborhood convenience business;  
General business district (GB), general business and professional offices;

\*\*\*

17.08.080 APARTMENT HOUSE . Apartment house means a dwelling for more than two families under one roof, or for one or more families above a first floor used for nonresidential purposes, including structures or buildings owned in condominium ownership under General Laws, Chapter 183A. (C.O. 83-3 Section 17-2(B)(3))e

17.08.230 DWELLING, THREE-FAMILY . Three-family dwelling means a building used for, or occupied by, three dwelling units. (C.O. 83-3 Section 17-2(B)(23))

17.08.240 DWELLING, TOWN OR ROW . Town or row dwelling means a single-family attached unit with party walls containing at least three attached units in a row. (C.O. 88-49 Section 1)

17.08.250 DWELLING, TWO-FAMILY . Two-family dwelling means a building used for, or occupied by, two dwelling units. (C.O. 83-3 Section 17-2(B)(22))

\*\*\*

Chapter 17.17 SITE PLAN REVIEW  
17.17.010 Purpose.

The purpose of this chapter is to ensure that the design and layout of new commercial, industrial and residential development will not be detrimental to the city of Revere's neighborhoods and environment. Further, the intent of the site plan review process is to regulate rather than prohibit use through reasonable conditions which may be imposed by the site plan review committee concerning the siting of buildings, open space and landscaping, parking areas, access and egress from proposed developments, drainage, sewerage, water supply and fire safety. (C.O. 90-237 Section 1(part))

17.17.020 Applicability.

A. The building inspector, shall not issue a building permit unless and until a site plan review has been completed by the site plan review committee (SPRC), and. no building permit may be issued unless, in conformance with an approved site plan, except as provided in subsection B of this section and Section 17.17.040(E).

B. Site plan review is required for all uses allowed as of right or special permit and listed in Section 17.16.040, Table of Uses, and for all extensions of nonconforming uses. No building permit shall be issued in any case where a building is to be erected or externally enlarged and no area for parking, loading or vehicular service shall be established or substantially changed except in conformity with a site plan bearing an endorsement of approval by the site plan review committee. Site plan approval shall not be required in any case where a building is to be externally changed for the purpose of closing an entrance or creating a new entrance thereto and for other extension(s) to a building which in total shall not exceed one thousand square feet of gross floor area. (C.O. 90-237 Section 1(part))

\*\*\*

The Land Use Ordinance of Revere (City)  
SUFFOLK COUNTY, MASSACHUSETTS  
Title 17 ZONING  
Chapter 17.24 Dimensional Regulations  
17.24.010 Table of Dimension controls

\*\*\*

RC:

Minimum lot size: 10,000 sq ft  
FAR = 1.0

RC1:  
Minimum lot size:25,000 sq ft  
FAR = 3.0

RC2:  
Minimum lot size:25,000 sq ft  
FAR = 3.0

RC3:  
Minimum lot size:10,000 sq ft

NB:  
Minimum lot size:10,000 sq ft

GB:  
Minimum lot size:10,000 sq ft  
FAR = 1.5

\*\*\*

Apartments are allowed by special permit in only one district - CB.

The Land Use Ordinance of Revere (City)  
SUFFOLK COUNTY, MASSACHUSETTS  
Title 17 ZONING  
Chapter 17.16 Use Regulations  
17.16.040 Generally -- Table of Uses

Apartment dwellings are allowed by special permit in CB. Townhouse dwellings are allowed by special permit in RB, RB1, CB, LI.

PUD is by special permit in all of the districts except RA, RA1, RB, RB1.

\*\*\*

17.20.150 Permitted uses.

In a PUD, the following uses are permitted:

A. Residential: apartments, only on floors above the ground floor;

\*\*\*

CB:  
4,000 sq ft  
FAR = 1.5

17.16.060 Townhouses in RB, RB1, CB and LI districts.

Townhouse dwellings erected, constructed, placed, altered, converted or otherwise changed may be allowed only by special permit in RB, RB1, CB and LI districts by the city council in conformance with the dimensional and parking control requirements of this title, except as specifically changed by this section:

A. The minimum lot size shall be ten thousand square feet with a minimum of two thousand five hundred square feet of lot area required for each unit.

B. The minimum rear yard requirement shall be twenty feet.

C. The maximum number of connected units in a row shall be eight. (C.O. 97-105 Section 5; C.O. 90-37B, 1990; C.O. 85-4A Section 36(part); C.O. 83-508A Section 6; C.O. 83-3 Section 17-5(E))

## Rockland

**Is multi-family housing allowed by right in any part of the municipality?**

**Yes** Town of Rockland Zoning Bylaw, Section 4, Residence 4 (Last Amended 2003), multifamily housing is allowed by right in the Residence 4 district, Business I District,

This was confirmed by Doug Jeffrey, building inspector, on 7/20/04.

\*\*\*

From definitions:

**MULTI-FAMILY DEVELOPMENT** . A residential development in an R-4 zone consisting of one or more buildings containing separate dwelling units. The total number of units shall be determined in accordance with Section V A. All buildings shall comply with other applicable sections of this By-Law.

**RESIDENCE, MULTI-FAMILY** . A building designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units, separated by vertical walls or horizontal floors unpierced except for access to the outside or to a common cellar.

\*\*\*

Planned Unit Developments are allowed by special permit in R-1, R-2, R-3, R-4, and B-1. In PUDs, multifamily is allowed by special permit at a density of no more than fifteen units per acre.

"Multifamily residence" is allowed by right in R-4.

"Multifamily residences, except on or below street level floors" is allowed by right in B-1.

\*\*\*

**SECTION V. BUILDING, LOT AND GENERAL DISTRICT REGULATIONS**

**A. Building And Lot Regulations**

**6. Multi-Family Developments.**

Multi-Family Developments shall be subject to the Site Plan Review Requirements of Section V (J) of this By-Law.

- a) Minimum Area. A Multi-Family Development shall include no less than one (1) acre of contiguous land.
- b) Open Space. A minimum of twenty (20) percent of site area shall be developed as public open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.
- c) Building Relationships. The arrangement of buildings and distance required between buildings shall be as set forth in Section V (H) of this By-Law.
- d) Off-Street Parking. Off-street parking facilities shall be as set forth in Section V (C) of this By-Law.
- e) Conversions of Buildings From Current Use to the Use of Dwellings

1) The conversion of a single family dwelling existing at the time of this By-Law into a two or three family dwelling may be allowed by the Zoning Board of Appeals under the Special Permit process provided that the conversion outcome will be properly zoned, the exterior design of the structure will not be changed from the character of a single family dwelling, nor shall the floor area provided for the resulting conversion unit or units be less than 650 square feet for each unit, and adequate off street parking will be provided. The new dwelling unit/units will adhere to and meet or exceed all current building, safety, health, fire codes and any other applicable codes, by-laws, regulations and ordinances.

2) The conversion of a two, three, or multi-family dwelling existing at the time of this By-Law into a three-family dwelling or multi-family dwelling beyond its current dwelling status may be allowed by the Zoning Board of Appeals under the Special Permit process provided that the proposed conversion will be properly zoned, and the exterior design of the structure will not be changed from the buildings original character, nor shall the floor area provided for the resulting conversion unit or units be less than 650 square feet for each unit, adequate off street parking will be provided. The dwelling unit/units will adhere to and meet or exceed all current building, safety, health, fire, and any other applicable codes, by-laws, regulations and ordinances.

3) Conversions of Non-Dwellings into Dwellings - The conversion of a non-dwelling, which is any building which has principal use as that other than a dwelling, into a dwelling shall adhere to all the conversion requirements of a single family dwelling provided that the non-dwelling is an accessory use of a residence zoned building. The conversions of schools, retail/wholesale establishments, and other industrial, or commercial buildings into dwelling will be allowed by the Zoning Board of Appeals under the Special Permit process provided that:

- a. the conversion will be properly zoned;

- b. exterior design shall be in harmony with neighborhood and general character of the Town;
- c. landscaping will be included in the conversion to enhance conversion;
- d. dwelling units floor area will not be less than 650 square feet.

\*\*\*

#### H. Planned Unit Developments

Planned Unit Developments may be allowed in appropriate areas of any approved residence district in conjunction with the Permitted Principal Uses therein by special permit only, and must meet the following development standards:

##### 1. General Size of Planned Unit Development

[...]

b. No tract, parcel or lot, or tracts, parcels or lots shall contain less than twenty (20) or more acres of adjoining and contiguous land and shall contain sufficient access to a State highway or to the Town road system as designated on the official or zoning map of the Town of Rockland as amended. For the purpose of this Section, internal streets, roads, and rights-of-way shall not be deemed to divide acreage of a planned unit development.

c. No more than 10,890 square feet of the land may be subject to the Rivers Protection Act. (Amended ATM May 18,1998)

##### 2. Boundary Line and Internal street Setback Requirements

###### a. Boundary Line Setback Requirements

All buildings, structures and uses shall be set back no less than twenty-five (25) feet from all external streets.

[...]

##### 4. Land Use Density

a. No areas devoted to single-family detached residential structures shall have a density in excess of four units per acre exclusive of all street rights-of-way.

b. No area or areas devoted to multi-family residences shall have a density in excess of fifteen units per acre exclusive of all street rights-of-way.

\*\*\*

#### I. Site Plan Review

##### 1. General Provisions

a. Except as provided herein, no building, excavation, or foundation activities shall be initiated unless a site plan is first submitted and approved and a building permit is issued by the Building Inspector. No certificate of occupancy shall be given unless all construction and conditions conform to the approved site plan.

b. The following activities shall not require a site plan review or approval:

1) The construction of accessory uses to single and two-family detached residences, such as: private garage, tool house, garden greenhouse, swimming pool or other similar use;

2) Repairs or improvements to the interior of a building that do not involve a structural change or enlargement of the building as determined by the Building Inspector;

3) Renovations or alterations to a building exterior that do not involve a major structural change or enlargement of the building as determined by the Building Inspector;

4) The construction, renovation or alteration of single family residence, as they are defined in Section II of the Zoning By-Law.

\*\*\*

Town of Rockland Zoning Bylaw, Section V (Last Amended 2003).

The minimum lot size is 32,670 sq. ft. and the maximum number of dwelling units per 32,670 is 4 units.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** From definitions:

**MULTI-FAMILY DEVELOPMENT** . A residential development in an R-4 zone consisting of one or more buildings containing separate dwelling units. The total number of units shall be determined in accordance with Section V A. All buildings shall comply with other applicable sections of this By-Law.

**RESIDENCE, MULTI-FAMILY** . A building designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units, separated by vertical walls or horizontal floors unpierced except for access to the outside or to a common cellar.

\*\*\*

Planned Unit Developments are allowed by special permit in R-1, R-2, R-3, R-4, and B-1. In PUDs, multifamily is allowed by special permit at a density of no more than fifteen units per acre.

"Multifamily residence" is allowed by right in R-4.

"Multifamily residences, except on or below street level floors" is allowed by right in B-1.

\*\*\*

**SECTION V. BUILDING, LOT AND GENERAL DISTRICT REGULATIONS**

**A. Building And Lot Regulations**

**6. Multi-Family Developments.**

Multi-Family Developments shall be subject to the Site Plan Review Requirements of Section V (J) of this By-Law.

a) **Minimum Area.** A Multi-Family Development shall include no less than one (1) acre of contiguous land.

b) **Open Space.** A minimum of twenty (20) percent of site area shall be developed as public open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.

c) **Building Relationships.** The arrangement of buildings and distance required between buildings shall be as set forth in Section V (H) of this By-Law.

d) **Off-Street Parking.** Off-street parking facilities shall be as set forth in Section V (C) of this By-Law.

**e) Conversions of Buildings From Current Use to the Use of Dwellings**

1) The conversion of a single family dwelling existing at the time of this By-Law into a two or three family dwelling may be allowed by the Zoning Board of Appeals under the Special Permit process provided that the conversion outcome will be properly zoned, the exterior design of the structure will not be changed from the character of a single family dwelling, nor shall the floor area provided for the resulting conversion unit or units be less than 650 square feet for each unit, and adequate off street parking will be provided. The new dwelling unit/units will adhere to and meet or exceed all current building, safety, health, fire codes and any other applicable codes, by-laws, regulations and ordinances.

2) The conversion of a two, three, or multi-family dwelling existing at the time of this By-Law into a three-family dwelling or multi-family dwelling beyond its current dwelling status may be allowed by the Zoning Board of Appeals under the Special Permit process provided that the proposed conversion will be properly zoned, and the exterior design of the structure will not be changed from the buildings original character, nor shall the floor area provided for the resulting conversion unit or units be less than 650 square feet for each unit, adequate off street parking will be provided. The dwelling unit/units will adhere to and meet or exceed all current building, safety, health, fire, and any other applicable codes, by-laws, regulations and ordinances.

3) **Conversions of Non-Dwellings into Dwellings** - The conversion of a non-dwelling, which is any building which has principal use as that other than a dwelling, into a dwelling shall adhere to all the conversion requirements of a single family dwelling provided that the non-dwelling is an accessory use of a residence zoned building. The conversions of schools, retail/wholesale establishments, and other industrial, or commercial buildings into dwelling will be allowed by the Zoning Board of Appeals under the Special Permit process provided that:

a. the conversion will be properly zoned;

b. exterior design shall be in harmony with neighborhood and general character of the Town;

c. landscaping will be included in the conversion to enhance conversion;

d. dwelling units floor area will not be less than 650 square feet.

\*\*\*

H. Planned Unit Developments

Planned Unit Developments may be allowed in appropriate areas of any approved residence district in conjunction with the Permitted Principal Uses therein by special permit only, and must meet the following development standards:

1. General Size of Planned Unit Development

[...]

b. No tract, parcel or lot, or tracts, parcels or lots shall contain less than twenty (20) or more acres of adjoining and contiguous land and shall contain sufficient access to a State highway or to the Town road system as designated on the official or zoning map of the Town of Rockland as amended. For the purpose of this Section, internal streets, roads, and rights-of-way shall not be deemed to divide acreage of a planned unit development.

c. No more than 10,890 square feet of the land may be subject to the Rivers Protection Act. (Amended ATM May 18,1998)

2. Boundary Line and Internal street Setback Requirements

a. Boundary Line Setback Requirements

All buildings, structures and uses shall be set back no less than twenty-five (25) feet from all external streets.

[...]

4. Land Use Density

a. No areas devoted to single-family detached residential structures shall have a density in excess of four units per acre exclusive of all street rights-of-way.

b. No area or areas devoted to multi-family residences shall have a density in excess of fifteen units per acre exclusive of all street rights-of-way.

\*\*\*

Town of Rockland Zoning Bylaw, Section V (Last Amended 2003).

The minimum lot size is 32,670 sq. ft. and the maximum number of dwelling units per 32,670 is 4 units.

\*\*\*

According to Doug Jeffrey, building inspector in Rockland, (7/20/04), multifamily housing is allowed by special permit for senior housing in the H1 District (Industrial-Park-Hotel District).

## Rockport

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the table of uses:

"New apartment houses, town houses and other multiple dwellings, not to exceed four dwelling units in any one structure, provided that there is a minimum of ten thousand square feet of land area for each dwelling unit" - by special permit in SMR, G.

"The conversion of any existing dwelling to an apartment house, with not more than four dwelling units" by special permit in R, SMR, G.

Rockport Zoning Bylaw (Amended 2002)

"APARTMENT HOUSE : A multiple dwelling for more than two families, under one roof, or for two or more families above a first floor used for nonresidence purposes."

"MULTIPLE DWELLING : A structure consisting of three or more dwelling units."

"TOWN HOUSE : A multiple dwelling in which each dwelling unit has separate entrances and exits and share no halls or interior spaces with other dwelling units."

A. SINGLE RESIDENTIAL AA DISTRICTS and SINGLE RESIDENTIAL DISTRICTS

B. RESIDENTIAL A DISTRICTS

C. RESIDENTIAL DISTRICTS

3. The following uses, when authorize by a Special Permit issued by the Board of Appeals:

a. The conversion of any existing building into a two-family dwelling or an apartment house, with not more than (4) dwelling units, or an inn, provided, that the size of the building not increased by more than ten percent (10%) of the area which was originally used for habitation.

D. SEMI-RESIDENTIAL DISTRICTS

7. The following uses, when authorized by a Special Permit issued by the Board of Appeals:

a. New apartment house's, town houses and other multiple dwellings, not to exceed four dwelling units in any one structure, provided that there is a minimum of ten thousand (10,000) square feet of land area for each dwelling unit.

\*\*\*

R - Residential Districts: 15,000; conversion to apartments by special permit

SMR - Semi-Residential Districts: 15,000; conversion to apartments and construction of new multifamily by special permit

G - General Districts: 10,000; conversion to apartments and construction of new multifamily by special permit

## Rowley

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Developments with fewer than five multifamily units are allowed by right (with site plan approval) in the Central District.

Town of Rowley Zoning Bylaw

6.2.1.1 Multi-family dwellings are authorized by this section in the Central District as follows:

(a) a development creating fewer than five (5) multi-family dwelling units is authorized, subject to the requirements of this section, and provided a site plan is approved by the Planning Board; and

(b) a development containing five or more multi-family dwelling units is authorized, subject to the requirements of this section, and provided a special permit is issued by the Planning Board.

\*\*\*

Section 2.0 - Definitions

DWELLING, MULTI-FAMILY : A building designed for, or containing, two (2) or more dwelling units.

DWELLING, TOWNHOUSE : A building designed for, or containing, two (2) or more dwelling units separated by one (1) or more common walls, but with no common spaces within the building, and no portion of any unit above or below any portion of another unit.

\*\*\*

6.2.4 Afford ability Requirements

6.2.4.1 At least one (1) of the units in a development approved under section 6.2.1.1 (a) shall qualify as an affordable dwelling unit.

6.2.4.2 At least ten percent (10%) of the units in a development approved under section 6.2.1.1 (b) shall qualify as affordable dwelling units. For the purposes of this calculation, a fraction of one half (1/2) or greater shall be rounded to the next higher whole number, and a fraction of less than one half (1/2) shall be rounded to the next lower whole number, but not less than the number one (1).

6.2.4.3. Affordable dwelling units shall be indistinguishable from market rate dwelling units, except for matters of interior finish, fixtures, and appliances. Where more than one affordable dwelling unit is required, such units shall be dispersed throughout the site. Affordable units shall be constructed concurrently with market rate units.

6.2.4.4 The Applicant shall submit to the Planning Board and the Board of Selectmen the deed covenants and other documentation necessary to insure that the requisite number of units will qualify as affordable dwelling units. If the documentation appears complete and adequate, the Board of Selectmen shall file an application with the DHCD for approval of the units as Local Initiative Units. A building permit may not be issued for any of the dwelling units created by the development until the DHCD notifies the Town in writing that the requisite number of units qualify as Local Initiative Units under 760 C.M.R. § 45.03.

## Section 2.0 - Definitions

DWELLING UNIT, AFFORDABLE : A dwelling unit that (1) is permanently restricted to occupancy by persons who qualify as low or moderate income; as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development ("DHCD"), and that (2) meets the minimum criteria for inclusion into the Subsidized Housing Inventory maintained under M.G.L., Ch. 4013, § 21.

\*\*\*

(Master Plan)

### 14.5 Multi-Family Housing Provisions

Issue – While the Town has recognized the need to offer a wider variety of housing opportunities to meet the needs of its residents, the Town's zoning bylaw offers few viable options for building such housing.

Multi-family housing is only allowed in the three small Residential districts on Haverhill Street and in the Central District, and much of this land is already developed. In the Residential district, a minimum parcel size of 20 acres is required to build multi-family housing. In addition, the multi-family housing special permit process requires four out of the five Planning Board members to vote in favor of the proposal.

\*\*\*

## 4.0 USE REGULATIONS

4.2.2 The following principal uses are permitted in the Central District and in the Residential District.

- (a) Single family dwellings.
- (b) Multi-family dwellings subject to the provisions of section 6.2 ("Multi-Family").
- (c) Conversion of buildings to accommodate more than one (1) dwelling unit subject to the provisions of section 6.3 ("Conversion of Existing Buildings").
- (d) Townhouse dwellings subject to the provisions of section 6.4 ("Open Space Residential Development").
- (e) Accessory in-law apartments subject to the provisions of section 6.6 ("Accessory In-Law Apartments").

DWELLING, SINGLE-FAMILY : A building designed for, or containing, a single dwelling unit that is substantially separated by open space from any other structure except accessory structures.

DWELLING, TOWNHOUSE : A building designed for, or containing, two (2) or more dwelling units separated by one (1) or more common walls, but with no common spaces within the building, and no portion of any unit above or below any portion of another unit.

## 6.2 Multi-Family Dwellings

### 6.2.1 Applicability

6.2.1.1 Multi-family dwellings are authorized by this section in the Central District or the Residential District as follows:

- (a) a development creating fewer than five (5) multi-family dwelling units is authorized, subject to the requirements of this section, and provided a site plan is approved by the Planning Board; and
- (b) a development containing five or more multi-family dwelling units is authorized, subject to the requirements of this section, and provided a special permit is issued by the Planning Board.

6.2.1.2 Notwithstanding section 6.2.1.1, the requirements of this section do not apply to townhouse dwellings approved as part of an Open Space Residential Development under section 6.4.

6.2.1.3 Any development under this section that involves a Subdivision of Land shall be subject to the approval of the Planning Board under the Subdivision Rules.

### 6.2.2 Density

6.2.2.1 The development shall be located on a site consisting of at least five (5) acres in the Residential District and two (2) acres in the Central District.

6.2.2.2 Twenty thousand (20,000) square feet of area for the first dwelling unit, plus ten thousand (10,000) square feet of area for each additional unit, is required, except that, for developments under section 6.2.1.1(b), the Planning Board may increase the number of units allowed, up to a maximum density of twenty thousand (20,000) square feet of area for the first unit, plus five thousand (5,000) square feet of area for each additional unit, if the Applicant proposes additional affordable housing than that required by section 6.2.4, or on-site or off-site public improvements or amenities that result in substantial benefit to the Town and which are beyond those necessary to mitigate the impacts of the proposed development. The square footage of any primary conservation areas shall not be considered in determining the number of dwelling units allowed under this section.

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/10/04.

\*\*\*

## 6.3 Conversion of Existing Buildings

6.3.1 A building in existence on May 1, 1981, may be converted into one (1) or more dwelling units than it originally contained in compliance with the following:

### 6.3.1.1 Minimum Lot Area.

6.3.1.1.1 In addition to the lot area required in Section 6.1.1, there shall be five thousand (5000) square feet for the second dwelling unit contained in a structure. For each additional unit the requirements of 6.2.1.1 shall be met.

6.3.1.2 No existing building shall be divided to contain more than two (2) dwelling units unless the applicant complies with the requirements of Section 6.2.

6.3.1.3 The Board of Appeals may grant a permit for less than the required lot area for an existing building being converted to more than one (1) dwelling unit or for a multi-family dwelling provided that:

6.3.1.3.1 The Board of Health has approved the sewage disposal system in writing;

6.3.1.3.2 No more than twenty-five percent (25%) of the lot area is covered by structures;

6.3.1.3.3 There is at least one (1) off-street parking space for each bedroom and efficiency apartment contained in the structure;

6.3.1.3.4 There is a provision for screening by fencing or landscaping of outside storage areas;

6.3.1.3.5 The building is served by municipal water

6.3.1.4 Minimum Floor Area

6.3.1.4.1 The structure to be converted shall contain at least eleven hundred (1100) square feet and no unit shall have a floor area of less than three hundred fifty (350) square feet plus one hundred (100) square feet for each bedroom over one (1).

\*\*\*

According to Cliff Pierce, Chairman of the Planning Board, there is quite a bit of developable land in the Central District (where multifamily is allowed). He estimates that there are about 164 acres (out of 542 total acres) available. (10/26/04)

#### **Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Developments with fewer than five multifamily units are allowed by right (with site plan approval) in the Central District.

Developments with greater than five multifamily units are allowed by special permit in the Central and Residential districts.

Town of Rowley Zoning Bylaw

Section 2.0 - Definitions

DWELLING, MULTI-FAMILY : A building designed for, or containing, two (2) or more dwelling units.

DWELLING, TOWNHOUSE : A building designed for, or containing, two (2) or more dwelling units separated by one (1) or more common walls, but with no common spaces within the building, and no portion of any unit above or below any portion of another unit.

DWELLING UNIT, AFFORDABLE : A dwelling unit that (1) is permanently restricted to occupancy by persons who qualify as low or moderate income; as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development ("DHCD"), and that (2) meets the minimum criteria for inclusion into the Subsidized Housing Inventory maintained under M.G.L., Ch. 4013, § 21.

\*\*\*

(Master Plan)

14.5 Multi-Family Housing Provisions

Issue – While the Town has recognized the need to offer a wider variety of housing opportunities to meet the needs of its residents, the Town's zoning bylaw offers few viable options for building such housing.

Multi-family housing is only allowed in the three small Residential districts on Haverhill Street and in the Central District, and much of this land is already developed. In the Residential district, a minimum parcel size of 20 acres is required to build multi-family housing. In addition, the multi-family housing special permit process requires four out of the five Planning Board members to vote in favor of the proposal.

\*\*\*

#### 4.0 USE REGULATIONS

4.2.2 The following principal uses are permitted in the Central District and in the Residential District.

(a) Single family dwellings.

(b) Multi-family dwellings subject to the provisions of section 6.2 ("Multi-Family").

(c) Conversion of buildings to accommodate more than one (1) dwelling unit subject to the provisions of section 6.3 ("Conversion of Existing Buildings").

(d) Townhouse dwellings subject to the provisions of section 6.4 ("Open Space Residential Development").

(e) Accessory in-law apartments subject to the provisions of section 6.6 ("Accessory In-Law Apartments").

## 6.2 Multi-Family Dwellings

### 6.2.1 Applicability

6.2.1.1 Multi-family dwellings are authorized by this section in the Central District or the Residential District as follows:

(a) a development creating fewer than five (5) multi-family dwelling units is authorized, subject to the requirements of this section, and provided a site plan is approved by the Planning Board; and

(b) a development containing five or more multi-family dwelling units is authorized, subject to the requirements of this section, and provided a special permit is issued by the Planning Board.

6.2.1.2 Notwithstanding section 6.2.1.1, the requirements of this section do not apply to townhouse dwellings approved as part of an Open Space Residential Development under section 6.4.

6.2.1.3 Any development under this section that involves a Subdivision of Land shall be subject to the approval of the Planning Board under the Subdivision Rules.

### 6.2.2 Density

6.2.2.1 The development shall be located on a site consisting of at least five (5) acres in the Residential District and two (2) acres in the Central District.

6.2.2.2 Twenty thousand (20,000) square feet of area for the first dwelling unit, plus ten thousand (10,000) square feet of area for each additional unit, is required, except that, for developments under section 6.2.1.1(b), the Planning Board may increase the number of units allowed, up to a maximum density of twenty thousand (20,000) square feet of area for the first unit, plus five thousand (5,000) square feet of area for each additional unit, if the Applicant proposes additional affordable housing than that required by section 6.2.4, or on-site or off-site public improvements or amenities that result in substantial benefit to the Town and which are beyond those necessary to mitigate the impacts of the proposed development. The square footage of any primary conservation areas shall not be considered in determining the number of dwelling units allowed under this section.

**\*\*Webmasters Note:** The previous subsection has been amended as per an update approved at a town meeting held on 5/10/04.

6.2.2.3 At least one hundred and fifty (150) feet of frontage is required in the Residential District, and at least one hundred and twenty-five (125) feet of frontage is required in the Central District.

6.2.2.4 No building or structure may be located within fifty (50) feet of any street line, or within fifty (50) feet or twenty-five (25) feet, respectively, of any non-street, lot line in the Residential District or the Central District, except that these setback requirements shall not apply to structures referenced in section 6.1.3.2.4(a), and provided further that, for developments under section 6.2.1.1(b), the Planning Board may reduce these required setbacks, if the Board determines that the reduction will result in a superior design and will not have an adverse impact on the neighborhood.

6.2.2.5 Building coverage may not exceed twenty-five percent (25%) of the area of a lot in the Residential District, and thirty-five percent (35%) of the area of a lot in the Central District.

6.2.2.6 No more than fifty percent (50%) of any lot in the Residential District, or seventy percent (70%) of any lot in the Central District, may be covered by impervious surfaces.

**\*\*Webmasters Note:** Subsection 6.2.3 has been deleted and the following subsections renumbered as per an update approved at a town meeting held on 5/10/04.

### 6.2.3 Design and Development Standards

6.2.3.1 In addition to any design and development standards adopted under section 7.8.3.2, the development shall comply with the provisions of section 6.4.11.2(a), (b), (c), (d), and (f), and the following additional requirements:

**\*\*Webmasters Note:** The previous subsection has been amended as per an update approved at a town meeting held on 5/10/04.

(a) individual buildings shall contain no more than eight (8) dwelling units;

(b) the development shall provide for varied roofline articulation that stresses New England village-style architecture, and the use of building materials and colors that are compatible with other quality buildings of similar scale in the vicinity;

(c) each dwelling unit shall have two (2) sides with full exposures; and

(d) each dwelling unit shall have a minimum of three hundred and fifty (350) square feet of floor area, plus one hundred (100) square feet of floor area for the second and each additional bedroom.

6.2.3.2 The Applicant shall submit a separate landscaping plan, prepared by a registered landscape architect, that provides for intensive high-quality landscaping of all open areas, including areas adjacent to paths, driveways and parking lots, and, where appropriate for screening purposes, dense buffers of trees and shrubs.

### 6.2.4 Affordability Requirements

6.2.4.1 At least one (1) of the units in a development approved under section 6.2.1.1 (a) shall qualify as an affordable dwelling unit.

6.2.4.2 At least ten percent (10%) of the units in a development approved under section 6.2.1.1 (b) shall qualify as affordable dwelling units. For the purposes of this calculation, a fraction of one half (1/2) or greater shall be rounded to the next higher whole number, and a fraction of less than one half (1/2) shall be rounded to the next lower whole number, but not less than the number one (1).

6.2.4.3 Affordable dwelling units shall be indistinguishable from market rate dwelling units, except for matters of interior finish, fixtures, and appliances. Where more than one affordable dwelling unit is required, such units shall be dispersed throughout the site. Affordable units shall be constructed concurrently with market rate units.

6.2.4.4 The Applicant shall submit to the Planning Board and the Board of Selectmen the deed covenants and other documentation necessary to insure that the requisite number of units will qualify as affordable dwelling units. If the documentation appears complete and adequate, the Board of Selectmen shall file an application with the DHCD for approval of the units as Local Initiative Units. A building permit may not be issued for any of the dwelling units created by the development until the DHCD notifies the Town in writing that the requisite number of units qualify as Local Initiative Units under 760 C.M.R. § 45.03.

\*\*\*

## 6.3 Conversion of Existing Buildings

6.3.1 A building in existence on May 1, 1981, may be converted into one (1) or more dwelling units than it originally contained in compliance with the following:

6.3.1.1 Minimum Lot Area.

6.3.1.1.1 In addition to the lot area required in Section 6.1.1. there shall be five thousand (5000) square feet for the second dwelling unit contained in a structure. For each additional unit the requirements of 6.2.1.1 shall be met.

6.3.1.2 No existing building shall be divided to contain more than two (2) dwelling units unless the applicant complies with the requirements of Section 6.2.

6.3.1.3 The Board of Appeals may grant a permit for less than the required lot area for an existing building being converted to more than one (1) dwelling unit or for a multi-family dwelling provided that:

6.3.1.3.1 The Board of Health has approved the sewage disposal system in writing;

6.3.1.3.2 No more than twenty-five percent (25%) of the lot area is covered by structures;

6.3.1.3.3 There is at least one (1) off-street parking space for each bedroom and efficiency apartment contained in the structure;

6.3.1.3.4 There is a provision for screening by fencing or landscaping of outside storage areas;

6.3.1.3.5 The building is served by municipal water

6.3.1.4 Minimum Floor Area

6.3.1.4.1 The structure to be converted shall contain at least eleven hundred (1100) square feet and no unit shall have a floor area of less than three hundred fifty (350) square feet plus one hundred (100) square feet for each bedroom over one (1).

## Salem

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** City of Salem Zoning Ordinance, Section 5.2 (Last Amended 2001). Salem allows multifamily housing by right to be developed in the Residence 3 district (multifamily districts), the Business 1 district and the Business 2 district.

\*\*\*

DWELLING, MULTIFAMILY : A building designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

DWELLING, MULTIFAMILY, GARDEN TYPE : A building designed for or occupied by three (3) or more families, but not more than eighteen (18) families, with separate housekeeping and cooking facilities for each. The buildings will further conform to the requirements of section 5-3(d)(5) herein. The terms "town houses," "row houses," "attached houses" and like terms shall be interpreted as being synonymous with the term "multifamily, garden type."

DWELLING, SINGLE-FAMILY : A detached building designed for or occupied by one (1) family only.

DWELLING, TWO-FAMILY : A building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. A so-called duplex dwelling, even though having two (2) separate entrances and street numbers, shall be construed as being a single building.

\*\*\*

According to Article V Use Regulations, the following multifamily uses are permitted by right:

In R-2: Buildings and facilities for elderly housing projects built under the jurisdiction of the Salem Housing Authority and financially aided by either the U.S. Public Housing Administration and/or the Commonwealth of Massachusetts Department of Commerce - Division of Public Housing.

In R-3:  
(All uses in R-2)  
Multifamily dwellings.

In B1

(All uses permitted in R-3)

In B-5

(All uses permitted in B-1)

According to Article V Use Regulations, the following multifamily uses are permitted by special permit:

in R-2: Multifamily dwelling, except those listed in section 5-2(b) and (c) of this article.

in R-3:

- Garden type multifamily dwellings, if built in accordance with the following requirements:

a. A preliminary site plan shall be submitted to the planning board which shall show the dimensions of the lot, all proposed buildings, structures, parking facilities, service areas, recreational and play areas, landscape features and any other information as may be necessary to determine that the requirements of the following sections will be met. Upon the approval of the preliminary site plan, the developer will submit the following,

b. A definitive site plan with all the roadways and utilities such as sanitary sewers, storm drainage and water, showing proposed grades and elevations and all major streets throughout the development, with the City of Salem planning board rules and regulations governing the subdivision of land. The planning board shall endorse its approval of the definitive site plan before it is submitted to the board of appeals of the zoning ordinance. The city engineer shall also endorse the plan, certifying the adequacy of the present and proposed sewer and water installations.

c. Garden type multifamily dwelling developments having more than twenty (20) dwelling units shall have a minimum of two (2) access roadways, and traffic of access and egress roads shall be shown.

d. No structure shall exceed three (3) stories, thirty-five (35) feet in height, measured from the mean finished grade. No more than two (2) dwelling units shall be a single unit of the entire structure. Each unit shall be separated from all other adjoining units by walls, without openings, except such openings as may be permissible for mechanical services.

e. No structures or group of structures, except one-story garages or carports, shall be nearer to each other than fifty (50) feet. Carports or garages, if not directly attached, shall be at least ten (10) feet from the main buildings.

f. There shall be a lot area of at least one thousand (1,000) square feet for each dwelling unit within each building.

g. There shall be a buffer zone of seventy-five (75) feet from any building or structure on an adjacent lot where said lot is not under the same ownership as the garden type development.

h. There shall be provided at least one and one half (1 1/2) paved off-street parking spaces for each dwelling unit. No space shall be considered available for parking which reduces the effective width of the driveway providing access to more than one (1) dwelling unit to less than sixteen (16) feet.

i. Sewage shall be disposed of by means of adequate connections to the municipal sewer system.

j. After the planning board and the city engineer have endorsed their approval on the definitive site plan, the board of appeals may grant a special permit within the permitted districts after holding a public hearing.

k. Notwithstanding anything in these zoning regulations to the contrary, sales of individual dwelling units in multifamily dwellings or otherwise, constituting townhouses, row houses or attached houses or the like, may be made without compliance with the residential density regulations appearing in this ordinance, excepting only that a minimum lot area of each dwelling unit shall be one thousand (1,000) sq. ft.

(6) Notwithstanding the "specifically excluded" list of uses specified in paragraphs (b) and (c) of this section, certain other uses will be allowed by special permit for certain multifamily complexes. Therefore, multifamily (apartment) buildings and developments complying with the following basic minimum requirements may have the hereinafter permissive special permit uses built and occupied as part of the development:

The hereinafter listed special permit uses may be built and occupied by a special permit issued by the board of appeals as required by section 9.4 hereof. The basic minimum requirement shall not be changed. If any change in the basic requirement is made, the special permit use shall cease forthwith. The basic requirements are:

1. There shall be a minimum of one hundred fifty (150) dwelling units in the building or buildings.
2. The ownership title to all buildings and all land shall be held in a single ownership, either by a corporation or an individual.
3. All multifamily buildings shall be built and so located that no other type of building except a multi-family dwelling shall occupy any part of the land or development.
4. The area occupied by all businesses permitted by the special permit uses shall be within a multifamily dwelling or may be in an ell or wing, providing the ell is more or less attached to the main building.
5. The areas required for such special permit occupancy shall be pre-determined so as to prevent locating such businesses in a haphazard manner. It is the intention of this provision to concentrate the business into one (1) general area to create a "local business

area" within the development area.

6. It is the intention of this subsection (d)(6) to allow certain business uses within the area to provide services primarily for the tenants of the development. However, this primary use will not prohibit the use for services to the general public. In any event, additional parking and loading spaces conforming to the provisions of sections 7-3 and 7-4 herein, in addition to the regular parking spaces required for multifamily dwellings, shall be provided.

7. There shall be no more than one (1) establishment allowed as a permissive special permit use for each eight hundred (800) dwelling units or fraction thereof in the development as defined under this subsection (d) (6).

b. Permissive special permit uses for multifamily complexes complying with the provisions of subsection (6) a above:

1. Delicatessen stores, including specialty food stores, but not including regular grocery stores, cash or carry dairy product stores or variety stores.

2. Drugstores, excluding soda fountains and notions.

3. Book, stationery or gift shops.

4. Florist shops, but excluding greenhouses.

5. Barbershops, not to exceed two (2) chairs.

6. Beauty parlors, not to exceed two (2) operators.

7. Self-service laundry and dry cleaning, provided that not more than one (1) person (employee) is engaged to superintend such services.

8. Professional offices, but excluding clinics.

9. Restaurants which may serve alcoholic beverages consumed on the premises but excluding drive-in snack shops.

10. Auditoriums with a maximum seating of five hundred (500) persons. Portable sound or motion picture equipment may be used, but the room may not be used for showing of motion pictures exclusively.

11. Outdoor swimming pools which do not conform with the requirements of Article VII, Supplementary Regulations, as amended in this ordinance.

12. Banks and savings and loan institutions.

-Condominiums (new only), provided they comply with all applicable provisions in this ordinance for multiple-family dwellings and also comply with all applicable provisions of Section 183-A, as amended to date, of the Massachusetts General Laws.

\*\*

It also appears that multifamily is by special permit in some of the business districts.

\*\*\*

According to City of Salem Zoning Ordinance, TABLE I RESIDENTIAL DENSITY REGULATIONS(Last Amended 2001).

In the Residence 3 district, where multifamily housing is zoned by right, the minimum lot size requirement is 25,000 sq. ft. and the minimum lot area per dwelling unit are 3,500 feet.

In the business 1 district, the minimum lot size is 6,000 sq. ft. and in business 2 district, the minimum lot size requirement is 12,000 sq. ft.

According to City of Salem Zoning Ordinance, TABLE I RESIDENTIAL DENSITY REGULATIONS(Last Amended 2001).

The minimum lot area is as follows for the multifamily areas zoned by special permit:

Residence C district: 80,000 sq. ft.

Residence 1 district: 15,000 sq. ft.

The minimum requirements for minimum lot area per dwelling unit are as follows:

Residence C district: 80,000 sq. ft.

Residence 1 district: 15,000 sq. ft.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** City of Salem Zoning Ordinance, Section 5.2 (Last Amended 2001).  
Salem allows multifamily housing by right to be developed in the Residence 3 district (multifamily districts), the Business 1 district and the Business 2 district.

\*\*\*

DWELLING, MULTIFAMILY : A building designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

DWELLING, MULTIFAMILY, GARDEN TYPE : A building designed for or occupied by three (3) or more families, but not more than eighteen (18) families, with separate housekeeping and cooking facilities for each. The buildings will further conform to the requirements of section 5-3(d)(5) herein. The terms "town houses," "row houses," "attached houses" and like terms shall be interpreted as being synonymous with the term "multifamily, garden type."

DWELLING, SINGLE-FAMILY : A detached building designed for or occupied by one (1) family only.

DWELLING, TWO-FAMILY : A building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. A so-called duplex dwelling, even though having two (2) separate entrances and street numbers, shall be construed as being a single building.

\*\*\*

According to Article V Use Regulations, the following multifamily uses are permitted by right:

In R-2: Buildings and facilities for elderly housing projects built under the jurisdiction of the Salem Housing Authority and financially aided by either the U.S. Public Housing Administration and/or the Commonwealth of Massachusetts Department of Commerce - Division of Public Housing.

In R-3:  
(All uses in R-2)  
Multifamily dwellings.

In B1  
(All uses permitted in R-3)

In B-5  
(All uses permitted in B-1)

According to Article V Use Regulations, the following multifamily uses are permitted by special permit:

in R-2: Multifamily dwelling, except those listed in section 5-2(b) and (c) of this article.

in R-3:

- Garden type multifamily dwellings, if built in accordance with the following requirements:

a. A preliminary site plan shall be submitted to the planning board which shall show the dimensions of the lot, all proposed buildings, structures, parking facilities, service areas, recreational and play areas, landscape features and any other information as may be necessary to determine that the requirements of the following sections will be met. Upon the approval of the preliminary site plan, the developer will submit the following,

b. A definitive site plan with all the roadways and utilities such as sanitary sewers, storm drainage and water, showing proposed grades and elevations and all major streets throughout the development, with the City of Salem planning board rules and regulations governing the subdivision of land. The planning board shall endorse its approval of the definitive site plan before it is submitted to the board of appeals of the zoning ordinance. The city engineer shall also endorse the plan, certifying the adequacy of the present and proposed sewer and water installations.

c. Garden type multifamily dwelling developments having more than twenty (20) dwelling units shall have a minimum of two (2) access roadways, and traffic of access and egress roads shall be shown.

d. No structure shall exceed three (3) stories, thirty-five (35) feet in height, measured from the mean finished grade. No more than two (2) dwelling units shall be a single unit of the entire structure. Each unit shall be separated from all other adjoining units by walls, without openings, except such openings as may be permissible for mechanical services.

e. No structures or group of structures, except one-story garages or carports, shall be nearer to each other than fifty (50) feet. Carports or garages, if not directly attached, shall be at least ten (10) feet from the main buildings.

f. There shall be a lot area of at least one thousand (1,000) square feet for each dwelling unit within each building.

g. There shall be a buffer zone of seventy-five (75) feet from any building or structure on an adjacent lot where said lot is not under the same ownership as the garden type development.

h. There shall be provided at least one and one half (1 1/2) paved off-street parking spaces for each dwelling unit. No space shall be considered available for parking which reduces the effective width of the driveway providing access to more than one (1) dwelling unit to less than sixteen (16) feet.

i. Sewage shall be disposed of by means of adequate connections to the municipal sewer system.

j. After the planning board and the city engineer have endorsed their approval on the definitive site plan, the board of appeals may grant a special permit within the permitted districts after holding a public hearing.

k. Notwithstanding anything in these zoning regulations to the contrary, sales of individual dwelling units in multifamily dwellings or otherwise, constituting townhouses, row houses or attached houses or the like, may be made without compliance with the residential density regulations appearing in this ordinance, excepting only that a minimum lot area of each dwelling unit shall be one thousand (1,000) fact.

(6) Notwithstanding the "specifically excluded" list of uses specified in paragraphs (b) and (c) of this section, certain other uses will be allowed by special permit for certain multifamily complexes. Therefore, multifamily (apartment) buildings and developments complying with the following basic minimum requirements may have the hereinafter permissive special permit uses built and occupied as part of the development:

The hereinafter listed special permit uses may be built and occupied by a special permit issued by the board of appeals as required by section 9.4 hereof. The basic minimum requirement shall not be changed. If any change in the basic requirement is made, the special permit use shall cease forthwith. The basic requirements are:

1. There shall be a minimum of one hundred fifty (150) dwelling units in the building or buildings.
2. The ownership title to all buildings and all land shall be held in a single ownership, either by a corporation or an individual.
3. All multifamily buildings shall be built and so located that no other type of building except a multi-family dwelling shall occupy any part of the land or development.
4. The area occupied by all businesses permitted by the special permit uses shall be within a multifamily dwelling or may be in an ell or wing, providing the ell is more or less attached to the main building.
5. The areas required for such special permit occupancy shall be pre-determined so as to prevent locating such businesses in a haphazard manner. It is the intention of this provision to concentrate the business into one (1) general area to create a "local business area" within the development area.
6. It is the intention of this subsection (d)(6) to allow certain business uses within the area to provide services primarily for the tenants of the development. However, this primary use will not prohibit the use for services to the general public. In any event, additional parking and loading spaces conforming to the provisions of sections 7-3 and 7-4 herein, in addition to the regular parking spaces required for multifamily dwellings, shall be provided.
7. There shall be no more than one (1) establishment allowed as a permissive special permit use for each eight hundred (800) dwelling units or fraction thereof in the development as defined under this subsection (d) (6).
  - b. Permissive special permit uses for multifamily complexes complying with the provisions of subsection (6) a above:
    1. Delicatessen stores, including specialty food stores, but not including regular grocery stores, cash or carry dairy product stores or variety stores.
    2. Drugstores, excluding soda fountains and notions.
    3. Book, stationery or gift shops.
    4. Florist shops, but excluding greenhouses.
    5. Barbershops, not to exceed two (2) chairs.
    6. Beauty parlors, not to exceed two (2) operators.
    7. Self-service laundry and dry cleaning, provided that not more than one (1) person (employee) is engaged to superintend such services.
    8. Professional offices, but excluding clinics.
    9. Restaurants which may serve alcoholic beverages consumed on the premises but excluding drive-in snack shops.
10. Auditoriums with a maximum seating of five hundred (500) persons. Portable sound or motion picture equipment may be used, but the room may not be used for showing of motion pictures exclusively.
11. Outdoor swimming pools which do not conform with the requirements of Article VII, Supplementary Regulations, as amended in this ordinance.
12. Banks and savings and loan institutions.

-Condominiums (new only), provided they comply with all applicable provisions in this ordinance for multiple-family dwellings and also comply with all applicable provisions of Section 183-A, as amended to date, of the Massachusetts General Laws.

\*\*

It also appears that multifamily is by special permit in some of the business districts.

\*\*\*

According to City of Salem Zoning Ordinance, TABLE I RESIDENTIAL DENSITY REGULATIONS (Last Amended 2001).

In the Residence 3 district, where multifamily housing is zoned by right, the minimum lot size requirement is 25,000 sq. ft. and the minimum lot area per dwelling unit are 3,500 feet.

In the business 1 district, the minimum lot size is 6,000 sq. ft. and in business 2 district, the minimum lot size requirement is 12,000 sq. ft.

According to City of Salem Zoning Ordinance, TABLE I RESIDENTIAL DENSITY REGULATIONS(Last Amended 2001).

The minimum lot area is as follows for the multifamily areas zoned by special permit:

Residence C district: 80,000 sq. ft.  
Residence 1 district: 15,000 sq. ft.

The minimum requirements for minimum lot area per dwelling unit are as follows:

Residence C district: 80,000 sq. ft.  
Residence 1 district: 15,000 sq. ft.

## Salisbury

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to table of uses:

Multifamily dwelling - by right in BC

Town of Salisbury Zoning Bylaw

#### SECTION II GENERALLY

##### Definitions

9. DWELLING, MULTIFAMILY : A building containing more than one (1) dwelling unit.

#### SECTION VI DIMENSIONAL REGULATIONS

##### Attachment A Dimensional Control Table

BC (which is the only district where multifamily is allowed - and it is permitted by right) does not have any minimum lot sizes (there is a --- [dash] in this section).

Town Planner Lisa Pearson (11/30/04) confirmed that there are not answers to the questions on the multifamily dimensional and density requirements in this town's bylaws. She added that MF housing requires 2 parking spaces per unit.

Town Planner Lisa Pearson said that there is land available for MF housing because people are tearing down cottages and putting up MF housing. She said that the town is experiencing lots of growth.

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to table of uses:

Multifamily dwelling - by right in BC

Town of Salisbury Zoning Bylaw

#### SECTION II GENERALLY

##### Definitions

9. DWELLING, MULTIFAMILY : A building containing more than one (1) dwelling unit.

#### SECTION VI DIMENSIONAL REGULATIONS

##### Attachment A Dimensional Control Table

BC (which is the only district where multifamily is allowed - and it is permitted by right) does not have any minimum lot sizes (there is a --- [dash] in this section).

Town Planner Lisa Pearson (11/30/04) confirmed that there are not answers to the questions on the multifamily dimensional and density requirements in this town's bylaws. She added that MF housing requires 2 parking spaces per unit.

Town Planner Lisa Pearson said that there is land available for MF housing because people are tearing down cottages and putting up MF housing. She said that the town is experiencing lots of growth.

# Saugus

## Is multi-family housing allowed by right in any part of the municipality?

**Yes** Saugus allows multifamily housing by right in the R-4 district -- Multi Family Dwelling - Apartment House, Town House.

Multifamily housing defined as "Planned Multi-Density Residential - Apartment House, Town House" is allowed by special permit (S1) in R-4.

### TABLE OF USE AND PARKING REGULATIONS

\*\*\*

Definitions from Saugus bylaw on ordinance.com:

**APARTMENT HOUSE** : A building designed, intended, or used as the home or residence of three or more families, each in a separate but attached dwelling unit, living independently of each other and who have a common right in halls, stairways and amenities.

**DWELLING, GENERAL RESIDENCE** : A building containing two dwelling units constructed (attached) on a single lot.

**DWELLING, MULTI-FAMILY** : A building containing three or more dwelling units and including apartment house, garden apartment house and town houses.

**TOWN HOUSE** : A row of at least three one-family attached dwelling units whose side walls are separated from other dwelling by a fire wall or walls. Each unit in the row may be owned by a separate owner if in condominium.

\*\*\*

### TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

R-4:  
Min Lot Area: 10,000 sq ft

(1) There shall be an additional 2,500 sq. ft. for each unit in excess of four (4), except for federal or state-aided housing for the elderly or handicapped, built for the Saugus Housing Authority, where up to 35 units/acre of land may be allowed by Special Permit from the Board of Appeals under Section 12.4G of this Zoning By-Law.

## Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** Saugus allows multifamily housing by right in the R-4 district -- Multi Family Dwelling - Apartment House, Town House.

Multifamily housing defined as "Planned Multi-Density Residential - Apartment House, Town House" is allowed by special permit (S1) in R-4.

### TABLE OF USE AND PARKING REGULATIONS

\*\*\*

Definitions from Saugus bylaw on ordinance.com:

**APARTMENT HOUSE** : A building designed, intended, or used as the home or residence of three or more families, each in a separate but attached dwelling unit, living independently of each other and who have a common right in halls, stairways and amenities.

**DWELLING, GENERAL RESIDENCE** : A building containing two dwelling units constructed (attached) on a single lot.

**DWELLING, MULTI-FAMILY** : A building containing three or more dwelling units and including apartment house, garden apartment house and town houses.

**TOWN HOUSE** : A row of at least three one-family attached dwelling units whose side walls are separated from other dwelling by a fire wall or walls. Each unit in the row may be owned by a separate owner if in condominium.

\*\*\*

## TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

R-4:

Min Lot Area: 10,000 sq ft

(1) There shall be an additional 2,500 sq. ft. for each unit in excess of four (4), except for federal or state-aided housing for the elderly or handicapped, built for the Saugus Housing Authority, where up to 35 units/acre of land may be allowed by Special Permit from the Board of Appeals under Section 12.4G of this Zoning By-Law.

\*\*\*

### C. PLANNED MULTI-DENSITY RESIDENTIAL DEVELOPMENT:

1. GENERAL REQUIREMENTS. For the purpose of promoting the more efficient use of land in harmony with its natural features and within the general intent of the Zoning By-Law, an owner or owners of a tract of land situated within a R-4 (Residential - Multi Density, Apartment District) may, after consultation with the Planning Board, make application to the Board of Appeals for a special permit exempting such land from the requirements of the Zoning By-Law as pertains to lot size, usable land area, density or percentage of lot covered, yards, frontage requirements, and proximity of off-street parking space from any building or lot line. The major purpose of this section is to permit a creative approach to the development of residential land by accomplishing a more desirable environment than would be possible through the strict application of these Zoning By-Laws. A planned multi-residential development should thus result in (1) economical and efficient street, utility and public facility installation, correction and maintenance; (2) efficient allocation, distribution, and maintenance of common open space; (3) land use harmonious with natural features; and (4) development of real property values for the long range future. (Amended 12/4/2000)

After notice and public hearing, and after due consideration of the report and recommendations of the Planning Board, the Board of Appeals may grant such a permit, subject to the following:

1. The tract shall be at least 10 contiguous acres in single or consolidated ownership at the time of application.
2. At least 50 percent of the land area shall be set aside as common open space and offered to the Town for acceptance as public open space or covenanted by the owner as open space for passive or active recreation or cultural uses by all residents of the district.
3. The remaining 50 percent of the land area may be developed for residential and community facilities.
4. The residential net density within the developed area shall not exceed 20 dwelling units per acre, not including streets.
5. Buildings shall be at least 50 feet from any district boundary and at least 15 feet from any street line or parking area and at least 24 feet apart.
6. Buildings shall not exceed six (6) stories in height.
7. The development shall be served by a public water and sewerage system.
8. The principal streets shall be offered for acceptance as public ways. The minimum roadway width of interior one-way streets shall be 18 feet. The minimum roadway width of two-way streets shall be 20 feet.
9. Reasonable visual and acoustical privacy shall be provided where feasible. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.
10. Parking convenient to all dwelling units and other uses shall be provided pursuant to the minimum requirements of Article VIII with the exception that such parking may be closer than 10 feet from any lot line. Where appropriate, common driveways, parking area, walks, and steps shall be provided, maintained and lighted for night use.
11. If topographical or other barriers within 50 feet of the perimeter of the development do not provide reasonable privacy for existing uses adjacent to the development, the Board of Appeals shall require either or both of the following:
  - (a) Structures located on the perimeter of the development must be set back in accordance with the provisions of these Zoning By-Laws controlling the area in which the development is situated; and/or,
  - (b) Structures located on the perimeter of the development must be well screened in a manner approved by the Board of Appeals.
12. The Board of Appeals may, in appropriate cases, impose further restrictions upon the tract, or parts thereof, as a condition to granting the special permit.
11. PROCEDURE. Each application for a special permit hereunder shall be accompanied by a plan, in triplicate, of the entire tract under consideration as a multi-density residential development prepared in accordance with the rules and regulations of the Planning Board as pertains to preliminary subdivision plans (whether or not all of the development constitutes a "subdivision") and without

limiting the generality of the foregoing said plan shall show:

1. The existing topography at a suitable scale and contour intervals.
2. Proposed grading and drainage system for all ways within the development and the location therein of all off-street parking areas.
3. Utility design and layout.
4. Proposed fences, walks, barriers and landscaping.
5. Location of all Common Open Spaces and, if feasible, the proposed location therein of all accessory structures and improvements for educational, passive or active recreational and cultural uses, if any. The location of any proposed easement or easements shall also be shown.

Within 10 days after the receipt of the plan, the Board of Appeals shall transmit a copy thereof to the Planning Board which shall submit, in writing prior to the hearing upon such special permit, its recommendations and report to the Board of Appeals; said report by the Planning Board shall include as a minimum:

- (a) A general description of the neighborhood in which the tract lies and the effect of the plan upon the area.
- (b) The relation of the plan to the long range plan of the Town.
- (c) The extent to which the plan is designed to take advantage of the natural terrain of the tract.
- (e) The planning Board's opinion of the overall design of the plan.
- (f) The Planning Board's opinion of the advisability of granting the special permit and as to any restrictions that should be imposed upon the tract as a condition of such permit.

## Scituate

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Multifamily housing zoned by right in the following districts:

General Business(GB) and the Harbor Business (HB) and the Multifamily Residence District (E). This information is from the Town of Scituate Zoning Bylaws (as amended 2003) in the following sections:

#### 430 BUSINESS DISTRICT USES

##### Section 430.1 Permitted Uses

In a "GB" or "HB" District, the following uses are permitted as of right:

- A. Any of the uses permitted as of right or by special permit in "A-1," "A-2," and "A-3" (Residence) Districts, subject to the same conditions as therein specified.
- B. Dwelling for three or more families.
- C. Store for the conduct of a retail business (but not including any use first specifically listed herein under "C" District uses).
- D. Showroom for building supplies, including plumbing, heating and ventilating equipment.
- E. Any of the following consumer, professional or commercial service establishments: Barber or beauty shop, hand or self-service laundry, bicycle repair shop, clothing rental establishment, collection station for laundry or dry cleaning, dancing or music school, frozen food locker, funeral home, medical or dental laboratory, photographic studio, shoe or hat repair shop, custom work by a dress-maker, milliner or tailor, television or household appliance repair shop, typewriter repair shop.
- F. Shop of a carpenter, cabinetmaker, electrician, job printer, painter, paperhanger, plumber, sign painter or upholsterer.
- G. Restaurant or other place for the serving of food or beverages.
- H. Office building, bank or other monetary institution.
- I. Accessory use as hereinafter defined:
  1. Such industry or light manufacturing (including processing, assembly and repairs) as is usual in connection with a permitted principal use, provided that it does not occupy an area exceeding fifty percent of the total floor area occupied by the principal use, that the major portion of all products manufactured are to be sold at retail on the premises, and that no more than five operatives are regularly employed therein.

##### Section 450:

#### 450 RESIDENCE MULTIFAMILY DISTRICT USES

##### 450.1 Permitted Uses

In an "E" District the following uses are permitted as of right:

- A. All of the uses permissible as of right or by special permit in the "A-1," "A-2," and "A-3" Districts subject to the same conditions and procedures as therein specified. Minimum lot size, frontage, setback, and width requirements for the above uses shall be in Accordance

with the "A-2" District provisions.

B. Multifamily dwellings subject to the following conditions and regulations:

1. Each project will be subject to the provisions of Section 730, "Site Plan Approval."
2. The minimum lot area for each multifamily complex shall be forty thousand square feet.
3. The minimum lot frontage shall be one hundred and fifty feet on a public street, or a private street, approved by the planning board under the subdivision control law. Minimum width of each lot throughout its depth shall be not less than one hundred and fifty feet measured at its narrowest.
4. The minimum lot area for each dwelling unit shall be five thousand square feet plus one thousand square feet for each bedroom in excess of two for each dwelling unit. In no case shall there be more than eighteen bedrooms or eight dwelling units per forty thousand square feet. Dwelling units with more than two bedrooms shall not exceed one in each eight dwelling units to be constructed on each lot. Surplus areas of water bodies, wetlands and marshes shall not be included in the calculation of lot area to determine the allowable number of dwelling units.
5. The shortest distance between any two multifamily dwellings shall be not less than thirty-five feet. Courts shall be completely open on one side and the depth of the court shall not exceed the width.
6. Each multifamily dwelling shall contain no more than twelve dwelling units. No exterior face of any building shall exceed fifty feet in any plane (measured horizontally) without an offset of at least eighteen inches.
7. All dwelling units shall be connected to public sanitary sewers.
8. All utility service lines shall be underground.
9. No more than twenty-five percent of the lot may be covered by the multifamily dwellings, including accessory buildings.
10. The front yard setback requirements shall be fifty feet. The side and rear yard setback requirement shall be permitted in the front yard setback areas; said setback areas (other than access drives) shall be appropriately landscaped.
11. There shall be set aside on each lot an area equal to fifteen hundred square feet per dwelling unit, not to be built upon, unpaved, landscaped, and/or left natural with an acceptable balance of trees, shrubs and grass, except that three hundred square feet of the above fifteen hundred square feet per dwelling unit shall be developed for recreational purposes.
12. In addition to the open space required in (11) above, there shall be provided landscaped side and rear yard buffer areas of at least ten feet in width each adjacent to each property line of the lot and being part of the yard requirement in (10) above. For each additional forty thousand square feet, two feet shall be added up to a maximum of thirty feet. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of six feet
13. Two off street parking spaces shall be provided for each dwelling unit. No more than ten spaces shall be provided in any one continuous row. The minimum size of a parking space, including aisles and maneuvering areas, shall be within three hundred and fifty square feet and spaces shall be within two hundred feet of the intended user. Parking spaces shall be lighted but shielded from direct glare on a public street and adjoining premises.
14. No building shall exceed two stories in height. No building shall exceed thirty feet in height.
15. No interior floor space below ground level shall be used for living purposes.
16. No building shall exceed one dwelling unit in depth front to back.
17. No building shall have an overall length of more than two hundred feet.

ESM 7/9, edited ESM 7/28

From definitions on ordinance.com:

MULTIFAMILY DWELLING : A building or portion thereof containing more than two dwelling units and not classified as a one or two-family dwelling

\*\*\*

## 730 SITE PLAN REVIEW

### 730.1 Purpose

The purpose of this bylaw is to ensure that new land uses or additions to existing uses, that are of a size that may have significant impacts on neighborhoods or the town are designed to meet established standards and the goals and objectives of the Scituate Master Plan.

### 730.2 Applicability

In any district now existing or hereafter adopted, no site other than that used for a single-family or two-family dwelling shall be altered and no structure, other than a single or two-family dwelling, shall be constructed, externally altered or externally enlarged, and no business or commercial use shall be expanded in ground area, changed from one type of business or commercial use to a different type of business or commercial use, or established in an existing structure not theretofore used for business or commercial purposes, except in conformity with a site plan which had first been administratively reviewed by the planning board and bears the endorsement of the approval thereof by said board. The planning board may, at its discretion, waive the site plan requirement when it deems the proposed site work or building work to be minor or insignificant in nature of effect.

\*\*\*

Laura Harbottle, Scituate Town Planner, (7/15/04) indicated that the Multifamily Zone is on books, but was never placed on any land. When the researcher inquired as to whether it is a "floating zone," L. Harbottle responded that the multifamily district does not really even exist, it is not used at all. There is very little land available in the Harbor Business District, in the General Business District, in the village of Greenbush there is some available land.

\*\*\*

This information is from the Town of Scituate Zoning Bylaws, Section 450 (as amended 2003) for E (multifamily residence), Section 600 for the GB and HB (general business and harbor business districts). Below are the complete set of conditions and regulations, as set forth in Section 450, for multifamily residence districts:

"9

Multifamily dwellings subject to the following conditions and regulations:

1. Each project will be subject to the provisions of Section 730, "Site Plan Approval."
2. The minimum lot area for each multifamily complex shall be forty thousand square feet.
3. The minimum lot frontage shall be one hundred and fifty feet on a public street, or a private street, approved by the planning board under the subdivision control law. Minimum width of each lot throughout its depth shall be not less than one hundred and fifty feet measured at its narrowest.
4. The minimum lot area for each dwelling unit shall be five thousand square feet plus one thousand square feet for each bedroom in excess of two for each dwelling unit. In no case shall there be more than eighteen bedrooms or eight dwelling units per forty thousand square feet. Dwelling units with more than two bedrooms shall not exceed one in each eight dwelling units to be constructed on each lot. Surplus areas of water bodies, wetlands and marshes shall not be included in the calculation of lot area to determine the allowable number of dwelling units.
5. The shortest distance between any two multifamily dwellings shall be not less than thirty-five feet. Courts shall be completely open on one side and the depth of the court shall not exceed the width.
6. Each multifamily dwelling shall contain no more than twelve dwelling units. No exterior face of any building shall exceed fifty feet in any plane (measured horizontally) without an offset of at least eighteen inches.
7. All dwelling units shall be connected to public sanitary sewers.
8. All utility service lines shall be underground.
9. No more than twenty-five percent of the lot may be covered by the multifamily dwellings, including accessory buildings.
10. The front yard setback requirements shall be fifty feet. The side and rear yard setback requirement shall be permitted in the front yard setback areas; said setback areas (other than access drives) shall be appropriately landscaped.
11. There shall be set aside on each lot an area equal to fifteen hundred square feet per dwelling unit, not to be built upon, unpaved, landscaped, and/or left natural with an acceptable balance of trees, shrubs and grass, except that three hundred square feet of the above fifteen hundred square feet per dwelling unit shall be developed for recreational purposes.
12. In addition to the open space required in (11) above, there shall be provided landscaped side and rear yard buffer areas of at least ten feet in width each adjacent to each property line of the lot and being part of the yard requirement in (10) above. For each additional forty thousand square feet, two feet shall be added up to a maximum of thirty feet. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of six feet
13. Two off street parking spaces shall be provided for each dwelling unit. No more than ten spaces shall be provided in any one continuous row. The minimum size of a parking space, including aisles and maneuvering areas, shall be within three hundred and fifty square feet and spaces shall be within two hundred feet of the intended user. Parking spaces shall be lighted but shielded from direct glare on a public street and adjoining premises.
14. No building shall exceed two stories in height. No building shall exceed thirty feet in height.
15. No interior floor space below ground level shall be used for living purposes.
16. No building shall exceed one dwelling unit in depth front to back.
17. No building shall have an overall length of more than two hundred feet."

GB and HB (10,000 sq. ft. per family occupying the dwelling)

E (minimum lot area is 40,000 sq. ft. and minimum lot area for each dwelling unit shall be 5000 sq. ft. plus 1000 sq. ft. for each bedroom in excess of two for each dwelling unit. In no case shall there be more than eighteen bedrooms or eight dwelling units per 40,000 sq. ft.). Note that dwelling units with more than two bedrooms shall not exceed one in each eight dwelling units to be constructed on a lot.

\*\*\*

According to the Town of Scituate Zoning Bylaws (as amended 2003), the only multifamily use by special permit exists in the Planned Development District, Subdistrict A-2. Within that subdistrict, the only entity eligible to build multifamily housing is the Scituate Housing

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Multifamily housing zoned by right in the following districts:

General Business(GB) and the Harbor Business (HB) and the Multifamily Residence District (E). This information is from the Town of Scituate Zoning Bylaws (as amended 2003) in the following sections:

**430 BUSINESS DISTRICT USES**

**Section 430.1 Permitted Uses**

In a "GB" or "HB" District, the following uses are permitted as of right:

A. Any of the uses permitted as of right or by special permit in "A-1," "A-2," and "A-3" (Residence) Districts, subject to the same conditions as therein specified.

B. Dwelling for three or more families.

C. Store for the conduct of a retail business (but not including any use first specifically listed herein under "C" District uses).

D. Showroom for building supplies, including plumbing, heating and ventilating equipment.

E. Any of the following consumer, professional or commercial service establishments: Barber or beauty shop, hand or self-service laundry, bicycle repair shop, clothing rental establishment, collection station for laundry or dry cleaning, dancing or music school, frozen food locker, funeral home, medical or dental laboratory, photographic studio, shoe or hat repair shop, custom work by a dress-maker, milliner or tailor, television or household appliance repair shop, typewriter repair shop.

F. Shop of a carpenter, cabinetmaker, electrician, job printer, painter, paperhanger, plumber, sign painter or upholsterer.

G. Restaurant or other place for the serving of food or beverages.

H. Office building, bank or other monetary institution.

I. Accessory use as hereinafter defined:

1. Such industry or light manufacturing (including processing, assembly and repairs) as is usual in connection with a permitted principal use, provided that it does not occupy an area exceeding fifty percent of the total floor area occupied by the principal use, that the major portion of all products manufactured are to be sold at retail on the premises, and that no more than five operatives are regularly employed therein.

**Section 450:**

**450 RESIDENCE MULTIFAMILY DISTRICT USES**

**450.1 Permitted Uses**

In an "E" District the following uses are permitted as of right:

A. All of the uses permissible as of right or by special permit in the "A-1," "A-2," and "A-3" Districts subject to the same conditions and procedures as therein specified. Minimum lot size, frontage, setback, and width requirements for the above uses shall be in Accordance with the "A-2" District provisions.

B. Multifamily dwellings subject to the following conditions and regulations:

1. Each project will be subject to the provisions of Section 730, "Site Plan Approval."

2. The minimum lot area for each multifamily complex shall be forty thousand square feet.

3. The minimum lot frontage shall be one hundred and fifty feet on a public street, or a private street, approved by the planning board under the subdivision control law. Minimum width of each lot throughout its depth shall be not less than one hundred and fifty feet measured at its narrowest.

4. The minimum lot area for each dwelling unit shall be five thousand square feet plus one thousand square feet for each bedroom in excess of two for each dwelling unit. In no case shall there be more than eighteen bedrooms or eight dwelling units per forty thousand square feet. Dwelling units with more than two bedrooms shall not exceed one in each eight dwelling units to be constructed on each lot. Surplus areas of water bodies, wetlands and marshes shall not be included in the calculation of lot area to determine the allowable number of dwelling units.

5. The shortest distance between any two multifamily dwellings shall be not less than thirty-five feet. Courts shall be completely open on one side and the depth of the court shall not exceed the width.

6. Each multifamily dwelling shall contain no more than twelve dwelling units. No exterior face of any building shall exceed fifty feet in any plane (measured horizontally) without an offset of at least eighteen inches.

7. All dwelling units shall be connected to public sanitary sewers.

8. All utility service lines shall be underground.

9. No more than twenty-five percent of the lot may be covered by the multifamily dwellings, including accessory buildings.

10. The front yard setback requirements shall be fifty feet. The side and rear yard setback requirement shall be permitted in the front yard setback areas; said setback areas (other than access drives) shall be appropriately landscaped.

11. There shall be set aside on each lot an area equal to fifteen hundred square feet per dwelling unit, not to be built upon, unpaved, landscaped, and/or left natural with an acceptable balance of trees, shrubs and grass, except that three hundred square feet of the above fifteen hundred square feet per dwelling unit shall be developed for recreational purposes.

12. In addition to the open space required in (11) above, there shall be provided landscaped side and rear yard buffer areas of at least ten feet in width each adjacent to each property line of the lot and being part of the yard requirement in (10) above. For each additional forty thousand square feet, two feet shall be added up to a maximum of thirty feet. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of six feet

13. Two off street parking spaces shall be provided for each dwelling unit. No more than ten spaces shall be provided in any one

continuous row. The minimum size of a parking space, including aisles and maneuvering areas, shall be within three hundred and fifty square feet and spaces shall be within two hundred feet of the intended user. Parking spaces shall be lighted but shielded from direct glare on a public street and adjoining premises.

14. No building shall exceed two stories in height. No building shall exceed thirty feet in height.

15. No interior floor space below ground level shall be used for living purposes.

16. No building shall exceed one dwelling unit in depth front to back.

17. No building shall have an overall length of more than two hundred feet.

\*\*\*

From definitions on ordinance.com:

MULTIFAMILY DWELLING : A building or portion thereof containing more than two dwelling units and not classified as a one or two-family dwelling

\*\*\*

## 730 SITE PLAN REVIEW

### 730.1 Purpose

The purpose of this bylaw is to ensure that new land uses or additions to existing uses, that are of a size that may have significant impacts on neighborhoods or the town are designed to meet established standards and the goals and objectives of the Scituate Master Plan.

### 730.2 Applicability

In any district now existing or hereafter adopted, no site other than that used for a single-family or two-family dwelling shall be altered and no structure, other than a single or two-family dwelling, shall be constructed, externally altered or externally enlarged, and no business or commercial use shall be expanded in ground area, changed from one type of business or commercial use to a different type of business or commercial use, or established in an existing structure not theretofore used for business or commercial purposes, except in conformity with a site plan which had first been administratively reviewed by the planning board and bears the endorsement of the approval thereof by said board. The planning board may, at its discretion, waive the site plan requirement when it deems the proposed site work or building work to be minor or insignificant in nature of effect.

\*\*\*

Laura Harbottle, Scituate Town Planner, (7/15/04) indicated that the Multifamily Zone is on books, but was never placed on any land. When the researcher inquired as to whether it is a "floating zone," L. Harbottle responded that the multifamily district does not really even exist, it is not used at all. There is very little land available in the Harbor Business District, in the General Business District, in the village of Greenbush there is some available land.

\*\*\*

This information is from the Town of Scituate Zoning Bylaws, Section 450 (as amended 2003) for E (multifamily residence), Section 600 for the GB and HB (general business and harbor business districts). Below are the complete set of conditions and regulations, as set forth in Section 450, for multifamily residence districts:

"9

Multifamily dwellings subject to the following conditions and regulations:

1. Each project will be subject to the provisions of Section 730, "Site Plan Approval."

2. The minimum lot area for each multifamily complex shall be forty thousand square feet.

3. The minimum lot frontage shall be one hundred and fifty feet on a public street, or a private street, approved by the planning board under the subdivision control law. Minimum width of each lot throughout its depth shall be not less than one hundred and fifty feet measured at its narrowest.

4. The minimum lot area for each dwelling unit shall be five thousand square feet plus one thousand square feet for each bedroom in excess of two for each dwelling unit.

In no case shall there be more than eighteen bedrooms or eight dwelling units per forty thousand square feet. Dwelling units with more than two bedrooms shall not exceed one in each eight dwelling units to be constructed on each lot. Surplus areas of water bodies, wetlands and marshes shall not be included in the calculation of lot area to determine the allowable number of dwelling units.

5. The shortest distance between any two multifamily dwellings shall be not less than thirty-five feet. Courts shall be completely open on one side and the depth of the court shall not exceed the width.

6. Each multifamily dwelling shall contain no more than twelve dwelling units. No exterior face of any building shall exceed fifty feet in any plane (measured horizontally) without an offset of at least eighteen inches.

7. All dwelling units shall be connected to public sanitary sewers.

8. All utility service lines shall be underground.

9. No more than twenty-five percent of the lot may be covered by the multifamily dwellings, including accessory buildings.
10. The front yard setback requirements shall be fifty feet. The side and rear yard setback requirement shall be permitted in the front yard setback areas; said setback areas (other than access drives) shall be appropriately landscaped.
11. There shall be set aside on each lot an area equal to fifteen hundred square feet per dwelling unit, not to be built upon, unpaved, landscaped, and/or left natural with an acceptable balance of trees, shrubs and grass, except that three hundred square feet of the above fifteen hundred square feet per dwelling unit shall be developed for recreational purposes.
12. In addition to the open space required in (11) above, there shall be provided landscaped side and rear yard buffer areas of at least ten feet in width each adjacent to each property line of the lot and being part of the yard requirement in (10) above. For each additional forty thousand square feet, two feet shall be added up to a maximum of thirty feet. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of six feet
13. Two off street parking spaces shall be provided for each dwelling unit. No more than ten spaces shall be provided in any one continuous row. The minimum size of a parking space, including aisles and maneuvering areas, shall be within three hundred and fifty square feet and spaces shall be within two hundred feet of the intended user. Parking spaces shall be lighted but shielded from direct glare on a public street and adjoining premises.
14. No building shall exceed two stories in height. No building shall exceed thirty feet in height.
15. No interior floor space below ground level shall be used for living purposes.
16. No building shall exceed one dwelling unit in depth front to back.
17. No building shall have an overall length of more than two hundred feet."

GB and HB (10,000 sq. ft. per family occupying the dwelling)

E (minimum lot area is 40,000 sq. ft. and minimum lot area for each dwelling unit shall be 5000 sq. ft. plus 1000 sq. ft. for each bedroom in excess of two for each dwelling unit. In no case shall there be more than eighteen bedrooms or eight dwelling units per 40,000 sq. ft.). Note that dwelling units with more than two bedrooms shall not exceed one in each eight dwelling units to be constructed on a lot.

\*\*\*

According to the Town of Scituate Zoning Bylaws (as amended 2003), the only multifamily use by special permit exists in the Planned Development District, Subdistrict A-2. Within that subdistrict, the only entity eligible to build multifamily housing is the Scituate Housing Authority (Town of Scituate Zoning Bylaws, Section 490.3 (as amended 2003)).

## Seekonk

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**No** There is no mention of multifamily housing in Seekonk's zoning by-laws.

Town Planner Sandy Conaty (11/23/04) said that multifamily housing is not allowed in town. She added that single family to 2 family conversions are allowed and that this "multi-unit" housing is allowed if the space on the lot allows it. She added that no one has ever taken advantage of this option (although she has encouraged it.)

She also added that an application just came in a couple of days ago for a 40B that would have 160 units and that a recent local initiative has a 40 unit development for 55+ "in the works."

SECTION 4. GENERAL PROVISIONS

...

4.7 MULTI-UNIT STRUCTURE

Each residential unit, be it in a single or multi-unit structure, be it fixed or mobile, be it permanent or temporary, must meet or exceed,

either individually or in combined totals, the minimum lot area requirements of this by-law for the residential zone in which the unit exists. If the unit is in other than a Residential zone, it must meet or exceed the minimum lot area requirements of the least restricted residential zone. This is not authorization of any particular form of residential unit. It is a requirement of such residential units not specifically covered by these by-laws. It is a requirement of residential units allowed by legal circumvention of other provisions of these by-laws.

## Sharon

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Multifamily use is allowed by right only in the Housing Authority Zoning District where it is restricted to "seniors or low-income persons". Multifamily in Sharon is defined as the following:

Sharon Zoning Bylaws  
ARTICLE V. DEFINITIONS

MULTIPLE RESIDENCE : A building containing three (3) or more dwelling units. Also known as multifamily dwelling, garden apartment, townhouse or condominiums.

Sharon Zoning Bylaws  
ARTICLE II. DISTRICT REGULATIONS  
2300. DISTRICT USE REGULATIONS

2310. General Residence, Single Residence, Suburban, Rural and Housing Authority Districts.

2311. Permitted Residential Uses:

b. In Housing Authority Districts only, single or multiple residence housing complete with auxiliary buildings constructed and operated by or for a housing authority organized under Chapter 121B of the General Laws and subject to the following conditions:

(1) Age of principal inhabitant of each dwelling unit is not less than sixty years;

(2) Occupancy is limited to individuals or families of low income with rentals based on income in accordance with the regulations issued by the Commonwealth of Federal agency subsidizing the operation.

\*\*\*

Apartments are allowed by special permit over non-residential establishments in the business district. Also, conversion of municipal buildings to multifamily is allowed by special permit in Single Residence, Rural and Suburban Districts, and Business District "C".

From ordinance.com:

2320. Business Districts.

2326. Uses and Accessory Uses Allowed on Special Permit from the Board of Appeals:

c. Apartments over non-residential establishments (see Subsection 4230).

\*\*\*

4220. Municipal Building Conversion.

In Single Residence, Rural and Suburban Districts, and Business District "C", a Special Permit from the Board of Selectmen may authorize conversion to multifamily dwelling use of a building then or formerly in municipal use provided that additions or extensions increase lot coverage by not more than ten (10%) percent of lot area. Lot area plus contiguous land dedicated to public recreation or conservation use shall equal at least two thousand (2,000) square feet per dwelling unit; the provisions of this section shall prevail over the provisions and/or limitations of Section 2320, including without limitation 2321(a) and 2326.

4230. Apartments in Business Districts.

Apartments in excess of two dwelling units, including services related thereto, over non-residential establishments may be authorized in Business Districts on Special Permit from the Board of Appeals, provided that no dwelling unit shall be located below the second floor, in accordance with the following:

4231. Number of bedrooms shall not exceed sixteen (16) per acre. For the purposes of this calculation, a studio apartment shall be considered a one bedroom apartment.

4232. Usable open space shall be provided on the same site to at least the following amounts per unit:

Studio apartment.....400 square feet

One bedroom apartments.....600 square feet

Two bedroom apartments.....800 square feet

Three bedroom apartment or more.....1,200 square feet

4233. Usable open space shall be on substantially level ground and open to the sky; maintained in grass or landscaped as recreational or park area, provided that no more than twenty-five (25%) percent of the required minimum usable open space is covered with impervious materials; not less than twenty (20') feet in any dimension, exclusive of required setbacks; accessible to all residents on the site without crossing parking areas or driveways.

4234. Notwithstanding the provisions of Paragraph 3112, all parking required for residences shall be located on the same lot and shall be reserved for the residents.

4235. On a lot which is used for residence as well as business, the landscaping requirements of Subparagraph 3117(b) shall apply to side and rear lot lines, except where driveways or parking areas are shared with an adjoining lot. A strip of lawn or natural vegetation at least twenty (20') feet wide may be substituted in place of the screening otherwise required.

4236. Site plan approval shall be required in all cases pursuant to Subsection 6320. In addition to the reviews provided in said Subsection 6320, the Board of Appeals shall also consider suitability and safety of ways for residents to their apartments, parking areas and usable open space; and the compatibility of the proposed non-residential uses with residential uses with respect to safety from fire or other hazards and to protection from noise, litter or other nuisance.

\*\*\*

Multifamily is also allowed by special permit where flexible development is allowed.

4300. Flexible Development

4340. Multifamily Development.

\*\*\*

MULTIPLE RESIDENCE : A building containing three (3) or more dwelling units. Also known as multifamily dwelling, garden apartment, townhouse or condominiums.

\*\*\*

6330. Site Plan Approval in Business A & C Districts.

(Amended 11/13/00)

Projects Requiring Low Impact Site Plan Approval. Unless a site plan has been endorsed by the Planning Board, no building permit shall be issued in the Business A or the Business C District for:

a. The construction, reconstruction, addition, exterior alteration, or change in use of any structure, other than a single or two family dwelling, for uses permitted by right or by Special Permit as identified in Section 2323, or

b. The construction, addition, exterior alteration, or change in use of any structure for uses permitted by Special Permit as identified in Section 2326.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Multifamily use is allowed by right only in the Housing Authority Zoning District where it is restricted to "seniors or low-income persons". Multifamily in Sharon is defined as the following:

Sharon Zoning Bylaws  
ARTICLE V. DEFINITIONS

MULTIPLE RESIDENCE : A building containing three (3) or more dwelling units. Also known as multifamily dwelling, garden apartment, townhouse or condominiums.

Sharon Zoning Bylaws  
ARTICLE II. DISTRICT REGULATIONS

2300. DISTRICT USE REGULATIONS

2310. General Residence, Single Residence, Suburban, Rural and Housing Authority Districts.

2311. Permitted Residential Uses:

b. In Housing Authority Districts only, single or multiple residence housing complete with auxiliary buildings constructed and operated by or for a housing authority organized under Chapter 121B of the General Laws and subject to the following conditions:

- (1) Age of principal inhabitant of each dwelling unit is not less than sixty years;
- (2) Occupancy is limited to individuals or families of low income with rentals based on income in accordance with the regulations issued by the Commonwealth of Federal agency subsidizing the operation.

\*\*\*

Apartments are allowed by special permit over non-residential establishments in the business district. Also, conversion of municipal buildings to multifamily is allowed by special permit in Single Residence, Rural and Suburban Districts, and Business District "C".

From ordinance.com:

2320. Business Districts.

2326. Uses and Accessory Uses Allowed on Special Permit from the Board of Appeals:

- c. Apartments over non-residential establishments (see Subsection 4230).

\*\*\*

4220. Municipal Building Conversion.

In Single Residence, Rural and Suburban Districts, and Business District "C", a Special Permit from the Board of Selectmen may authorize conversion to multifamily dwelling use of a building then or formerly in municipal use provided that additions or extensions increase lot coverage by not more than ten (10%) percent of lot area. Lot area plus contiguous land dedicated to public recreation or conservation use shall equal at least two thousand (2,000) square feet per dwelling unit; the provisions of this section shall prevail over the provisions and/or limitations of Section 2320, including without limitation 2321(a) and 2326.

4230. Apartments in Business Districts.

Apartments in excess of two dwelling units, including services related thereto, over non-residential establishments may be authorized in Business Districts on Special Permit from the Board of Appeals, provided that no dwelling unit shall be located below the second floor, in accordance with the following:

4231. Number of bedrooms shall not exceed sixteen (16) per acre. For the purposes of this calculation, a studio apartment shall be considered a one bedroom apartment.

4232. Usable open space shall be provided on the same site to at least the following amounts per unit:

Studio apartment.....400 square feet

One bedroom apartments.....600 square feet

Two bedroom apartments.....800 square feet

Three bedroom apartment or more.....1,200 square feet

4233. Usable open space shall be on substantially level ground and open to the sky; maintained in grass or landscaped as recreational or park area, provided that no more than twenty-five (25%) percent of the required minimum usable open space is covered with impervious materials; not less than twenty (20') feet in any dimension, exclusive of required setbacks; accessible to all residents on the site without crossing parking areas or driveways.

4234. Notwithstanding the provisions of Paragraph 3112, all parking required for residences shall be located on the same lot and shall be reserved for the residents.

4235. On a lot which is used for residence as well as business, the landscaping requirements of Subparagraph 3117(b) shall apply to side and rear lot lines, except where driveways or parking areas are shared with an adjoining lot. A strip of lawn or natural vegetation at least twenty (20') feet wide may be substituted in place of the screening otherwise required.

4236. Site plan approval shall be required in all cases pursuant to Subsection 6320. In addition to the reviews provided in said Subsection 6320, the Board of Appeals shall also consider suitability and safety of ways for residents to their apartments, parking areas and usable open space; and the compatibility of the proposed non-residential uses with residential uses with respect to safety from fire or other hazards and to protection from noise, litter or other nuisance.

\*\*\*

Multifamily is also allowed by special permit where flexible development is allowed.

4300. Flexible Development

4340. Multifamily Development.

\*\*\*

MULTIPLE RESIDENCE : A building containing three (3) or more dwelling units. Also known as multifamily dwelling, garden apartment, townhouse or condominiums.

\*\*\*

6330. Site Plan Approval in Business A & C Districts.

(Amended 11/13/00)

Projects Requiring Low Impact Site Plan Approval. Unless a site plan has been endorsed by the Planning Board, no building permit shall be issued in the Business A or the Business C District for:

- a. The construction, reconstruction, addition, exterior alteration, or change in use of any structure, other than a single or two family dwelling, for uses permitted by right or by Special Permit as identified in Section 2323, or
- b. The construction, addition, exterior alteration, or change in use of any structure for uses permitted by Special Permit as identified in Section 2326.

\*\*\*

Sharon Zoning Bylaws  
ARTICLE IV. SPECIAL REGULATIONS

4200. Special Residential Uses.  
4220. Municipal Building Conversion.

In Single Residence, Rural and Suburban Districts, and Business District "C", a Special Permit from the Board of Selectmen may authorize conversion to multifamily dwelling use of a building then or formerly in municipal use provided that additions or extensions increase lot coverage by not more than ten (10%) percent of lot area. Lot area plus contiguous land dedicated to public recreation or conservation use shall equal at least two thousand (2,000) square feet per dwelling unit; the provisions of this section shall prevail over the provisions and/or limitations of Section 2320, including without limitation 2321(a) and 2326.

4300. Flexible Development [...]  
4340. Multifamily Development.

In Suburban Districts, the Board of Appeals may grant a Special Permit for multifamily units in flexible developments, subject to the following:

4343. Each lot containing multifamily dwellings shall have lot area as otherwise required but not less than five thousand (5000) square feet per dwelling unit.

\*\*\*

According to the Community Development Plan, "Apartments are allowed by Special Permit in Business Districts, in conversion of municipal buildings, in Flexible Development projects, and in Conservation Subdivision Developments (CSD)." (p. 36) The report goes on to define these terms:

"Municipal buildings. Municipal buildings may be converted to multifamily housing.

Apartments in business districts. Apartments over non-residential uses cannot have more than 16 bedrooms per acre and must meet requirements for usable open space and on-site parking.

Flexible development and Conservation Subdivision Development (CSD) allow multifamily units, with some constraints. CSD also provides for density bonuses for age-qualified units, below-market rate units, and public access to permanently protected open space." (p. 37)

So there are 9 districts where apartments are possible by special permit: Single Residence A, Single Residence B, Suburban 1, Suburban 2, Rural 1, Rural 2, Business A, Business B, and Business C.

\*\*\*

Single Residence A (SF): 40,000 sq ft  
Lot area: 2,000 sq ft per dwelling unit (Municipal Conversion)

Single Residence B (SF): 20,000 sq ft  
Lot area: 2,000 sq ft per dwelling unit (Municipal Conversion)

Suburban 1 (SF): 40,000 sq ft

4343. Each lot containing multifamily dwellings shall have lot area as otherwise required but not less than five thousand (5000) square feet per dwelling unit. (Flexible)

Lot area: 2,000 sq ft per dwelling unit (Municipal Conversion)

Suburban 2 (SF): 60,000 sq ft

4343. Each lot containing multifamily dwellings shall have lot area as otherwise required but not less than five thousand (5000) square feet per dwelling unit. (Flexible)

Lot area: 2,000 sq ft per dwelling unit (Municipal Conversion)

Rural 1 (SF): 60,000 sq ft

Lot area: 2,000 sq ft per dwelling unit (Municipal Conversion)

Rural 2 (SF): 80,000 sq ft

Lot area: 2,000 sq ft per dwelling unit (Municipal Conversion)

Business A (SF, 2-F): 8,000 sq ft; 10,000 sq ft (2-F)

Business B (SF, 2-F): 8,000 sq ft; 10,000 sq ft (2-F)

Business C (SF, 2-F): 8,000 sq ft; 10,000 sq ft (2-F)

Lot area: 2,000 sq ft per dwelling unit (Municipal Conversion)

## Sherborn

### Is multi-family housing allowed by right in any part of the municipality?

No

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to the Town of Sherborn Zoning Bylaws, Section 3.2 Schedule of Use Regulations, subsection 26-27, multidwellings are only allowed by special permit in Residence M and EA districts and is prohibited in all other districts. "26) Multi-Dwellings - This use is permissive in Residence M and EA districts, prohibited in all other districts. Multidwelling buildings must conform in all respects with the purposes and requirements set forth in Section 5.6 or Section 5.7 (Added 1979, amended 1991)"

In addition, researcher located in the above referenced section that low or moderate income apartments are available only by special permit in all districts.

"27) Low or Moderate Income Apartment - This use is permissive in all districts."

\*\*\*

From ordinance.com:

MULTIDWELLING (Added 1979) A building containing two or more dwelling units. A multidwelling may be a series of attached or semi-detached town houses or row houses (dwelling units sharing one or more party walls and each having at least one floor at ground level with direct access to outside on two or more sides) or a garden apartment building (dwelling unit sharing a common entry hall or stairway).

\*\*\*

3.2 Schedule of Use Regulations

(Headings added 1988, amended 1990)

26) Multi-Dwellings - This use is permissive in Residence M and EA districts, prohibited in all other districts. Multidwelling buildings

must conform in all respects with the purposes and requirements set forth in Section 5.6 or Section 5.7 (Added 1979, amended 1991)

27) Low or Moderate Income Apartment - This use is permissive in all districts.

a) Single family detached dwelling, together with accessory buildings, containing in the dwelling or in an existing accessory building one additional housekeeping unit, or a building designed or used for any non-residential purpose containing one additional housekeeping unit physically separated within the building from the non-residential use, provided as follows:

b) Such unit shall meet the criteria for "Local Initiative Units" as defined in 760 CMR 45.03 (as the same may be amended from time to time), including the following:

i) The unit is to be a "Low and Moderate Income Unit" as defined in 760 CMR 45.02 (as the same may be amended from time to time);

ii) The unit is not developed with, or is not proposed to be developed with, a comprehensive permit within the meaning of Chapter 40B, sections 20 - 23 of the General Laws;

(iii) the unit is subject to Use Restrictions which, as a result of the Special Permit provided by this Subsection 27 permitting such unit, are a condition for the installation of such housekeeping unit (whether such installation results from new construction of the housekeeping unit, building conversion, adaptive reuse to permit use of an existing housekeeping unit, or substantial rehabilitation of the building for this purpose). Use Restrictions means a contract, deed restriction, condition of the Special Permit provided by this Subsection 27, or other legal instrument as may be required by the Special Permit Granting Authority and as may be approved by the Department of Community Affairs within the Executive Office of Communities and Development (which agency has been established pursuant to Chapters 23B and 6A of the General Laws of the Commonwealth), which Use Restriction restricts occupancy of Low and Moderate Income Units to persons with qualified incomes for a determinate period of time.

iv) The initial period of such Use Restrictions is as long as the unit is operated as an apartment, but in no event less than five years; and

v) The owner(s) of the units agree to be subject to equal housing opportunity guidelines established by the Department of Community Affairs.

c) The Special Permit Granting Authority shall be satisfied that, upon the termination or expiration of the Special Permit, the facilities of such unit can readily be removed or, alternatively, reintegrated with the dwelling to produce an allowed use of the property under Section 3 of the By-Laws.

d) The gross floor area of such unit shall not exceed the lesser of 1200 square feet or 30 percent of the gross floor area of the dwelling (including any addition thereto for such unit).

e) The installation of such unit and any use thereof shall be permitted only upon the issuance of a Special Permit by the Special Permit Granting Authority in compliance with the procedures set forth in Section 6 if the Zoning By-Laws.

f) The Special Permit described in this Subsection 27 may be issued for the duration of such occupancy, provided however that the Permit shall automatically expire on the second year anniversary of its issuance unless the period is extended for one or more additional two year periods upon the filing by the owner(s) of a sworn affidavit with the Town Clerk, with a copy to the Zoning Board of Appeals, certifying occupancy consistent with the Special Permit and this Subsection 27 of the By-Laws. g) The Inspector of Buildings may, in addition to other remedies, order removal of the separate kitchen facilities, equipment, fixtures, interior alterations, any separate, metering of utilities, and any structural changes, or any or all of them, that were installed to create such unit, if the lawful use of such unit has expired or been terminated.

h) The applicant for a Special Permit for such unit shall file with the Special Permit Granting Authority such plans, specifications and other instruments concerning the proposed unit and the subsequent use therefor as the Special Permit Granting Authority may reasonably require by general rule or by request to the applicant.

i) After issuance of any Special Permit pursuant to this Subsection 27, the Board of Selectmen shall make application to the Department of Community Affairs for certification that the unit so permitted is a "Local Initiative Unit", to count towards the Town's statutory obligations under Chapter 40B of the General Laws of the Commonwealth, all in accordance with the application procedures set forth in 760 CMR 45.00 (Local Initiative Program)." (Added 1991)

\*\*\*

According to the table of use regulations:

2) Apartment is allowed by special permit in each district. [This appears to be a type of accessory apartment]

26) Multidwellings is allowed by special permit in RM and REA.

27) Low or Moderate Income Apartment is allowed by special permit in each district: RA, RB, RC, RM, REA, BG, BP.

\*\*\*

Town of Sherborn Zoning Bylaws, Section 4.2 Schedule of Dimensional Requirements (2004).

In addition, in Section 5.6.5 Special Permit Requirements, sets out further age and unit restricts on multifamily housing:

"The Planning Board must hold a public hearing within 65 days after the filing of the application with the Planning Board. In addition to the specific requirements set forth below, the Planning Board may consider the probable impact of the proposed development upon Town services and facilities, the compatibility of the project with the surrounding area and the consistency of the proposed development with the Town's long range planning objectives. In order to approve a proposed multidwelling project and grant a special permit therefore, the Planning Board must find that all of the following requirements are met:

a) Lot Size

Only lots 10 acres or larger may be rezoned for Residence M District use for multidwelling projects.

b) Lot Location

No special permit shall be granted for any land which is more than one mile by public way from the intersection of Main and Washington Street or land within or abutting property in the Business "G" or Business "P" districts as shown on the Zoning Map of Sherborn. Locations should be readily accessible to shopping, transportation, and other public facilities and services used by the elderly. (amended 2001)

c) Building Occupancy

The occupancy of multi-dwelling projects in Residence M Districts shall be limited to families at least one member of which is 55 years of age or older. (amended 2001)

d) Density

No more than 4 dwelling units per acre shall be permitted on any one lot approved for multidwelling use. There shall be no more than 8 dwelling units in any one building and not more than 2 bedrooms in any one dwelling unit. There shall be a minimum of 30 feet between buildings on the site."

\*\*\*

From ordinance.com:

## 5.6 Residence M District - Multidwelling Projects (Added 1979)

### 5.6.1 Purposes

The purposes of the Residence M District are to provide for the demonstrated elderly housing needs of the Town by making provision for appropriately located, specially designed and reasonably priced housing for occupancy by elderly persons who otherwise would not have such housing opportunities within the Town; to allow greater flexibility in land use planning for the development of tracts of land in terms of density, preservation of open spaces, utilization of natural features, provision of municipal services and provision of a variety of housing types; to ensure that site development plans will be presented to the Town Meeting in connection with a proposal to rezone a tract of land to Residence M District; and to enable the Planning Board to require adherence to such site development plans in the granting of a special permit as hereinafter described.

### 5.6.2 Land Use and Dimensional Requirements

In the absence of a special permit for multidwelling project granted as hereinafter described, land uses and dimensional controls in the Residence M District shall be the same as those for the district for which the land was zoned before the rezoning. Multidwelling projects which have received such, special permits must conform with the dimensional requirements set forth in Section 5.6.5. The Planning Board may impose conditions limiting the uses allowed in a multidwelling project pursuant to Section 5.6.6g.

### 5.6.3 Town Meeting Presentation - Preliminary Development Plan

Every proposal for the rezoning of land to a Residence M District classification must be presented to a Town Meeting for a two-thirds vote in accordance with Chapter 40A of the General Laws. The initial proposal submitted to the Board of Selectmen for inclusion in the Town Warrant need only include a description of the land proposed for rezoning and a brief description of the proposed project, but every proposal must include a Preliminary Development Plan when it is presented at the Planning Board public hearing required by said Chapter 40A prior to the Town Meeting, and later, as the plan may be amended after such public hearing, at the Town Meeting. In addition to the requirements imposed by the rules and regulations of the Sherborn Planning Board, adopted pursuant to said Chapter 40A, the Preliminary Development Plan shall show in a general manner but drawn to scale, the boundaries and topography of the parcel; the wetlands, ponds, streams, or waterways within or adjacent to the land; the proposed location, bulk, types, architectural character and typical floor plans for all buildings or structures; the proposed locations, design and dimensions of all streets, walks, parking and other paved areas; the proposed grading plan, drainage plan, and location of major utilities, wells and septic systems; and

the proposed open space. The Preliminary Development Plan shall also include, either on the plans or in other documentary form, the name and address of the record owner, the proposed dwelling unit density, the total floor area, proposed rents or sale prices, and any other information concerning the purposes and nature of the proposed project which the proponent believes will assist the Planning Board and Town voters in their deliberation. The Planning Board, in its report to the Town Meeting, required by law, shall include its opinion on whether or not the proponent has prepared and presented sufficient data to give reasonable assurance that the development will conform to the Preliminary Development Plan with respect to the location, layout and design of proposed buildings, drives and streets, to the density, type and design of floor plans and dwelling units, and to any other material which the proponent has submitted with his proposal. At least two weeks before the Town Meeting, one complete copy of all material to be presented to the Town Meeting shall be filed with the Town Clerk for public inspection.

#### 5.6.4 Special Permit Application - Final Development Plan

The Planning Board shall be the special permit granting authority for multidwelling projects within a Residence District and all relevant requirements set forth in Section 6.2.3 and 6.2.5 with respect to special permits before the Board of Appeals shall apply to the Planning Board herein. The applicant shall file his application for a special permit with the Planning Board and forthwith with the Town Clerk. Such application shall be accompanied by a Final Development Plan which indicates full compliance with the requirements set forth in Section 5.6.5 below, and which includes at a minimum, the following plans and supporting materials:

##### a) Survey

A survey plan of the land by a registered land surveyor showing all metes and bounds, prominent natural or man-made features, existing buildings or structures, tree lines, topography in 2 foot contours in the portion developed with buildings and 10 foot contours elsewhere, the location of land in the Flood Plain District, if any, all adjoining existing streets and all abutting owners.

##### b) Site Development Plan

A plan or plans showing soil culture, proposed grading plans, drainage plans, the location of buildings and other improvements, the landscaping plan, open space designation, the utilities distribution plan, and the dimensions, materials and types of construction of all streets, roads, parking, walkways and walls.

##### c) Architectural Plans

Preliminary plan or plans showing building locations, typical floor plans, elevations, sections, important exterior details of the buildings and general massing.

##### d) Statistics

A tabulation of the proposed buildings by building type, size (showing number of rooms by use, and total floor area), ground coverage, dwelling units per building, and dwelling units per acre. There shall also be a summary of the percentages of the site covered by buildings, covered by paved areas and designated for open space.

##### e) Developer Information

A legal description of the development entity with documented financial information sufficient to establish the developer's capability to complete all aspects of the project; documentation indicating a firm commitment from a recognized financial institution for construction financing and, where appropriate, permanent mortgage financing; the approximate schedule of rents, leases or sale prices; and where publicly financed, subsidized or otherwise publicly assisted units are involved, written evidence of the receipt of such approvals and/or commitments as may be required.

All application, plans and supporting materials for such special permits shall be submitted to the Board of Health and the Conservation Commission by the Planning Board for their review and written recommendations. Either such board or commission shall make such recommendations as it deems appropriate and shall send copies thereof to the Planning Board and to the applicant. The Failure of either such board to make recommendations to the Planning Board within 35 days from the receipt thereof shall be deemed to be lack of opposition thereto. Such a submission by the Planning Board and such recommendations by the Board of Health and the Conservation Commission shall in no way relieve the applicant of any obligations he may have to obtain permits or other approvals independently from those boards.

#### 5.6.5 Special Permit Requirements

The Planning Board must hold a public hearing within 65 days after the filing of the application with the Planning Board. In addition to the specific requirements set forth below, the Planning Board may consider the probable impact of the proposed development upon Town services and facilities, the compatibility of the project with the surrounding area and the consistency of the proposed development with the Town's long range planning objectives. In order to approve a proposed multidwelling project and grant a special permit therefor, the Planning Board must find that all of the following requirements are met:

##### a) Lot Size

Only lots 10 acres or larger may be rezoned for Residence M District use for multidwelling projects.

##### b) Lot Location

No special permit shall be granted for any land which is more than one mile by public way from the intersection of Main and Washington Streets or land of which at least 25% of such property is within the Business G or Business P districts as shown on the Zoning Map of Sherborn. Locations should be readily accessible to shopping, transportation, and other public facilities and services used by the elderly.

\*\*Webmasters Note: The previous section 5.6.5 (b) has been amended as per Case No. 1574 from 4/24/01.

c) Building Occupancy

The occupancy of multi-dwelling projects in Residence M Districts shall be limited to families at least one member of which is 55 years of age or older.

\*\*Webmasters Note: The previous section 5.6.5 (c) has been amended as per Case No. 1574 from annual town meeting 4/24/01.

d) Density

No more than 4 dwelling units per acre shall be permitted on any one lot approved for multidwelling use. There shall be no more than 8 dwelling units in any one building and not more than 2 bedrooms in any one dwelling unit. There shall be a minimum of 30 feet between buildings on the site.

e) Special Needs Design

Building and site layout shall be specially designed for the needs of the elderly with particular attention to appropriate floor plans, safe and convenient ingress and egress from buildings, and parking, walks and ramps which meet current standards for the handicapped. Where possible, special facilities for meeting and communal social activities shall be provided.

f) Architectural Design

The architectural scheme shall be harmonious within the project with respect to choice of materials, colors, style, detailing and massing, but rigidity and monotony are to be avoided by use of variations in building size, height, location and roof lines and the judicious arrangement of landscaping elements and site features. The project shall also be harmonious with the surrounding buildings and insofar as is appropriate for the particular location, consistent with the architectural traditions of the Town.

g) Landscaping

All improvements shall be placed so as to leave undisturbed, as far as possible, the special environmental and historical features of the site including especially woodlands, wetlands, ponds, streams, waterways, marshes, hill tops, ravines, biological habitats of special interest, views of unusual importance, continuous green belts, existing trails and bridle paths and historical monuments. The required setback buffer shall consist of natural woodlands wherever possible. Otherwise, indigenous trees and shrubs and other elements such as walls and earth berms shall be used to create effective screening. The applicant must submit a landscaping plan prepared by a registered architect or landscape architect which will be reviewed by the Planning Board for aesthetic effect.

h) Open Space

At least 25 percent of the total area or 3 acres of such lot, whichever is greater, shall, except as provided below, remain unbuilt upon and set aside for conservation, outdoor recreation or park purposes or buffer areas. Such open land shall be in addition to required front, side and rear yards and may be in one or more parcels of a size and shape appropriate for the intended use and may be conveyed either to and accepted by the Town or its Conservation Commission, to a legal association comprised of the homeowners within such lot, or to a non-profit organization the principal purpose of which is the conservation of open space. Such open and shall be included in the total lot area for the purpose of computing the dwelling unit density of the lot. The future ownership of such open land, which may differ from parcel to parcel, shall be specified by the Planning Board as a condition of the special permit, but when such open land is conveyed to persons other than the Town of Sherborn, the Town shall be granted an easement over such land sufficient to insure its perpetual use as conservation, recreation or park land or buffer area.

i) Utilities

All electrical, gas, telephone, water distribution and other utility and service lines shall be placed underground in accordance with the regulations of the respective utility companies and the rules and regulations of the Sherborn Planning Board adopted pursuant to Chapter 40A. Adequate methods shall be provided on the site for waste disposal and for surface and subsurface drainage in accordance with the Regulations of the Health Department. j) Lighting

Lighting of parking and walkways shall be designed to provide sufficient uniform illumination with a low glare factor. The mounting heights shall be as appropriate for the architectural character and scale of the buildings, but all lights must be arranged and shielded to prevent direct glare from the light source onto any street or adjacent property.

5.6.6 Planning Board Approval

The Planning Board may grant a special permit for a multidwelling project based on a determination that the proposed development will be consistent with, the development as approved by the Town Meeting, consistent with the requirements set forth in Section 5.6.5

and consistent with the general purposes of the Residence M District, subject to the following standards:

- a) The special permit shall incorporate by reference the Preliminary Development Plan presented to the Town Meeting. The Planning Board may in its discretion, permit deviations from the Preliminary Development Plan presented to the Town Meeting, provided, however, that the Board shall not permit any increase in the dwelling unit density, nor shall it permit an increase greater than 10% in the total floor area. The Planning Board shall not authorize any non-residential use other than shown in the Preliminary Development Plan presented to the Town Meeting.
- b) The Planning Board may require dwelling unit density to be less than that shown on the Preliminary Development Plan presented to the Town Meeting, if the Board determines that proper land use planning so requires, but in such event, the Board shall file with its decision the basis for its determination, including, among other factors, soil conditions, drainage, traffic or other neighborhood conditions brought to the Board's attention, and the provisions of the usable open space.
- c) The Planning Board may permit the construction and use of facilities such as a community center or recreation center for the use of the elderly residents and their guests if the Board determines that the inclusion of such facilities would be appropriate to the site and to the project as designed.
- d) In granting a special permit, the Planning Board shall impose as a condition thereof that the installation of services and construction of interior drives within the development shall comply with the requirements of the rules and regulations of the Sherborn Planning Board adopted pursuant to Chapter 40A and may impose such additional conditions and safeguards as public safety, welfare and convenience may require.
- e) The Planning Board, upon application by the developer and after hearing, may amend a special permit previously granted, but only in accordance with the standards hereinbefore set out.
- f) Subsequent to a special permit granted by the Planning Board under the provisions of this section, minor revisions may be made from time to time in accordance with applicable laws, by-laws and regulations, but the development under such special permit shall otherwise be in accordance with the submission accompanying the developer's application for a special permit, except as modified by the decision of the Planning Board of any such revision. If the Board determines such revisions not to be minor it shall order a public hearing.
- g) The Planning Board may impose such conditions on the permit which limit or otherwise vary the allowability of uses listed in Section 3.2 for Residence M Districts where in its judgment such uses would be inappropriate in a multidwelling project context.

#### 5.6.7 Planning Board Denial (Amended 1980)

The Planning Board may deny an application for a special permit hereunder and base its denial upon the failure of the proposal to meet the requirements established in Section 5.6.5 hereof, a finding that the development would not be consistent with the purposes of the Residence M District including, but not limited to, the absence of a demonstrated need for such housing or a finding that the proposed development does not substantially conform to the Preliminary Development Plan as approved by the Town Meeting in connection with the rezoning of the land. Failure to so issue and file a decision within said 90 days shall be deemed a grant of the permit in accordance with Chapter 40A of the General Laws.

#### 5.6.8 Procedural Requirements For Special Permits (Added 1980)

The Planning Board, as the special permit granting authority for multidwelling projects within a Residence M District, shall hear and decide an application for a special permit or any extension, modification or renewal thereof, in full compliance with the time limitations and all other procedural requirements specified in Chapter 40A of the General Laws and Section 6 of this By-Law.

\*\*\*

### 5.7 Residence EA District - Multi-dwelling Projects (Added 1991)

#### 5.7.1 Purposes

The purposes of the Residence EA district are to provide for

- (i) the demonstrated housing needs of the elderly,
- (ii) the demonstrated need for affordable housing for individuals with Low and Moderate income without regard to age,
- (iii) the public health by making provision for utilization of leaching and septic capacity for off-site municipal uses,
- (iv) to allow greater flexibility in land use planning for the development of tracts of land in terms of density, presentation of open spaces, utilization of natural features, provision of municipal services and provision of a variety of housing types, to ensure that site development plans will be presented to the Town Meeting in connection with a proposal to rezone a tract of land to Residence EA District and to enable the Planning Board to require adherence to such site development plans in the granting of a Special Permit as hereinafter described.

#### 5.7.2 Land Use

Notwithstanding anything in this By-Law to the contrary, the Residence EA District may be utilized for elderly housing projects as described in Section 5.6 of this By-Law, and/or for affordable housing for Low and Moderate Income Units as the same is defined in 760 CMR 45.02 (as the same may be amended from time to time), and/or leaching or septic facilities for municipally owned buildings located outside of the lot or District.

#### 5.7.3 Procedural Requirements and Limitations

Sections 5.6.2, 5.6.3, 5.6.4, 5.6.5, 5.6.6, 5.6.7 and 5.6.8 of the Zoning By-Laws, relating to the procedures applicable in the Residence M District shall apply to Residence EA District as if fully set forth herein with all references therein to "Residence M District" being replaced with "Residence EA District", EXCEPT AS FOLLOWS:

a) Section 5.6.5(c) ("Building Occupancy") shall be incorporated by reference in this Section 5.7.3 with the addition of the following to the end of the sentence "or persons eligible for Low or Moderate Income Units as defined in 760 CMR 45.02 (as the same may be amended from time to time)."

b) In Section 5.6.5(d), the reference to "two bedrooms" shall not apply to Residence EA District and instead the limitation shall be "not more than three bedrooms in any one dwelling unit". In the case of multistory buildings containing single level dwelling units (flats) which require an elevator to comply with ADA and handicapped access requirements, the Planning Board may waive the 8 unit maximum for each building if they find the building is otherwise harmonious and appropriate for the particular location and consistent with the architectural traditions of the Town.

\*\*Webmasters Note: The previous section 5.7.3 (b) has been amended as per Case No. 1574 from annual town meeting 4/24/01.

c) Section 5.6.6 ("Special Permit Requirements") shall apply to Low and Moderate Income Units, but no approvals other than for the use of the site and other than those normally associated with septic/leaching systems shall be required for use of the Residence EA District for municipal building septic/leaching facilities shall be required.

#### 5.7.4 Additional Requirements

In addition to the foregoing, Low and Moderate Income Units shall meet the following additional requirements:

a) Such housing must be either Subsidized Housing Units as defined in Chapter 40B of the General Laws of the Commonwealth or Local Initiative Units as defined in 760 CMR 45.03 (as the same may be amended from time to time), or municipally owned and operated affordable housing operated on the basis of substantial similarity with the goals and policies of Local Initiative Program as defined in 760 CMR 45.00.

b) For Local Initiative Units, the following shall apply:

i) the units are to be "Low and Moderate Income Units" as defined in 760 CMR 45.02 (as the same may be amended from time to time);

ii) the project is not developed with, or is not proposed to be developed with, a comprehensive permit within the meaning of Chapter 40B, Sections 20 - 23 of the General Laws;

iii) the project is subject to Use Restrictions which, as a result of the Special Permit provided by this Section, are a condition for the granting of the Special Permit: Use Restriction shall mean a contract, deed restriction, condition of Special Permit provided by this Section 5.7 or other legal instrument as may be required by the Special Permit Granting Authority and as may be approved by the Department of Community Affairs within the Executive Office of Communities and Development (which Agency has been established pursuant to Chapters 23B and 6A of the General Laws of the Commonwealth), which Use Restriction restricts occupancy of Low and Moderate Income Units to persons with qualified incomes for a determinate period of time.

iv) the initial period of such Use Restrictions is as long as the unit is occupied, but in no event less than five years; and

v) the owner/developer of the units agrees to be subject to equal housing opportunity guidelines established by the Department of Community Affairs.

vi) After issuance of any Special Permit pursuant to this Section 5.7, the Board of Selectmen shall make application to the Department of Community Affairs for certification that the unit so permitted is a "Local Initiative Unit" to count towards the Town's statutory obligations under Chapter 40B of the General Laws of the Commonwealth, all in accordance with the application procedures set forth in 760 CMR 45.00 ("Local Initiative Program"). (added 1991)

## Shirley

**Is multi-family housing allowed by right in any part of the municipality?**

No

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Shirley Zoning Bylaw

According to the Table of Use Regulations, the following is allowed:

Conversion of a single-family dwelling existing at the time of the original adoption of this Bylaw into a multifamily dwelling... allowed by special permit from the board of appeals in R-R, R-1, R-2, R-3.

Multifamily housing (maximum six units per building)... allowed by special permit from the planning board in R-R, R-1, R-2, R-3 and C-1.

\*\*\*

MULTI-FAMILY USE : Three (3) or more dwelling units on a single lot, including any mix of single family, two-family or multi-family structures, whether or not attached, and regardless of form of tenure.

\*\*\*

**14. MIXED USE ZONING OVERLAY DISTRICT**

14.1 General in order to permit a mixture of residential and commercial uses and a variety of building types, tracts of land within the Mixed Use Development Overlay District may be developed under a Special Permit with site plan approval granted by the planning Board as hereinafter defined and limited. The Mixed Use Development Overlay District shall only pertain to the area of the Town known as C-1 Commercial Village.

**14.2 Special Permit Authority**

The Planning Board may grant a Special Permit with site plan approval for construction of a Mixed Use structure in the Mixed Use Development Overlay District. The Special Permit shall conform to this Section and to M.G.L. Chapter 40A, Section 9 and to regulations, which the Board shall adopt for carrying out its requirements hereunder. The Board shall consider and make recommendations regarding, among other things, the architectural value and significance of the site, building or structure, the general design, arrangement and texture, materials and color of the features involved and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Board shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to the buildings or structures in the vicinity. Further, the Board may, in appropriate cases, impose dimensional and set back requirements in addition to those required by this Section. The Board shall not consider interior arrangements or architectural features not subject to public view.

**14.3 Applicant Requirements**

Applicants requesting Special Permits under this Section shall submit to the planning Board, all documents and fees as required by Section 7.4 of the Town of Shirley Zoning Bylaw. In addition, every applicant must furnish proof of ownership of the property regarding the application. If the application for a Special Permit involves land under more than one ownership, each owner of the land included in the plan shall be party to the application, and upon approval, subject to its provisions. Signatures of all parties shall be required to process the application.

**14.4 Permitted Uses**

In a Mixed Use Development Overlay District, the following uses shall be permitted:

- a. Residential, only on floors above the ground floor.
- b. Business, only within the first two floors.
  1. Restaurants.
  2. Theaters.
  3. General retail sales and services (excluding retail sales of motor vehicles, boats, mobile homes and house trailers, automobile service stations and drive through banking facilities).
  4. Banks and financial services.
  5. Business and professional offices.
  6. All other uses as permitted in the MU Schedule of Use Regulations, Section 2 of the Zoning Bylaw.

7. No drive-through services shall be allowed for any use.

c. Expansion of existing buildings

Special Permits may be granted to a Mixed Use Development project that would permit upper floor additions to buildings provided that the square footage of each completed upper floor be equal to at least eighty (80) percent of the total square footage of the first floor and if the project meets all the parking and site plan criteria required by the Board and meets State Building Code requirements.

\*\*\*

#### 4. SPECIAL REGULATIONS

##### 4.1 Multi-Family Housing - Special Permit

Under a Special Permit issued by the Planning Board multi-family housing may be developed in accord with the table of uses.

For multi-family housing of three (3) units or more the density requirements are as follows:

R-R 100,000 sq. ft. for the first unit plus 60,000 sq. ft. for each additional dwelling unit.

R-1 60,000 sq. ft. for the first unit plus 40,000 sq. ft. for each additional dwelling unit.

R-2 40,000 sq. ft. for the first unit plus 30,000 sq. ft. for each additional dwelling unit.

R-3 30,000 sq. ft. for the first unit plus 15,000 sq. ft. for each additional dwelling unit.

C-1 20,000 sq. ft. for the first unit plus 15,000 sq. ft. for each additional dwelling unit.

Such development may contain more than one building on a lot. No principal building may contain more than six (6) units. Where the development contemplates the clustering of such multi-family buildings, the applicant must also satisfy the provisions of Sections 4.2.1 through 4.2.16, inclusive. The Planning Board shall also be guided by Section 4.2.17 in issuing a Special Permit for such clustering of multi-family buildings.

##### 4.1.1 Procedures

The procedures for submission, referral, review, public hearing and approval or denial shall conform to those outlined below under 4.2 Cluster Residential Housing - Special Permit.

No request for a Special Permit shall be granted until the Planning Board has made the following findings:

- a. The proposed construction or use is consistent with the general purpose of these Bylaws; and
- b. The proposed use or construction will not impair the integrity of the district and adjoining districts; and
- c. The proposed construction or use will not be detrimental to the health and welfare of the occupants and users thereof, and the citizens of the Town; and
- d. The proposed construction or use will not be detrimental to the value of nearby property; and
- e. That adjoining public ways are adequate and sufficient to accommodate anticipated extra traffic generated by proposed construction or use and that the proposed construction or use will not create safety hazards; and
- f. The proposed construction or use will not adversely affect quantity or quality of water supply from private or public wells.

##### 4.1.2 Special Conditions

In granting a Special Permit the Planning Board may impose such conditions as it may deem necessary to assure compliance with the goals of this Bylaw.

##### 4.2 Cluster Residential Housing - Special Permit

## Shrewsbury

**Is multi-family housing allowed by right in any part of the municipality?**

No

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Shrewsbury Zoning Bylaw (Adopted 1967, Amended 2004)

Dwelling:

(one-family): A building arranged for the use of one (1) family unit in which provisions may be made for not more than five (5) lodgers or boarders.

(two-family): A building arranged for the use of two (2) family units in which provisions may be made for not more than five (5) lodgers or boarders per family.

(multi-family) (apartment house): A building arranged for the use of more than two (2) family units.

(in-law apartment): A portion of a dwelling providing a separate housekeeping unit to be occupied by not more than three (3) persons related (by blood or marriage) to the principal resident. (amended 5/22/1985)

\*\*\*

According to the use regulation schedule:

Senior Housing is allowed by special permit from the planning board in Rur A, Rur B, Res A, Res B-1, Res B-2, MF-1, MF-2, Apt, LB, CB.

MF-1 -- Multifamily garden-type apartments are allowed by special permit from the planning board in MF-1 and by special permit from the board of appeals in Apt. (See footnote 5)

MF-2 -- Multi-family townhouse-type structures are allowed by special permit from the planning board in MF-1 and MF2 and special permit from the board of appeals in Apt. (See footnote 6)

Structures for dwelling units containing not more than eight stories are allowed by special permit from the board of appeals in Apt. (See footnote 7)

\*\*\*

Footnotes to schedule of uses:

(5) MF-1 -- Multi-family structures in accordance with the provisions of Table II provided that each dwelling unit has two (2) exterior exposures; each structure contains not more than twelve (12) dwelling units unless each unit has a ground level floor in which case the structure shall contain not more than eight (8) dwelling units; multiple structures shall be separated by a minimum distance of fifty (50) feet excluding detached accessory structures; and provided further that: 1. All off-street parking areas as required under Section VII D shall be provided, none of which shall be in the required yards. 2. On-site recreational facilities shall be provided in an amount and type compatible with the proposed size of the development. 3. Single developments shall not exceed 125 living units. 4. Site development shall be in accordance with the applicable provisions of the Planning Board's current Subdivision Rules and Regulations regarding utilities, drainage, parking areas and roadways. 5. Due consideration is given to reducing the impact of the development on abutting properties with respect to traffic, lighting, location of recreational facilities, yard requirements and screening. 6. All access ways to and from the site shall be privately maintained. 7. A site plan has been prepared in accordance with the provisions of Section VII F. 8. Final development plans are substantially consistent with the proposals presented to the Town at the time of rezoning

(6) MF-2 -- Multi-family townhouse-type structures in accordance with the provisions of Table II provided each living unit has a ground level floor, front and rear exposures and the connected living units do not exceed 8 in any one building. Buildings shall be separated by at least 50 feet excluding detached accessory structures and provided further that: 1. Conditions 1 through 8 for MF-1 are met. 2. Density of development shall not exceed 1 living unit/10,000 square feet of land area.

(7) 1. Each dwelling unit shall have at least one (1) exposure. 33  
2. All off-street parking areas as required under Section VII D shall be at the side of, rear of or beneath buildings. 3. A site plan has been prepared in accordance with the provisions of Section VII F. 4. When more than one (1) structure is to be constructed, the allocation of land for buildings and site improvements shall be in accordance with the Planning Board's Subdivision Rules and Regulations in effect at that time.

(23) Senior Housing – Single family, Two-family or Multi-family townhouse-type structures in accordance with the provisions of Table II Multi-Family Residential MF-1 provided each living unit has a ground level floor, front and rear exposures and the connected living units do not exceed 6 in any one building. Buildings shall be separated by at least 50 feet excluding detached accessory structures and provided further that: (amended 5/22/2002) 1. Conditions 1 through 7 of Footnote 5 shall be satisfied. 2. Density of development shall not exceed 1 living unit/10,000 square feet of land area.

(24) Senior Housing – Two-family or Multi-family structures in accordance with the provisions of Table 11 Multi-Family Residential MF-1 provided that each dwelling unit has two (2) exterior exposures; each structure contains not more than twelve (12) dwelling units unless each unit has a ground level floor in which case the structure shall contain not more than six (6) dwelling units; multiple structures shall

be separated by a minimum distance of fifty (50) feet excluding detached accessory structures; and provided further that: (amended 5/22/2002) 1. Conditions 1 through 7 of Footnote 5 shall be satisfied.

\*\*\*

#### M. LAKEWAY OVERLAY DISTRICT (5/19/2004)

##### 5. Permitted Uses and Structures.

a. Mixed-Use Development: Vertical Mix. Uses permitted (Y) in the Commercial Business District or Limited Business District, when integrated with one or more of the following uses in a single structure: 1. Dwelling units above the ground floor of a commercial building.

2. Live-and-work space, e.g. artist's residence and studio.

3. In a vertical mixed-use development, permitted commercial uses shall constitute at least 30% of the total gross floor area of the structure. c. No use listed as a prohibited use under Section M.7 of this Bylaw may be included in a vertical mixed-use development or a one-family conversion.

6. Uses and Structures Permitted by Special Permit. a. Mixed-Use Development by Special Permit: Horizontal Mix. In the Lakeway Overlay District, the Planning Board may issue a special permit for a development that includes more than one structure on a single lot and integrates permitted or special permitted uses in the Commercial Business District or Limited Business District with the following additional uses:

1. Multi-family garden-type apartments (SP-PB), subject to a new footnote to Table I: (28) Multi-family use is allowed as part of a mixed-use development subject to the requirements of Section

VII-M. Lakeway Overlay District. Multi-family units may be located above the ground floor of a commercial building, accessed by an entrance separate and distinct from commercial uses, in a multi-family building to the side or rear of the same lot, or a combination thereof. Multi-family building disposition

84

(placement) in relation to the principal commercial structure shall be subject to the approval of the Planning Board.

2. Multi-family townhouse-type structures (SP-PB), subject to a new footnote to Table I: (29) Use allowed by special permit subject to the requirements of Section VII-M. Lakeway Overlay District. b. Marinas. c. No use listed as a prohibited use under Section M.7 of this Bylaw may be included in a horizontal mixed-use development.

9. Development Regulations for the Lakeway Overlay District. Development, redevelopment and reuse will generally be deemed consistent with the purposes of the Lakeway Overlay District when it meets the following objectives:

(a) provides appropriate scale, design, operation and visual character for a New England downtown or central business district,

(b) avoids "big box" development,

(c) consolidates and minimizes curb cuts, subordinates the location of parking to buildings, and provides

86

exemplary architectural design,

(d) strengthens the local economy,

(e) encourages pedestrian and bicycle access along major and side streets, and between commercial or mixed-use properties, and

(f) encourages people to live, work and shop in Shrewsbury by providing a planned mix of uses.

a. Multi-Family Dwellings Multi-family garden-type apartments and multi-family townhouse dwellings may be allowed by special permit from the Planning Board when part of a horizontal mixed-use development in the Lakeway Overlay District, subject to the following requirements:

1. Multi-family garden-type apartments may be located above the ground floor of a building, provided that the ground floor is occupied by permitted or special permitted commercial uses.

2. Multi-family garden-type apartments may be allowed in separate buildings located to the side and rear portions of a lot on which the primary structure facing the street contains a vertical mix of commercial and residential uses, provided that no more than 60% of aggregate gross floor area on the lot is for residential uses. The Planning Board may waive the requirement that the primary structure contain a vertical mix of commercial and residential uses when the height of the primary structure is at least 35 feet and two and one half stories. Multi-family building disposition (placement) in relation to the principal commercial structure shall be subject to the approval of the Planning Board.

3. Multi-family townhouse-type structures may be allowed in separate buildings located to the side and rear portions of a lot on which the primary structure facing the street contains a vertical mix of commercial and residential uses, provided that no more than 60% of aggregate gross floor area on the lot is for residential uses. The Planning Board may waive the requirement that the primary structure contain a vertical mix of commercial and residential uses when the height of the primary structure is at least 35 feet and two and one half stories. Building disposition (placement) in relation to the principal commercial structure shall be subject to the approval of the Planning Board.

4. Multi-family garden-type apartments and multi-family townhouse-type structures must provide affordable housing in accordance with Community Benefits (below).

5. The maximum number of garden-type apartments or townhouse-type units allowed in a single development shall not exceed the limit in Footnote 5 of Table I, Section VI.

6. Aggregate maximum gross floor area of garden-type apartments or townhouse-type units approved by special permit from the Planning Board shall not exceed 40% of aggregate gross floor area of all uses in the Lakeway Overlay District, including permitted or special permitted uses in the underlying district.

10. Special Permits in the Lakeway Overlay District. The special permit Granting Authority (SPGA) for uses and structures in the Lakeway Overlay District shall be the Planning Board.

\*\*\*

Minimum Lot Size:  
MF-1: 16,000 sq.ft. + 4300 sq.ft. per dwelling unit in excess of 2 units  
MF-2: 160,000 sq.ft.  
Apt: 16,000 sq.ft.+ 2000 sq.ft. per dwelling unit  
Minimum Lot Area per Dwelling unit:

MF-2: 10,000 sq. ft. of land area per 1 living unit

## Somerset

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Somerset Zoning Bylaw (2003)

8.2 Definitions. (Applicable only to Section 8.0 of the Somerset Zoning By-Law)[Open Space Community].

MULTI-UNIT DWELLING : A free-standing building, exclusively for residential use, containing two or more dwelling units. Individual units may share a common outside access or have individual outside access.

TOWNHOUSE : A free-standing building, exclusively for residential use, containing not more than three (3) dwelling units with each dwelling unit being from ground to roof. Townhouses shall have individual outside access and share common side walls.

Multifamily housing is only allowed in Open Space communities.

8.3. Special Permit.

An open space community is a special permit use in the following districts: Residence and Open Recreation.

8.5 Dimensional Requirements.

8.5.1 Residential District Open Recreation District

a. No special permit shall be granted unless the Base Site area consists of at least five (5) acres of contiguous land and has a minimum of 300 feet of frontage on an existing publicly accepted street or, alternatively, access to a private way, from a publicly accepted street, which private way is approved by the SPGA for the purposes of the Open Space Community.

b. The overall site density for an Open Space Community shall not be less than 4,000 square feet of the Net Buildable Site Area per dwelling unit for Townhouses and Multi-Unit Dwellings. The overall site density for an Open Space Community shall not be less than 20,000 square feet of the Net Buildable Site Area for Single Family Dwellings.

c. Each Open Space Community shall meet the dimensional requirements of Section 5.2 Table of Dimensional Requirements, except as modified in Table 1, Dimensional Requirements for Individual Lots and, Table 2, Dimensional Requirements for Townhouses and Multi-Dwelling Units.

Dimensional Requirements for Individual Lots

Table 1

Single Family Dwelling (per Dwelling Unit) in Residence District and Open Residential District

Minimum Individual Lot Area 8,000 square feet  
Minimum Street Frontage 75 feet  
Minimum Front Yard Depth 25 feet  
Minimum Side Yard Depth 15 feet  
Minimum Rear Yard Depth 15 feet  
Minimum Distance Between Building 30 feet  
Maximum Percentage Lot Coverage 30 percent  
Maximum Dwelling Units Per Buildings 1  
Maximum Building Height 35 feet

Dimensional Requirements for Townhouses and Multi-Dwelling Units

Table 2  
Townhouses and Multi-Dwelling Units in Residence District and Open Residential District

Net Buildable Site Area per dwelling unit 4,000 square ft.  
Minimum Street Frontage per dwelling unit  
For Townhouses and Multi-Dwelling (see Note 1) 20 feet  
Minimum Front Yard Depth To be Determined by SPGA  
Minimum Side Yard Depth To be Determined by SPGA  
Minimum Rear Yard Depth To be Determined by SPGA  
Minimum Distance Between Buildings 15 feet  
Maximum Percentage Lot Coverage 35 percent  
Maximum Dwelling Units Per Building 3  
Maximum Building Height 35 feet  
Minimum living area per Dwelling unit 1,200 square feet

Note No. 1 - Frontage on internal access private roadways as distinguished from frontage of a publicly accepted street.

8.5.2 Site Capacity Calculation. In determining the maximum number of dwelling units to be permitted in an: Open Space Community, the area of the site covered by wetlands (based on a vegetative analysis as prescribed by Mass. General Law Chapter 131, S. 40), slopes greater than 15 percent, utility rights of way and roads shall be calculated and deducted from the Base Site Area. Construction shall be allowed by special permit on the remaining Net Buildable Site Area. Notwithstanding anything herein to the contrary, when constructing Townhouses, Multi-Unit dwellings, the overall site density shall not be more than three (3) dwelling units per acre.

## Somerville

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to the Somerville Zoning Ordinance, Section 7.11 (adopted 1990, as amended), three-family dwelling units, multiple-family dwelling units with 4-6 units, Townhouses with 3 units, and Townhouses with 4-6 units are zoned by right in Somerville.

2.2.42. DWELLING, MULTIPLE . A building containing more than one dwelling unit.

2.2.43. DWELLING, ONE-FAMILY . A detached residential building intended and designed to be occupied by a single family.

2.2.44. DWELLING, THREE-FAMILY . A detached residential building intended and designed to be occupied by three (3) families.

2.2.45. DWELLING, TWO-FAMILY . A detached residential building intended and designed to be occupied by two (2) families.

2.2.165. TOWNHOUSE . Attached dwelling units completely separated by a continuous vertical fire wall which are constructed so that each unit (a) has two (2) building faces with outside exposure; (b) has separate entrances from the outside; (c) reaches from foundation to roof line; and (d) each unit is arranged, intended and designed as a residence for one (1) family. NOTE: See Figure 2K.

\*\*\*

According to Scott Walker, City of Somerville Senior Planner, in an e-mail response to the researcher on 6/29, "[i]n RA districts, only one and two family dwellings are allowed by right. In RB, three families can be built by right on 7,500 SF lots (though there are very few of these). In RC, BA, and BB districts, up to 6 units may be built by right. There is, however, very little available/undeveloped land in Somerville and most development is redevelopment. Any project with more than 6 units requires permitting by the Zoning Board or Planning Board."

\*\*\*

The requirements per zone are as follows:

Minimum Lot Size:

RA: (10,000 sq. ft.);  
RB: (7500 sq. ft.);  
RC: (7500 sq. ft.);  
NB: (N/A);  
CBD: (N/A);  
BA: (N/A);  
BB: (N/A).

Minimum Lot Area/Dwelling Unit:

RA: (1-9 units 2250 sq. ft., 10 or more units 2250 sq. ft.);  
RB: (1-9 units 1500 sq. ft., 10 or more units 1500 sq. ft.);  
RC: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.);  
NB: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.);  
CBD: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.);  
BA: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.);  
BB: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.)

The following types of dwellings are allowed in the following zones BY RIGHT:

RA: 2 unit townhouses  
RB: 3 unit multifamily dwelling, 2 -3 unit townhouses  
RC: 3-6 unit multifamily dwelling, 2-6 unit townhouses  
NB: 3 unit multifamily dwelling, 2 -3 unit townhouses  
CBD: 3 unit multifamily dwelling  
BA: 3-6 unit multifamily dwelling, 2-3 unit townhouses  
BB: 3-6 unit multifamily dwelling, 2-3 unit townhouses

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the Somerville Zoning Ordinance, Section 7.11 (adopted 1990, as amended), three-family dwelling units, multiple-family dwelling units with 4-6 units, Townhouses with 3 units, and Townhouses with 4-6 units are zoned by right in Somerville.

2.2.42. DWELLING, MULTIPLE . A building containing more than one dwelling unit.

2.2.43. DWELLING, ONE-FAMILY . A detached residential building intended and designed to be occupied by a single family.

2.2.44. DWELLING, THREE-FAMILY . A detached residential building intended and designed to be occupied by three (3) families.

2.2.45. DWELLING, TWO-FAMILY . A detached residential building intended and designed to be occupied by two (2) families.

2.2.165. TOWNHOUSE . Attached dwelling units completely separated by a continuous vertical fire wall which are constructed so that each unit (a) has two (2) building faces with outside exposure; (b) has separate entrances from the outside; (c) reaches from foundation to roof line; and (d) each unit is arranged, intended and designed as a residence for one (1) family. NOTE: See Figure 2K.

\*\*\*

According to Scott Walker, City of Somerville Senior Planner, in an e-mail response to the reseacher on 6/29, "[i]n RA districts, only one and two family dwellings are allowed by right. In RB, three families can be built by right on 7,500 SF lots (though there are very few of these). In RC, BA, and BB districts, up to 6 units may be built by right. There is, however, very little available/undeveloped land in Somerville and most development is redevelopment. Any project with more than 6 units requires permitting by the Zoning Board or Planning Board."

\*\*\*

The requirements per zone are as follows:

Minimum Lot Size:

RA: (10,000 sq. ft.);  
RB: (7500 sq. ft.);  
RC: (7500 sq. ft.);  
NB: (N/A);  
CBD: (N/A);  
BA: (N/A);  
BB: (N/A).

Minimum Lot Area/Dwelling Unit:

RA: (1-9 units 2250 sq. ft., 10 or more units 2250 sq. ft.);  
RB: (1-9 units 1500 sq. ft., 10 or more units 1500 sq. ft.);  
RC: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.);  
NB: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.);  
CBD: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.);  
BA: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.);

BB: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.)

The following types of dwellings are allowed in the following zones BY RIGHT:

RA: 2 unit townhouses  
RB: 3 unit multifamily dwelling, 2 -3 unit townhouses  
RC: 3-6 unit multifamily dwelling, 2-6 unit townhouses  
NB: 3 unit multifamily dwelling, 2 -3 unit townhouses  
CBD: 3 unit multifamily dwelling  
BA: 3-6 unit multifamily dwelling, 2-3 unit townhouses  
BB: 3-6 unit multifamily dwelling, 2-3 unit townhouses

\*\*\*

The requirements per zone are as follows:

Minimum Lot Size:

RA: (10,000 sq. ft.);  
RB: (7500 sq. ft.);  
RC: (7500 sq. ft.);  
NB: (N/A);  
CBD: (N/A);  
BA: (N/A);  
BB: (N/A).

Minimum Lot Area/Dwelling Unit:

RA: (1-9 units 2250 sq. ft., 10 or more units 2250 sq. ft.);  
RB: (1-9 units 1500 sq. ft., 10 or more units 1500 sq. ft.);  
RC: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.);  
NB: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.);  
CBD: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.);  
BA: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.);  
BB: (1-9 units 875 sq. ft., 10 or more units 1000 sq. ft.)

The following types of dwellings are allowed in the following zones BY SPECIAL PERMIT (by special permit with site plan review where indicated):

RA: by right only  
RB: by right only  
RC: 7 or more unit multifamily dwelling (site plan review), 7 or more unit townhouses (site plan review)  
NB: 4-6 unit multifamily dwelling, 7 or more unit multifamily (site plan review), 4-6 unit townhouses, 7 or more unit townhouses (site plan review)  
CBD: 4-6 unit multifamily dwelling, 7 or more unit multifamily (site plan review), 4-6 unit townhouses, 7 or more unit townhouses (site plan review)  
BA: 7 or more unit multifamily dwelling (site plan review), 4-6 unit townhouses, 7 or more unit townhouses (site plan review)  
BB: 7 or more unit multifamily dwelling (site plan review), 4-6 unit townhouses, 7 or more unit townhouses (site plan review)

\*\*\*

According to Somerville Zoning Ordinance, Section 7.11 (adopted 1990, as amended), multiple family dwellings with 4-6 units only require special permits, 7 or more units require special permits with site plan review. Townhouses with 4-6 units only require special permits, while those with 7 or more units require special permits with site plan review. 3 family dwellings are allowed as a matter of right across the board.

Additionally, with regards to the size of dwelling units, the Somerville Zoning Ordinance, Section 8.5 (adopted 1990, as amended) makes special distinctions between 1-9 units and 10 or more units.

## Southborough

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the Zoning Chapter of the Town of Southborough, Massachusetts, Section 174-8 Schedule of Use Regulations, there are no districts in which multifamily housing is allowed by right.

\*\*\*

DWELLING, MULTIFAMILY - A dwelling containing two (2) or more dwelling units. [Added 4-30-1990 ATM, Art. 48]

\*\*\*

Section 174-10. Site plan approval.

A. The purpose of the site plan review procedure is to encourage a desirable and compatible character of development within the Town of Southborough and to assure safety, promote logic, imagination and innovation in the design process while complying with all zoning requirements. The requirements of this section shall be applicable to the following:

- (1) Any nonresidential development that results in an increase in on-site parking.
- (2) All modifications to existing development projects which fall within the applicability of the town's regulations for parking and loading (Section 174-12) or landscaping (Section 174-13).
- (3) Any change in use or reactivation of a facility that has not been in use for a period of two (2) years. [Added 4-8-1996 ATM, Art. 51]
- (4) Multifamily housing for the elderly. (ADDED ATM SPRING 1997)

\*\*\*

174-8.2. RA Residence A District.

B. Uses by special permit are as follows:

- (8) Multifamily housing for the elderly, owned by a public or a nonprofit community housing organization.
- (9) Other multifamily dwellings if within a major residential development. (Note: Special permit from the Planning Board.)
- (10) Major residential development. (Note: Special permit from the Planning Board.)

Section 174-8.3. RB Residence B District.

[Added 4-12-1993 ATM, Art. 43]

- A. Permitted uses are the uses permitted in the Residence A (RA) District.
- B. Uses by special permit are all uses permitted by special permit in the Residence A (RA) District.

Section 174-8.4. BV Business Village District.

C. Permitted uses by special permit from the Planning Board are as follows:

- (2) Major residential development.
- (3) Multifamily dwellings if within a major residential development.
- (7) Multifamily housing for the elderly, owned by a public or a nonprofit community organization.

174-8.5. BH Highway Business District.

C. Uses permitted by special permit are as follows:

- (9) Multifamily housing for the elderly, owned by a public or a nonprofit community housing organization.

\*\*\*

Section 174-13.2. Major residential development.

D. [Amended 4-8-1996 ATM, Art. 521 The Planning Board may authorize flexible development within a major residential development, with reduced requirements for the area and frontage of individual lots not having frontage on an existing public way, provided that the following are complied with:

- (5) Multifamily requirements. The Planning Board may authorize inclusion of multifamily dwellings within a flexible development, subject to the following, unless authorized as housing for the elderly under Section 174-9H. Where more than one (1) single-family detached dwelling is on the same lot, (for example, single-family condominiums), they shall be treated as multifamily dwellings for the purpose of

this section and governed by the provisions of this subsection.

(a) Number of dwelling units. The number of dwelling units allowed shall be governed by the provisions of Subsection D(1). More than one (1) structure may be allowed on a lot. Section 174-8C(2) shall not apply.

(b) Types of units. To assure internal diversity and continuity with surrounding development, single-family dwellings (whether on their own individual lots or on a shared lot) are required within a multifamily development. Not more than two-thirds (2/3) of the dwelling units on any parcel developed subject to these provisions shall be in multifamily dwellings containing two (2) or more units. (Note: Housing for the elderly is not governed by this section).

(c) Layout of buildings. To maintain the visual scale of the community, each multifamily dwelling unit shall have its own exterior entrance; there shall be not more than four (4) dwelling units in any structure, and the multifamily structures shall be clustered in groups, with not more than sixteen (16) dwelling units in any group. Buildings within groups shall normally be separated from each other by not less than twice the required side yard, and there shall be not less than one thousand (1,000) feet separation between dwellings in any such group and any other multifamily dwellings on or off the premises, unless the Planning Board authorizes a reduction of up to one-third (1/3) in such requirements, upon its determination that doing so serves the objectives of the bylaw.

(d) Visual buffers. Visual separation from nearby premises shall be assured through providing yards of double the usually required dimension between any multifamily structure or parking area for six (6) or more cars and the boundaries of the major residential development, and through having any exterior lighting shielded and mounted not more than fifteen (15) feet high.

(e) Open space. To assure environmental benefit from the compact development which multifamily development facilitates, the site area which shall be preserved in a natural state, exclusive of wetlands, shall be a minimum of ten percent (10%) and shall increase in direct proportion to the percentage of multifamily units, up to a maximum requirement of twenty percent (20%) preserved area. In addition, a minimum of thirty-five percent (35%) overall shall be dedicated as common open space. Where appropriate, open space not to be preserved in its natural state shall be utilized for recreation to serve the needs of the Town. [Amended 4/12/99]

\*\*\*

Zoning Chapter of the Town of Southborough, Massachusetts, Section 174-8:

RA Residence A District:

multifamily dwellings in a major residential development (43,560 sq. ft. minimum lot area)  
multifamily housing for the elderly (43,560 sq. ft. minimum lot area)

RB Residence B District:

multifamily dwellings in a major residential development (25,000 sq. ft. minimum lot area)  
multifamily housing for the elderly (25,000 sq. ft. minimum lot area);

BV Business Village District:

multifamily dwellings in a major residential development (10,000 sq. ft. minimum lot area)  
multifamily housing for the elderly (10,000 sq. ft. minimum lot area);

BH Highway District:

multifamily elderly housing (43,560 sq. ft. minimum lot size);

ED Industrial District:

multifamily dwellings in a major residential development (43,560 sq. ft. minimum lot area)  
multifamily housing for the elderly (43,560 sq. ft. minimum lot area);

SP Research, Scientific and Professional District:

multifamily dwellings in a major residential development (50 acres)  
multifamily housing for the elderly (50 acres);

## Sterling

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Sterling Protective Zoning Bylaw, 2002

DWELLING, MULTIFAMILY shall mean a single building containing at least three (3) dwelling units, but not more than four (4) units.

MULTIFAMILY shall mean three or more dwelling units on a single lot, including any mix of single-family, two-family or multifamily structures, whether or not attached, and regardless of form of tenure.

According to the table of uses:

Multifamily dwelling is allowed by special permit from board of appeals in RR, NR, TC.

Assisted elderly housing is allowed by special permit from board of appeals in RR, NR, C, TC.

#### 4.2 MULTIFAMILY DEVELOPMENT

4.2.1 Procedures Applications for a special permit for multifamily dwellings shall be accompanied by 8 copies of drawings indicating schematically the types of information required for Site Plan Review (see 1.2.5.3). Upon receipt, one copy each of the application and drawings shall be transmitted by the Board of Appeals to the Selectmen, Planning Board, Conservation Commission, Board of Health, and Department of Public Works for their advisory review. As specified in Chapter 40A, section 11, Massachusetts General Laws, as amended, failure of any such board or agency to make recommendations within 35 days of receipt of the materials shall be deemed lack of opposition thereto.

##### 4.2.2 Dimensional Requirements

(a) Lot Area. Minimum lot area shall not be less than required under Section 2.5, and minimum lot area per dwelling unit shall not be less than the following:

Neighborhood Residence: 10,000 sf

Rural Residence: 15,000 sf

(b) Other requirements. All other dimensional requirements of Section 2.5 shall apply, except as provided in 4.2.3 (f).

4.2.3 Design Requirements The purposes of these design requirements are to ensure that multifamily dwellings and developments are consistent in scale and site design with the single-family residential character of the Town of Sterling; to protect the environment; to ensure traffic and pedestrian safety; and to minimize visual impacts.

##### (b) Building Design

(1) No structure shall contain more than eight (8) dwelling units, and no building entrance shall serve more than two (2) dwelling units.

(2) Not more than five percent (5%) of the dwelling units in a multifamily development shall have more than two (2) bedrooms.

4.2.4 Decision In deciding on a Special Permit for Multifamily Dwellings, the following more detailed criteria shall be used in addition to those in Section 1.6. Such Special Permit shall be granted only if the Board of Appeals determines that the proposal would serve town interests better than would single-family development of the same area, considering the following:

(a) Municipal costs and revenues

(b) Effect of the range of available housing choice

(c) Service to identified housing needs

(d) Service to current Sterling residents

(e) Support for local business activity

(f) Impact on the natural environment

(g) Impact on traffic safety and congestion, adequacy of water service, and the need for school facilities

(h) Impacts on the visual environment through preservation or displacement of visual assets, and consistency with existing development in the area.

\*\*\*

Minimum Lot Area:

Neighborhood Residence: .5 acres

Rural Residence: 2.0 acres

Lot Area per DWELLING UNIT:

Neighborhood Residence: 10,000 sf

Rural Residence: 15,000 sf

## Stoneham

**Is multi-family housing allowed by right in any part of the municipality?**

No

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** From ordinance.com:

2.1.4 APARTMENT BUILDING : A dwelling designed to accommodate three or more dwelling units; multi-family.

2.1.82 TOWN HOUSE : A single family dwelling attached to another single family dwelling in such a manner that each dwelling has a floor at ground level and front and rear access to the outside.

\*\*\*

Mr. Eugene Argiro, Stoneham's Building Inspector, (7/1/04) said that Residence B and Neighborhood Business require Special Permit and Site Plan Review. For Neighborhood Business, a maximum of 5 units is allowed and there needs to be a business, above or below the residential unit(s) in the building.

For the residences in the Medical District, they are restricted to assisted living. Researcher asked if you could have elderly apartment housing and he said "NO, but that would be a good idea".

\*\*\*

Town of Stoneham Zoning Bylaw  
CHAPTER 15 ZONING  
4.0 USE REGULATIONS

4.3 Residence B District:

4.3.3 Uses Permitted on a Special Permit granted by the Planning Board and Site Plan Approval by the Board of Selectmen: (5-1-95, Art. 11)

4.3.3.1 Multiple family dwellings, including apartment houses, garden apartments, and town houses, provided that:

(a) Apartment sites and improvements and structures thereon, except structures regulated by Chapter 183A, Massachusetts General Laws, shall be constructed and retained as a single entity.

(b) Off-street parking shall be provided as required by Section 6.3, provided that:

1. All parking spaces shall be located to the rear of the front building line.

2. If all the required parking area for a building containing dwelling units is enclosed within the structure of the buildings, the height regulation of Table One may be raised by ten (10) feet for that building.

(c) Each structure shall be connected to and serviced by municipal water and sewer.

(d) There shall be seven hundred and fifty (750) square feet of usable common, open space per dwelling unit. Usable common open space shall mean areas left substantially in a natural state or improved by such landscaping as required in Section 6.5 and primarily designed and intended for the active and passive recreation of the occupants of the dwellings. Usable common open space shall not include street rights-of-way, open parking, or service areas, driveways, easements for above-ground utilities, required minimum front yards, or any other land deemed unsuitable by the Planning Board or the Board of Selectmen for reasons of excessive slope or poor drainage. (5-1-95, Art. 11)

(e) In cases of public open space dedicated in fee to the Town, such as open space shall be maintained as a public area, accessible to the public.

(f) In cases of the sale of individual units as in a condominium, there shall be included, in the deed a requirement obligating the purchasers to join in an organization of unit owners incorporated under Chapter 183A of the General Laws of the Commonwealth of Massachusetts, as amended. The organization shall file a written report, including the names of officers, with the Town Clerk, to be submitted to the Town Clerk by February 15 of each year. Such report may be the same written report rendered to all unit owners referred to in Chapter 183A, Section 10, Paragraph d.

(g) All existing or proposed utilities shall be installed underground at the time of initial construction.

(h) If there is more than one (1) such structure on a lot of record, there shall be at least sixty (60) feet between each structure. The only exception may be that no more than three (3) buildings may each be interconnected by a covered walkway or breeze way for reasons of convenience and shelter from the elements, if such walkway, in the opinion of the Planning Board and the Board of Selectmen, shall

not impair services to the buildings by emergency vehicles or equipment. Such buildings so interconnected shall be deemed as separate and individual buildings for the purposes of administering the Rules and Regulations Governing the Subdivision of Land for the Town of Stoneham. (5-1-95, Art. 11)

(i) The applicant must provide documentation that the site is satisfactory as to drainage, water supply, and sewage disposal for the number of units to be constructed, such documentation to be prepared by a registered professional engineer.

Neighborhood Business District:

4.4.3 Uses Permitted on a Special Permit Granted by the Planning Board and Site Plan Approval by the Board of Selectmen: (10-21-85, Art. 15; 5-4-87 - See editor's note below)

4.4.3.2 Combined business-residential use in one building, provided that the residential use shall be permitted above or below the ground floor and further provided that no more than five (5) dwelling units shall be allowed in a building. (5-3-99, Art. 20)

Medical District (requires Site Plan Approval not Special Permit)

4.9.2 Uses Permitted with Site Plan Approval by the Board of Selectmen:

4.9.2.2 Residential uses related to any other allowed uses in the Medical District provided that the total residential uses shall not exceed forty percent (40%) of the total area of a lot or all contiguous lots in the Medical District.

Medical/Office District

4.15.2 Uses related to the Medical/Office District permitted with Site Plan Approval by the Board of Selectmen:

4.15.2.1 Elder congregate housing.

4.15.2.4 Resident care living facility, including without limitation, nursing facility, assisted living facility, hospice care facility, and long term care facility.

\*\*\*

Residence B: 10,000 sq ft

Neighborhood Business: 20,000 sq ft

Residential uses in the Medical District shall conform to the to the requirements specified herein for the Residence B District

\*\*\*

Conversion in Residence A is allowed by variance.

Defintions on ordinance.com:

2.1.16 CONVERSION : A transformation of all or a portion of a building which results in a greater number of units of each use. Also, a transformation which changes the types of use of a building from one to another.

4.2 Residence A Districts:

4.2.3 Uses Permitted with Variances Granted by the Board of Appeals:

4.2.3.1 Conversion of an existing dwelling to accommodate more than one (1) dwelling unit, provided that:

(a) The building was in existence at the time of adoption of this Section.

(b) In addition to the requirements of Section 5.0, there shall be a lot area equivalent to the minimum lot area required within the District for each dwelling unit.

(c) In addition to the requirements in Section 6.0, there shall be at least one (1) off-street parking space for each bedroom or efficiency unit in the converted portion of the structure.

(d) Each unit shall be a complete and independent dwelling unit.

(e) The exterior appearance of the structure shall not be altered except for:

1. Stairways and exits required by law.

2. Restoration consistent with the original architecture of the structure.

3. Additions in the rear or side yards which are not visible from the street and which are not more than ten (10) percent of the original floor area.

4.3 Residence B District:

4.3.2 Uses Permitted:

4.1.2.1 All of the uses and accessory uses permitted in Residence A District.

4.3.2.2 A dwelling containing one (1) or two (2) dwelling units.

4.3.4 Uses Permitted on a Special Permit Granted by the Planning Board:

4.3.4.4 Conversion of an existing dwelling to accommodate one (1) additional unit over that otherwise permitted, provided that:

(a) The building was in existence at the time of adoption of this Section.

(b) In addition to the requirements of Section 5.0, there shall be a minimum additional lot area of two thousand five hundred (2500) square feet for each newly created unit.

(c) In addition to the requirements in Section 6.0, there is at least one (1) off-street parking space for each bedroom and efficiency apartment in the converted portion of the structure, which space shall not be provided in the front or side yard.

(d) There is provision for screening by fencing or landscaping of outside storage areas.

(e) No unit shall have a floor area of less than five hundred (500) square feet plus, one hundred (100) square feet for each bedroom over one (1).

(f) The floor area of the newly created unit(s) shall be less than fifty (50) percent of the total floor area of the principal dwelling unit, after conversion.

(g) Each unit shall be a complete and independent dwelling Unit.

(h) The exterior appearance of the structure shall not be altered except for:

1. Stairways and exits required by law, which shall be in the rear of the building.
2. Restoration consistent with the original architecture of the structure.
3. Additions in the rear or side yard which are not more than ten (10) percent of the original floor area.

Cross reference - Unlawfully parking large vehicles on street, Sec. 8-8.

4.4 Neighborhood Business District:

4.4.3 Uses Permitted on a Special Permit Granted by the Planning Board and Site Plan Approval by the Board of Selectmen: (10-21-85, Art. 15; 5-4-87 - See editor's note below)

4.4.3.3 Conversion of a residence existing at the time of adoption of this Section to combined business and residence use or to multiple dwelling units, provided that in either case no more than two (2) dwelling units shall be allowed in a building.

## Stoughton

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Stoughton Zoning Bylaw

Definitions

DWELLING, MULTIFAMILY : Deleted by action of Town Meeting, June 23, 1975, Article #16.

MULTIFAMILY APARTMENT HOUSE : Any building or portion thereof used as a multiple dwelling for the purpose of providing three (3) or more separate dwelling units with shared means of egress. Added by action of Town Meeting, June 23, 1975, Article #15.

MULTIFAMILY ROWHOUSE (TOWNHOUSE, CONDOMINIUM) : An attached or semidetached building or structure with continuous or common walls containing three or more dwelling units. Added by action of Town Meeting, April 26, 1976, Article #39

\*\*\*

According to the Table of Use Regulations, the following multifamily uses are allowed:

"Multifamily dwelling provided that no more than 10% of the total number of units at any one time be units of three or more bedrooms" ... by right in R-M and by special permit in CBD.

"Conversion of existing (as of September 8, 1970) dwelling structure to multifamily dwelling provided that the total number of units in the converted dwelling structure shall not exceed four dwelling units"... by right in R-M and special permit in R-U, CBD, GB.

"Planned multifamily development provided that no more than 10% of the total number of units at any one time be units of three or more bedrooms"... by right in R-M and special permit in CBD.

"Housing for the Elderly and Congregate Housing constructed under the provisions of Chapter 667, Acts of 1954, and Chapter 689, Acts of 1974 and amendments thereto, of the Commonwealth of Massachusetts"... by right in R-M and special permit in R-U, R-C, and GB.

"Conversion of existing nonresidential structures to multifamily structures containing five or more dwelling units"... by special permit in R-M and HB.

\*\*\*

Town of Stoughton Zoning Bylaw, TABLE OF DIMENSIONAL AND DENSITY REGULATIONS. (Last Amended 2001).

There is a 12,000 sq. ft. minimum lot area per dwelling unit and a 2000 sq. ft. per bedroom per dwelling unit.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** From definitions:

DWELLING, MULTIFAMILY : Deleted by action of Town Meeting, June 23, 1975, Article #16.

MULTIFAMILY APARTMENT HOUSE : Any building or portion thereof used as a multiple dwelling for the purpose of providing three (3) or more separate dwelling units with shared means of egress. Added by action of Town Meeting, June 23, 1975, Article #15.

MULTIFAMILY ROWHOUSE (TOWNHOUSE, CONDOMINIUM) : An attached or semidetached building or structure with continuous or common walls containing three or more dwelling units. Added by action of Town Meeting, April 26, 1976, Article #39

\*\*\*

According to the Table of Use Regulations, the following multifamily uses are allowed:

"Multifamily dwelling provided that no more than 10% of the total number of units at any one time be units of three or more bedrooms" ... by right in R-M and by special permit in CBD.

"Conversion of existing (as of September 8, 1970) dwelling structure to multifamily dwelling provided that the total number of units in the converted dwelling structure shall not exceed four dwelling units"... by right in R-M and special permit in R-U, CBD, GB.

"Planned multifamily development provided that no more than 10% of the total number of units at any one time be units of three or more bedrooms"... by right in R-M and special permit in CBD.

"Housing for the Elderly and Congregate Housing constructed under the provisions of Chapter 667, Acts of 1954, and Chapter 689, Acts of 1974 and amendments thereto, of the Commonwealth of Massachusetts"... by right in R-M and special permit in R-U, R-C, and GB.

"Conversion of existing nonresidential structures to multifamily structures containing five or more dwelling units"... by special permit in R-M and HB.

\*\*\*

Town of Stoughton Zoning Bylaw, TABLE OF DIMENSIONAL AND DENSITY REGULATIONS. (Last Amended 2001).

There is a 12,000 sq. ft. minimum lot area per dwelling unit and a 2000 sq. ft. per bedroom per dwelling unit.

In the Residence CBD district, the minimum lot area is 2500 sq. ft.

## Stow

### Is multi-family housing allowed by right in any part of the municipality?

No

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to the Town of Stow Zoning Bylaw, Section 3.10.1.3 (Last Amended 2003), multifamily housing is only allowed by special permit in the residential district.

Stow defines multifamily housing as "MULTI-FAMILY DWELLING : A BUILDING for residential USE, other than a DWELLING conversion, containing more than two DWELLING UNITS but not more than 4 DWELLING UNITS." (Town of Stow Zoning Bylaw, Section 1.3 (Last Amended 2003).

\*\*\*

According to the Table of Principal Uses, multifamily dwellings are allowed by special permit from the planning board in the residential district. Site plan approval required.

\*\*\*

Provisions for multifamily housing (4 units per building) are included in 8.5 Planned Conservation Development (PCD).

\*\*\*

Age restricted multifamily is also allowed in the Active Adult Neighborhood District.

\*\*\*

Town of Stow Zoning Bylaw, Section 4.4 (Last Amended 2003) and Town of Stow Zoning Bylaw, Section 8.8.6 (Last Amended 2003).

The minimum lot area is 65,340 sq. ft. in the Residence District.

In the Active Adult Neighborhood, the minimum lot size is 25 acres with three dwelling units per acre of developable site are and a maximum dwelling unit per acre of four.

## Sudbury

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** "Residential apartments on second and/or third floors, above ground level business uses" are allowed by right in VBD.

\*\*\*

According to the table of principal use regulations, the following uses are allowed:

"Residential apartments on second and/or third floors above ground level business uses"... allowed by right in the VBD district only.

"Cluster development"... allowed by special permit from the planning board in A-Res, C-Res, WI.

"Flexible development"... allowed by special permit from the planning board in A-Res, C-Res, WI.

"Senior Residential Community"... allowed by special permit from the planning board in A-Res, C-Res, WI, LBD, VBD and RD.

"Incentive Senior Development"... allowed by special permit from the planning board in A-Res, C-Res, LBD, VBD and RD.

\*\*\*

6300. SITE PLAN REVIEW.

6310. Applicability.

The following types of activities and uses require site plan review by the Board of Selectmen:

6311. Construction or exterior expansion of, or change of use within, a municipal, institutional, exempt, commercial, or industrial structure involving more than 500 square feet;

6312. Construction or expansion of a parking lot for a municipal, institutional, exempt, commercial, or industrial structure or purpose;

6313. Construction or expansion of loading or vehicular service including driveways giving access thereto for any municipal, institutional, exempt, commercial or industrial structure or purpose;

6314. Substantial alteration to areas for parking, loading or vehicular access, including a change in the layout or location of parking spaces, an increase in pavement area or any relocation, addition or change in driveways. Resurfacing shall not be construed as a substantial alteration unless it involves a change of surface material.

6315. Grading or clearing more than ten percent (10%) of a lot, except for the following: landscaping on a lot with an existing structure or a proposed single or two family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with an approved subdivision plan, or work pursuant to an earth removal permit.

\*\*\*

Definition from ordinance.com:

DWELLING : A building for human habitation, which shall not include a trailer or other mobile living unit. Single and two family dwellings shall be designed for and occupied by not more than one (1) or two (2) families, respectively. A multi-family dwelling shall be one designed for and occupied by three (3) or more families.

\*\*\*

In the Village Business District where residential apartments are allowed by right above businesses, the following dimensional requirements apply.

Any single occupancy of more than 10,000 square feet of building area, exclusive of basement or attic storage space shall not be permitted in the Village Business District.

Min. Lot Frontage (ft): 50  
Min. front yard (ft): 20 (setback a maximum of 40 ft)  
Min. Street Centerline Setback (ft): 50  
Min. side or rear setback from residence zone (ft): 20  
Max height (# stories): 2.5  
Max height (ft): 35  
Max building coverage (% of lot): 60

ZONING BYLAW  
ARTICLE IX  
2003  
TOWN OF SUDBURY  
MASSACHUSETTS  
SECTION 2230 APPENDIX A  
TABLE OF PRINCIPAL USE REGULATIONS  
SECTION 2600 APPENDIX B  
TABLE OF DIMENSIONAL REQUIREMENTS

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the table of principal use regulations, the following uses are allowed:

"Residential apartments on second and/or third floors above ground level business uses"... allowed by right in the VBD district only.

"Cluster development"... allowed by special permit from the planning board in A-Res, C-Res, WI.

"Flexible development"... allowed by special permit from the planning board in A-Res, C-Res, WI.

"Senior Residential Community"... allowed by special permit from the planning board in A-Res, C-Res, WI, LBD, VBD and RD.

"Incentive Senior Development"... allowed by special permit from the planning board in A-Res, C-Res, LBD, VBD and RD.

\*\*\*

Note: The senior developments only allow single attached and detached, not multi-family under the definition used in this study.

\*\*\*

Definition from ordinance.com:

DWELLING : A building for human habitation, which shall not include a trailer or other mobile living unit. Single and two family dwellings shall be designed for and occupied by not more than one (1) or two (2) families, respectively. A multi-family dwelling shall be one designed for and occupied by three (3) or more families.

\*\*\*

In the Village Business District where residential apartments are allowed by right above businesses, the following dimensional requirements apply.

Any single occupancy of more than 10,000 square feet of building area, exclusive of basement or attic storage space shall not be permitted in the Village Business District.

Min. Lot Frontage (ft): 50  
Min. front yard (ft): 20 (setback a maximum of 40 ft)  
Min. Street Centerline Setback (ft): 50  
Min. side or rear setback from residence zone (ft): 20  
Max height (# stories): 2.5  
Max height (ft): 35  
Max building coverage (% of lot): 60

ZONING BYLAW  
ARTICLE IX  
2003  
TOWN OF SUDBURY  
MASSACHUSETTS  
SECTION 2230 APPENDIX A  
TABLE OF PRINCIPAL USE REGULATIONS  
SECTION 2600 APPENDIX B  
TABLE OF DIMENSIONAL REQUIREMENTS

\*\*\*

7/30/04 email from Jody Kablack, Town Planner for Sudbury -- "Our special permit allowances for senior multi-family dwellings anticipates condominium style housing on 1 parcel, so there are no individual lots. The density calculation for such a development would allow 4 units per buildable lot (approximately 1 acre lot). My earlier response said 8 units per lot, but it is really 8 bedrooms (or 4, 2 bedroom units) per lot. This type of development is allowed in every zoning district in town."

\*\*\*

7/28/04 email response from Jody Kablack, Sudbury Town Planner -- "10 acre minimum lot size. 8 units per buildable lot."

\*\*\*

Multifamily units by special permit are available in the Senior Residential Community and Incentive Senior Development. The single-family residential districts in Sudbury do not allow multifamily housing which is not restricted by age either by right or special permit.

The Land Use Ordinance of Sudbury (Town of)  
MIDDLESEX COUNTY, SUDBURY MASSACHUSETTS  
SUDBURY ZONING BYLAW  
April 2001

ARTICLE 5000. ALTERNATIVE RESIDENTIAL REGULATIONS

5300. SENIOR RESIDENTIAL COMMUNITY.

5310. Purpose. The purposes of the Senior Residential Community Special Permit are to provide alternative housing for a maturing population; to provide a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.

5320. Applicability. The Planning Board, acting as Special Permit Granting Authority, may

grant a Special Permit for construction of a Senior Residential Community (SRC) and accessory structures, in the following districts: Single Residence "A", Single Residence "C", the Wayside Inn Historic Preservation, Limited Business, Village Business and Research Districts.

5330. Standards. The following standards shall apply to all Senior Residential Communities:

5331. Tract Qualifications. At the time of granting a special permit by the Planning Board, the property under consideration for a SRC shall be located on one or more contiguous parcels, whether or not separated by a public or private way, with definite boundaries ascertainable from a recorded deed or recorded plan, having an area of at least 20 acres.

5332. Age Qualification. A SRC shall constitute housing intended for persons of age fifty-five or over within the meaning of M.G.L. c151B, S4, 16 and 42 USC S3607(b)(2)(c), and in accordance with the same, one hundred percent (100%) of the dwelling units in a Senior Residential Community shall each be owned and occupied by at least one person fifty-five (55) years of age or older per dwelling unit, and such development shall be operated and maintained in all other respects in compliance with the requirements of said statutes and regulations promulgated pursuant thereto. In the event of the death of the qualifying owner/occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in a SRC, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

5333. Applicant Qualifications. The applicant for a Special Permit for a SRC shall be the owner of the tract proposed for such development or be authorized in writing by the owner to apply for and be issued such Special Permit, and shall establish to the satisfaction of the Planning Board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the development.

5334. Number of Dwelling Units Permitted. The maximum number of dwelling units in a SRC shall be computed based on the number of buildable lots permitted under a conventional subdivision, with each lot satisfying minimum lot area, frontage and all other applicable zoning regulations for which district the parcel is located within, possessing suitable soils as determined by the Board of Health, and sufficient upland, buildable area to sustain a single family home. In Village Business Districts and Research Districts, a minimum lot area of 40,000 sq. ft. and minimum frontage requirement of 180 feet shall be used to calculate each buildable lot. For the purposes of this section, minimum lot area in every district shall contain no more than 25% which is underwater land or wetland resource as defined in G.L. c. 131,

s.40, or in the Sudbury Wetlands Administration Bylaw. For each buildable lot calculated, a maximum of five (5) bedrooms shall be permitted. The number of bedrooms shall determine the number of units, pursuant to section 5336 below, with the maximum number of bedrooms in any unit being less than or equal to 3.

5335. Perimeter Buffer. A 100-foot wide buffer between a SRC and abutting properties is required around the entire SRC perimeter; provided, however, that access roads and pedestrian paths may cross the buffer at the discretion of the Planning Board, and the Planning Board may otherwise reduce the width of the buffer to no less than 50 feet at appropriate locations, taking into account the character or open space use of abutting properties or the existence or requirement of buffer thereon. The perimeter buffer shall remain in a natural state to preserve the visual character of the parcel being developed. The perimeter buffer may be included in Open space computations.

5336. Building and Dwelling Unit Requirements. The following requirements shall apply to all buildings and dwelling units in a Senior Residential Community:

a. Dwelling units can be attached, or detached as single units, or a combination of these types.

b. Dwelling Units Per Building. No building shall contain more than four dwelling units.

c. Maximum Height. No building constructed in a SRC shall exceed 35 feet in height.

d. Maximum Number of Bedrooms. No dwelling unit constructed in a SRC shall contain more than three bedrooms. No more than ten percent (10%) of the total units in a SRC shall have fewer than two bedrooms.

5337. Accessory Buildings and Structures. In a SRC, accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis court, cabanas, storage and maintenance structures, garages, and other customary accessory structures. Accessory buildings and structures shall be shown on the Site Plan.

5338. Parking. Two parking spaces shall be provided for each dwelling unit (with the exception of one bedroom units, which shall require one parking space per unit), in reasonable proximity to the dwelling, or in garages. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, shall be provided in off-street parking areas, provided that no single

accessory parking area shall contain more than twelve parking spaces, and all such areas shall be adequately landscaped.

5339. Private Roads. Roads and driveways within a SRC shall meet such width, grades, radius of curvature and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

5339A. Other Facilities. All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board, consistent with applicable provisions of the Zoning Bylaw and the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

5339B. Project Maintenance. In every SRC there shall be an organization of the owners of the dwelling units which shall be responsible for the maintenance and repair of internal roads and driveways, snow plowing, landscape maintenance, trash removal, utility services and maintenance and repair of other common elements and facilities serving the residents, and the Town of Sudbury shall not be responsible therefor.

5339C. Wastewater Disposal. In every development wastewater disposal comply with the regulations of the Sudbury Board of Health, the Sudbury Water Resource Protection District and Wastewater Treatment Facilities Bylaws, and applicable Department of Environmental Protection regulations.

5340. Open Space. At least 25% of the upland area of the parcel shall be Open Space. No development, including clearing, primary or accessory structures, parking, wastewater disposal or stormwater management, shall take place within the 100-foot buffer area of any jurisdictional wetland, unless authorized by the Conservation Commission. Upon approval of the Conservation Commission, the buffer area may be reconfigured to provide better protection of resources on the site if such reconfiguration achieves a similar goal of resource protection; however, in no event shall the total area of the 100-foot buffer be reduced without compensation in an equal amount elsewhere on the site. The open space areas shall be selected to maximize the value of wildlife habitat, shall be contiguous to the extent required to preserve significant habitat, and shall be configured to minimize the perimeter to surface area ratio in order to preserve large blocks of undisturbed land. The open space shall be left in an undisturbed, natural state. Landscape plantings shall not be permitted, except in areas where revegetation may be necessary to increase buffering, as determined by the Planning Board. If revegetation of any area is within the jurisdiction of the Conservation Commission, the Commission shall determine the type and extent of plantings, to be compatible with the values and functions of the wetland and upland resources of the site.

5341. Ownership of Open Space. The open space shall be owned in common by the owners of the dwelling units in the SRC, or by an organization or entity owned and controlled by such dwelling unit owners, or can be offered to the Town, or another non-profit organization whose principal purpose is the preservation of open space, for conservation purposes. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.

5350. Design Criteria. All buildings in a SRC shall be designed (a) to have compatibility of style, building materials and colors with those in Sudbury, (b) to afford variations of facade and roof lines, and interior layouts of dwelling units, (c) so as not to have any dwelling unit extend under or over another dwelling unit in the same building and (d) to comply with requirements of law with respect to housing intended for persons of age fifty-five and over. The Planning Board may utilize the skills of the Design Review Board, or may appoint a committee, to review the architectural details and styling of the buildings prior to approval of a SRC.

5351. Interrelationship of Buildings. The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings. Buildings shall comply with a minimum setback of twenty (20) feet from each other and all other structures in the development.

#### 5400. INCENTIVE SENIOR DEVELOPMENT.

5410. Purpose. The purposes of the Incentive Senior Development Special Permit are to provide a more affordable means of housing for a maturing population; to provide a type of housing which reflects the senior population desire to reduce residents' burdens of property maintenance; which provides a type of development which reduces demands on municipal and educational services; and to promote flexibility in land use planning in order to improve site layouts, protection of natural features and environmental values and utilization of land in harmony with neighboring properties.

5420. Applicability. The Planning Board, acting as Special Permit Granting Authority, may

grant a Special Permit for construction of an Incentive Senior Development and accessory structures, in the following zoning districts: Single Residence "A", Single Residence "C", Limited Business, Village Business and Research District.

5430. Standards. The following standards shall apply to all Incentive Senior Developments:

5431. Tract Qualification. At the time of granting a special permit by the Planning Board, the property under consideration for an Incentive Senior Development shall be located on a contiguous parcel, not separated by a public or private way, with definite boundaries ascertainable from a recorded deed or recorded plan, having an area of at least 10 acres. For parcels greater than 20 acres, parcels may be separated by a private or public way.

5432. Age Qualification. An Incentive Senior Development shall constitute housing intended for persons of age fifty-five (55) or over within the meaning of M.G.L. c.151B, §4, ¶6 and 42 USC §3607(b)(2)(c), and in accordance with the same, one hundred percent (100%) of the dwelling units in an Incentive Senior Development shall each be owned and occupied by at least one person fifty-five (55) years of age or older per dwelling unit, and such development shall be operated and maintained in all other respects in compliance with the requirements of said statutes and regulations promulgated pursuant thereto. In the event of the death of the qualifying owner/ occupant(s) of a unit, or foreclosure or other involuntary transfer of a unit in such a development, a two-year exemption shall be allowed for the transfer of the unit to another eligible household.

5433. Applicant Qualifications. The applicant for a Special Permit under the provisions of this section shall be the owner of the tract proposed for such Development or be authorized in writing by the owner to apply for and be issued such Special Permit, and shall establish to the satisfaction of the Planning Board that the applicant has knowledge, experience and financial resources sufficient to construct and complete the Development.

5434. Number of Dwelling Units Permitted. The maximum number of dwelling units shall be computed based on the number of buildable lots permitted under a conventional subdivision, with each lot satisfying minimum lot area, frontage and all other applicable zoning regulations, possessing suitable soils as determined by the Board of Health, and sufficient upland, buildable area to sustain a single family home. In Village Business Districts, Limited Business Districts and Research Districts, a minimum lot area of 40,000 sq. ft. and minimum frontage requirement of 180 feet shall be used to calculate each buildable lot. For the purposes of this section, minimum lot area in every district shall contain no more than 25% of land which is underwater land or wetland resource as defined in G.L. c. 131, s. 40 or in the Sudbury Wetlands Administration Bylaw. For each buildable lot calculated, a maximum of 4 units shall be permitted to be constructed.

5435. Building and Dwelling Unit Requirements. The following requirements shall apply to all buildings and dwelling units in an Incentive Senior Development:

a. Dwelling units can be attached or detached, or a combination of these types.

b. No building shall contain more than four dwelling units.

c. No dwelling unit constructed in an Incentive Senior Development shall contain more than two (2) bedrooms. No more than ten percent (10%) of the total units in an Incentive Senior Development shall have fewer than two bedrooms.

d. Accessory Buildings and Structures. Accessory buildings and structures may be permitted, including clubhouse, swimming pool, tennis courts, cabanas, storage and maintenance structures, garages, and other customary accessory structures, however, any common facilities or structures must be constructed on land owned in common by the owners of the dwelling units in the development, or by an organization or entity owned and controlled by such dwelling unit owners. Accessory buildings and structures shall be shown on the development plan, and may not be constructed within any minimum open space required herein.

e. Interrelationship of Buildings. The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between buildings. Buildings shall comply with a minimum setback of twenty (20) feet from other structures in the development.

5436. Parking. Two parking spaces shall be provided for each dwelling unit (with the exception of one-bedroom units, which shall require one parking space per unit), in reasonable proximity to the dwelling, or in garages. Additional parking in proximity to any clubhouse or other facility serving residents in common, or guest parking, shall be provided in off-street parking areas, provided that no single accessory parking area shall contain more than twelve parking spaces, and all such areas shall be adequately landscaped. The Planning Board may authorize a decrease in the number of parking spaces up to 30% of the total number required. The

reserved spaces shall be set aside and shall not be intended for immediate construction, but shall be properly designed as an integral part of the overall parking layout. Such spaces shall be labeled as "Reserve Parking" on the plan.

5437. Roadways. Roads and driveways within the development shall meet such width, grades, radius of curvature and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

5438. Other Facilities. All facilities for utility services, drainage, lighting and signage shall be in accordance with requirements established by the Planning Board, consistent with applicable provisions of the Zoning Bylaw and the regulations governing subdivisions, as the same may be waived or modified by the Planning

Board to meet site conditions and design requirements.

5439. Project Maintenance. In every development there shall be an organization of the owners of the dwelling units which shall be responsible for the maintenance and repair of common elements and facilities owned by and serving the residents of the development, and the Town of Sudbury shall not be responsible therefore.

5439A. Wastewater Disposal. In every development wastewater disposal shall comply with the requirements of the Sudbury Board of Health, the Sudbury Water Resources and Wastewater Bylaws, and applicable Department of Environmental Protection regulations.

5440. Open Space. Open Space requirements shall be set forth according to the acreage of the parcel, as follows:

[Insert Table]

No development, including clearing, primary or accessory structures, parking, wastewater disposal or stormwater management, shall take place within the 100-foot buffer area of any jurisdictional wetland, unless authorized by the Conservation Commission. Upon approval of the Conservation Commission, the buffer area may be reconfigured to provide better protection of resources on the site if such reconfiguration achieves a similar goal of resource protection; however, in no event shall the total area of the 100-foot buffer be reduced without compensation in an equal amount elsewhere on the site.

The open space areas shall be selected to maximize the value of wildlife habitat, shall be contiguous to the extent required to preserve significant habitat, and shall be configured to minimize the perimeter to surface area ratio in order to preserve large blocks of undisturbed land. The open space shall be left in an undisturbed, natural state. Landscape plantings shall not be permitted, except in areas where revegetation may be necessary to increase buffering, as determined by the Planning Board. If revegetation of any area is within the jurisdiction of the Conservation Commission, the Commission shall determine the type and extent of plantings, to be compatible with the values and functions of the wetland and upland resources of the site.

5441. Ownership of Open Space. The open space shall be owned in common by the owners of the dwelling units in the development, or by an organization or entity owned and controlled by such dwelling unit owners, or can be offered to the Town, or another non-profit organization whose principal purpose is the preservation of open space, for conservation purposes. An enforceable restriction shall be recorded on all open space parcels providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking, roadway or active recreation.

5442. On smaller parcels where conveyance of the open space property is not valuable to the Town or a conservation organization, the required open space as calculated above may be left in the control of the owners of the dwelling units in the development without the granting of a conservation restriction or other perpetual easement, with a notation on the Plan that such property is not available for construction of any structures and removal of vegetation is prohibited.

5450. Price Restrictions. Units developed under this Bylaw shall be sold and resold at no more than 2 times the cost for the sale of 2 bedroom detached or attached homes, whichever is applicable, under the Department of Housing and Community Development guidelines for the Local Initiative Program, or other state or federal affordable housing program that determines purchase price for housing units in the Boston area (plus 25%). Condominium fees are excluded in the cost per unit calculation.

5451. Enforcement of Sale and Resale Provisions. Original purchase and resale prices shall be permanently restricted, to the extent legally permissible, to ensure long-term affordability. Sale and resale provisions shall be contained in applicable deed restrictions, covenants, contractual agreements such as limited equity provisions, condominium association Bylaws and/or other mechanisms to ensure compliance. Such restrictions shall not be permitted to be altered without consent of the Town of Sudbury. Annual reporting to the Planning Board is required for all

units sold or resold.

## Sutton

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Sutton Zoning Bylaw 2003

Dwelling, Multifamily: A building containing two (2) or more dwelling units.

\*\*\*

According to the table of uses:

Multifamily dwelling - by special permit in R2, V (SPGA not specified)

Open Space Residential Development - by special permit from planning board in R-2, V

Traditional Neighborhood Development - by special permit from planning board in R-2, V

Limited density residential development - by special permit from planning board in R1, R2.

Continued care retirement communities - by special permit from planning board in all districts.

\*\*\*

9. Multi-family dwelling in any permitted district shall be limited to four (4) dwelling units per lot.

\*\*\*

District/Lot Size

R-2: 40,000 sq.ft. + 3,000 sq.ft. per additional unit

V: 40,000 sq.ft. + 3,000 sq.ft. per additional unit

## Swampscott

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** DWELLING : A building designed and occupied as the living quarters of one (1) or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one (1) or two (2) families, respectively. A multifamily dwelling shall be one designed for and occupied by three (3) or more families.

According to the Swampscott Zoning Bylaws, Section 2.2.3.0, multifamily housing is only allowed in the Business B-3 District and then only by special permit. According to Appendix A of the Town of Swampscott Bylaws, the minimum lot area in the B-3 District is 15,000 square feet.

## Swansea

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Swansea Zoning Bylaw (Adopted 1953, Amended 2002)

"C. The board of appeals may, after a hearing of which due notice has been given, issue a special permit for the conversion of a single-family dwelling existing at the time of the adoption of this by-law, in any district, into a dwelling for occupancy by two (2) or more families, provided that the exterior design of the structure is not changed from that of a single-family dwelling, that each dwelling unit into which the building is divided shall contain not less than six hundred (600) square feet of usable floor area and further provided that the board of appeals finds such conversion to be not detrimental to the neighborhood and conform to Section XIII of this by-law. "

-Section VI. Use provisions applicable to all districts.

## Taunton

**Is multi-family housing allowed by right in any part of the municipality?**

**Yes** Dwelling conversions with up to 3 units are allowed by right in the URD.

City of Taunton Zoning Ordinance

DWELLING, THREE FAMILY - a free standing building used exclusively for residential uses by three families but not more than three families.

DWELLING CONVERSION - conversion of a dwelling structure to accommodate not more than three dwelling units. See Section 7.8.

\*\*\*

### 7.8 DWELLING CONVERSIONS

In Urban Residential, Office, Business and Highway Business districts, any dwelling structure on not less than fifteen thousand (15,000) square feet lot area may as-of-right be converted to accommodate no more than three (3) families provided the application for a building permit for such conversion shall show that there will be not more than three dwelling units, and that:

7.8.1 Each dwelling unit resulting from such conversion will have not less than three hundred and sixty (360) s.f habitable floor space, exclusive of stairways. Further, the conversion shall be subject to the requirements of Article II of the State Sanitary Code, before any occupancy permit is granted.

7.8.2 Stairways leading to any floor above the first floor will be enclosed within the exterior walls of the dwelling, and any other stairways or fire escape required shall not be in any way facing a street.

7.8.3 The minimum off-street parking requirements shall be two (2) parking spaces per dwelling unit and no parking shall be allowed in the required front yards. All parking should be restricted to the rear yard and the side yard where the driveway is located. No more than sixty (60) percent of this side yard and the rear yard shall be used for parking and access. Further, no rear yard parking area shall be less than five (5) feet from an adjoining property line and said five (5) foot area shall be planted with evergreen materials comprising at least a 90% screen to a height of not less than four and one-half (4.5) feet; given natural conditions prevalent on a particular site. The applicant may substitute a six (6) foot wooden fence in lieu of the planted buffer area.

7.8.4 "No conversion of a residential structure or an addition to a residential structure for additional units shall be allowed for five years from the receipt of a building permit to construct the addition or new residential structure."

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Dwelling conversions with up to 3 units are allowed by right in the URD.

City of Taunton Zoning Ordinance

DWELLING, THREE FAMILY - a free standing building used exclusively for residential uses by three families but not more than three families.

DWELLING CONVERSION - conversion of a dwelling structure to accommodate not more than three dwelling units. See Section 7.8.

\*\*\*

Multifamily housing is not specifically defined. The table of uses lists garden condominiums, rowhouse apartments, and MF garden and rowhouse clusters in addition to 3 family dwellings and dwelling conversions.

APARTMENT - Any building designed for use as a dwelling for more than three family units. A building of four or more units with no portion of the building below the first story or above the second story used for dwelling purposes. No apartment building shall be less than 60 feet in length. No facade of any apartment building shall exceed 160 lineal feet without a building jog at least forty-five (45) degrees for a two wing building or thirty (30) degrees for a three wing building.

ROWHOUSE - is a building having a party wall with another building adjoining.

ROWHOUSES - buildings for residential use for one family each, having separate entrances, plumbing, and heating systems, attached to each other in a linear formation and divided by party or fire walls without openings. (See Section 10.3 no group of rowhouses shall contain less than three nor more than eight units).

According to table of uses:

"Three family dwelling" ... by special permit from the board of appeals in URD, CBD, BD, OD, HBD, ID.

"Dwelling conversions" ... by right in URD, BD, OD, HBD and by special permit from board of appeals in CBD.

"Accessory dwelling" by special permit from the board of appeals in RRD, SRD, URD.

"Condominium/garden" ... by special permit from municipal council in URD.

"Apartment/rowhouse" ... by special permit from municipal council in URD.

"Cluster, single family" ... by special permit from planning board in RRD, SRD.

"Cluster, multifamily/garden" ... by special permit from the planning board in RRD, SRD.

"Cluster, multifamily/rowhouse"... by special permit from the planning board in RRD, SRD.

\*\*\*

#### 10.4 APARTMENT BUILDING(S) ROW HOUSES COMPLEX(ES) AND CONDOMINIUM BUILDINGS(S) CONTAINING FOUR OR MORE DWELLING UNITS.

##### 10.4.1 Applicability and Procedure

The following criteria shall apply to all requests for multi-family residential developments. A special permit for multi-family development shall be subject to the procedures set forth in Sections 3.4, 3.5 and 3.6 inclusive.

##### 10.4.2 General Criteria:

In considering the granting of a special permit for the establishment of apartments, row houses, and other forms of multi-family structures, the Municipal Council (Council) shall take into consideration the needs of the community, the effect of the development upon the neighborhood and the community in terms of environmental impacts, socioeconomic impacts, municipal facilities, utilities, drainage, traffic, landscaping, and the health and welfare of the inhabitants. If, after consideration, the Council determines that the development is not in the best interest of the city for any of the aforementioned reasons, the application for said permit shall be denied.

##### 10.4.3 General Requirements

For each development, the applicant shall submit twenty (20) copies of the proposed site plan to the City Planner's office in accordance with the Site Plan Review procedures of Section 15.

##### 10.4.4 The Site Plan

The site plan shall conform to the standards set forth in Section 15.6.1.

##### 10.4.5 Dimensional Criteria

The dimensional criteria for multi-family residential structures shall conform to the standards set forth in Section 6.3.

#### 10.4.6. Development Density

Multi-family developments in the Urban Residential District shall have a maximum density of 6 units per buildable acre. In determining net buildable area for new construction, no wetland or flood plain areas (FIRM Zone A or the Taunton Flood Hazard District) shall be calculated into the buildable area - i.e. if total area equals 20 acres of which 10 acres are wetland or flood plain, the net buildable area is 10 acres and the allowed density is 10 acres x 6 units or 60 units.

#### 10.4.7 Water, Sewer and Drainage

Design and plan content for water, sewer and drainage systems shall conform to the standards set forth in Section 15, Site Plan Review. Proposals to tie in to city utilities shall require the approval of the City DPW Commissioner and the Municipal Council.

#### 10.4.8 Parking

All parking shall be at the side or rear of the building for which it is intended and all parking spaces shall be paved. No parking shall be allowed in the required front yard space nor within twenty-five feet of any other lot line. All parking areas shall be adequately landscaped. There shall be provided 2 spaces for each dwelling unit, except for elderly housing participating in a recognized government subsidy program, which shall require one and a half (1 1/2) spaces per unit.

#### 10.4.9 Interior Ways

All interior ways used for vehicular traffic shall have a minimum pavement width of not less than twenty-four (24) feet.

#### 10.4.10 Open Space

Open space shall be provided in appropriate places and every effort shall be made to preserve wooded areas or other site amenities. No open space shall be less than 50 feet in width, and all open space shall be open and unobstructed to the sky. Recreation structures such as swimming pools, cabanas and similar recreation buildings may be towards the open space requirement. A minimum of 25% of the total tract shall be designated as open space and no wetland areas shall be calculated as part of the minimum open space requirement. The open space shall be preserved in accordance with and following the procedures of Section 14.5.1.4., and shall normally be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the Cluster Residential Development.

#### 10.4.11 Building Design and Location

A maximum of eight (8) units is permitted per building. Where more than one building is erected on a lot, it shall be separated from any building by a minimum of forty (40) feet and all buildings shall be set back a minimum of twenty-five (25) feet from any interior way and fifteen (15) feet from any parking area.

#### 10.4.12 Road Construction

All interior roadways and parking areas shall be constructed in accordance with the subdivision rules and regulations of the City.

#### 10.4.13 Access and Egress

For each lot there shall be not more than one entrance and exit driveway for each five hundred (500) feet of street frontage on which the lot faces.

#### 10.4.14 Utilities

All utilities shall be placed underground.

#### 10.4.15 Fees

There shall be an application fee of \$50 per unit requested in the application, with a minimum fee of \$150. Review and inspection fees shall be as established in the Municipal Council's Special Permit Rules and Regulations.

\*\*\*

## SECTION SEVENTEEN MULTI-FAMILY/BUSINESS DISTRICT REGULATIONS

### 17.1 PURPOSE AND INTENT

The purpose and intent of the Multi-Family/Business District is to provide multi-family dwelling units on the upper floors of commercial buildings allowing for a mixed-use environment in order to benefit the economic development of areas like Downtown Taunton.

### 17.2 SCOPE AND AUTHORITY

This district will overlay the current zoning at the time of application to build residential units in Business Districts and central business district.

\*\*Webmasters Note: The previous section has been amended as per an ordinance adopted 12/18/01.

### 17.3 BOUNDARIES

The boundaries of the Multi-Family/Business District and central business district are defined and bounded by the Business Districts on the Zoning Map and on file in the City Clerk's office.

\*\*Webmasters Note: The previous section has been amended as per an ordinance adopted 12/18/01.

### 17.4 APPROVAL REQUIREMENTS

Multi-Family Dwelling units are permitted in the Multi-Family/Business Districts following the necessary approval required by the City of Taunton's procedure to obtain building permits. The plans submitted must meet the Taunton Board of Health standards and Article Two (2) of the State Sanitary Code, along with all other required departmental approvals pursuant to Section 3.6, Exhibit I and Exhibit II of this Ordinance.

#### 17.4.1 SPECIAL PERMIT/SITE PLAN REVIEW

[...]

\*\*\*

According to the table of dimensional requirements:

Urban residential, Res 1-3 units: 15,000 sf  
Highway business, Res 1-3 units: 15,000 sf  
Central business, Res 1-3 units: 10,000 sf

## Tewksbury

### Is multi-family housing allowed by right in any part of the municipality?

**No** According to the table of use regulations:

Multifamily dwellings are allowed by special permit from the planning board in MFD.

Multifamily dwelling/55 is allowed by special permit from the planning board in COM, MFD and MFD/55.

Community Development Project is allowed by right in CDD.

Cluster Development is allowed by special permit from the planning board in R40 and R80.

\*\*\*

#### 7100. MULTIPLE FAMILY DWELLINGS IN THE MFD.

##### 7110. Purpose.

This section is intended to regulate the development of multiple family dwellings by establishing eligibility requirements and reasonable conditions for construction in the MFD. This section is not intended to supersede, modify or conflict with the powers and duties delegated to the Planning Board pursuant to the Subdivision Control Law, M.G.L. c. 41, ss: 81K 81GG.

##### 7120. Special Permit Required.

Multiple family dwellings will be permitted only upon the issuance of a special permit by the Planning Board. The following eligibility standards apply:

7121. Where proposed for multiple family dwellings, the site shall have a minimum lot area of 4 acres with the 150 feet of frontage on a public way. By special permit, the Planning Board may vary the requirement of 150 feet of frontage on a public way to not less than 40 feet of frontage on a public way provided that a suitable private access road into the site area can be constructed with the reduced frontage. These provisions shall not apply to the development of single family dwellings.

##### 7130. Application.

An application for a special permit shall be filed in accordance with the regulations set forth in Section 9300.

7140. Parking.

Provision shall be made for not less than two (2) parking spaces per unit, one (1) of which shall be completely enclosed. Detached parking garages will be permitted and designed so as to complement the building design and site layout, but shall not be constructed within the setback areas.

7141. Enclosed parking spaces shall be 10 feet in width and 20 feet in length; unenclosed parking spaces shall be not less than 9 feet wide and 18.5 feet in length.

7142. Additional enclosed or unenclosed parking spaces shall be provided for guests and recreational areas as indicated below:

7150. Design Standards.

A. multiple family dwelling shall meet the following standards:

7151. Not more than 100 dwelling units shall be authorized by special permit. Commercial and industrial uses are prohibited.

7152. All lighting shall be directed away from adjoining property.

7153. All utilities shall be installed underground using standards promulgated by the Planning, Health, Building and DPW Departments of the Town of Tewksbury, and sewage shall be disposed of by means of adequate connections as required by State and local Departments and Board of Health.

7154. There shall not be more than a maximum of seven (7) units per acre nor more than fourteen (14) bedrooms per acre. This will allow for flexibility in the number of bedrooms per unit to vary from 1 to 3 bedrooms. The ratio of three (3) bedroom market rate units to three (3) bedroom Affordable Housing Units shall be 1 to 1. No more than 5% of the total MFD site area within the wetlands and/or flood plain shall be used in calculating the density requirements of site. If more than 5% of the total MFD site area is in wetlands and/or flood plains that exceeds the 5% requirement shall be deleted from the area used to determine density requirements.

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 10/1/02.

7155. The maximum coverage of the site available for use by all buildings, including garages, and carports shall not exceed 30 percent of the site area.

7156. The maximum building height shall be 35 feet measured from base floor level.

7157. Any roadway/driveway located in an area that is within 50 feet of a property line shall be shielded from the property line by a planting of shielding type trees satisfactory to the Planning Board between the roadway and property line for the entire length of the roadway within the 50 foot area. This planting shall be in addition to any existing vegetation between the property line and the proposed roadway and shall be placed a maximum of 10 feet apart.

7158. Walkways, tables, benches, flowering bushes/trees may be allowed in 50 to 100 foot buffer areas at the discretion of the Planning Board to improve the aesthetics of the site area.

7159. Television, radio and communications services shall be supplied by a central system with underground connections.

7160. Distance Parameters.

The Planning Board shall determine the distance between the buildings that are structurally connected together by roofing, fencing or other means but not enclosed or heated. The distance parameters will be determined on the aesthetics, created by the design, practicality of design, and the effect on the development by the design. The Planning Board shall determine any distance parameters between buildings not covered under this Zoning By Law. Within the site area the following distance parameters shall apply:

7161. Any building abutting the main roadway within the site development shall have a minimum distance of 17 feet from the closest exterior protruding surface of the building (steps, decks, balconies) to the edge of the traveled way segment of the roadway. (Berm is not considered part of a traveled way).

7162. Any building abutting the main roadway within the site development with parking facilities between the main roadway and the building shall have a minimum distance of 45 feet from the closest exterior protruding surface of the building (decks, balconies, steps) to the edge of the traveled way segment of the roadway. There shall be a minimum 2 foot landscaped buffer strip between the edge of the traveled way and the parking area with allowances for drive entrances and exits.

7163. No proposed structure shall be located nearer than 50 feet from any public way.

7164. Separate, enclosed garages, assigned to a specific building may be located no closer than 30 feet from the closest points on the buildings (decks, balconies, steps) to the closest entrance to the garage.

7165. No building within the site area shall be constructed within 50 feet of any perimeter border of site or 100 feet from any public way providing access to the site.

7166. The minimum distance between buildings on site not structurally connected together shall be as listed below:

7170. Special Permit to Vary Requirements.

The Planning Board by special permit may vary the distance parameters if in the opinion of the Planning Board the site development plan would be improved.

7180. Open Space.

7181. Suitable recreational facilities shall be provided on the required open space. Not less than 60% of the upland area of the site available for use shall remain free from structures, parking and drives, and such area shall be left either in its natural state, attractively landscaped, or developed for uncovered recreational facilities.

7182. The owner or owners shall be responsible for the maintenance of common areas, including but not limited to snow plowing within the site limits and rubbish disposal. No outside burning of rubbish or inside incineration shall be permitted.

\*\*\*

#### 7400. COMMUNITY DEVELOPMENT DISTRICT

7410. Purpose.

The purpose of the Community Development District (COD) is to provide an alternative and supplement to residential, institutional and public elderly housing in Tewksbury in a manner that encourages the preservation of open space and is consistent with the scale of residential development in the community. The Town has determined that a necessity exists for the adoption of a Community Development District for the benefit of and for the general welfare of the community.

7420. Applicability.

A. Community Development Project (COP) is permitted in a COD. Properties within the CDD must apply to the Planning Board for site plan approval to construct a CDP consistent with the guidelines set forth in this section 7400 and all other requirements set forth in Section 9400.

7430. CDP Requirements.

Only those CDP which meet the following requirements shall be permitted:

7431. Minimum Area of Development.

The total area of each CDD development lot shall not be less than twelve acres of contiguous property.

7432. Development Capacity.

The maximum allowable development capacity for units devoted to Independent Living Facility use shall be 65% of six (6) dwelling units per acre of the development area. The remaining 35% of the development capacity of six (6) dwelling units per acre shall be used for Assisted Living Facility/ Long Term Care Facility. There shall not be more than a maximum of six (6) units per acre nor more than 2 bedrooms per unit, nor more than twelve bedrooms per acre. No more than ten percent of the project area within the wetland and/or flood plain shall be used in calculating the density requirements of the site. The independent living facility units to assisted living facility units ratio shall remain 65/35. (Original text deleted as per Attorney General response of August 21, 2002)

\*\*\*

From definitions:

DWELLING, MULTIFAMILY : A building containing three or more dwelling units.

DWELLING, MULTIFAMILY/55 : A building containing three or more dwelling units; provided, however, that one hundred percent (100%) of the housing units shall be occupied by means of fee simple ownership, and/or by lease agreement, by persons who have attained the age of fifty five (55) or older, unless the spouse of such person age 55 or older is under 55, and/or such person who has attained the age of 55 or older has sole or joint custody of a person under the age of 55.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the table of use regulations:

Multifamily dwellings are allowed by special permit from the planning board in MFD.

Multifamily dwelling/55 is allowed by special permit from the planning board in COM, MFD and MFD/55.

Community Development Project is allowed by right in CDD.

Cluster Development is allowed by special permit from the planning board in R40 and R80.

\*\*\*

#### 7100. MULTIPLE FAMILY DWELLINGS IN THE MFD.

##### 7110. Purpose.

This section is intended to regulate the development of multiple family dwellings by establishing eligibility requirements and reasonable conditions for construction in the MFD. This section is not intended to supersede, modify or conflict with the powers and duties delegated to the Planning Board pursuant to the Subdivision Control Law, M.G.L. c. 41, ss: 81K 81GG.

##### 7120. Special Permit Required.

Multiple family dwellings will be permitted only upon the issuance of a special permit by the Planning Board. The following eligibility standards apply:

7121. Where proposed for multiple family dwellings, the site shall have a minimum lot area of 4 acres with the 150 feet of frontage on a public way. By special permit, the Planning Board may vary the requirement of 150 feet of frontage on a public way to not less than 40 feet of frontage on a public way provided that a suitable private access road into the site area can be constructed with the reduced frontage. These provisions shall not apply to the development of single family dwellings.

##### 7130. Application.

An application for a special permit shall be filed in accordance with the regulations set forth in Section 9300.

##### 7140. Parking.

Provision shall be made for not less than two (2) parking spaces per unit, one (1) of which shall be completely enclosed. Detached parking garages will be permitted and designed so as to complement the building design and site layout, but shall not be constructed within the setback areas.

7141. Enclosed parking spaces shall be 10 feet in width and 20 feet in length; unenclosed parking spaces shall be not less than 9 feet wide and 18.5 feet in length.

7142. Additional enclosed or unenclosed parking spaces shall be provided for guests and recreational areas as indicated below:

##### 7150. Design Standards.

A. multiple family dwelling shall meet the following standards:

7151. Not more than 100 dwelling units shall be authorized by special permit. Commercial and industrial uses are prohibited.

7152. All lighting shall be directed away from adjoining property.

7153. All utilities shall be installed underground using standards promulgated by the Planning, Health, Building and DPW Departments of the Town of Tewksbury, and sewage shall be disposed of by means of adequate connections as required by State and local Departments and Board of Health.

7154. There shall not be more than a maximum of seven (7) units per acre nor more than fourteen (14) bedrooms per acre. This will allow for flexibility in the number of bedrooms per unit to vary from 1 to 3 bedrooms. The ratio of three (3) bedroom market rate units to three (3) bedroom Affordable Housing Units shall be 1 to 1. No more than 5% of the total MFD site area within the wetlands and/or flood plain shall be used in calculating the density requirements of site. If more than 5% of the total MFD site area is in wetlands and/or flood plains that exceeds the 5% requirement shall be deleted from the area used to determine density requirements.

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 10/1/02.

7155. The maximum coverage of the site available for use by all buildings, including garages, and carports shall not exceed 30 percent of the site area.

7156. The maximum building height shall be 35 feet measured from base floor level.

7157. Any roadway/driveway located in an area that is within 50 feet of a property line shall be shielded from the property line by a planting of shielding type trees satisfactory to the Planning Board between the roadway and property line for the entire length of the roadway within the 50 foot area. This planting shall be in addition to any existing vegetation between the property line and the proposed roadway and shall be placed a maximum of 10 feet apart.

7158. Walkways, tables, benches, flowering bushes/trees may be allowed in 50 to 100 foot buffer areas at the discretion of the Planning Board to improve the aesthetics of the site area.

7159. Television, radio and communications services shall be supplied by a central system with underground connections.

7160. Distance Parameters.

The Planning Board shall determine the distance between the buildings that are structurally connected together by roofing, fencing or other means but not enclosed or heated. The distance parameters will be determined on the aesthetics, created by the design, practicality of design, and the effect on the development by the design. The Planning Board shall determine any distance parameters between buildings not covered under this Zoning By Law. Within the site area the following distance parameters shall apply:

7161. Any building abutting the main roadway within the site development shall have a minimum distance of 17 feet from the closes exterior protruding surface of the building steps, decks, balconies) to the edge of the traveled way segment of the roadway. (Berm is not considered part of a traveled way).

7162. Any building abutting the main roadway within the site development with parking facilities between the main roadway and the building shall have a minimum distance of 45 feet from the closest exterior protruding surface of the building (decks, balconies, steps) to the edge of the traveled way segment of the roadway. There shall be a minimum 2 foot landscaped buffer strip between the edge of the traveled way and the parking area with allowances for drive entrances and exits.

7163. No proposed structure shall be located nearer than 50 feet from any public way.

7164. Separate, enclosed garages, assigned to a specific building may be located no closer than 30 feet from the closest points on the buildings (decks, balconies, steps) to the closest entrance to the garage.

7165. No building within the site area shall be constructed within 50 feet of any perimeter border of site or 100 feet from any public way providing access to the site.

7166. The minimum distance between buildings on site not structurally connected together shall be as listed below:

7170. Special Permit to Vary Requirements.

The Planning Board by special permit may vary the distance parameters if in the opinion of the Planning Board the site development plan would be improved.

7180. Open Space.

7181. Suitable recreational facilities shall be provided on the required open space. Not less than 60% of the upland area of the site available for use shall remain free from structures, parking and drives, and such area shall be left either in its natural state, attractively landscaped, or developed for uncovered recreational facilities.

7182. The owner or owners shall be responsible for the maintenance of common areas, including but not limited to snow plowing within the site limits and rubbish disposal. No outside burning of rubbish or inside incineration shall be permitted.

\*\*\*

7400. COMMUNITY DEVELOPMENT DISTRICT

7410. Purpose.

The purpose of the Community Development District (COD) is to provide an alternative and supplement to residential, institutional and public elderly housing in Tewksbury in a manner that encourages the preservation of open space and is consistent with the scale of residential development in the community. The Town has determined that a necessity exists for the adoption of a Community Development District for the benefit of and for the general welfare of the community.

7420. Applicability.

A. Community Development Project (COP) is permitted in a COD. Properties within the CDD must apply to the Planning Board for site plan approval to construct a CDP consistent with the guidelines set forth in this section 7400 and all other requirements set forth in Section 9400.

7430. CDP Requirements.

Only those CDP which meet the following requirements shall be permitted:

7431. Minimum Area of Development.

The total area of each CDD development lot shall not be less than twelve acres of contiguous property.

7432. Development Capacity.

The maximum allowable development capacity for units devoted to Independent Living Facility use shall be 65% of six (6) dwelling units per acre of the development area. The remaining 35% of the development capacity of six (6) dwelling units per acre shall be used for Assisted Living Facility/ Long Term Care Facility. There shall not be more than a maximum of six (6) units per acre nor more than 2 bedrooms per unit, nor more than twelve bedrooms per acre. No more than ten percent of the project area within the wetland and/or flood plain shall be used in calculating the density requirements of the site. The independent living facility units to assisted living facility units ratio shall remain 65/35. (Original text deleted as per Attorney General response of August 21, 2002)

\*\*\*

From definitions:

DWELLING, MULTIFAMILY : A building containing three or more dwelling units.

DWELLING, MULTIFAMILY/55 : A building containing three or more dwelling units; provided, however, that one hundred percent (100%) of the housing units shall be occupied by means of fee simple ownership, and/or by lease agreement, by persons who have attained the age of fifty five (55) or older, unless the spouse of such person age 55 or older is under 55, and/or such person who has attained the age of 55 or older has sole or joint custody of a person under the age of 55.

\*\*\*

Dimensional Requirements are listed in the Town of Tewksbury Zoning Bylaw, Appendix B, APPENDIX B TABLE OF DIMENSIONAL REQUIREMENTS (Last Amended 2004)

-In the Multifamily District, the minimum lot size is 4 acres.

-Multifamily housing for persons over 55 is allowed in the Commercial District (1 acre minimum lot size), Multifamily district, (minimum lot size is 4 acres), multifamily district/over 44 (12 acre minimum lot size).

## Topsfield

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the Topsfield Zoning Bylaw, Article III, Section 3.04, Table of Use Regulations, there is no multifamily housing by right in any zoning district. Multifamily housing is allowed by special permit in the Elderly Housing District and the Business Village District.

\*\*\*

1.26 DWELLING . A privately or publicly owned, permanently fixed structure containing a dwelling unit or dwelling units. The term "one family", "two family", or "multifamily" shall not include hotel, bed and breakfast, lodging house, hospital, trailer, dormitory, rooming house, guest or tourist house, or boarding house.

1.67 MULTI-FAMILY DWELLING A building containing at least three (3) and no more than four (4) dwelling units including condominiums.

1.68 MULTIPLE-FAMILY RESIDENCES FOR THE ELDERLY . The term "Multifamily Residences for the Elderly" shall mean multifamily dwellings, each building of which shall contain not less than two (2) nor more than six (6) independent dwelling units consisting of a suite of rooms, its own bath and toilet facilities and its own kitchen facility. Each such multifamily dwelling building may also include central kitchen and dining facilities for providing meals to the residents thereof and their guests but not to the public and may also provide lounge rooms for the common use of residents and their guests. At the time of occupancy, in each such dwelling unit, one of the residents must be a person who is fifty-five (55) years of age or over. No Housing for the Elderly Development shall contain more than seventy-five (75) independent dwelling units.

In one of such buildings, a unit may be included for occupancy by a manager of the development and his or her immediate family, one room of which may be used for an office. The manager's unit need not be occupied by a person fifty-five (55) years of age or over.

Except for the unit so used and occupied by the manager, no dwelling unit in a Multifamily Residence for the Elderly shall be resided in by more than three (3) persons. (Art. 29, 5-3-1985; Art. 17, 5-4-1993)

1.94 TOWN HOUSE A row of attached dwelling units, each separated from other dwelling units by a fire wall or walls and each with direct access to the outside.

\*\*\*

Overlay Districts

Elderly Housing District Permitted in all zones by Special Permit. See Article III, 3.16

According to the table of use regulations, "multifamily dwelling" is allowed by special permit in the BV district only.

\*\*\*

9.03 Projects Requiring Site Plan Review.

No permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Granting Authority. Site Plan Review shall also be required for the resumption of any use discontinued or not used for more than two (2) years, or for the expansion of any existing use. "Expansion" shall include a floor space increase of twenty-five (25) percent or more within any ten (10) year period, or the introduction of new materials or processes not previously associated with the existing use. Required approval includes proposals for commercial, industrial, office, multiple-dwelling residential developments, municipal, institutional, utility, fraternal or recreational purposes. (Art. 36, 5-2-90)

\*\*\*

Topsfield Zoning Bylaw, Article III, Section 3.16.

C. Special Permit and Site Plan Approval. In an Elderly Housing District no building shall be constructed, enlarged or changed to accommodate multi-family residences for the elderly except in conformity to this By-Law and to a Special Permit granted by the Planning Board and a Site Plan bearing the approval of the Planning Board. The Planning Board shall not approve any such Special Permit or Site Plan unless the applicable standards in Massachusetts General Laws and the following standards and criteria are met:

1. Standards.
  - a. The Planning Board shall find that the proposed plan of development is in harmony with the purposes and intent of this By-Law as set forth herein.
  - b. Where land is to be developed for multifamily residences for the elderly, the site shall contain not less than ten (10) acres.
  - c. All elderly housing shall be owned and controlled by a non-profit organization or by the Town or jointly so far as permitted by law; or by a Cooperative Housing Corporation organized pursuant to Massachusetts General Laws Chapter 157B, jointly with the Town or otherwise.
  - d. All newly constructed housing developed in an Elderly Housing District shall have not more than five (5) dwelling units per acre of buildable area.

\*\*\*

EHD (minimum of 10 acre lot size, with no more than 5 dwelling units per acre of buildable area)

## Townsend

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Townsend Zoning Bylaw (Amended 2004)

A. APARTMENT UNIT - A room or enclosed floor space within a dwelling or apartment/multifamily building used or intended for use by one family for living, sleeping, cooking and eating.

B. APARTMENT/MULTIFAMILY BUILDING - A building designed and constructed so as to contain three or more suites of one or more rooms, each suite provided with individual cooking and other facilities for independent housekeeping, used or intended to be used for the non-transient housing of three or more families.

\*\*\*

B. Residential A and B Districts special permit uses. In a Residential A and B District the Board of Appeals may, in specific case, authorize by special permit any of the following additional uses, provided that the premises in question is reasonably adaptable to such use and will allow proper layout thereof (including adequate separation of buildings and open areas from adjacent premises). All special permits are subject to the provisions of Article XI.

(1) Accessory apartment' provided the requirements of 145-36 are met.

(14) Multifamily structures provided, however, the requirements of 145-37 are met.

§145-27. Downtown Commercial District (DCD).

C. DCD uses allowed by special permit from the Board of Appeals (see Article XI):

(2) One to six dwelling units within a structure existing on the lot or for which a building permit has been issued as of January 1989, provided sufficient off-street parking is available on site.

(3) Mixed use (residential/commercial).

§145-28. Neighborhood Commercial District (NCD).

C. NCD uses allowed by special permit from the Board of Appeals (see Article XI):

(1) One to six dwelling units within a structure existing on the lot or for which a building permit has been issued as of January 1989, provided sufficient off-street parking is available on site.

(2) Mixed use (residential and commercial).

\*\*\*

RA: 3 acres + 3 acres per additional dwelling unit

RB: 2 acres + 2 acres per additional dwelling unit

"G. Density: not to exceed one apartment unit per three acres in RA Districts; two acres in RB Districts. "

\*\*\*

§145-37. Apartments.

No apartment/multifamily structure as defined shall be constructed except in conformance with the requirements of this section and 145-65. Apartments/multifamily structures shall require a special permit from the Board of Appeals. There shall be not more than one apartment/multifamily structure per building lot. The following shall be considered the minimum standards for apartment/multifamily development:

A. Zoning district allowed: RA, RB.

B. Minimum lot area: eight acres.

C. Minimum lot frontage: 500 feet.

D. Minimum front yard: 100 feet.

E. Minimum side yard: 60 feet.

F. Minimum rear yard: 60 feet.

G. Density: not to exceed one apartment unit per three acres in RA Districts; two acres in RB Districts.

H. Structure size: not to contain more than six units per each detached structure.

I. Maximum lot coverage: by buildings and pavement: 35% of gross upland land area:

# Tyngsborough

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Tyngsborough Zoning Bylaw (2003)

According to the table of uses:

Multi-family dwelling is allowed by special permit with site plan review by the planning board in R3.

2.11.40 Principal Use Definitions

2.11.42 Residential Uses - No more than one building for dwelling purposes shall be located upon a lot.

Multi-Family Dwelling - Dwelling attached or detached designed for the residence of three or more families.

4.12.00 Special Permits - Multifamily Development.

4.12.10 Applicability and Objectives. A plan submitted under this section shall require Town Meeting approval. The issuance of a Special Permit can only be granted following Town Meeting approval. The construction of any structure designed for the occupation and habitation of three or more families by virtue of separate and complete living quarters containing kitchen facilities, bathroom facilities and sleeping quarters shall be deemed a multi-family development for purposes of this section. The objectives of this section are to allow controlled multifamily development in Tyngsborough so as to: promote and provide a greater variety and choice in housing types; to broaden the availability of housing for persons and families of limited income; to focus development at locations able to support such development with minimal environmental or municipal cost; and to protect the Town's natural environment, its existing character and its ability to provide public services.

4.12.20 Submittals Generally. The applicant for a special permit as required under this section shall submit appropriate materials as per the regulations adopted by the Special Permit Granting Authority pursuant to section 1.16.00 of this By-law and who shall be the Planning Board for the purpose of this section in its entirety. 4.12.21 Specific Requirements - The application for a special permit for multifamily development under this section shall provide to the Planning Board: 1. A site plan as per section 1.16.20. 2. Materials indicating; the number of proposed dwelling units; a development schedule for dwellings and improvements; proposed form of tenure, whether rental, condominium, cooperative, or other; means, if any, of providing for design control; and means, if any, of providing assurance of long term conformity to present proposal. 3. Analysis of the consequences of the proposed development, evaluating the following impacts at a level of detail appropriate to the number of units proposed; a. Natural Environment: groundwater and surface water quality, ground-water level, stream flows, erosion and siltation, vegetative removal (especially unusual species and mature trees), and wildlife habitats.

b. Public Services: analysis of traffic conditions existing and post development including levels of service, analysis of water system capacity, analysis of public sewerage capacity, need for additional public recreation facilities, need for additional school facilities. c. Economics: municipal costs and revenues, local business activity, local jobs. d. Social Environment: effect of the proposal upon the general character of the town and how the proposed units enhance the range of housing choice and affordability in the town. e. Visual Environment: visibility of buildings and parking, visual consistency with existing development in the area. 4. A development phasing schedule indicating the maximum number of dwelling units proposed to be erected in each calendar year, and the timing of construction of any proposed community facilities. All applicants for a special permit under this section are encouraged to consult with the Planning Board at a regularly convened meeting prior to formal application.

4.12.30 Decision Criteria A special permit for multifamily development shall be approved only upon determination of the Planning Board that the requirements of section 1.16.00 Special Permit including section 1.16.14 "Mandatory Finding of Special Permit Granting Authority" and the following additional criteria have been met: 1. The site contains a minimum of five acres pursuant to Section

2.12.00 Intensity of Use (Dimensional Requirements) through and including Section 2.12.50 of this By-law. 2. The proposed development makes use of public sewer and water and has demonstrated said public sewer and water systems to be of sufficient capacity to service the proposed development without added cost to the public or that the developer is willing to underwrite said cost or improvements/or on site systems can be proven adequate. 3. Project generated traffic does not increase the peak A.M. and P.M. hour traffic on the street through which access to and from the project site is provided in excess of 20% if said street is operating at a level of service of C or better or 10% if said street is operating below level of service C. (Said levels are to be determined using methods and definitions as outlined by the Transportation Research Board Highway Capacity Manual, Special Report #209 or later edition.) 4. Site design and storm water facilities shall be so designed that in a twenty-five year storm the peak storm water flows leaving the site will not be increased above current flows or cause the design capacity of receiving structures or channel capacity of receiving streams to be exceeded. 5. Departure from the scale of single family development is minimized through including not more than 24 dwelling units in a single structure, serving not more than eight dwelling units from a single entrance, limiting building length to not more than 200 feet, having unbroken roof area of not more than 3,000 square feet, and having parking areas individually contain not more than 36 parking spaces and be separated from all other parking areas by at least 50 feet. 6. Visual separation from nearby premises is assured through providing yards of at least 4 times building height measured from each lot line which shall contain no parking areas, and through use of outdoor lighting fixtures not higher than 15 feet. 7. The total

number of dwelling units is limited to the resultant of the total area of the parcel as measured pursuant to Section 2.12.20 and 2.12.30 of this By-law rounded to the nearest 1,000 square feet divided by 20,000.

4.12.40 Additional Dwelling Units - Upon petition to the Planning Board the number of dwelling units allowed pursuant to Section 4.12.30 paragraph 7 may be increased by 25 % provided the applicant meets the requirements of this section. 4.12.41 Specific Requirements 1. The applicant by means of a recordable instrument agrees to offer- for sale or rent at an acquisition price or rent level deemed "affordable" as hereinafter defined, not less than 50% of the additional units granted pursuant to this section or; not less than 20% of the additional units granted by virtue of this section the ownership of said unit to be transferred by deed-or by a recordable irrevocable instrument, to the Tyngsborough Housing Authority who shall thus maintain and use said units in accordance with Massachusetts General Laws Chapter 121B Section 11. 2. The applicant meets the conditions and terms concerning, but not limited to, resale restrictions, tenant-purchaser selection and eligibility, resident priority and other administrative rules and regulations as promulgated by the Planning Board which are designed to insure the goal of providing affordable housing is continued. 3. All units provided pursuant to this section shall not be less than the average size of all other units in the same development and shall be similar in terms of siting, style and quality of construction.

4.12.42 Determination of Affordability - The term "affordable" shall be defined as the maximum purchase price or less allowed by the Massachusetts Housing Finance Agency through said Agency's First Time Homebuyer Program for the Lowell, MA - NH Primary Metropolitan Statistical Area for newly constructed condominium units. The term "affordable" for rental units shall be defined to be the Fair Market Rent or less as established by the Department of Housing and Urban Development for the Lowell, MA - NH Primary Metropolitan Statistical Area for the purpose of determining eligibility in the Section 8 Housing Rental Program. In all cases the most recent published figures shall apply.

\*\*\*

Footnote to table of dimensional requirements:

1/ Multi-family development must comply with Section 4.12.00 of this By-law. Single family homes in the R-3 district shall require 44,000 square feet of area and 200 feet frontage, and duplexes in the R-3 district shall require 88,000 square feet of area and 400 feet of frontage.

## Upton

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Upton Zoning Bylaw (Amended 2002)

### SECTION III USE REGULATIONS B. Single Residence District Uses.

11. Any of the following additional uses, if authorized by the Board of Appeals, after a hearing at which it is found that such additional use will not be detrimental to the public good and a finding that such additional use will not derogate from the intent of the Zoning Bylaw.

h. Townhouses and garden apartments within a Residence A or B District provided that there be the equivalent of fifteen thousand (15,000) square feet of lot area per dwelling unit in Residence A and an equivalent of twentyfive thousand (25,000) square feet of lot area per dwelling unit in Residence B and provided that there are no more than eight (8) dwelling units in any one townhouse building and no more than twelve (12) dwelling units in any garden apartment building and subject to the following restrictions:

1. Each dwelling unit shall have two exposures.
2. Each dwelling unit shall have two separate exits.
3. There shall be one off-street parking space of two-hundred fifty (250) square feet per dwelling unit plus one offstreet parking space per bedroom over and above that area needed for access roadways and maneuvering to a maximum of three (3) spaces per unit. No more than fifty (50) spaces may be allowed in any one parking lot, each of which shall be adequately screened from view from exterior streets by appropriate landscaping. No parking spaces shall be located within thirty feet (30') of that part of a building containing windows of habitable rooms at the basement or first story level. Unless such rooms are protected from headlight glare by at least a four (4), but not more than five foot (5')high densely planted landscaped strip or fence placed at the periphery of the parking area. Such parking spaces which are screened as above mentioned may be located up to, but not within, ten feet (10') of that part of a building containing habitable rooms at the basement or first story level.

4. Each dwelling unit shall be connected to Town water in Residence A, or supplied by a water source as approved by the Town Board of Health in Residence B.
5. In cases of seventy-five (75) dwelling units or more each dwelling shall be connected to a packaged on-site sewage treatment facility as approved by the Town Board of Health and the State Department of Health. Such treatment facility shall be constructed concomitantly with the dwelling units and shall be fully operable before the occupancy of any of the dwelling units. In the case of a single owner of all of the dwelling units, such owner shall be responsible for the maintenance of the treatment plant in a manner prescribed by the State Department of Health. In the case of more than one owner, each owner shall, as a condition of purchase, be required to join a homeowner's association for the purpose of maintaining the treatment plant in a manner prescribed by the State Department of Health, and each owner shall be required to pay a periodic assessment to the association for the maintenance of said sewage treatment plant. The organization of such homeowner's association shall be on file with the Town Clerk along with an annual report including the names and addresses of officers, to be submitted to the Town Clerk by February 15 of each year.
6. There shall be adjacent to the exterior walls of each residential building, except at entrances, at least a three-foot (3') wide area of landscaping.
7. There shall be eight thousand (8,000) square feet of usable common open space per dwelling unit. Usable common open space shall mean areas left substantially in a natural state or improved by landscaping and primarily designed and intended for the active and passive recreation of the occupants of the dwellings. Usable common open space shall not include street right-of-ways, open parking, or service areas, driveways, easements for above-ground utilities, laundry drying areas, required front yards, landscaped area around the buildings or any other land deemed unsuitable by the Planning Board for reasons of excessive slope or poor drainage.  
Upton Zoning Bylaws Page 7 of 52 12/2/2004  
In case of rental property, the Owner shall assume the responsibility for maintaining the open space. In cases of the sale of individual units, there shall be included in the deed a requirement obligating the purchasers to participate in a non-profit homeowner's association and to support the maintenance of the common open space accessible and available for the purchasers only, by paying assessments to the association. This association may be one and the same as that referred to in sub-section (5) above. In cases of public open space dedicated in fee to the Town, such open space shall be maintained as a public park, accessible to the public. This shall not preclude the Town from refusing to accept such land without a favorable report from the Planning Board.
8. There shall be a satisfactory design and location of collection points for the disposal of garbage and trash, adequately screened for reasons of health and safety, as determined by the Planning Board and the Board of Health.
9. All proposed utilities should be installed underground at the time of initial construction.
10. A site plan prepared in accordance with the provisions of Section V-D. has been submitted and approved.
11. If there is more than one (1) such structure on a lot of record there shall be at least forty feet (40') between each structure.
12. Each applicant who seeks a special permit from the Zoning Board of Appeals for construction of townhouses, garden apartments, condominiums or a planned unit development shall also file a Definitive Plan with the Planning Board and otherwise comply with all the procedures contained therein for the submission of a Definitive Plan and all design and construction specifications shall apply to all interior streets (considered minor streets unless otherwise designated by the Planning Board), public walkways (sidewalks) and parking areas, the latter to be constructed to the same construction specifications as a street.

#### D. General Business Districts.

m. Any of the following additional uses, if authorized by the Board of Appeals, after a hearing at which it is found that such additional use will not be detrimental to the public good and a finding that such additional use will not derogate from the intent of the Zoning Board.

1. Any of the uses permitted with Board of Appeals authorization in Single Residence A, B, C, and D Districts subject to the same conditions as herein specified.

\*\*\*

Town House: A single family dwelling consisting of no more than two bedrooms attached by a party wall to another single family dwelling, in such a manner that each dwelling has a floor at ground level and front and rear access to the outside of the ground level.

Garden Apartment:

A single family dwelling of one (1) or more rooms on one floor, but to consist of not more than two (2) bedrooms, but not necessarily having an entrance or exit on the ground level of a garden apartment building.

Garden Apartment Building:

A structure of more than one (1) story but not more than three (3) stories containing garden apartment dwellings grouped around a central stairwell.

\*\*\*

#### Town of Upton Zoning Bylaws SECTION IV INTENSITY REGULATIONS

##### A. Residential

##### Table A.1

##### Minimum Lot Dimensions

Districts: Area SF  
Single Res A: 15,000  
Single Res B: 25,000

\*\*\*

From ordinance.com (with 2004 amendments):

#### SECTION XV - DEFINITIONS

**PLANNED VILLAGE DEVELOPMENT** : A development proposed for a single tract of land, authorized by Special Permit in Commercial and Industrial District, specifying a mixture of land uses, including residential uses such as single family, multifamily, townhouses, and other uses such as commercial, municipal, civic, or other uses permitted in Single Residence, Agricultural Residential, General Business Districts, and Special Use District.

\*\*Webmasters Note: The previous definition has been added as per an update approved at a town meeting held on 11/30/04.

#### SECTION III - USE REGULATIONS

E. Commercial and Industrial District.

1. Permitted Uses.

j. The following use(s) if authorized by a Special Permit granted by the Planning Board:

1. Planned Village Development.

\*\*Webmasters Note: The previous subsection, j., has been added as per an update approved at a town meeting held on 11/30/04.

## Uxbridge

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Town of Uxbridge Zoning Bylaws (Revised 2004)

**APARTMENT HOUSE** : A building containing three (3) or more apartments or an independent family above the second floor.

\*\*\*

#### SECTION VII Permitted Uses in Various Zones

a. **RESIDENCE A**: In those portions of the Town so indicated on the accompanying zoning by-law map as **RESIDENCE A** districts, no building, structure, or premises shall be constructed, altered or used for any industry, trade, manufacturing, of commercial purpose or any purpose except one or more of the following specified uses:

8. Any of the following uses, provided that they are not injurious or offensive to the neighborhood, and subject to appropriate conditions and safeguards, and only if approved by the Board of Appeals:

I. Conversion of a single family dwelling for occupancy by not more than three (3) families provided that the exterior design of the structure is not changed from the character of a single family dwelling and further provided that the particular dwelling and premises meet the lot and interior area requirements as set forth in this zoning by-law.

\*\*Webmasters Note: The previous subsection (8) has been amended as per Case No. 2360 from special town meeting dated 11/19/02.

9. Apartments provided that the minimum lot size for the first unit must be equal to the minimum lot size for a single family residence and that for each additional apartment dwelling unit, eight thousand (8,000) square feet additional land area would be required and provided also that the front yard must be landscaped and that one and one-half (1 - 1/2) paved off-street auto parking spaces be required for each apartment dwelling unit. The maximum number of dwelling units per habitable building shall not be greater than four (4). (Amended on December 3, 1985, and on May 13, 1986.)

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 6/15/04.

(NOTE: On October 17, 1985 the following by-law was adopted:)

There shall be a moratorium on the construction of multi-family dwellings (including, but not limited to, town houses, apartments and all high density residential developments and other multi-family dwellings irrespective of the form of ownership) in any district for a period not to exceed two (2) years after date of adoption. This moratorium shall not apply to a proposal to construct a single two family dwelling on a single lot or to any addition or renovation to an existing structure.

During this period, no construction of multi-family dwellings shall be permitted, no permits for construction of multi-family dwellings shall be issued and no site plans proposing the construction of multi-family dwellings shall be approved.

This moratorium shall not apply to any building permits lawfully issued prior to October 17, 1985 nor shall it apply to any site plan or subdivision plans approved prior to this date.

The purpose of this moratorium on the construction of multi-family dwellings is to reduce the serious and detrimental impact on the traffic, safety, utilities, schools, environment, neighborhood and other municipal services in Uxbridge. These strains on the Community are a result of the rapidly increasing development of large multi-family housing complexes in the Town. The two (2) year moratorium would provide a period during which the Planning Board and/or citizens can draft and seek adoption of reasonable up-to-date rules, regulations and by-laws governing multi-family development. The Town can then determine its needs in respect to the services which can be provided. This will ensure that services will be adequate and adverse environmental impacts minimal. The Town, under the direction of the Board of Selectmen, will then report to the Annual Town Meeting.

#### 12. Open Space Development

b. RESIDENCE B: In those portions of the Town so indicated on the accompanying zoning by-law map as RESIDENCE B districts, no building, structure, or premises shall be constructed, altered or used for any industry, trade, manufacturing or commercial purpose except one or more of the following uses:

1. Any use permitted in RESIDENCE A district except: Apartments, Rooming Houses, Lodging Houses, Boarding Houses.

2. Such Accessory purposes as are proper and usual with the foregoing and that are not injurious to the neighborhood as a place of residence.

3. Any use determined to be of like character, said determination to be made by the Board of Appeals following petition of the land-owner or owners.

f. AGRICULTURAL: In those portions of the Town so indicated on the accompanying zoning by-law map as AGRICULTURAL districts, the following uses of land, buildings and structures shall be permitted:

11. Any of the following uses may be authorized by special permit of the Board of Appeals only if it finds that the use will not be injurious or detrimental to the neighborhood, and subject to appropriate conditions and safeguards imposed by the Board of Appeals:

#### 12. Conservation Design Development

\*\*\*

#### SECTION VII Permitted Uses in Various Zones

a. RESIDENCE A: 8. Any of the following uses, provided that they are not injurious or offensive to the neighborhood, and subject to appropriate conditions and safeguards, and only if approved by the Board of Appeals:

#### 12. Open Space Development

a. An Open Space Development, for the purpose of this By-Law is a development intended to encourage:

i. Optimum utilization of natural land features and characteristics through a greater design flexibility, and

ii. The preservation of open spaces for conservation, outdoor recreation or park purposes; and

iii. Efficient provision of municipal services; and

iv. The retention of the rural setting.

b. Definition - For the purposes of this section, an Open Space Development shall mean a tract of land to be developed as an entity by a Landowner with residential buildings comprising two (2) to four (4) dwelling units per building and having an exterior entrance serving no more than two (2) dwelling units.

c. Basic Requirements - A proposed planned Open Space Development shall meet the following basic requirements:

- i. The minimum tract size shall be ten (10) acres.
  - ii. All dwelling units shall be served by municipal water and sewerage which shall be installed at the expense of the developer.
  - iii. No building shall contain more than four (4) dwelling units.
  - iv. No dwelling shall be closer than three hundred (300) feet from a lake or pond and one hundred (100) feet from a running, natural stream or river.
- d. Number of Dwelling Units Permitted - The number of dwelling units in a tract shall not exceed three (3) dwelling units per acre inclusive of open space.

## Wakefield

### Is multi-family housing allowed by right in any part of the municipality?

No

### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** ARTICLE II Definitions  
 Section 190-4. Definitions and word usage.  
 MULTIFAMILY DWELLING A building designed or intended or used as the home of four (4) or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways. This definition is intended to include building types commonly known as "garden apartments," "mid-rise apartments" and "high-rise apartments," which are defined below:  
 (1) GARDEN APARTMENT - A multifamily dwelling of not more than three (3) stories in height, containing not fewer than three (3) dwelling units and usually arranged with grounds planted and maintained with grass, shrubs and trees. (See also the definition for "attached dwelling complex.")  
 (2) MID-RISE APARTMENT - A multifamily dwelling of more than three (3) stories but not more than six (6) stories in height.

Multifamily is subject to site plan review.

Section 190-45. Site plan review in conjunction with special permit application.

A. In order that the special permit granting authority may determine that the aforementioned requirements are to be met, applications shall be submitted in accordance with § 190-73.

\*\*Webmasters Note: The previous subsection, A, has been amended as per Case No. 1986 from town meeting dated 4/1/02.

\*\*\*

-In which districts is MF allowed by special permit?  
 the Multiple Residence Districts (MR-1 and MR-2), the Limited Business District, and the Business District.

\*\*\*

Section 190-6. General description.

(4) Multiple Residence (MR). The Multiple Residence District is composed of those specific areas potentially suitable for multifamily dwellings and attached dwellings (townhouses). It is divided into two (2) parts. MR-1 allows garden apartments and attached dwellings at a maximum density of fourteen (14) units per acre. A special permit is required. Height could not exceed three (3) stories. MR-2 allows garden apartments, attached dwellings and mid-rise apartments at a maximum density of thirty-six (36) units per acre. A special permit is required. Height could not exceed six (6) stories.

6) Limited Business (LB). The Limited Business District includes business area& suitable for office and predominantly non-retail business uses and possibly multiple-residence uses (with a special permit). Most LB Districts are located near Route 128 or other major roadways.

(7) Business (B). The Business District includes those business areas in Wakefield Center and Greenwood. Uses allowed are those that serve a community-wide need and encourage the growth of a healthy town or village business center. Multiple-residence uses are also allowed (with a special permit).

\*\*\*

The minimum lot size for multifamily dwellings, where permitted, shall be forty thousand (40,000) square feet in the M-1 District or Business District and sixty thousand (60,000) square feet in the M-2 District.

\*\*\*

Section 190-32. Multifamily dwellings.

A. Garden apartments or attached dwellings may be allowed by special permit by the Board of Appeals in the MR-1 District, MR-2 District, Business District and Limited Business District. Mid-rise apartments or a combination of mid-rise and garden apartments and attached dwellings may be allowed by special permit by the Planning Board in the MR-2 District, the Business District or the Limited Business District. It is the intent of this section to encourage the development (in appropriate locations) of attractive, functional multifamily and attached dwellings which respond to the social and economic characteristics and needs of the present and future Wakefield population.

B. In order to grant a special permit for a multifamily or attached dwelling development in districts where permitted, the Board of Appeals must find that the developer has met all of the general requirements for a special permit set forth in Article VIII. In addition, the following specific requirements shall also be met:

(1) The minimum lot size for multifamily dwellings, where permitted, shall be forty thousand (40,000) square feet in the M-1 District or Business District and sixty thousand (60,000) square feet in the M-2 District.

(2) Density.

(a) The maximum overall density for garden apartments and attached dwellings in the MR-1 District shall be fourteen (14) units per acre of lot area [with not more than twenty-eight (28) bedrooms per acre of lot area].

(b) The maximum overall density for mid-rise apartments or a combination of mid-rise and garden apartments or attached dwellings in the MR-2 District or the Business District shall be thirty-six (36) units per acre of lot area (with not more than sixty-three (63) bedrooms per acre of lot area).

(3) Where a development containing multifamily or attached dwellings is adjacent to a single-family district or pre-existing commercial or industrial development, a buffer strip as described in Section 190-31 G above shall be required.

(4) Any proposed multifamily or attached dwelling development shall be served by public water and sewerage systems.

(5) A special permit for multifamily dwellings in the Business District shall be granted only if the Board of Appeals determines that the proposed residential use will not be detrimental to the economic health of the Business District and that the proposed location is a suitable residential environment.

C. Parking areas and open space for multifamily dwellings.

(1) No open parking or driveway shall be closer than twelve (12) feet to a wall containing windows to habitable rooms of a dwelling unit which is on the ground floor or basement floor.

(2) At least thirty percent (30%) of the total area of the multifamily dwelling complex shall be maintained as open area. (See Section 190-4 for the definition of "open area.")

D. Summary of dimensional regulations for multifamily dwellings. The minimum dimensional controls for multifamily dwelling shall be as follows (minimum requirements in feet unless otherwise indicated):

E. Parking and loading. The minimum parking and loading requirements shall be as specified in Article VII of this chapter.

F. Additional requirements.

(1) There shall be a paved driveway or paved walk adequate to accommodate emergency vehicles within fifty (50) feet of the outside entrance of each dwelling structure.

(2) Any road or driveway - providing principal access to multifamily attached dwellings shall conform to appropriate provisions of the subdivision control regulations[5] as if it were a minor residential street. If deemed necessary by the Planning Board, such road or street shall be dedicated as a public way. No more than two (2) driveways used as a means of access to garages or parking areas shall be provided for each two hundred (200) linear feet of existing lot frontage on dedicated public ways.

(3) Individual attached dwellings may be sold as condominium units only and may not be sold as row houses with their own individual lots. Nothing in this subsection is meant to restrict the allocation of outdoor space adjacent to dwelling units for the exclusive use of the occupants of specific dwelling units.

(4) In attached dwelling developments, exclusive use zones for the exclusive use of occupants of individual dwelling units shall be shown on the site plan. The ground floor area of the dwelling unit plus the outdoor space allocated for the exclusive use of the dwelling unit shall make up the exclusive use zone. The ground floor of the building shall not occupy more than forty percent (40%) of the exclusive use zone.

(5) No required parking areas for multifamily or attached dwellings shall be placed in the required front yard area of a multifamily or attached dwelling complex, except short-term or visitor parking, which shall not cover more than forty percent (40%) of such area.

(6) The intent of this Subsection (6) is to increase the supply of housing in the Town of Wakefield that is permanently available to and affordable by low and moderate income households and to encourage a greater diversity of housing accommodations to meet the needs of families and other Wakefield residents; and developing and maintaining a satisfactory proportion of the Town's housing stock as affordable dwelling units. To that end, the Special Permit Granting Authority at the time of the granting of the special permit pursuant to § 190-32 may require the applicant to provide affordable dwelling units up to and including 18% of the total number of dwelling units provided on the sites which is the subject of the § 190-32 application. Affordable dwelling units shall be defined as dwelling units which count toward the Town of Wakefield's Massachusetts General Laws, Chapter 4013 Subsidized Housing Inventory as the same may be amended from time to time. When the percentage calculation does not result in a whole number it shall be rounded to the nearest whole number, but not less than one. Thus if so required by the Special Permit Granting Authority,

(a) The applicant shall submit to the Special Permit Granting Authority, a use restriction or regulatory agreement that establishes an affordability restriction for the maximum period allowed by law for the designated affordable dwelling units. The applicant shall provide, when requested by the SPGA, (1) a copy of the application for a Local Initiative Project or similar program, acceptable to the SPGA, that allows the units be added to the town's subsidized housing inventory under Massachusetts General Laws, Chapter 40B, as amended from time to time; (2) a complete draft regulatory agreement; and (3) a letter stating the site has been preliminarily approved by the Department of Housing and Community Development or successor agency. This is in order to ensure the long-term affordability of the designated affordable dwelling units. The applicant shall submit proof to the Special Permit Granting Authority that the use restriction or regulatory agreement was recorded at the Registry of Deeds prior to obtaining any building permit for the project;

\*\*Webmasters Note: The previous subsections, F(6) and F(6)(a), has been added as per an update approved at a town meeting held on 4/5/04.

According to the Wakefield Zoning Bylaw, Article 2, Section 190-4(B), the following are the definitions of multifamily housing, "MULTIFAMILY DWELLING — A building designed or intended or used as the home of four (4) or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways. This definition is intended to include building types commonly known as "garden apartments," "mid-rise apartments" and "high-rise apartments," which are defined below:  
(1) GARDEN APARTMENT — A multifamily dwelling of not more than three (3) stories in height, containing not fewer than three (3) dwelling units and usually arranged with grounds planted and maintained with grass, shrubs and trees. (See also the definition for "attached dwelling complex.")  
(2) MID-RISE APARTMENT— A multifamily dwelling of more than three (3) stories but not more than six (6) stories in height."

This type of housing is allowed in three districts by special permit only, the Multiple Residence Districts (MR-1 and MR-2), the Limited Business District, and the Business District. It is important to note that Mid-Rise Apartments are not allowed in the MR-1 District. According to the Wakefield Zoning Bylaw, Article III, Section 190-6(A)(4), the general description of the Multiple Residence District is as follows: "Multiple Residence (MR). The Multiple Residence District is composed of those specific areas potentially suitable for multifamily dwellings and attached dwellings (townhouses). It is divided into two (2) parts. MR-1 allows garden apartments and attached dwellings at a maximum density of fourteen (14) units per acre. A special permit is required. Height could not exceed three (3) stories. MR-2 allows garden apartments, attached dwellings and mid-rise apartments at a maximum density of thirty-six (36) units per acre. A special permit is required. Height could not exceed six (6) stories."

\*\*\*

Garden Apartments:

MR-1 District (40,000 sq. ft.), MR-2 District (60,000 sq. ft.), LB District (40,000 sq. ft.), and B District (none listed)

Mid-Rise Apartment:

MR-1 District (not allowed), MR-2 District (60,000 sq. ft.), LB District (40,000 sq. ft.), and B District (none listed).

## Walpole

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the schedule of use regulations, the following multifamily uses are allowed by special permit:

"Three family detached dwelling if located on a lot having an area of at least thirty thousand square feet and if connected at the time of construction with the public sewer system"... by special permit only in GR.

"Dwelling for occupancy by more than three families provided that: (i) such dwelling is connected or is to be connected with the public sewer system at the time of construction. (ii) such dwelling is located on a lot having an area of at least thirty thousand square feet with an additional ten thousand square feet for each dwelling unit in excess of three to be accommodated. (iii) a fifty foot buffer zone shall be required where the adjacent lot has a single family dwelling or is a vacant lot. (iv) wetland districts or floodplain districts will not be considered for the computation of the buildable area of a lot."... by special permit only in the GR district.

"The use of a floor other than the ground floor or basement for dwelling units provided that such dwelling units are or will be connected to the public sewer at the time of construction. In a GR zone the requirements of Section 3-B-3-D must be met. (i) within CBD zones, the area used for dwelling units above the ground floor shall not exceed a gross floor area 2.5 times the gross floor area of the ground floor. (ii) within B zones, the area used for dwelling units above the ground floor shall not exceed a gross floor area 2.0 times the gross floor area of the ground floor."... allowed by special permit in GR, B, CBD.

\*\*\*

The minimum lot size for a multifamily housing in the General Residence District is 15,000 sq. ft.

# Waltham

## Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to the General Ordinances of the City of Waltham, Article III, Section 3.3, multifamily dwellings are allowed by right in HR1 (Hope Residential District One). According to the same section, multifamily housing is allowed by right and additional intensity of use permits are allowed in the RC (Residence C Districts), RD (Residence D Districts), HR2 (Hope Avenue Redevelopment District Two), BA (Business A District), BB (Business B District), and BC (Business C District) (note: that residential here is only allowed in the upper floors unless built with a Riverfront Overlay District special permit).

Multifamily housing is defined in Waltham in the General Ordinances of the City of Waltham, Article III, Section 3.24, as "a structure for more than two dwellings units under one roof, including row houses, townhouses, garden apartments, and apartment houses."

The minimum lot sizes are determined according to the General Ordinances of the City of Waltham, Article IV, Section 4.11.

Lot area - Max dwelling units per acre

RC (6000 sq. ft. - 6 du/acre)  
RD (6000 sq. ft. - 6)  
HR1 (10,000 sq. ft. - 59)  
HR2 (10,000 sq. ft. - 3)  
BA (6,000 sq. ft. - 6)  
BB (6,000 sq. ft. - 10)

## Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to the General Ordinances of the City of Waltham, Article III, Section 3.3, multifamily dwellings are allowed by right in HR1 (Hope Residential District One). According to the same section, multifamily housing is allowed by right and additional intensity of use permits are allowed in the RC (Residence C Districts), RD (Residence D Districts), HR2 (Hope Avenue Redevelopment District Two), BA (Business A District), BB (Business B District), and BC (Business C District) (note: that residential here is only allowed in the upper floors unless built with a Riverfront Overlay District special permit).

Multifamily housing is defined in Waltham in the General Ordinances of the City of Waltham, Article III, Section 3.24, as "a structure for more than two dwellings units under one roof, including row houses, townhouses, garden apartments, and apartment houses."

The minimum lot sizes are determined according to the General Ordinances of the City of Waltham, Article IV, Section 4.11.

Lot area - Max dwelling units per acre

RC (6000 sq. ft. - 6 du/acre)  
RD (6000 sq. ft. - 6)  
HR1 (10,000 sq. ft. - 59)  
HR2 (10,000 sq. ft. - 3)  
BA (6,000 sq. ft. - 6)  
BB (6,000 sq. ft. - 10)

In RC, RD, HR2, BA, BB, BC(1), multifamily is permitted by right and additional intensity of use is permitted by special permit from the City Council. It is only by right in HR1.

Number of dwelling units per acre by special permit:

Res C - 18  
Res D - 24  
Bus A - 24  
Bus B - 30  
Bus C - 60  
HR-2 - 30

(12) [Amended 6-10-1991 by Ord. No. 27156; 12-9-1991 by Ord. No. 27265; 6-26-2000 by Ord. No. 290251 Consistent with the higher floor area ratios allowed by special permit, the number of dwelling units per acre may be increased up to the following maximums In the event of a conflict between the provisions set forth in the Table of Dimensional Regulations in Section 4 11 and the provisions of this footnote with respect to the maximum number of dwelling units allowed per acre, the provisions of this footnote shall control.

# Watertown

## Is multi-family housing allowed by right in any part of the municipality?

**Yes** Watertown allows a variety of multifamily housing options by right.

In the Cluster Residential District, Watertown allows by right:

- (1) Existing dwellings converted for three families without exterior change
- (2) Existing dwellings converted for three families with exterior change
- (3) New construction of three or four family dwelling structures
- (4) Existing dwelling converted for four families.

In the Residential Multifamily Districts (R.75 and R1.2), Neighborhood Business, and Limited Business District, Watertown allows by right

- (1) Existing dwellings converted for three families without exterior change.

In the Central Business District, Watertown allows Apartment Houses by as of right if at least the first floor of the structure in which they are located is used for retail or other business purposes. However, now more than the first two floors may be used for retail or service related purposes in a mixed use project.

### ZONING ORDINANCE

Watertown Planning Board  
Watertown, Massachusetts

### ARTICLE V TABLES OF DISTRICT REGULATIONS

#### SECTION 5.01 TABLE OF USE REGULATIONS

#### SECTION 5.03 NOTES TO TABLE OF USE REGULATIONS

\*\*\*

Defintions from ordinance.com:

SECTION 2.64 ROW HOUSE : A series of attached single-family dwellings.

SECTION 2.16 DWELLING :

(a) Any building other than a mobile home or trailer containing one or more dwelling units; house.

(b) Dwelling, Detached: A dwelling separated from any structure other than accessory buildings.

(c) Dwelling, Semi-detached: A dwelling separated from one other dwelling or building other than an accessory building by a vertical party wall.

SECTION 2.04 APARTMENT HOUSE : A structure designed to accommodate five (5) families or more, regardless of ownership form (e.g., condominium, trust, individual, etc.).

\*\*\*

From ordinance.com, Section 5.01 Table of Use Regulations:

f. Existing dwellings converted for three families without exterior change... by right in CR, R.75, R1.2, NB, LB.

g. Existing dwelling converted for three families with exterior change... by right in CR, by special permit in R.75, R1.2, NB, LB.

h. New construction of three or four family dwelling structures... by right in CR, by special permit in R.75, R1.2, NB, LB, CB.

i. Existing dwelling converted for four families by right in CR, by special permit in R.75, R1.2, NB, LB, I-3.

j. Apartment houses... by right in CB, by special permit in CR, R.75, R1.2, NB, LB, I-3.

k. Row houses... by special permit in CR, R.75, R1.2, NB, LB, I-3.

\*\*\*

### ZONING ORDINANCE

Watertown Planning Board  
Watertown, Massachusetts

### ARTICLE V TABLES OF DISTRICT REGULATIONS

#### SECTION 5.04 TABLE OF DIMENSIONAL REGULATIONS

SECTION 5.05 NOTES TO TABLE OF DIMENSIONAL REGULATIONS

Cluster Residential:  
40,000 sq ft  
100 ft  
10,000 lot area per d.u.

R.75:  
5,000 sq ft  
50 ft  
1,500 lot area per d.u.

R1.2:  
5,000 sq ft  
50 ft  
1,000 lot area per d.u.

NB:  
no min lot size  
50 ft

LB:  
no min lot size  
40 ft

CB:  
no min lot size  
no min frontage

I-3:  
10,000 sq ft {requirement for special permit}  
50 ft  
800 lot area per d.u.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Watertown allows a variety of multifamily housing options by right.

In the Cluster Residential District, Watertown allows by right:  
(1) Existing dwellings converted for three families without exterior change  
(2) Existing dwellings converted for three families with exterior change  
(3) New construction of three or four family dwelling structures  
(4) Existing dwelling converted for four families.

In the Residential Multifamily Districts (R.75 and R1.2), Neighborhood Business, and Limited Business District, Watertown allows by right  
(1) Existing dwellings converted for three families without exterior change.

In the Central Business District, Watertown allows Apartment Houses by as of right if at least the first floor of the structure in which they are located is used for retail or other business purposes. However, now more than the first two floors may be used for retail or service related purposes in a mixed use project.

ZONING ORDINANCE  
Watertown Planning Board  
Watertown, Massachusetts  
ARTICLE V TABLES OF DISTRICT REGULATIONS  
SECTION 5.01 TABLE OF USE REGULATIONS  
SECTION 5.03 NOTES TO TABLE OF USE REGULATIONS

\*\*\*

Defintions from ordinance.com:

SECTION 2.64 ROW HOUSE : A series of attached single-family dwellings.

SECTION 2.16 DWELLING :

(a) Any building other than a mobile home or trailer containing one or more dwelling units; house.

(b) Dwelling, Detached: A dwelling separated from any structure other than accessory buildings.

(c) Dwelling, Semi-detached: A dwelling separated from one other dwelling or building other than an accessory building by a vertical party wall.

SECTION 2.04 APARTMENT HOUSE : A structure designed to accommodate five (5) families or more, regardless of ownership form (e.g., condominium, trust, individual, etc.).

\*\*\*

From ordinance.com, Section 5.01 Table of Use Regulations:

f. Existing dwellings converted for three families without exterior change... by right in CR, R.75, R1.2, NB, LB.

g. Existing dwelling converted for three families with exterior change... by right in CR, by special permit in R.75, R1.2, NB, LB.

h. New construction of three or four family dwelling structures... by right in CR, by special permit in R.75, R1.2, NB, LB, CB.

i. Existing dwelling converted for four families by right in CR, by special permit in R.75, R1.2, NB, LB, I-3.

j. Apartment houses... by right in CB, by special permit in CR, R.75, R1.2, NB, LB, I-3.

k. Row houses... by special permit in CR, R.75, R1.2, NB, LB, I-3.

\*\*\*

#### ZONING ORDINANCE

Watertown Planning Board

Watertown, Massachusetts

ARTICLE V TABLES OF DISTRICT REGULATIONS

SECTION 5.04 TABLE OF DIMENSIONAL REGULATIONS

SECTION 5.05 NOTES TO TABLE OF DIMENSIONAL REGULATIONS

Cluster Residential:

40,000 sq ft

100 ft

10,000 lot area per d.u.

R.75:

5,000 sq ft

50 ft

1,500 lot area per d.u.

R1.2:

5,000 sq ft

50 ft

1,000 lot area per d.u.

NB:

no min lot size

50 ft

LB:

no min lot size

40 ft

CB:

no min lot size

no min frontage

I-3:

10,000 sq ft {requirement for special permit}

50 ft

800 lot area per d.u.

# Wayland

## Is multi-family housing allowed by right in any part of the municipality?

No

## Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** DWELLING UNIT, MULTI-FAMILY - A building containing more than one dwelling unit. [Added 5-5-1999 STM by Art. 11]

\*\*\*

Areas zoned for MF by Special Permit:

Planned Development District; Southeast Wayland-Cochituate Planning District; Senior and Family Housing Overlay District; and Cochituate Interim Planning Overlay District.

The Cochituate Interim Planning Overlay District does not specify any dimensional requirements in its section of the Bylaws.

Code of the Town of Wayland, Massachusetts, Section 1904, 2004, and 2106 (June 25, 2004)

Planned Development District:

1904.1. Qualifying area.

1904.1.1. To qualify as a planned development site, an area of land in a Planned Development District shall contain at least 40 contiguous acres not divided by an existing street or aqueduct. Additional areas may be permitted in a planned development site although such areas are divided from the qualifying area by a street or aqueduct. If additional areas are so included, then the qualifying area, together with such additional areas, shall thereafter be treated as one indivisible planned development site. [Amended 5-8-1989 ATM by Art. 17]

1904.7. Density of dwelling units.

1904.7.1. The maximum number of dwelling units that may be allowed in a planned development site shall be determined by the ZBA in accordance with the following formula:

$$D = K (A-W)$$

Where:

D = The maximum number of dwelling units.

K = The density factor.

A = The total number of acres in a planned development site.

W = The number of acres of wet areas.

1904.7.2. The density factor (K) shall be a value recommended by the Planning Board within the following ranges:

1904.7.2.1. In a residence zone of 60,000 square feet, 1.0 to 1.4, inclusive. [Amended 11-25-1975 STM by Art. 16]

1904.7.2.2. In a residence zone of 40,000 square feet, 1.25 to 1.75, inclusive, based on the following criteria:

1904.7.2.2.1. The nature, size and distribution of the wet areas in the site, as well as the soil drainage conditions there;

1904.7.2.2.2. The topography;

1904.7.2.2.3. The amount and location of land available for parking, access and unobstructed areas between nearby buildings;

1904.7.2.2.4. The extent to which the plan provides access to county or state highways or other modes of transportation; and

1904.7.2.2.5. The acreage donated to the Town for public land in excess of the minimum amount set forth in § 198-1904.4 above

1904.10. Maximum number of dwelling units per building.

1904.10.1. No multiresidence dwelling in a planned development site shall contain more than 10 dwelling units.

Southeast Wayland-Cochituate Planning District:

2004.1. Qualifying area.

2004.1.1. To qualify as a development site, an area of land in a Southeast Wayland-Cochituate Planning District shall contain at least 25 contiguous acres of land not divided by an existing street or aqueduct. At least 30% of the land area must be wet areas for any parcel of land to qualify as a Southeast Wayland-Cochituate Planning District development site.

2004.7. Density of dwelling units.

2004.7.1. The maximum number of dwelling units that may be allowed in a development site shall be determined by the Planning Board in accordance with the following formula:

$$D = K (A-W)$$

Where:

D = The maximum number of dwelling units.

K = The density factor, with a value recommended by the Planning Board within the range of 2.75 to 3.25.

A = The total number of acres in a Southeast Wayland-Cochituate Planning District development site.

W = The number of acres of wet areas.

2004.9. Maximum number of dwelling units per building.

2004.9.1. No multifamily condominium dwelling or attached single-family dwelling grouping in a Southeast Wayland-Cochituate Planning District development shall contain more than six dwelling units.

Senior and Family Housing Overlay District:

2106.1.1. Qualifying area.

2106.1.1.1. To serve as a MRD site, an area of land within the SFHOD shall contain at least 20 contiguous acres.

2106.1.14. Mixed residential development.

2106.1.14.1 Where the applicant proposes an MRD, single-family dwellings shall constitute not less than 14% of the total dwelling units in the MRD.

## Wellesley

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IA (Amended 2003)

#### Definitions

Town House - A dwelling containing two or more dwelling units, each sharing one or more party walls with another dwelling unit, and each having at least one floor at ground level with direct access to open space on two or more sides.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IIIA (Amended 2003)

#### SECTION IIIA. TOWN HOUSE DISTRICTS.

18

#### SECTION IIIA. TOWN HOUSE DISTRICTS.

A. In Town House Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II.; in addition, with regard to the multi-family uses hereinafter provided, the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.

2. Town houses and, in connection therewith, the parking of motor vehicles and other accessory uses as are customary, all subject to conformity with the following requirements:

19

a. MINIMUM LOT OR BUILDING SITE AREA: No such building or group of buildings or other structures shall be erected or placed on a lot containing less than twenty thousand (20,000) square feet in area.

b. MINIMUM OPEN SPACE: There shall be provided for each lot a minimum open space of not less than 55%, 65% or 75% of the lot area in accordance with c. below.

c. MINIMUM LOT AREA PER DWELLING UNIT: There shall be provided for each dwelling unit contained in the building or buildings a lot area of not less than 6,000 square feet, 5,000 square feet or 4,000 square feet as follows:

A development having not less than 6,000 square feet per dwelling unit shall have not less than 55% open space in accordance with b. above,

A development having not less than 5,000 square feet per unit shall have not less than 65% open space in accordance with b. above,

A development having not less than 4,000 square feet per unit shall have not less than 75% open space in accordance with b. above.

d. MAXIMUM LOT COVERAGE: No building or addition to

any building, including accessory buildings, shall be erected or placed on a lot which will result in the covering by buildings or more than twenty five percent (25%) of the lot area.

e. HEIGHT OF BUILDING OR STRUCTURE: No building shall exceed a maximum of three stories or forty (40) feet in height.

f. YARDS: No building or structure shall be located within thirty (30) feet of any property boundary line abutting a Single Residence District or within twenty (20) feet of any other property boundary line.

g. SEPARATION BETWEEN BUILDINGS: No building or structure shall be located within thirty (30) feet of any other building or structure on the same lot.

h. LENGTH OF ROW: No building or structure shall contain less than four (4) or more than eight (8) dwelling units.

i. FRONTAGE: No such building or structure shall be erected on a lot with less than one hundred (100) feet of frontage on a public way or a way shown on a plan approved in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law.

j. PARKING: Off-street parking shall be provided in accordance with SECTION XXI.

k. SITE PLAN APPROVAL: The provisions of SECTION XVIA. SITE PLAN APPROVAL. shall apply.

#### SECTION IV. GENERAL RESIDENCE DISTRICTS.

A. In General Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence Districts;
2. Two-family dwelling;
3. Town house of three or more units subject to the following:

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IV (Amended 2003)

#### Section IV. General Residence Districts.

A. In General Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence Districts;
2. Two-family dwelling;
3. Town house of three following:

In this section, town houses are put into three categories.

CATEGORY A CONVENTIONAL UNITS(with or without assisted units not qualifying as Category B)

CATEGORY B CONVENTIONAL & 25% ASSISTED UNITS\*

CATEGORY C 100% ASSISTED UNITS\*

The zoning bylaw allows greatest density for Category C and least density for Category A.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section VA (Amended 2003)

#### SECTION VA. MULTI-FAMILY RESIDENCE DISTRICTS.

22

A. In Multi-Family Residence Districts, no new building or

structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following:

1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II.; in addition, with regard to the multi-family uses hereinafter provided, the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.
2. Any purpose authorized in a Limited Residence District in accordance with and subject to the provisions of SECTION VI. and all other sections applicable to buildings in Limited Residence Districts.
3. A building or group of buildings containing four or more independent dwelling units each having a room or suite of rooms with bathroom and kitchen facilities for such dwelling units, and, in connection therewith, the parking of automobiles and such other accessory uses as are customary; all subject to conformity with the following requirements:
  - a. MINIMUM LOT OR BUILDING SITE AREA: No such building or group of buildings or other structures shall be erected on a lot containing less than twenty thousand (20,000) square feet.
  - b. MINIMUM OPEN SPACE: There shall be provided for each lot or building site area a minimum open space of not less than 40 percent of the lot area.
  - c. MINIMUM LOT AREA PER DWELLING UNIT: There shall be provided for each dwelling unit contained in the building or buildings a lot area of not less than three thousand (3,000) square feet.
  - d. MAXIMUM LOT COVERAGE: No building or addition to any building, including accessory buildings, shall be erected or placed on a lot which will result in the covering by buildings of more than thirty per cent (30%) of the lot or building site area.
  - e. MAXIMUM HEIGHT OF BUILDING OR STRUCTURE: No building shall exceed a maximum of three (3) stories or forty-five (45) feet in height.
  - f. YARDS: No building or structure shall be placed within thirty (30) feet of any property line abutting a public or private way or within twenty (20) feet of any other property boundary line.
  - g. FRONTAGE: No such building or structure shall be erected on a lot with less than eighty (80) feet of frontage on a public way or a way approved in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section VIA(Amended 2003)

#### SECTION VIA. LIMITED APARTMENT DISTRICTS.

A. In Limited Apartment Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following:

1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II., in addition, with regard to the multi-family uses hereinafter provided, the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.
2. Any purpose authorized in an Educational District in accordance with and subject to the provisions of SECTION VII. and all other sections applicable to buildings in

Educational Districts;

3. A building or group of buildings containing twenty or more independent dwelling units each having a room or suite of rooms with bathroom and kitchen facilities for such dwelling units, and, in connection therewith, the parking of automobiles and such other accessory uses as are customary; all subject to conformity with the requirements of the following subparagraphs (a) through (i) of this paragraph.

a. MINIMUM LOT OR BUILDING SITE AREA: No such building or group of buildings or other structures shall be erected or placed on a lot containing less than eighty thousand (80,000) square feet in area.

b. MINIMUM OPEN SPACE: There shall be provided for each lot or building site area a minimum open space of not less than 75 percent of the lot area.

c. MINIMUM LOT AREA PER DWELLING UNIT: There shall be provided for each independent dwelling unit contained in the building or buildings a lot area of not less than eighteen hundred (1,800) square feet.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IXB (Amended 2003)

SECTION IXB. LOWER FALLS VILLAGE COMMERCIAL DISTRICT.

A. Purpose: To establish a commercial zoning district for Lower Falls that allows for commercial reinvestment and improvements, while protecting the quality of the immediately surrounding residential neighborhoods.

B. In Lower Falls Village Commercial Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Residence for more than two families, apartment house, apartment hotel, hotel or inn;

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section XI (Amended 2003)

SECTION XI. BUSINESS DISTRICTS.

A. In Business Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

2. Residence for more than two families, apartment house, apartment hotel, hotel, or inn;

\*\*\*

The Residential Incentive Overlay is a zone on top of the business, industrial, and commercial districts that allows multifamily residential development.

\*\*\*

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IIIA. (Amended 2003)

Section IIIA. Town House Districts

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IV (Amended 2003)

Section IV. General Residence Districts.

A. In General Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used,

for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence Districts;
  2. Two-family dwelling;
  3. Town house of three
- following:

In this section, town houses are put into three categories.

CATEGORY A CONVENTIONAL UNITS(with or without assisted units not qualifying as Category B)  
CATEGORY B CONVENTIONAL & 25% ASSISTED UNITS\*  
CATEGORY C 100% ASSISTED UNITS\*

The zoning bylaw allows greatest density for Category C and least density for Category A.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section VIA(Amended 2003)

#### SECTION VIA. LIMITED APARTMENT DISTRICTS.

A. In Limited Apartment Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following:

1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II., in addition, with regard to the multi-family uses hereinafter provided, the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.

2. Any purpose authorized in an Educational District in accordance with and subject to the provisions of SECTION VII. and all other sections applicable to buildings in Educational Districts;

3. A building or group of buildings containing twenty or more independent dwelling units each having a room or suite of rooms with bathroom and kitchen facilities for such dwelling units, and, in connection therewith, the parking of automobiles and such other accessory uses as are customary; all subject to conformity with the requirements of the following subparagraphs (a) through (i) of this paragraph.

- a. MINIMUM LOT OR BUILDING SITE AREA: No such building or group of buildings or other structures shall be erected or placed on a lot containing less than eighty thousand (80,000) square feet in area.

- b. MINIMUM OPEN SPACE: There shall be provided for each lot or building site area a minimum open space of not less than 75 percent of the lot area.

- c. MINIMUM LOT AREA PER DWELLING UNIT: There shall be provided for each independent dwelling unit contained in the building or buildings a lot area of not less than eighteen hundred (1,800) square feet.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IXB (Amended 2003)

#### SECTION IXB. LOWER FALLS VILLAGE COMMERCIAL DISTRICT.

A. Purpose: To establish a commercial zoning district for Lower Falls that allows for commercial reinvestment and improvements, while protecting the quality of the immediately surrounding residential neighborhoods.

B. In Lower Falls Village Commercial Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Residence for more than two families, apartment house,

apartment hotel, hotel or inn;

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section XI (Amended 2003)

SECTION XI. BUSINESS DISTRICTS.

A. In Business Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

2. Residence for more than two families, apartment house, apartment hotel, hotel, or inn;

In the RIO overlay:

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section XIV.F.H (Amended 2003)

Maximum Development Density: There shall be provided for each dwelling unit of assisted elderly living or independent elderly living a lot area of not less than fourteen hundred (1,400) square feet and the number of dwelling units on a lot or development site shall not exceed 150 units. There shall be provided for each dwelling unit of conventional multi-family housing a lot area of not less than eighteen hundred (1,800) square feet. A nursing home or skilled nursing facility lot or development site shall not exceed 250 beds.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section XVIII (Amended 2003)

or placed on a lot containing  
In Business or Industrial  
Districts or in Business Districts A or Industrial Districts  
A, there shall be provided for each dwelling (including  
apartment houses and apartment hotels) or club house hereafter  
constructed or placed, a lot containing not less than 10,000  
square feet.

\*\*\*

In Town House District:

Minimum lot size: 20,000 sf  
Minimum lot area per dwelling unit: 6,000 sf with 55% open space; 5,000 sf with 65% open space; 4,000 sf with 75% open space.  
Maximum lot coverage: 25%  
Length of row: No building or structure shall contain less than four or more than eight dwelling units.

In General Residence:

For conventional units (without assisted units): 7,000 sf per unit and 21,000 sf for the lot.

For Conventional with 25% assisted units: 6,000 sf per unit and 18,000 for the lot.

For 100% assisted units: 5,000 sf per unit and 15,000 sf for the lot.

In Multi-Family Residence Districts: Buildings with 4+ units; Minimum lot area is 20,000 sf; minimum open space is 40%; minimum lot area per dwelling unit is 3,000 sf.

In the Limited Apartment District: Minimum lot size is 80,000 sf; minimum open space is 75%; minimum lot area per dwelling unit is 1,800 sf.

In Lower Falls Village Commercial District: allowed uses include "Residence for more than two families, apartment house, apartment hotel, hotel or inn. Dimensions not specified."

In the Business Districts, apartment houses are allowed. Lots must be at least 10,000 square feet.

In the Residential Incentive Overlay, multifamily units are allowed. The lot must be at least 2 acres. For conversions, it must be 25,000 square feet. For housing for the elderly, the lot must be 1,400 square feet, with not more than 150 units. For conventional multifamily, the lot area should be at least 1,800 square feet.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IA (Amended 2003)

Defintions

Town House - A dwelling containing two or more dwelling units, each sharing one or more party walls with another dwelling unit, and each having at least one floor at ground level with direct access to open space on two or more sides.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IIIA (Amended 2003)

SECTION IIIA. TOWN HOUSE DISTRICTS.

18

SECTION IIIA. TOWN HOUSE DISTRICTS.

A. In Town House Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II.; in addition, with regard to the multi-family uses hereinafter provided, the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.
2. Town houses and, in connection therewith, the parking of motor vehicles and other accessory uses as are customary, all subject to conformity with the following requirements:

19

a. MINIMUM LOT OR BUILDING SITE AREA: No such building or group of buildings or other structures shall be erected or placed on a lot containing less than twenty thousand (20,000) square feet in area.

b. MINIMUM OPEN SPACE: There shall be provided for each lot a minimum open space of not less than 55%, 65% or 75% of the lot area in accordance with c. below.

c. MINIMUM LOT AREA PER DWELLING UNIT: There shall be provided for each dwelling unit contained in the building or buildings a lot area of not less than 6,000 square feet, 5,000 square feet or 4,000 square feet as follows:

A development having not less than 6,000 square feet per dwelling unit shall have not less than 55% open space in accordance with b. above,

A development having not less than 5,000 square feet per unit shall have not less than 65% open space in accordance with b. above,

A development having not less than 4,000 square feet per unit shall have not less than 75% open space in accordance with b. above.

d. MAXIMUM LOT COVERAGE: No building or addition to any building, including accessory buildings, shall be erected or placed on a lot which will result in the covering by buildings or more than twenty five percent (25%) of the lot area.

e. HEIGHT OF BUILDING OR STRUCTURE: No building shall exceed a maximum of three stories or forty (40) feet in height.

f. YARDS: No building or structure shall be located within thirty (30) feet of any property boundary line abutting a Single Residence District or within twenty (20) feet of any other property boundary

line.

g. SEPARATION BETWEEN BUILDINGS: No building or structure shall be located within thirty (30) feet of any other building or structure on the same lot.

h. LENGTH OF ROW: No building or structure shall contain less than four (4) or more than eight (8) dwelling units.

i. FRONTAGE: No such building or structure shall be erected on a lot with less than one hundred (100) feet of frontage on a public way or a way shown on a plan approved in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law.

j. PARKING: Off-street parking shall be provided in accordance with SECTION XXI.

k. SITE PLAN APPROVAL: The provisions of SECTION XVIA. SITE PLAN APPROVAL. shall apply.

#### SECTION IV. GENERAL RESIDENCE DISTRICTS.

A. In General Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence Districts;
2. Two-family dwelling;
3. Town house of three or more units subject to the following:

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IV (Amended 2003)

#### Section IV. General Residence Districts.

A. In General Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence Districts;
2. Two-family dwelling;
3. Town house of three following:

In this section, town houses are put into three categories.

CATEGORY A CONVENTIONAL UNITS(with or without assisted units not qualifying as Category B)  
CATEGORY B CONVENTIONAL & 25% ASSISTED UNITS\*  
CATEGORY C 100% ASSISTED UNITS\*

The zoning bylaw allows greatest density for Category C and least density for Category A.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section VA (Amended 2003)

#### SECTION VA. MULTI-FAMILY RESIDENCE DISTRICTS.

22

A. In Multi-Family Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following:

1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II.; in addition, with regard to the multi-family uses hereinafter provided, the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.

2. Any purpose authorized in a Limited Residence District in accordance with and subject to the provisions of SECTION VI. and all other sections applicable to buildings in Limited Residence Districts.
3. A building or group of buildings containing four or more independent dwelling units each having a room or suite of rooms with bathroom and kitchen facilities for such dwelling units, and, in connection therewith, the parking of automobiles and such other accessory uses as are customary; all subject to conformity with the following requirements:
  - a. MINIMUM LOT OR BUILDING SITE AREA: No such building or group of buildings or other structures shall be erected on a lot containing less than twenty thousand (20,000) square feet.
  - b. MINIMUM OPEN SPACE: There shall be provided for each lot or building site area a minimum open space of not less than 40 percent of the lot area.
  - c. MINIMUM LOT AREA PER DWELLING UNIT: There shall be provided for each dwelling unit contained in the building or buildings a lot area of not less than three thousand (3,000) square feet.
  - d. MAXIMUM LOT COVERAGE: No building or addition to any building, including accessory buildings, shall be erected or placed on a lot which will result in the covering by buildings of more than thirty per cent (30%) of the lot or building site area.
  - e. MAXIMUM HEIGHT OF BUILDING OR STRUCTURE: No building shall exceed a maximum of three (3) stories or forty-five (45) feet in height.
  - f. YARDS: No building or structure shall be placed within thirty (30) feet of any property line abutting a public or private way or within twenty (20) feet of any other property boundary line.
  - g. FRONTAGE: No such building or structure shall be erected on a lot with less than eighty (80) feet of frontage on a public way or a way approved in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section VIA(Amended 2003)

SECTION VIA. LIMITED APARTMENT DISTRICTS.

A. In Limited Apartment Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following:

1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II., in addition, with regard to the multi-family uses hereinafter provided, the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.
2. Any purpose authorized in an Educational District in accordance with and subject to the provisions of SECTION VII. and all other sections applicable to buildings in Educational Districts;
3. A building or group of buildings containing twenty or more independent dwelling units each having a room or suite of rooms with bathroom and kitchen facilities for such dwelling units, and, in connection therewith, the parking of automobiles and such other accessory uses as are customary; all subject to conformity with the requirements of the following subparagraphs (a) through (i) of this paragraph.
  - a. MINIMUM LOT OR BUILDING SITE AREA: No such building or group of buildings or other structures shall be

erected or placed on a lot containing less than eighty thousand (80,000) square feet in area.  
b. MINIMUM OPEN SPACE: There shall be provided for each lot or building site area a minimum open space of not less than 75 percent of the lot area.  
c. MINIMUM LOT AREA PER DWELLING UNIT: There shall be provided for each independent dwelling unit contained in the building or buildings a lot area of not less than eighteen hundred (1,800) square feet.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IXB (Amended 2003)

SECTION IXB. LOWER FALLS VILLAGE COMMERCIAL DISTRICT.

A. Purpose: To establish a commercial zoning district for Lower Falls that allows for commercial reinvestment and improvements, while protecting the quality of the immediately surrounding residential neighborhoods.

B. In Lower Falls Village Commercial Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Residence for more than two families, apartment house, apartment hotel, hotel or inn;

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section XI (Amended 2003)

SECTION XI. BUSINESS DISTRICTS.

A. In Business Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

2. Residence for more than two families, apartment house, apartment hotel, hotel, or inn;

\*\*\*

The Residential Incentive Overlay is a zone on top of the business, industrial, and commercial districts that allows multifamily residential development.

\*\*\*

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IIIA. (Amended 2003)

Section IIIA. Town House Districts

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IV (Amended 2003)

Section IV. General Residence Districts.

A. In General Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence Districts;  
2. Two-family dwelling;  
3. Town house of three following:

In this section, town houses are put into three categories.

CATEGORY A CONVENTIONAL UNITS(with or without assisted units not qualifying as Category B)

CATEGORY B CONVENTIONAL & 25% ASSISTED UNITS\*  
CATEGORY C 100% ASSISTED UNITS\*

The zoning bylaw allows greatest density for Category C and least density for Category A.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section VIA(Amended 2003)

SECTION VIA. LIMITED APARTMENT DISTRICTS.

A. In Limited Apartment Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following:

1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II., in addition, with regard to the multi-family uses hereinafter provided, the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.

2. Any purpose authorized in an Educational District in accordance with and subject to the provisions of SECTION VII. and all other sections applicable to buildings in Educational Districts;

3. A building or group of buildings containing twenty or more independent dwelling units each having a room or suite of rooms with bathroom and kitchen facilities for such dwelling units, and, in connection therewith, the parking of automobiles and such other accessory uses as are customary; all subject to conformity with the requirements of the following subparagraphs (a) through (i) of this paragraph.

a. MINIMUM LOT OR BUILDING SITE AREA: No such building or group of buildings or other structures shall be erected or placed on a lot containing less than eighty thousand (80,000) square feet in area.

b. MINIMUM OPEN SPACE: There shall be provided for each lot or building site area a minimum open space of not less than 75 percent of the lot area.

c. MINIMUM LOT AREA PER DWELLING UNIT: There shall be provided for each independent dwelling unit contained in the building or buildings a lot area of not less than eighteen hundred (1,800) square feet.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IXB (Amended 2003)

SECTION IXB. LOWER FALLS VILLAGE COMMERCIAL DISTRICT.

A. Purpose: To establish a commercial zoning district for Lower Falls that allows for commercial reinvestment and improvements, while protecting the quality of the immediately surrounding residential neighborhoods.

B. In Lower Falls Village Commercial Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Residence for more than two families, apartment house, apartment hotel, hotel or inn;

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section XI (Amended 2003)

SECTION XI. BUSINESS DISTRICTS.

A. In Business Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

2. Residence for more than two families, apartment house, apartment hotel, hotel, or inn;

In the RIO overlay:

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section XIVF.H (Amended 2003)

Maximum Development Density: There shall be provided for each dwelling unit of assisted elderly living or independent elderly living a lot area of not less than fourteen hundred (1,400) square feet and the number of dwelling units on a lot or development site shall not exceed 150 units. There shall be provided for each dwelling unit of conventional multi-family housing a lot area of not less than eighteen hundred (1,800) square feet. A nursing home or skilled nursing facility lot or development site shall not exceed 250 beds.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section XVIII (Amended 2003)

or placed on a lot containing  
In Business or Industrial Districts or in Business Districts A or Industrial Districts A, there shall be provided for each dwelling (including apartment houses and apartment hotels) or club house hereafter constructed or placed, a lot containing not less than 10,000 square feet.

\*\*\*

In Town House District:

Minimum lot size: 20,000 sf  
Minimum lot area per dwelling unit: 6,000 sf with 55% open space; 5,000 sf with 65% open space; 4,000 sf with 75% open space.  
Maximum lot coverage: 25%  
Length of row: No building or structure shall contain less than four or more than eight dwelling units.

In General Residence:

For conventional units (without assisted units): 7,000 sf per unit and 21,000 sf for the lot.

For Conventional with 25% assisted units: 6,000 sf per unit and 18,000 for the lot.

For 100% assisted units: 5,000 sf per unit and 15,000 sf for the lot.

In Multi-Family Residence Districts: Buildings with 4+ units; Minimum lot area is 20,000 sf; minimum open space is 40%; minimum lot area per dwelling unit is 3,000 sf.

In the Limited Apartment District: Minimum lot size is 80,000 sf; minimum open space is 75%; minimum lot area per dwelling unit is 1,800 sf.

In Lower Falls Village Commercial District: allowed uses include "Residence for more than two families, apartment house, apartment hotel, hotel or inn. Dimensions not specified."

In the Business Districts, apartment houses are allowed. Lots must be at least 10,000 square feet.

In the Residential Incentive Overlay, multifamily units are allowed. The lot must be at least 2 acres. For conversions, it must be 25,000 square feet. For housing for the elderly, the lot must be 1,400 square feet, with not more than 150 units. For conventional multifamily, the lot area should be at least 1,800 square feet.

## Wenham

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** I. The term MULTI-FAMILY RESIDENCES FOR THE ELDERLY shall mean multi-family dwellings, each building of which contains two or more independent dwelling units consisting of a suite of rooms, its own bath and toilet facilities and its own kitchen facility. Each such multi-family dwelling building may also include central kitchen and dining facilities for providing meals to the residents thereof and their guests but not to the public and may also provide lounge rooms for the common use of residents and their guests. In each such dwelling unit one of the residents must be a person who is sixty (60) years of age or over. (as amended 8/19/87)

In one of such buildings, a unit may be included for occupancy by a manager of the development and his or her immediate family, one room of which may be used for an office. The manager's unit need not be occupied by a person sixty years of age or over.

Except for the unit so used and occupied by the manager, no dwelling unit in a Multi-family Residence for the Elderly shall be resided in by more than two (2) persons.

K. The term NON-RESTRICTED MULTI-FAMILY RESIDENCE shall mean multi-family dwellings, each of which contains two or more independent dwelling units consisting of a suite of rooms, its own bath and toilet facilities and its own kitchen facility; residence in such non-restricted multi-family residences shall not be restricted to persons sixty (60) years of age or over. The terms "town houses," "row houses," "attached houses" and like terms shall be interpreted as being synonymous with the term "multi-family residence." (as amended 8/19/87)

\*\*\*

Section IV - Residential District

A. Permitted Uses

1. Detached one family dwellings, provided there shall be no more than one such dwelling per lot with the exception of the Elder Housing District (Section XVII). Accessory apartments are also permitted as provided by IV.A.6.d. (As amended 6/16/47, 3/11/74 and 11/13/90)

8. Any of the following uses, if authorized by special permit issued by the Board of Appeals and subject to appropriate conditions, limitations and safeguards stated in writing by the Board of Appeals and made part of the permit: (As amended 1/9/78)

d. One accessory apartment within or as an attached portion of an existing single family dwelling unit or within an existing accessory building subject to the following:

(1) one of the units shall be occupied by the owner of the premises.

(2) The accessory apartment shall not exceed thirty-five percent (35%) of the floor area of the principal structure, one thousand (1000) square feet and two (2) bedrooms unless:

(a) The applicant demonstrates to the satisfaction of the ZBA that the apartment will be made available to low and moderate income households in accordance with the regulations concerning M.G.L. c. 40B (760 CMR 45.00) as they may be amended from time to time and the applicant requests that the ZBA permit the creation of an accessory apartment that does not exceed fifty percent (50%) of the floor area of the principal structure, fifteen hundred (1500) square feet and three (3) bedrooms.

(b) The applicant shall subject the property to restrictions necessary to ensure that the Affordable Units will remain affordable, the form and substance of the restrictions to be subject to approval by the Zoning Board of Appeals.

(3) The accessory apartment shall be a complete separate housekeeping unit that functions as a unit separate from the principal unit.

(4) The accessory apartment shall be in an existing structure which shall mean that:

(a) The dwelling unit existed for at least five (5) years prior to the application for the special permit for the accessory apartment and if it has been expanded during that five year period, the footprint of the expansion comprises less than ten percent (10%) of the footprint of the original building;

(b) Where the existing dwelling unit has been expanded by ten percent (10%) or more of the footprint of the original building, the expanded area has existed for five (5) years.

(c) where there is an accessory building, the building existed for at least ten (10) years prior to the application for the special permit for the accessory apartment and if it has been expanded, the footprint of the expansion comprises less than 10% of the footprint of the original building.

(5) The lot shall contain at least twenty thousand (20,000) square feet (exclusive of wetlands and floodplains) unless the accessory apartment is in an accessory building, in which case the lot shall contain at least forty thousand (40,000) square feet (exclusive of wetlands and floodplains).

(6) Off-street parking for a minimum of three (3) vehicles shall be provided in the driveway or an accessory garage.

(7) The single-family appearance of the building shall be preserved. To the extent feasible, new entrances shall be located to the side or rear of the building.

(8) Only one accessory apartment may be created on a lot.

(9) Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of the accessory apartment in accordance with the requirements of the Board of Health.

(10) Adequate provision shall be made for ingress and egress to and from the accessory apartment.

(11) Glare from outdoor lighting shall be minimized.

(12) Adequate landscaping shall be provided around the lot or the buildings in order to preserve the single family residential character of the neighborhood.

(13) The procedures and standards for the submission and approval of a special permit application as set forth in Section XIII.C.4. (except C.4.b.2) are complied with except that:

(a) The applicant shall submit a notarized letter stating that the owner of the premises will occupy one of the dwelling units, except for bona fide temporary absences;

(b) The application shall include a floor plan of 1/4 inch to a foot showing proposed changes to the building and a site plan showing the location of the building(s) and the parking spaces;

(c) The special permit shall not be made personal to the applicant and shall instead run with the land. Unless the permit expressly provides otherwise, all special permits shall lapse at the expiration of one year from their granting. Unless otherwise expressly provided in the permit. Special Permits will automatically be renewed on an annual basis unless written objection is filed with the Town Clerk prior to any anniversary date. In the event of written objection, a public hearing shall be held prior to deciding whether the Special Permit will be renewed.

(14) Accessory apartments properly granted prior to November 13, 1990, under predecessor sections of this subsection which have been continuously maintained in compliance with all terms and conditions applicable to their use may continue to be used and maintained in accordance with their original terms and conditions. However, such apartments shall also be eligible upon application and issuance of a Special Permit under this subsection, for reissuance pursuant to this subsection, in which event the prior granted and maintained rights shall terminate. (as amended 11/13/90)

#### Section VI - Business Districts (As amended 3/11/74)

##### A. Permitted Uses

In a business district, except as herein otherwise provided, no building, structure or dwelling shall be erected, altered, enlarged or used for any other than the following purposes:

1. Any use permitted in a residential district, provided however that any use for residence or, dwelling purposes must observe all requirements of minimum area, frontage, setback and yard restrictions set forth in Section X. (As amended 8/1/56)

## West Boylston

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to table of uses:

Multifamily (4 units or less) - by right in GR, B.

Multifamily (more than 4 units) - by special permit from planning board in GR, B.

Accessory apartments - by special permit from board of appeals in SR, GR, B.

\*\*\*

"4.3 Modifications to Dimensional Requirements

A. Multi-family Dwellings

1. For multiple dwelling use, the minimum lot area shall be 20,000 square feet for each dwelling unit.
2. The Maximum number of dwelling units per habitable building shall not be greater than twelve units." From the Town of West Boylston's Zoning Bylaw, Section 4.3 (Last Amended 2003).

\*\*\*

#### DIMENSIONAL REQUIREMENTS FOR MF WITH NO MORE THAN 4 UNITS

General Residence district:  
min lot-40,000 square feet with an additional  
20,000 sq. feet per unit.

Business District:  
1 acre minimum lot requirements, with an additional 20,000 feet per unit.

\*\*\*

On 1/4/04 Charlie Greeno, a member of the committee preparing West Boylston's Master Plan, said that the development in the town was difficult because 40% of the land had been acquired by the Department of Conservation and Recreation. The town is exploring development alternatives (e.g. infill, conversion, mixed-use, and clustered development).

#### Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?

**Yes** According to table of uses:

Multifamily (4 units or less) - by right in GR, B.

Multifamily (more than 4 units) - by special permit from planning board in GR, B.

Accessory apartments - by special permit from board of appeals in SR, GR, B.

\*\*\*

#### "4.3 Modifications to Dimensional Requirements

##### A. Multi-family Dwellings

1. For multiple dwelling use, the minimum lot area shall be 20,000 square feet for each dwelling unit.
2. The Maximum number of dwelling units per habitable building shall not be greater than twelve units." From the Town of West Boylston's Zoning Bylaw, Section 4.3 (Last Amended 2003).

\*\*\*

#### "3.8 CONTINUING CARE RETIREMENT COMMUNITY

A. Purpose This by-law is established by the Town of West Boylston in order to achieve the following Purposes:

1. The provisions of a variety of housing choices for elderly persons.
2. The provisions of professional services routinely used by elderly persons.
3. The design of site plans and structures adapted to the needs of the elderly population.

##### B. Applicability

A.Continuing Care Retirement Community (CCRC), as defined herein, may be allowed upon a grant of a Special Permit by the Planning Board upon any parcel of land situated within a General Residence District or in the Single Residence District located southeasterly of Hartwell Street and westerly of Shrewsbury Street along the Worcester city line or in so much of the Industrial District located southeasterly of Hartwell Street and westerly of Shrewsbury Street as is located southeasterly of a line parallel to and 900 feet southeasterly of Hartwell Street.

\*\*Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 5/20/02.

##### C. Definitions

For the purpose of this section of the by-law the following definitions shall apply:

ELDERLY PERSON : any person having reached the age of 55 years.

ELDERLY HOUSEHOLD : any household having at least one person 55 years or older.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) : a development comprised of a dwelling or dwellings with residential services operated or sponsored as a coordinated unit by a corporation or organization, having among its principal purposes the provision of housing and associated services for persons 55 years or older.

COORDINATED UNITS : a building or group of buildings under common management which provide housing and associated services which assist the elderly in maintaining an independent lifestyle.

ASSOCIATED SERVICES : a program of resident services primarily for the benefit of the residents of the CCRC.

#### D. Types of Dwellings, Uses And Associated Services Permitted

1. A CCRC may contain any or all of the following housing types, attached or detached, in any combination:

a. Detached single family;

b. Multi-family;

c. Congregate: a structure which provides a range of housing and support services. The structure may contain, but is not limited to, the following uses: dwelling units with kitchen facilities; bedrooms with a bathroom and sitting area or without kitchen facilities; common, social and recreational areas such as dining rooms, libraries, an indoor and outdoor recreation facilities and gardening areas;

d. Assisted or Catered Living; buildings or structures other than a hospital or nursing home/institution designed to accommodate assistance with one or more activities of daily living, such as dressing, eating, bathing, walking or toileting;

e. Nursing care: a facility which must be licensed by the Department of Public Health;

f. Living quarters for support staff.

A. CCRC may contain any or all of the following uses and associated services, individually or in any combination, as part of dwellings or as separate structures, including, but not limited to

a. Dining rooms, coffee shops and related kitchen areas and facilities

b. Living rooms, libraries, music rooms, auditoriums, greenhouses;

c. Lounges, card rooms, meeting rooms, and other social and recreational areas;

d. Administrative offices, social service offices, educational uses;

e. Mail rooms, gift shops, convenience stores;

f. Medical offices, diagnostic and treatment centers, wellness centers, exercise areas, home health care centers;

g. Professional offices;

h. Barbers, hairdressers, beauty salons; Banks and ATM banking machines;

j. Home health care;

k. Adult and child care services;

l. Cleaning services

m. Other uses, services and activities incident to the operation of a CCRC.

#### E. Design Objectives

1. Structure and site designs which blend the scale of residential units, institutional structures and professional office space;

2. Minimization of traffic impacts and safe design of all ways, vehicular and pedestrian;

3. Maximization of preservation of natural features and the protection of wetlands, scenic vistas and open spaces;

4. Structure and site designs which meet the specific needs of the elderly;
5. Site plan design which visually emphasizes building design and landscaped areas and minimizes the visual impact of parking areas;
6. Site plan design which creates open space by using cluster principals. At least 25% of the site shall be preserved as open space and maintained as natural vegetation or landscaped areas. Use of open space, except for passive recreation, plantings, footpaths, and agriculture shall be prohibited. Easements may be granted for the installation of underground utilities, provided all disturbed areas be restored to a natural state after construction. A restriction, enforceable by the Town of West Boylston, shall be recorded to ensure that such land shall be kept in an open, natural or landscaped state and not built upon for residential use or developed for accessory use such as parking or roadways. A landscape management plan shall be developed with restrictions to provide for maintenance of the open areas in a manner which will ensure its suitability for its function, appearance, cleanliness, and for proper maintenance of drainage, utilities and the like.
7. Site and structure design shall provide suitable means of access and egress to dwellings for handicapped persons. Enclosed walkways and/or in enclosed walkways connecting all buildings shall be permitted.
8. Structures shall be located on the site so as to provide for the privacy of residents adjacent to the CCRC.

#### F. Site Requirements

1. Minimum Lot Size: No CCRC shall be allowed on a parcel of land containing less than 10 acres.
2. Maximum number of units allowed shall be calculated by the following formula:  
  
 Detached single-family: 5,500 square feet per/DU Multi-family (4 units or less): 5,500 square feet per/DU Multi-family (more than 4 units): 4,000 square feet per/DU
3. Notwithstanding the provisions of Section 4.3, the number of habitable buildings on a lot and the maximum number of dwelling units permitted per habitable building shall be determined by the Planning Board on a case by case basis.
4. Non-residential uses: the total area devoted to non-residential uses located in the buildings may not exceed twenty-five percent (25%) of the total area of the living areas.
5. The open space requirement is substituted for the more conventional rear and side yard requirements in order to provide flexibility in the protection of natural features; to maintain significant open space areas for the enjoyment of the residents; and to promote a variety of site plans tailored to the needs of the elderly.
- . While there are no yard requirements between buildings within the CCRC, all structures must conform to the Massachusetts Building Code with respect to building separation and fire walls.
7. Location and design of all structures shall be reviewed by the West Boylston Fire Chief with regard to accessibility of fire and other emergency vehicles.
8. No structure shall be more than thirty-five feet (35') in height measured from the average grade at the base of the building to the eave line.
9. Disposal areas shall be located in screened areas according to law standards contained in this zoning by-law.

#### G. Roadway and Parking Requirements

1. The following minimum parking standards shall apply to CCRC facilities approved under this section of the by-law. The Planning Board may waive the construction of parking until it is demonstrated that it is actually needed. Parking areas shall be designated as either to be constructed at the time of building construction or at a future date when it is demonstrated that it is needed. Where there is a mix of uses, the total parking area for the CCRC must equal or exceed the sum of the minimum requirements required by the following:
  - a. There shall be provided one parking space for each dwelling except as follows:
    - i. Congregate housing and assisted or catered living facilities: One (1) parking space for every five (5) beds and one (1) parking space for each employee on the largest shift.
    - ii. Nursing care facility: One (1) parking space for every twenty (20) beds and one (1) parking space for every employee on the largest shift.
    - iii. Congregate housing and assisted or catered living facilities: One (1) parking space for every five (5) beds and one (1) parking space for each employee on the largest shift.
2. All other parking and screening provisions of the West Boylston Zoning By-laws shall apply unless changed by this section.

3. Roads and utilities shall be designed and constructed in conformance with the Town of West Boylston Site Plan review standards. The Planning Board may modify said standards if it determines that such action will more acceptably meet the purposes of this section.

#### H. Sewage Disposal

1. No special permit for a CCRC may be granted unless the proposed developer is or is to be connected to a municipal sewer system. No on site subsurface sewage disposal system shall be allowed.

#### I. Signs

1. Signs will be regulated by Section 5.6 of the Zoning By-law.

#### J. Procedure

1. Application, submission requirements, and procedures contained in Section 3.6 Site Plan Review shall be followed before a Special Permit for a Continuing Care Retirement Community may be granted.

2. Plans submitted in connection with this section may be drawn as may be appropriate to the size of the site, with the consent of the Planning Board." From the Town of West Boylston's Zoning Bylaw, Section 3.8 (Last Amended 2003).

\*\*\*

Recommendation in draft 2004 Master Plan:

"5. Increase the permitted density of multiple family developments in the GR district now that sewers have removed concerns about poor soil suitability for septic systems. The existing density of 20,000 sq. ft. of lot area per dwelling unit (2.2 units per acre) should be increased to 4 units per acre."

## West Bridgewater

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**No** The Land Use Ordinance of West Bridgewater  
PLYMOUTH COUNTY, MASSACHUSETTS  
ZONING BY-LAWS

#### 2.0. DEFINITIONS

##### 2.1. TERMS AND WORDS

DWELLING : Any building, or part thereof, used for human habitation, but not including commercial accommodations for transient occupancy or a trailer or mobile home, however mounted or affixed.

a. Dwelling Unit: One (1) or more rooms with cooking, Living sanitary and sleeping facilities arranged for the use of one (1) or more persons Living together as a single housekeeping unit.

b. Dwelling, Single-Family: A detached structure containing one (1) dwelling unit intended and designed to occupied by a single-family.

c. Dwelling, Multi-Family, Multiple Family House, Apartment or Apartment House: A structure containing two (2) or more separate dwelling units.

#### 4.0. USE REGULATIONS

##### 4.4 Table of Use Regulations

(multifamily not listed)

## West Newbury

**Is multi-family housing allowed by right in any part of the municipality?**

No

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** West Newbury Zoning Bylaw (Revised 2003)

APARTMENT : A dwelling unit which occupies a part of a building, other parts of which may or may not be used as dwellings.

APARTMENT HOUSE : A building arranged, intended or designed to be occupied by two or more families living independently of each other.

DWELLING : Any building, or part thereof, used for habitation for one (1) or more persons, but not including commercial accommodations for transient occupancy or trailers or mobile homes, however mounted.

DWELLING UNIT : One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit.

\*\*\*

Section 5.0 Use Regulations,

5.1.4. Uses permitted in the Residence B and C Districts on a Special Permit granted by the Planning Board subject to appropriate conditions where such are deemed necessary to protect the neighborhood or the Town in accord with the provisions of Section 8.1.

5.1.4.1. Dwelling containing not to exceed four (4) units, provided that:

5.1.4.1.1. The lot shall have at least four (4) times the minimum lot area for the District in which it is located.

5.1.4.1.2. The units are serviced with Town water.

5.1.4.1.3. No such structure shall be constructed or placed on land shown as Medisaprists, Scarboro, Ipswich or Westbrook Soils, or on soils listed in Table 16 as having frequent flooding and/or depth to water table of less than six (6) feet, and shown on a map or maps contained in the "Soil Survey of Essex County, Northern Part", U.S. Department of Agriculture, Soil Conservation Service, February 1981, on file with the Planning Board and the Town Clerk.

5.1.4.1.4. The structure shall be designed to conform to the natural terrain.

5.1.4.1.5. The structure shall be of an architectural style which is compatible with the prevailing style in the area in which it is located.

\*\*Webmasters Note: Subsection 5.1.4.1.6 has been deleted as per an ordinance approved at a town meeting held in 4/30/01.

5.1.4.1.7. All parking shall be located to the rear of the front setback line.

\*\*\*

The lot shall have at least four (4) times the minimum lot area for the District in which it is located:

MLA Res B: 40,000 sf

MLA Res C: 20,000 sf

## Westborough

**Is multi-family housing allowed by right in any part of the municipality?**

**Yes** According to the table of uses, the following are allowed:

"Conversion of existing structure to more than two-family dwellings" is allowed by special permit from the ZBA in AA, AB, BB, IB and from the planning board in BA, AE, DPOD.

"Multifamily dwelling" by right in AA, AB; by special permit from the planning board in DPOD.

Westborough Zoning Bylaw (2004)

APARTMENT, GARDEN shall mean premises not over three (3) stories high, accommodating three (3) or more dwelling units, irrespective of ownership or tenure. Includes town houses.

APARTMENT, HIGH RISE shall mean premises over three (3) stories high, accommodating three (3) or more dwelling units, irrespective of ownership or tenure.

TOWN HOUSE shall be synonymous with "Garden Apartment".

4200. MULTI-FAMILY DWELLINGS

Multi-family dwellings shall be permitted only subject to the following:

4210. Units Below Grade. No floor in a dwelling unit except unoccupied basements shall be below grade of the adjoining ground at any place on its perimeter.

4220. Bedrooms. Not more than 5% of all dwelling units in the entire apartment complex shall have more than two (2) bedrooms.

4230. Business in High-Rise Apartments. Up to 5% of the gross floor area of structures proposed for high-rise apartments may be devoted to retail stores, offices and service outlets exclusively servicing on-site residents, provided that:

4231. There shall be no entrance to such place of business except from inside a building,

\*\*\*

(AA) 2 acres (a)  
(AB) 10 acres (b)

(a) But not less than 2,500 square feet (sf) per dwelling unit (d.u.) plus 500 square feet per bedroom.

(b) But not less than 1,000 square feet per dwelling unit (d.u.) plus 300 square feet per bedroom.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the table of uses, the following are allowed:

"Conversion of existing structure to more than two-family dwellings" is allowed by special permit from the ZBA in AA, AB, BB, IB and from the planning board in BA, AE, DPOD.

"Multifamily dwelling" by right in AA, AB; by special permit from the planning board in DPOD.

Westborough Zoning Bylaw (2004)

APARTMENT, GARDEN shall mean premises not over three (3) stories high, accommodating three (3) or more dwelling units, irrespective of ownership or tenure. Includes town houses.

APARTMENT, HIGH RISE shall mean premises over three (3) stories high, accommodating three (3) or more dwelling units, irrespective of ownership or tenure.

TOWN HOUSE shall be synonymous with "Garden Apartment".

4200. MULTI-FAMILY DWELLINGS

Multi-family dwellings shall be permitted only subject to the following:

4210. Units Below Grade. No floor in a dwelling unit except unoccupied basements shall be below grade of the adjoining ground at any place on its perimeter.

4220. Bedrooms. Not more than 5% of all dwelling units in the entire apartment complex shall have more than two (2) bedrooms.

4230. Business in High-Rise Apartments. Up to 5% of the gross floor area of structures proposed for high-rise apartments may be devoted to retail stores, offices and service outlets exclusively servicing on-site residents, provided that:

4231. There shall be no entrance to such place of business except from inside a building,

\*\*\*

(AA) 2 acres (a)

(AB) 10 acres (b)

(a) But not less than 2,500 square feet (sf) per dwelling unit (d.u.) plus 500 square feet per bedroom.

(b) But not less than 1,000 square feet per dwelling unit (d.u.) plus 300 square feet per bedroom.

\*\*\*

Westborough Master Plan 2003, Inventory and Analysis:

"3.2.1 Residential Zoning and Development Patterns

Westborough's zoning bylaw includes three different residential zoning districts: Single Residential, Garden Apartment, and High Rise Apartment. The overwhelming majority of the Town's residentially zoned land is in the Single Residential district. This district allows single-family dwellings by right and two-family dwellings by special permit. The minimum lot size is 50,000 square feet for single-family dwellings and 55,000 square feet for two-family dwellings.

Both the Garden Apartment and the High Rise Apartment districts allow single-family, two-family, and multi-family housing by right. The minimum lot size is two acres in the Garden Apartment district and ten acres in the High Rise Apartment district. The maximum allowed density varies by the size of the units, but for two-bedroom units would be about 11 units/acre in the Garden Apartment district and 24 units/acre in the High Rise Apartment district. Although these districts appear to provide ample alternatives to single-family housing in the Town, in reality they do not since virtually no land is zoned for multi-family housing. The Garden Apartment district includes only the 14 acres already developed as Mayberry Court, off of Water Street. No land in the Town is zoned for High Rise Apartment.

A final option for housing developers in Westborough is the Planned Parcel Development (PPD) bylaw. This bylaw allows greater development flexibility on sites of at least 20 acres that Town Meeting votes to establish as PPDs. A Mixed Use PPD can include a mixture of housing types as well as retail facilities Westborough Master Plan Page 31 Inventory and Analysis

intended to serve residents of the development only. However, dimensional requirements in PPDs are rather stringent: only 20% of the site may be covered with buildings and parking, and the maximum density is one unit per 25,000 square feet, although density bonuses are available.

Given the Town's current zoning regulations, it is unsurprising that most of the new housing developed in Westborough has consisted of large single-family detached homes on large lots. Although the Town nominally has several provisions on the books to allow multi-family housing, in reality these are very difficult for developers to use because they all require Town Meeting approval (either to establish a PPD or to re-zone land to Garden Apartment or High Rise Apartment). Therefore, it is not surprising that most developers seeking to build multi-family housing have sought Comprehensive Permits under Chapter 40B. This law has had a significant impact on Westborough by allowing the development of a few large multi-family developments such as Avalon West on Gleason Street and Avalon at Flanders Hill, as well as several smaller developments. From 1995 to 2000, permits issued for multi-family housing units comprised 30.9% of Westborough's new housing permits, compared to only 9.3% of the total permits issued in Worcester County during the same time period."

## Westford

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** 7.2 FLEXIBLE DEVELOPMENT

7.2.9 Standards. The following standards shall apply in a Flexible Development

1 Types of Buildings The Flexible Development may consist of any combinations of single-family, two-family, and multifamily residential structures A multifamily structure shall not contain more than five (5) dwelling units The architecture of all multifamily buildings shall be residential in character, particularly providing gabled roofs, predominately wood siding, an articulated footprint, and varied facades Residential structures shall be oriented toward the street serving premises and not the required parking area

\*\*\*

#### 8.4 SENIOR RESIDENTIAL MULTIFAMILY OVERLAY DISTRICT (SRMOD)

8.4.1 Purpose. The purpose of the Senior Residential Multifamily Overlay District (SRMOD) is to provide an acceptable design for Senior Residential Multifamily Development (SRMD) within districts designated by the Town Meeting This design serve the public by

6 Dwelling Units per Building A SRMD may consist of any combination of single family, two family and multifamily residential structures A multifamily structure shall not contain more than five (5) dwelling units The architecture of all multifamily buildings shall be residential in character, particularly providing gabled roofs, predominantly wood siding, an articulated footprint and varied facades Residential structures shall be oriented toward the street serving the premises and not the required parking area

\*\*\*

Mills can also be converted to multifamily housing:

#### 8.5 MILL CONVERSION OVERLAY DISTRICT (MCOD)

8.5.1 Purpose. The purpose of this Section is to create an overlay district

1 to allow-for conversion of Westford's historic mills while preserving the character of nearby residential and commercial neighborhoods,

2 to encourage the preservation, reuse and renovation of historic mill properties, and

3 to promote diversified housing opportunities and uses such as commercial, retail or office use, or a combination of such uses

8.5.4 Special Permit Required. Within the MCO, a MCP may be constructed upon the issuance of a special permit by the Planning Board, and upon site plan approval pursuant to Section 9 4, subject to the requirements set forth herein No other use or structures shall be permitted in conjunction with an MCP, except as specifically provided herein

\*\*\*

#### 9.4 SITE PLAN REVIEW

9.4.1 Applicability. The following types of activities and uses are subject to site plan review by the Planning Board

1 Construction, exterior alteration, exterior expansion of a nonresidential or multifamily structure or tower, or change in use,

2 Construction or expansion of a parking lot associated with a nonresidential or multifamily structure or use

\*\*\*

Definition of multifamily development:

**MULTIFAMILY DEVELOPMENT** A building or buildings containing two (2) or more attached dwelling units or more than one (1) dwelling unit, whether or not attached, on a single lot, and the buildings accessory thereto

**SENIOR RESIDENTIAL MULTIFAMILY DEVELOPMENT** An age-restricted residential housing project constructed within land designated as a Senior Residential Multifamily Overlay District by Town Meeting, in accordance with this Section, and for which a site plan approval has been issued by the Planning Board in accordance with this Section

\*\*\*

According to the Table of Principal Use Regulations:

"Conversion of dwelling" is allowed by special permit from the board of appeals in RA, RB, B, IA, IB, IC.

"Open Space residential development" is allowed by special permit from the planning board in RA, RB, IA, IC.

"Flexible development" is allowed by special permit from the planning board in RA, RB, IA, IC.

## Weston

**Is multi-family housing allowed by right in any part of the municipality?**

**No** Researcher found in the zoning bylaw that there are two "multiple dwelling districts" where "multiple dwellings numbering four units or fewer" are allowed by right with a site plan approval. Citation: Town of Weston Zoning By-Law and Map Section V (C.) (Adopted 1928, Amended 2003) The multiple dwelling districts appear to be a very small portion of the town, as seen on the zoning map.

Susan Haber, Planner, explained that 98% of the town is single family. She recalls that the last multifamily units built were in the 70s. Since the multifamily zones are so small, Susan Haber described them as "floating zones". This means that if a developer has enough land to meet the minimum land requirement for multifamily housing, then the land would need to be re-zoned. There is nothing in the bylaw to describe this process for rezoning. Two developments have been built this way, with all market rate units.

Town of Weston Zoning By-Law and Map Section V Use Regulation C. Multiple Dwelling Districts (A and B)  
C. MULTIPLE DWELLING DISTRICTS (A and B)

1. By-Right Uses

- a. single family residence containing one housekeeping unit only, conforming to Single Family Residence District A requirements;
- b. Customary home occupation;
- c. Preservation of a lot in its natural condition; fields, pastures, woodlots, and orchards; greenhouses for private use; farm; sale or offering for sale of farm products by owner or resident tenant providing substantial portion raised on the premises;
- d. Wildlife and plant management by nonprofit organization;

2. By-Right Uses Allowed With Site Plan Approval

- a. Multiple dwellings numbering four units or fewer;
- b. Non-municipal public park or playground;

3. Uses Allowed With Site Plan Approval and By Special Permit

- a. Multiple dwellings numbering over four units;
- b. Child care center;
- c. Philanthropic or charitable institution, but not a correctional institution or place of detention;
- d. Long term care facility.

Definition from ordinance.com:

MULTIPLE DWELLING : A building containing dwelling units providing independent living facilities, including an apartment house, group houses, and row houses.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Researcher found in the zoning bylaw that there are two "multiple dwelling districts" where "multiple dwellings numbering four units or fewer" are allowed by right with a site plan approval. Citation: Town of Weston Zoning By-Law and Map Section V (C.) (Adopted 1928, Amended 2003) The multiple dwelling districts appear to be a very small portion of the town, as seen on the zoning map.

Susan Haber, Planner, explained that 98% of the town is single family. She recalls that the last multifamily units built were in the 70s. Since the multifamily zones are so small, Susan Haber described them as "floating zones". This means that if a developer has enough land to meet the minimum land requirement for multifamily housing, then the land would need to be re-zoned. There is nothing in the bylaw to describe this process for rezoning. Two developments have been built this way, with all market rate units.

Town of Weston Zoning By-Law and Map Section V Use Regulation C. Multiple Dwelling Districts (A and B)  
C. MULTIPLE DWELLING DISTRICTS (A and B)

1. By-Right Uses

- a. single family residence containing one housekeeping unit only, conforming to Single Family Residence District A requirements;
- b. Customary home occupation;
- c. Preservation of a lot in its natural condition; fields, pastures, woodlots, and orchards; greenhouses for private use; farm; sale or offering for sale of farm products by owner or resident tenant providing substantial portion raised on the premises;
- d. Wildlife and plant management by nonprofit organization;

2. By-Right Uses Allowed With Site Plan Approval

- a. Multiple dwellings numbering four units or fewer;
- b. Non-municipal public park or playground;

3. Uses Allowed With Site Plan Approval and By Special Permit

- a. Multiple dwellings numbering over four units;
- b. Child care center;
- c. Philanthropic or charitable institution, but not a correctional institution or place of detention;
- d. Long term care facility.

Definition from ordinance.com:

MULTIPLE DWELLING : A building containing dwelling units providing independent living facilities, including an apartment house, group houses, and row houses.

\*\*\*

Town of Weston Zoning By-Law and Map Section VI (c)(Adopted 1928, Amended 2003)

### C. MULTIPLE DWELLING DISTRICTS (A AND B)

#### 1. Minimum Requirements.

Lots and structures used for multiple dwellings shall conform to the following requirements as to square footage, frontage, set-backs, square feet of land per unit, number of units per building, buffers, number of bedrooms per unit, and area of living space.

#### 2. Table of Dimensional Requirements. District

A B

Minimum lot area in square feet 240,000 600,000

Minimum street frontage on existing public way 200 ft. 100 ft.

Minimum setback from street side line of existing public way 100 ft. 65 ft.

Minimum setback from street centerline of existing public way 125 ft. N/A

Minimum setback from lot line 100 ft.(a) 65 ft.

Square feet of land per unit (b) 30,000 10,000

Number of units per building 2 to 8 4 to 8

Buffer maintained in natural state, or landscaped, around perimeter of lot.

50 ft

25 ft.

Minimum garage distance from lot line 65 ft.. 45 ft

Minimum setback from side line of road located within the lot 20 ft. 20 ft.

Minimum setback from center line of road located within the lot

45 ft.. 45 ft

Maximum average number of bedrooms per unit 2 N/A

Minimum floor area of living space in square feet 750 750

#### Notes

(a) In cases where a lot line is adjacent to permanent conservation land, a railroad, or certain other types of municipal open land which in themselves serve as buffers, the minimum setback from lot line may be 65 feet.

(b) The number of square feet of land per unit shall consist entirely of land outside the Wetlands and Flood Plain Protection District.

3. The aggregate of all dwelling structures in Multiple Dwelling Districts shall not cover more than 20% of the lot upon which they are built. The aggregate of all structures and off-street parking areas, whether or not covered, in Multiple Dwelling Districts shall not cover more than 30% of the lot upon which they are built or located.

\*\*\*

## Westwood

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to Section 5.2, Principal Use Regulations, in the Westwood zoning bylaw on ordinance.com, Major Residential Development per Section 16C is allowed by special permit from the Planning Board in SRA, SRB, SRC, SRD, SRE, GR, and SR.

From definitions:

MAJOR RESIDENTIAL DEVELOPMENT Either of the following:

a) Development of four (4) or more dwelling units on a single lot or

b) one or more divisions of a parcel of land or a set of contiguous parcels of land which were in common ownership as of the date of adoption of this provision (whether or not a 'subdivision' requiring Planning Board approval) which would cumulatively result in one or more of the following subsequent to the date of adoption of this provision, unless each resulting lot has both lot area and frontage at least fifty (50) percent greater than that required by Section 14:

(1) an increase by ten (10) or more lots (excluding any restricted from residential use) above the number existing there two years earlier;

(2) creation of four (4) or more lots potentially having individual driveway egress onto streets existing at the time of lot creation unless, because of lot configuration or restrictions to be recorded on the plan creating the lot, no lot being created has a potential driveway location within six hundred (600) feet of another potential driveway location on a lot being created from the same premises; or

(3) creation of four (4) or more lots unless, through lot locations or restrictions to be recorded on the plan creating the lots, no more than three (3) of the lots contain a potential site for construction of a dwelling any part of which would be less than two hundred (200) feet from a street existing at the time of lot creation. [Amended 5/4/98]

## Weymouth

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** According to the Weymouth Zoning Ordinance, Section 120-6 (adopted 1969), multifamily housing is defined as: "DWELLING, MULTIPLE -- A building or portion thereof used for occupancy by three or more families living independently."

Multifamily housing is allowed by right in the following districts:

Resident District R-3 (building or group of buildings for occupancy of two or more families in separate dwelling units); and  
Residence R-4 District (building or group of buildings for occupancy of two or more families in separate dwelling units.)

Paul Halkiotis, Weymouth Economic Development Planner, (6/24/04) said that there is available/undeveloped land zoned for multifamily housing by right. Based on build out projections, there is the potential for 834 multifamily units in the R3 and R4 districts.

\*\*\*

ARTICLE IVA Resident District R-2  
[Added May 1990 STM by Art. 1, approved 8-29-1990]  
Section 120-13.1. Purpose.

The purpose of the R-2 District, mixed residential, is to:

- A. Provide for a transitional zone between single-family districts and multifamily or business districts.
- B. Recognize the changing character of major arterial roads by allowing use changes to existing single-family dwellings.
- C. Preserve the residential character of the district while allowing low-density multifamily and office uses.
- D. Limit traffic congestion by limiting the density and intensity of permitted and special permit uses in the district.

Section 120-13.2. Permitted uses.

[Amended May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. Any of the following uses, or uses customarily accessory thereto, are permitted:

- A. Any use permitted in Resident District R-1.
- B. Two- or three-family dwelling, new construction.
- C. Alteration, but not the expansion, of a dwelling existing 7 at the time of adoption of this bylaw for up to four dwelling units.

Section 120-13.3. Special permit uses by Board of Zoning Appeals.

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the conditions and requirements, of Article XXV:

- A. Alteration and/or the expansion, not to exceed 10% of the existing gross floor area, of a dwelling or structure existing at the time of the adoption of this bylaw for up to 10 dwelling units.

B. Funeral home.

Section 120-13.4. Special permit uses by Planning Board.

Any of the following uses, or uses customarily accessory thereto, on approval of the Planning Board, subject to the conditions and requirements of Article XXV:

A. Alteration and/or the expansion, not to exceed 10% of the existing gross floor area, of a dwelling or structure existing at the time of the adoption of this bylaw for office space, not to exceed 2,000 square feet of gross floor area(1).

ARTICLE V Resident District R-3  
[Amended June 1976 STM by Art. 26, approved 10-18-1976]  
Section 120-14. Intent.

To establish and preserve a multiple-family dwelling district whose density would be compatible with existing multiple-family dwelling characteristics within the Town of Weymouth and to provide varied housing opportunities. It is further intended that the R-3 District provide for low-rise structures with appropriate landscaping and site planning to allow for garden-apartment types of developments. It is further intended to exclude uses which are not compatible with residential uses but permit certain nonresidential uses which are compatible in the district and which are of particular convenience to the residents of the district.

Section 120-15. Permitted uses.

[Amended June 1978 STM by Art. 2, approved 11-2-1978; May 1987 ATM by Art. 52, approved 8-27-1987, May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Resident District R-3, no buildings or premises shall be erected, altered or used for any purpose except:

- A. Any use permitted in Resident District R-1.
- B. A building or group of buildings for occupancy by two or more families in separate dwelling units.
- C.(2) Nursing home or convalescent home.

Section 120-16. Accessory uses.

[Section 120-17. Special permit uses.

[Amended June 1978 STM by Art. 2, approved 11-2-1978]

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

- A. Any use requiring a special permit in the Resident District R-1, Section 120-13.
- B. Private club or lodge operated for members only.
- C. Clinic or office of an architect, attorney, physician, dentist or other similar professional person or firm, not

Section 120-18. Special permit uses by Planning Board.

[Amended June 1978 STM by Art. 2, approved 11-2-1978]

The following uses, or uses customarily accessory thereto, may be granted as special permit by the Planning Board, subject to the conditions and requirements of Article XXV:

- A. Planned unit development as defined in Section 120-6 of this bylaw and subject to the district regulations in Section 120-63 of this bylaw.
- B. Hotel, motel or apartment hotel.
- C. A building or group of buildings for occupancy by 20 or more families in separate dwelling units. [Added May 1987 ATM by Art. 52, approved 8-27-1987]

Section 120-18.1. Special permit uses by Board of Selectmen.

[Added October 1982 STM by Art. 3, approved 1-11-1983]

The following uses, or uses customarily accessory thereto, may be granted as a special permit use by the Board of Selectmen, subject to the conditions and requirements of Article XXV:

ARTICLE VI Resident District R-4  
[Amended June 1976 STM by Art. 24, approved 10-18-1976]  
Section 120-19. Intent.

To establish and preserve a multiple-family-dwelling district whose density would be compatible with existing multiple-family-dwelling characteristics within the Town of Weymouth and to provide varied housing opportunities. It is further intended that the R-4 District provide for high-rise structures with appropriate site planning.

Section 120-20. Permitted uses.

[Amended June 1978 STM by Art. 2, approved 11-2-1978; May 1987 ATM by Art. 52, approved 8-27-1987; May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Resident District R-4, no building or premises shall be erected, altered or used for any purpose except (Uses in Subsections B through H are limited in area to either lots of less than 40,000 square feet or structures with a gross floor area of less than 20,000 square feet. For uses of greater lot area or floor area, see Section 120-18C.):

- A. A building or group of buildings for occupancy by two or more families in separate dwelling units.
- B.(4) Nursing home and convalescent home.
- C. Hotel, motel or restaurant, not including drive-in restaurant.
- D. Private club or lodge, operated for members only.
- E. Choir or office of an architect, attorney, physician, dentist or other similar professional persons or firm, real estate, insurance or other agency office, bank, office building, post office or other similar establishment.
- F. Retail business or service establishment relative to this zoning district.
- G. Marina or yacht club and sales of boats, boat parts and accessories.

Section 120-21. Accessory uses.

[Amended May 1993 ATM by Art. 55, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. Uses on the same lot with and customarily incident to any of the above permitted uses, including but not limited to the provisions of Section 120-16 of this bylaw.

Section 120-21.1. Special permit uses by Planning Board.  
[Amended June 1978 STM by Art. 2, approved 11-2-1978]

The following uses, or uses customarily accessory thereto, may be granted as special permit uses by the Planning Board subject to the conditions and requirements of Article XXV:

- A. Special permit uses as provided in Section 120-18.
- B.(5) Any permitted use or group of permitted uses in Section 120-20B through G, which have either a lot area of 40,000 square feet or more or a structure with a gross floor area of 20,000 square feet or more. [Added May 1987 ATM by Art. 52, approved 8-27-1987]

Section 120-22. Special permit uses by Board of Selectmen.

[Added May 1989 ATM by Art. 49, approved 7-28-1989]

Special permit uses as provided in Section 120-18.1.

ARTICLE VIA Neighborhood Center District NCD  
[Added May 1993 ATM by Art. 48, approved 8-26-1983]  
Section 120-22.1. Purpose.

The purpose of the Neighborhood Center District is to outline and preserve the neighborhood core which has historically developed into a composite of residential, commercial, governmental and religious uses primarily designed to serve the surrounding neighborhood. It is intended to allow uses of a small scale and of a convenience nature. It is further intended to provide for special regulations relative to density, dimensional requirements, signage and parking to maintain the neighborhood scale and to ensure compatibility between uses within the districts as well as abutting residential districts.

Section 120-22.2. Permitted uses.

[Amended May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Neighborhood Center District NCD, any of the following uses or uses customarily accessory thereto are permitted, provided that all permitted uses, excepting residential uses, shall be limited to a maximum of 5,000 gross square feet of floor area for each business and/or office:

- A. Detached single-family dwelling
- B. A building for occupancy by two families in separate dwelling units.
- C. Retail sales, such as food, apparel and accessories, home products and furnishings, drugstores, specialty items other than motor vehicles and trailers, hardware, stationery, newsstand, variety store or similar sales primarily intended to serve the surrounding neighborhood, provided that sales do not involve manufacturing on the premises except of products the major portion of which are to be sold at retail by the manufacturer to the consumer and provided that no more than four operatives shall be employed in such manufacture.
- D. Retail services such as barbershop, beauty shop, laundry, dry cleaning, tailoring, shoe repair, caterer, print shop, photography or similar service primarily intended to serve the surrounding neighborhood, excluding motor vehicles and trailer-oriented services.
- E. Clinic or office of business, professional or financial organizations.
- F. Funeral home.
- G. Trade, professional or other school conducted as a gainful business.(6)
- H. Place of amusement or assembly, provided that the structure is sufficiently sound-insulated to confine noise to the premises.
- I. Lunchroom, restaurant or cafeteria, excluding drive-in restaurant and/or drive-through window service.

Section 120-22.3. Special permit uses by Board of Zoning Appeals.

In a Neighborhood Center District, any of the following uses or uses customarily accessory thereto are permitted on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

- A. Private club or lodge operated for members only.
- B. A building for occupancy by three or more families in separate dwelling units, provided that the building area does not exceed a floor area ratio (FAR), as defined in Section 120-6, of 0.25.
- C. (Reserved)
- D. Any permitted use in Section 120-22.2A through H having drive-through service or windows. [Added May 1993 ATM by Art. 57, approved 7-9-1993]

Section 120-22.4. Special permit uses by Board of Selectmen.

In a Neighborhood Center District, any of the following uses or uses customarily accessory thereto are permitted on approval of the Board of Selectmen, subject to the conditions and requirements of Article XXV:

- A. Licensed lodging house up to a maximum of 10 lodgers.

ARTICLE VIB Highway Transition District HT  
[Added May 1990 STM by Art. 2, approved 8-29-1990]  
Section 120-22.5. Purpose.

The purpose of the Highway Transition District is to:

- A. Provide for a mixed residential, business and commercial development along major arterials in the town.
- B. Allow for redevelopment of former residential areas to limited business and commercial uses.
- C. Control off-site impacts of new development or redevelopment through the site plan review and special permit process.
- D. Preserve the scale and character of the existing streetscape by encouraging the reuse of existing residential structures and appropriate site design criteria.

Section 120-22.6. Permitted uses.

[Amended May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. Any of the following uses, or uses customarily accessory thereto, are permitted:

- A. Any use permitted in Resident District R-1.
- B. Two-family dwelling.
- C. Conversion of an existing residential structure for use as a clinic or office of a business, professional, medical/veterinarian or financial organization; barbershop; beauty salon; gift shop; antique shop; printer; caterer; or photography studio.
- D. Conversion of an, existing residential structure for use as retail sales or services with less than 2,900 square feet of gross floor area.

Section 120-22.7. Special permit uses by Board of Zoning Appeals.

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

- A. Private club or lodge
- B. Conversion of an existing dwelling for up to four dwelling units.

Section 120-22.8. Special permit uses by Planning Board.

Any of the following uses, or uses customarily accessory thereto, on approval of the Planning Board, subject to the conditions and requirements of Article XXV:

- A. Retail sales or service, except auto-related sales or services that:
  - (1) Are in a new structure and contain up to a maximum of 5,000 square feet gross floor area.
  - (2) Are in an existing converted dwelling with a gross floor area between 2,000 square feet and 5,000 square feet.
- B. Any permitted use having drive-through service or windows.
- C. New structure containing a clinic or office of business, professional, medical/veterinarian or financial organization; barbershop; beauty salon; antique or gift shop; or photography studio.
- D. Trade, professional or other for-profit school.
- E. Restaurant, except that no drive-through window is allowed.

ARTICLE VIII Business District B-2

Section 120-26. Permitted uses.

[Amended May 1987 ATM by Art. 52, approved 8-27-1987; May 1989 ATM by Art. 47, approved 7-28-1989; May 1993 ATM by Art. 55, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Business District B-2, no building or premises shall be erected, altered or used for any purposes injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise or other cause or for any purpose; and, further, no building, group of buildings or premises shall be placed on either a lot of 40,000 square feet or more or contain 20,000 square feet or more of gross floor area except:

- A. Any use permitted in Business District B-1. See Section 120-23.
- B. Commercial parking lot or parking garage.
- C. Rental agency for autos, trailers, motorcycles or bicycles, conducted entirely within a building.

Section 120-27. Special permit uses.

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the condition, and requirements of Article XXV:

- A. Any use requiring a special permit in the Business District B-1, Section 120-24A, B, C, D and F. [Amended May 1990 ATM by Art. 50, approved 9-13-1990]

B. Drive-in restaurant.

C. Multiple dwelling, see Table 1, Schedule of District Regulations, for density requirements.(4)[Amended May 1987 ATM by Art. 52, approved 8-27-1987]

ARTICLE XII Open Space District

Section 120-37.1. Reuse of surplus public and quasi-public property . [Added November 1981 STM by Art.12, approved 3-3-1982]

A. Intent. The special permit use process allows for the reuse of surplus public and quasi-public properties. It is intended to allow for innovative designs that will permit a practical reuse of these properties as well as result in a balanced development of high standards. It is farther intended to provide safeguards that will prevent detrimental effects and impacts on the neighboring properties, especially on abutting residential districts. The following uses, uses customarily accessory thereto, dimensional requirements, signs and parking may be granted as a special permit by the Planning Board subject to the conditions and requirements of Article XXV in so far as they comply with the intent expressed herein.

B. Uses.

(1) A building or group of buildings for occupancy by two or more families in separate dwelling units and any accessory uses and structures customarily associated herewith, including swimming pools, recreation facilities, garages and the like.(12)

(2) Clinic or office of business, professional or financial organizations.

(3) Trade, professional or other school conducted as a gainful business.

(4) Retail sales and services such as convenience grocery stores, newsstands, barbers, hairdressers, drugstores and like facilities primarily for the use of on-site residents, tenants or patrons, provided that retail uses and services do not constitute more than 25% of the floor area of the building.

(5) Light assembly or packaging of components or merchandise associated with office uses. [Added October 1985 STM by Art. 21, approved 1-27-1986]

C. Dimensional requirements.

(1) A minimum lot size: 20,000 square feet for newly constructed lots.

(2) A minimum lot area (square feet per dwelling unit): all buildings for multiple-family residential use based on a floor area ratio of 0.25. See Section 120-6.

(3) Front yard depth: minimum of 20 feet for buildings and five feet of landscaped space for paved areas excluding entrance drives.

(4) Side and rear yards depth: minimum of 25 feet for buildings and five feet of landscaped space for paved areas.

(5) Lot coverage: maximum of 80% of lot area for buildings and paved areas (parking, drives and loading areas).

(6) Height: maximum of 35 feet for new construction.

\*\*\*

Notes on density:

Resident District R-3 (only for Garden-type multiple, minimum lot size is 15,000 sq. ft. and minimum lot area for 3 or more unit building is based on FAR .25);

Resident District R-4 (multiple dwelling, minimum lot size is 15,000 sq. ft. and all units must have a minimum lot area of FAR .30)

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the Weymouth Zoning Ordinance, Section 120-6 (adopted 1969), multifamily housing is defined as: "DWELLING, MULTIPLE -- A building or portion thereof used for occupancy by three or more families living independently."

Multifamily housing is allowed by right in the following districts:

Resident District R-3 (building or group of buildings for occupancy of two or more families in separate dwelling units); and  
Residence R-4 District (building or group of buildings for occupancy of two or more families in separate dwelling units.)

Paul Halkiotis, Weymouth Economic Development Planner, (6/24/04) said that there is available/undeveloped land zoned for multifamily housing by right. Based on build out projections, there is the potential for 834 multifamily units in the R3 and R4 districts.

\*\*\*

ARTICLE IVA Resident District R-2  
[Added May 1990 STM by Art. 1, approved 8-29-1990]  
Section 120-13.1. Purpose.

The purpose of the R-2 District, mixed residential, is to:

- A. Provide for a transitional zone between single-family districts and multifamily or business districts.
- B. Recognize the changing character of major arterial roads by allowing use changes to existing single-family dwellings.
- C. Preserve the residential character of the district while allowing low-density multifamily and office uses.
- D. Limit traffic congestion by limiting the density and intensity of permitted and special permit uses in the district.

Section 120-13.2. Permitted uses.

[Amended May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. Any of the following uses, or uses customarily accessory thereto, are permitted:

- A. Any use permitted in Resident District R-1.
- B. Two- or three-family dwelling, new construction.
- C. Alteration, but not the expansion, of a dwelling existing 7 at the time of adoption of this bylaw for up to four dwelling units.

Section 120-13.3. Special permit uses by Board of Zoning Appeals.

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the conditions and requirements, of Article XXV:

- A. Alteration and/or the expansion, not to exceed 10% of the existing gross floor area, of a dwelling or structure existing at the time of the adoption of this bylaw for up to 10 dwelling units.
- B. Funeral home.

Section 120-13.4. Special permit uses by Planning Board.

Any of the following uses, or uses customarily accessory thereto, on approval of the Planning Board, subject to the conditions and requirements of Article XXV:

- A. Alteration and/or the expansion, not to exceed 10% of the existing gross floor area, of a dwelling or structure existing at the time of the adoption of this bylaw for office space, not to exceed 2,000 square feet of gross floor area(1).

ARTICLE V Resident District R-3  
[Amended June 1976 STM by Art. 26, approved 10-18-1976]  
Section 120-14. Intent.

To establish and preserve a multiple-family dwelling district whose density would be compatible with existing multiple-family dwelling characteristics within the Town of Weymouth and to provide varied housing opportunities. It is further intended that the R-3 District provide for low-rise structures with appropriate landscaping and site planning to allow for garden-apartment types of developments. It is further intended to exclude uses which are not compatible with residential uses but permit certain nonresidential uses which are compatible in the district and which are of particular convenience to the residents of the district.

Section 120-15. Permitted uses.

[Amended June 1978 STM by Art. 2, approved 11-2-1978; May 1987 ATM by Art. 52, approved 8-27-1987, May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Resident District R-3, no buildings or premises shall be erected, altered or used for any purpose except:

- A. Any use permitted in Resident District R-1.
- B. A building or group of buildings for occupancy by two or more families in separate dwelling units.
- C.(2) Nursing home or convalescent home.

Section 120-16. Accessory uses.

[Section 120-17. Special permit uses.

[Amended June 1978 STM by Art. 2, approved 11-2-1978]

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

- A. Any use requiring a special permit in the Resident District R-1, Section 120-13.
- B. Private club or lodge operated for members only.
- C. Clinic or office of an architect, attorney, physician, dentist or other similar professional person or firm, not

Section 120-18. Special permit uses by Planning Board.

[Amended June 1978 STM by Art. 2, approved 11-2-1978]

The following uses, or uses customarily accessory thereto, may be granted as special permit by the Planning Board, subject to the conditions and requirements of Article XXV:

- A. Planned unit development as defined in Section 120-6 of this bylaw and subject to the district regulations in Section 120-63 of this bylaw.
- B. Hotel, motel or apartment hotel.
- C. A building or group of buildings for occupancy by 20 or more families in separate dwelling units. [Added May 1987 ATM by Art. 52, approved 8-27-1987]

Section 120-18.1. Special permit uses by Board of Selectmen.

[Added October 1982 STM by Art. 3, approved 1-11-1983]

The following uses, or uses customarily accessory thereto, may be granted as a special permit use by the Board of Selectmen, subject to the conditions and requirements of Article XXV:

ARTICLE VI Resident District R-4  
[Amended June 1976 STM by Art. 24, approved 10-18-1976]  
Section 120-19. Intent.

To establish and preserve a multiple-family-dwelling district whose density would be compatible with existing multiple-family-dwelling characteristics within the Town of Weymouth and to provide varied housing opportunities. It is further intended that the R-4 District provide for high-rise structures with appropriate site planning.

Section 120-20. Permitted uses.

[Amended June 1978 STM by Art. 2, approved 11-2-1978; May 1987 ATM by Art. 52, approved 8-27-1987; May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Resident District R-4, no building or premises shall be erected, altered or used for any purpose except (Uses in Subsections B through H are limited in area to either lots of less than 40,000 square feet or structures with a gross floor area of less than 20,000 square feet. For uses of greater lot area or floor area, see Section 120-18C.):

- A. A building or group of buildings for occupancy by two or more families in separate dwelling units.
- B.(4) Nursing home and convalescent home.
- C. Hotel, motel or restaurant, not including drive-in restaurant.
- D. Private club or lodge, operated for members only.
- E. Choir or office of an architect, attorney, physician, dentist or other similar professional persons or firm, real estate, insurance or other agency office, bank, office building, post office or other similar establishment.
- F. Retail business or service establishment relative to this zoning district.
- G. Marina or yacht club and sales of boats, boat parts and accessories.

Section 120-21. Accessory uses.

[Amended May 1993 ATM by Art. 55, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. Uses on the same lot with and customarily incident to any of the above permitted uses, including but not limited to the provisions of Section 120-16 of this bylaw.

Section 120-21.1. Special permit uses by Planning Board.  
[Amended June 1978 STM by Art. 2, approved 11-2-1978]

The following uses, or uses customarily accessory thereto, may be granted as special permit uses by the Planning Board subject to the conditions and requirements of Article XXV:

A. Special permit uses as provided in Section 120-18.

B.(5) Any permitted use or group of permitted uses in Section 120-20B through G, which have either a lot area of 40,000 square feet or more or a structure with a gross floor area of 20,000 square feet or more. [Added May 1987 ATM by Art. 52, approved 8-27-1987]

Section 120-22. Special permit uses by Board of Selectmen.

[Added May 1989 ATM by Art. 49, approved 7-28-1989]

Special permit uses as provided in Section 120-18.1.

ARTICLE VIA Neighborhood Center District NCD  
[Added May 1993 ATM by Art. 48, approved 8-26-1983]  
Section 120-22.1. Purpose.

The purpose of the Neighborhood Center District is to outline and preserve the neighborhood core which has historically developed into a composite of residential, commercial, governmental and religious uses primarily designed to serve the surrounding neighborhood. It is intended to allow uses of a small scale and of a convenience nature. It is further intended to provide for special regulations relative to density, dimensional requirements, signage and parking to maintain the neighborhood scale and to ensure compatibility between uses within the districts as well as abutting residential districts.

Section 120-22.2. Permitted uses.

[Amended May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Neighborhood Center District NCD, any of the following uses or uses customarily accessory thereto are permitted, provided that all permitted uses, excepting residential uses, shall be limited to a maximum of 5,000 gross square feet of floor area for each business and/or office:

A. Detached single-family dwelling

B. A building for occupancy by two families in separate dwelling units.

C. Retail sales, such as food, apparel and accessories, home products and furnishings, drugstores, specialty items other than motor vehicles and trailers, hardware, stationery, newsstand, variety store or similar sales primarily intended to serve the surrounding neighborhood, provided that sales do not involve manufacturing on the premises except of products the major portion of which are to be sold at retail by the manufacturer to the consumer and provided that no more than four operatives shall be employed in such manufacture.

D. Retail services such as barbershop, beauty shop, laundry, dry cleaning, tailoring, shoe repair, caterer, print shop, photography or similar service primarily intended to serve the surrounding neighborhood, excluding motor vehicles and trailer-oriented services.

E. Clinic or office of business, professional or financial organizations.

F. Funeral home.

G. Trade, professional or other school conducted as a gainful business.(6)

H. Place of amusement or assembly, provided that the structure is sufficiently sound-insulated to confine noise to the premises.

I. Lunchroom, restaurant or cafeteria, excluding drive-in restaurant and/or drive-through window service.

Section 120-22.3. Special permit uses by Board of Zoning Appeals.

In a Neighborhood Center District, any of the following uses or uses customarily accessory thereto are permitted on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

A. Private club or lodge operated for members only.

B. A building for occupancy by three or more families in separate dwelling units, provided that the building area does not exceed a floor area ratio (FAR), as defined in Section 120-6, of 0.25.

C. (Reserved)

D. Any permitted use in Section 120-22.2A through H having drive-through service or windows. [Added May 1993 ATM by Art. 57, approved 7-9-1993]

Section 120-22.4. Special permit uses by Board of Selectmen.

In a Neighborhood Center District, any of the following uses or uses customarily accessory thereto are permitted on approval of the Board of Selectmen, subject to the conditions and requirements of Article XXV:

A. Licensed lodging house up to a maximum of 10 lodgers.

ARTICLE VIB Highway Transition District HT  
[Added May 1990 STM by Art. 2, approved 8-29-1990]  
Section 120-22.5. Purpose.

The purpose of the Highway Transition District is to:

A. Provide for a mixed residential, business and commercial development along major arterials in the town.

B. Allow for redevelopment of former residential areas to limited business and commercial uses.

C. Control off-site impacts of new development or redevelopment through the site plan review and special permit process.

D. Preserve the scale and character of the existing streetscape by encouraging the reuse of existing residential structures and appropriate site design criteria.

Section 120-22.6. Permitted uses.

[Amended May 1993 ATM by Arts. 55 and 56, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. Any of the following uses, or uses customarily accessory thereto, are permitted:

A. Any use permitted in Resident District R-1.

B. Two-family dwelling.

C. Conversion of an existing residential structure for use as a clinic or office of a business, professional, medical/veterinarian or financial organization; barbershop; beauty salon; gift shop; antique shop; printer; caterer; or photography studio.

D. Conversion of an, existing residential structure for use as retail sales or services with less than 2,900 square feet of gross floor area.

Section 120-22.7. Special permit uses by Board of Zoning Appeals.

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the conditions and requirements of Article XXV:

A. Private club or lodge

B. Conversion of an existing dwelling for up to four dwelling units.

Section 120-22.8. Special permit uses by Planning Board.

Any of the following uses, or uses customarily accessory thereto, on approval of the Planning Board, subject to the conditions and requirements of Article XXV:

A. Retail sales or service, except auto-related sales or services that:

(1) Are in a new structure and contain up to a maximum of 5,000 square feet gross floor area.

(2) Are in an existing converted dwelling with a gross floor area between 2,000 square feet and 5,000 square feet.

B. Any permitted use having drive-through service or windows.

C. New structure containing a clinic or office of business, professional, medical/veterinarian or financial organization; barbershop; beauty salon; antique or gift shop; or photography studio.

D. Trade, professional or other for-profit school.

E. Restaurant, except that no drive-through window is allowed.

ARTICLE VIII Business District B-2  
Section 120-26. Permitted uses.

[Amended May 1987 ATM by Art. 52, approved 8-27-1987; May 1989 ATM by Art. 47, approved 7-28-1989; May 1993 ATM by Art. 55, approved 7-9-1993; May 1997 ATM by Art. 43, approved 8-11-1997]

See Article XXVA, Section 120-123E, for site plan review applicability for any of the permitted uses listed in this section. In a Business District B-2, no building or premises shall be erected, altered or used for any purposes injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise or other cause or for any purpose; and, further, no building, group of buildings or premises shall be placed on either a lot of 40,000 square feet or more or contain 20,000 square feet or more of gross floor area except:

A. Any use permitted in Business District B-1. See Section 120-23.

B. Commercial parking lot or parking garage.

C. Rental agency for autos, trailers, motorcycles or bicycles, conducted entirely within a building.

Section 120-27. Special permit uses.

Any of the following uses, or uses customarily accessory thereto, on approval of the Board of Zoning Appeals, subject to the condition, and requirements of Article XXV:

A. Any use requiring a special permit in the Business District B-1, Section 120-24A, B, C, D and F. [Amended May 1990 ATM by Art. 50, approved 9-13-1990]

B. Drive-in restaurant.

C. Multiple dwelling, see Table 1, Schedule of District Regulations, for density requirements.(4)[Amended May 1987 ATM by Art. 52, approved 8-27-1987]

ARTICLE XII Open Space District

Section 120-37.1. Reuse of surplus public and quasi-public property . [Added November 1981 STM by Art.12, approved 3-3-1982]

A. Intent. The special permit use process allows for the reuse of surplus public and quasi-public properties. It is intended to allow for innovative designs that will permit a practical reuse of these properties as well as result in a balanced development of high standards. It is farther intended to provide safeguards that will prevent detrimental effects and impacts on the neighboring properties, especially on abutting residential districts. The following uses, uses customarily accessory thereto, dimensional requirements, signs and parking may be granted as a special permit by the Planning Board subject to the conditions and requirements of Article XXV in so far as they comply with the intent expressed herein.

B. Uses.

(1) A building or group of buildings for occupancy by two or more families in separate dwelling units and any accessory uses and structures customarily associated herewith, including swimming pools, recreation facilities, garages and the like.(12)

(2) Clinic or office of business, professional or financial organizations.

(3) Trade, professional or other school conducted as a gainful business.

(4) Retail sales and services such as convenience grocery stores, newsstands, barbers, hairdressers, drugstores and like facilities primarily for the use of on-site residents, tenants or patrons, provided that retail uses and services do not constitute more than 25% of the floor area of the building.

(5) Light assembly or packaging of components or merchandise associated with office uses. [Added October 1985 STM by Art. 21, approved 1-27-1986]

C. Dimensional requirements.

(1) A minimum lot size: 20,000 square feet for newly constructed lots.

(2) A minimum lot area (square feet per dwelling unit): all buildings for multiple-family residential use based on a floor area ratio of 0.25. See Section 120-6.

(3) Front yard depth: minimum of 20 feet for buildings and five feet of landscaped space for paved areas excluding entrance drives.

(4) Side and rear yards depth: minimum of 25 feet for buildings and five feet of landscaped space for paved areas.

(5) Lot coverage: maximum of 80% of lot area for buildings and paved areas (parking, drives and loading areas).

(6) Height: maximum of 35 feet for new construction.

\*\*\*

Notes on density:

Resident District R-3 (only for Garden-type multiple, minimum lot size is 15,000 sq. ft. and minimum lot area for 3 or more unit building is based on FAR .25);

Resident District R-4 (multiple dwelling, minimum lot size is 15,000 sq. ft. and all units must have a minimum lot area of FAR .30)

Resident District R-3 (for a building or group of buildings for occupancy of 20 or more families in separate dwelling units, based on FAR .25), Resident District R-4 (for a building or group of buildings for occupancy of 20 or more families in separate dwelling units, based on FAR .30)

## Whitman

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Multifamily in the form of "Multi-family apartment dwellings on a single lot of not less than eighty-seven thousand (87,000) square feet, and subject to the conditions set forth in Section VII 7-3" is allowed by special permit in General Residence (GR), Highway Business (HB), and Flood Plain and Watershed Protection (FP) districts.

Town of Whitman Zoning Bylaw

DWELLING, MULTIFAMILY : A building containing three (3) or more dwelling units constructed on a single lot (Apartment).

MULTI-FAMILY DWELLING : A dwelling, including a single-family attached units, designed for, or occupied by three or more families.

SECTION VI Dimensional and Density Regulations

6-4 The primary apartment unit within a two family dwelling or a multi- family dwelling shall have a minimum interior floor area of 600 square feet ; each additional apartment unit shall have a minimum interior floor area of 400 square feet ; said area to be measured to the exterior walls of structures.

SECTION VII Special Provisions

7-3 Multi-Family Dwellings/Apartments - Requirements:

A) Minimum Lot Size: The lot shall have not less than eighty-seven thousand (87,000) square feet of land area.

B) Density: For each dwelling unit constructed, there shall be a minimum equivalent of six thousand (6,000) square feet of lot area.

C) Dimensional Requirements: Buildings shall be at least

- 1) fifty (50) feet from any lot line that abuts the proposed development;
- 2) fifty (50) feet from any street line;
- 3) fifteen (15) feet from any parking area;
- 4) at least forty-five (45) feet apart; and
- 5) not more than thirty-five (35) feet in height.

D) Building Design/Placement: Buildings shall insure maximum compatibility with surrounding land uses and structures. Where the site

adjoins single-family residential areas, the Board of Appeals may adjust building heights and side yard requirements in certain portions of the development. There shall not be more than eight (8) units per building.

E) Usable Common Open Space: There shall be a minimum area of usable common open space on the same lot as the principal buildings of at least twice the total floor area of the buildings devoted to residential use.

1) Usable common open space shall be defined as land left substantially in a natural state or developed for the recreational use for the residents of the dwellings and it shall not include street rights-of-way, open parking lots, service or loading areas, driveways, easements for above ground utilities, required front yards within thirty (30) feet of the right-of-way of a public street or way, landscaped areas, ground area covered by any structure other than those structures directly related to the open space or recreational use, or any other land deemed unsuitable by the Board of Appeals including, but not limited to swamps, marshes or wetlands, lands exceeding a slope of thirty-three (33) percent, rock out-croppings, or muck or borrow, shown on maps, Sheet Nos. 14 and 15 of the Plymouth County Soil Survey issued in July 1969 by the United States Department of Agriculture, Soil Conservation Service.

2) There shall be a satisfactory design and location of collection points for the disposal of garbage and trash, adequately screened for reasons of health and safety, as determined by the Board of Appeals.

3) All existing and proposed utilities shall be installed underground at the time of construction.

F) Screening Buffers: See Section 10-6.

G) Parking: See Section VIII.

H) Drainage: See Section 10-3.

## Wilmington

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** From ordinance.com:

### 3.3 Classification of Residential Uses

3.3.4 Municipal Building Reuse - A public school building or other municipal building may be converted and used for multiple dwelling units provided (1) the maximum number of dwelling units permitted within any such conversion shall not exceed six units per acre and (2) the Board of Appeals finds that the site, architectural and landscape plans and conditions of approval are sufficiently advantageous to the Town to grant a special permit.

3.3.5 Multi-family housing - A building or group of buildings containing more than one dwelling unit. Each unit may be owned by a separate owner. The term "multi-family housing" shall not include accessory apartments, rented rooms, boarding houses, hotels, motels, lodging houses, hospital or municipal use.

3.8.10 Multi-family use in the Central Business District shall be allowed by special permit from the Planning Board subject to the following minimum special permit criteria.

(a) In existing structures multi-family uses shall be restricted to floors above the ground floor; access to the residential unit shall be secure, separate and clearly distinguishable from any access to any commercial activity; parking shall be provided on-site at a rate of 1 space per unit; residential units shall not be located on any floor containing any commercial use, i.e., all floors used for residential purposes shall be exclusively residential; all commercial signs on any building where residential uses are located above a commercial use shall not be illuminated between the hours of 10 p.m. and 7 a.m.

(b) For new construction, new buildings that are designed for residential and commercial use shall be subject to the dimensional requirements set forth for the CB district; the minimum special permit criteria as continued herein; and any other criteria approved by the Planning Board.

(c) For new residential construction in the CB district that is designed entirely for multi-family residential use the following criteria shall apply:

Minimum lot area 25,000 sq. ft. Density one unit per 4000 sq. ft. of lot area; and not more than 12 units per structure Height forty feet but not to exceed three stories Open space 40 percent of total lot area Parking 1.5 spaces per dwelling Maximum building coverage 30 percent Minimum front yard 30 feet Minimum side and 50 feet, and subject to rear yards the landscaping requirements of Section 5.2.6.1

\*\*\*

According to section 3.3.5 in the Table of Use Regulations, multifamily housing is only allowed by special permit in the CB district.

\*\*\*

Wilmington Zoning Bylaw (2002)

Multifamily Housing in the Central Business District (CB):

Minimum lot area

25,000 sq. ft.

Density one unit per 4000 sq. ft. of lot area; and not more than 12 units per structure

Height forty (40) feet but not to exceed three stories

Open Space

40% of total lot area

Parking 1.5 spaces per dwelling

Maximum building

coverage 30%

Minimum front yard

30 feet

Minimum side

50 feet, and subject to the landscaping and rear yards requirements of Section 5.2.6.1

## Winchester

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Wichester Zoning Bylaw (2003)

### SECTION 1 ESTABLISHMENT OF DISTRICTS

The town is hereby divided into zoning districts as follows (districts are designated in this by-law by initial letters and numbers in parentheses with the numbers for all residential districts indicating minimum lot area in thousands of square feet, and for all other districts, the numbers indicate maximum floor to land area ratios):

1.1 Residential Districts are intended as districts primarily devoted to buildings for residential purposes , with only such accessory buildings as will enhance those districts.

1.11 Multiple Family Residential Districts A (RA-120) are intended as districts where groups of Multiple Family Dwellings of various types may be arranged on large lots to provide desirable developments compatible with adjacent residential neighborhoods.

1.12 Apartment House Residential Districts B (RB-20) are intended as districts within Winchester Center where mid-rise apartment houses may be developed to provide housing compatible with adjacent residential and commercial uses.

\*\*\*

### 6.2 Supplementary Regulations

6.21 In addition to minimum lot area requirements for certain districts, density of land use is further regulated as follows:

a. In the Apartment District (RB-20), Business District (BL-0.50), (GBD-1.0) and (CBD-2.0), Light Industrial District (IL-1.0), Conservancy-Institutional District. (SCI-0.5), and (GBD-2 - 1.0 [\*\*] and GBD-3 - 1.0 [\*\*]), the Floor Area Ratio shall not exceed maximum values for each District. The Floor Area Ratio is computed by dividing the total floor area, based on the outside dimensions at each story, of all buildings on the lot by the total area of the lot. The maximum Floor Area Ratio for these districts is as follows:

Apartment District (RB-20) -2.0\* Local Business District -0.50 General Business District GBD -1.0 Center Business District CBD -2.0 Light Industrial District (IL) -1.0 Conservancy-Institutional District (SCI) -0.5

\*If required off-street parking is provided within a garage on the site, maximum Floor Area Ratio may be increased to 2.5.

[\*\*] FAR 1.25 shall be allowed as-of-right for provision of housing with an affordable housing component which shall be comprised, at a minimum, of 15% of the total number of dwelling units.

\*\*Webmasters Note: The previous subsection has been amended as per an ordinance approved 11/6/00.

b. In the Multiple Family Residential District A (RA-120) the allowed density shall be three (3) dwelling units per acre. A maximum of eight (8) units per acre may be allowed by special permit in conformance with Section 6.29 Affordable Housing Incentives.

Apartment houses restricted by law to serve elderly citizens may reduce the above requirements as follows:

2.500 sq. ft. of lot area per dwelling unit containing one room used for sleeping.  
3.000 sq. ft. of lot area per dwelling with two such rooms.

c. In the Apartment District (RB-20) no project shall exceed a density of 20 dwelling units per acre; a maximum of 50 dwelling units per acre may be allowed by special permit in conformance with Section 6.29 Affordable Housing Incentives. The lot area required in the RB-20 district for any new building and the lot area required in the RB-20 district in determining lot area per dwelling unit for any new building shall not include any part of a lot that is required by any other conforming or non-conforming building or use to comply with the requirements of this by-law, or was required by the applicable dimensional requirements prior to the effective date the land was placed in the RB-20 district.

d. In the Planned Residential District (PRD) the density of dwelling units shall not exceed two units per acre unless the applicant designates at least 15% of the units above the two units per acre standard for use in conjunction with one or more state or federal housing assistance programs; see Section 6.29C subparts 1, 2 and 3 for a complete description of the required affordable housing criteria and procedures. In no instance shall the total number of dwelling units exceed a density of 3 dwelling units per acre in any PRD special permit project.

\*\*\*

Table of Use Regulations:

Garden apartments by special permit with site plan review in: PRD, RB, CBD, RA, GBD-2, GBD-3

Town houses by special permit with site plan review in: PRD, RB, CBD, RA, GBD-2, GBD-3

Mid-rise apartments by special permit with site plan review in: RB, CBD

Combination of business and residential uses which "are otherwise allowed in Section 4.4 of the Table of Use Regulations in the underlying GBD-2 or GBD-3 (sp with site plan review): GBD, GBD-2, GBD-3.

## Winthrop

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** Definitions

APARTMENT HOUSE -- A building designed or intended or used as a home or residence of three or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways. (See "multifamily dwelling".)

ATTACHED DWELLING -- A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire-resistant walls. Attached dwellings are also referred to as "townhouses," "townhouse dwellings" or "row houses."

MULTIFAMILY DWELLING -- A building designed or intended or used as the home of three or more families, each in a separate

dwelling unit, living independently of each other and who may have common rights in halls and stairways. This definition is intended to include building types commonly known as "garden apartments," "mid-rise apartments" and "high-rise apartments," which are defined below.

A. GARDEN APARTMENT -- A building or group of buildings on a landscaped lot, arranged, intended and designed to be occupied by three or more families per building, each family separated by party walls or floors from the other, with each apartment having individual living, sleeping, kitchen and toilet facilities and 30 square feet of storage space provided for each apartment. Such building or buildings shall not exceed three stories.

B. MID-RISE APARTMENT -- A multifamily dwelling of more than three stories but not more than six stories in height.

C. HIGH-RISE APARTMENT -- A multifamily dwelling of more than six stories in height.

THREE-FAMILY DWELLING -- A house containing three dwelling units.

TOWNHOUSE -- See "attached dwelling."

\*\*\*

Zoning Bylaw of the Town of Winthrop, Massachusetts, Chapter 145 of the Winthrop Town Code, Section 145-23(H): "Multifamily dwellings. (See Article II for the definition of "multifamily dwellings" and "attached dwellings.")

(1) Garden apartments or attached dwellings may be allowed by special permit by the Planning Board in the Residential B District or in Residential C District. Mid-rise apartments or a combination of mid-rise and garden apartments and attached dwellings may be allowed by special permit by the Planning Board in the Residential C District. High-rise apartments constructed prior to January 1, 1988, are allowed in the Residential C District. Additional high-rise apartments are prohibited. It is the intent of this subsection to encourage the development (in appropriate locations) of attractive, functional low-density multifamily and attached dwellings which respond to the social and economic characteristics and needs of the present and future Winthrop population.

(2) In order to grant a special permit for a multifamily or attached dwelling development in districts where permitted, the Planning Board must find that the developer has met all of the general requirements for a special permit set forth in Article VII and has conformed to the environmental design review requirements of Section 145-37. In addition, the following specific requirements shall also be met:

(a) The minimum lot size for multifamily dwellings, where permitted, shall be 20,000 square feet.

(b) The maximum overall density for garden apartments and attached dwellings in the Residential B District shall be one unit per 2,500 square feet of lot area. The maximum overall density for mid-rise apartments or a combination of mid-rise and garden apartments or attached dwellings in the Residential C District shall be one unit per 2,000 square feet of lot area.

(c) Where a development containing multifamily or attached dwellings is adjacent to a single-family district or preexisting commercial or industrial development, a buffer strip as described in Subsection F above shall be required.

(d) Any proposed multifamily or attached dwelling development shall be served by public water and sewerage systems. "

\*\*\*

According to the table of use regulations, garden apartments, attached dwellings, and apartment houses (mid rise) are all allowed by special permit by the planning board with environmental design review. Garden apartments are allowed in RB, RC. Attached dwellings are allowed in RB, RC. Apartment houses are allowed in RC.

## Woburn

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** Dwelling units above the first story in a commercial structure (amended 2001) are allowed by right in BD and S1.

\*\*\*

GARDEN APARTMENT : A dwelling, not more than two and one half stories or thirty five (35) ft. in height, containing three or more dwelling units.

DWELLING, MULTI-FAMILY : A dwelling which contains three or more dwelling units attached or located in a single structure.

ELEVATOR APARTMENTS : A multi-family dwelling having more than two and one-half (2½) stories or thirty-five (35) feet in height, except in the Business Downtown (B-D) zoning district, whereby a structure having more than three (3) stories and containing multi-family dwelling units above the first floor of a commercial use(s), shall be classified as an elevator apartment. (Added 2/14/2001)

TOWNHOUSE : A multi-family dwelling. in which .all..dwelling units. are separated by side or party walls.

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** City of Woburn 1985 Zoning Ordinances (amendments through 2004) Section 5.1 "Table of Use Regulations" and Section 6.1 "Table of Dimensional Regulations"

Townhouse Development in R-1 and R-2 Districts (18 acres ); Townhouse or Garden Apartments in R-3 District (first unit: 12,000 sq. ft., each additional unit 5,000 sq. ft.); Apartment in R-4 District (first unit 12,000 sq. ft, each additional unit 4,000 sq. ft.); Apartment in S-1 District (first unit: 12,000 sq. ft, each additional unit 2,500 sq. ft.); Townhouse Development in S-1 District (first unit: 12,000 sq. ft, additional unit 5,000 sq. ft); and Townhouse Development in B-N District (first unit: 12,000 sq. ft, additional unit: 4,000 sq. ft.).

Townhouses constructed in the Woburn Loop Bikeway/Greenway Overlay District:

Minimum Lot Size: the minimum lot size for the construction of Townhouse dwellings shall be 22,000 square feet.

\*\*\*

Construction of Townhouses in the Woburn Loop Bikeway/Greenway Overlay District (City of Woburn 1985 Zoning Ordinances, Section 20 (amendments through 2004):

5. Townhouse Requirements

- a. Minimum Lot Size: the minimum lot size for the construction of Townhouse dwellings shall be 22,000 square feet.
- b. Density: the maximum allowed density for townhouse dwelling under this section shall be 3,600 square feet of gross lot area per dwelling unit.
- c. Maximum Height: the maximum height of townhouse dwellings under this section shall be 2 and on-half stories, and thirty (35) feet.
- d. Maximum Attached Units: the maximum number of townhouse dwelling units which may be attached in a single structure under this section shall be five units. Each townhouse dwelling unit shall have a separate entry.
- e. Open Space: the minimum percentage of landscaped usable open space shall be 50 percent.
- f. Setbacks: townhouse structures shall be separated from each other, and front yard, side yard, and rear yard setbacks shall be a minimum distance of 30 feet.
- g. Parking: each townhouse dwelling unit shall have its own off-street parking or garage. Two parking spaces per unit shall be provided. All parking and circulation roadways shall meet the design and dimensional requirements of Section 8 of this Ordinance.
- h. Building Ground Coverage: the maximum building ground coverage under this section shall be 20 percent, including garage parking.
- i. Frontage: the minimum street frontage for a townhouse development under this section shall be 100 feet.

\*\*\*

**SECTION 14 TOWNHOUSE DEVELOPMENT IN RESIDENTIAL DISTRICTS R-1 AND R-2**

14.1 Purpose

The purpose of a townhouse development in residential. districts is to provide for residential development which:

- 1. Results in the permanent preservation of open space which is of use and value to the City and which would not normally be preserved under development undertaken according to other sections of the ordinance.
- 2. Encourages creative site planning which is sensitive to the natural characteristics of the land.
- 3. Provides for economical development, efficient provisions of public services and minimizes road and driveway construction and paving.
- 4. Promotes aesthetics and other amenities.

14.2 Procedures

Per Section 5 of this Ordinance, application for a townhouse development in R-1 and R-2 residential zoning districts shall require a Special Permit in accordance with Section 12.3.2, which constitutes Site Plan Review of the application by the Planning Board, as specified in Section 11.3.2, and the City Council shall be the Special Permit Granting Authority. The procedural review of the Special Permit Granting Authority; Planning Board and other boards and departments of the City shall be in accordance with said Sections. Density provisions for townhouse developments in R-1 and R-2 zones are provided in Section 6.1 - Table of Dimensional Regulations.

\*\*\*

#### 14.4 General Requirements

1. Townhouse development in the R-1 and R-2 zoning districts shall require a minimum tract size of 18 acres and be comprised of clustered townhouse dwellings, which shall be separated from the dedicated open space parcel.
2. The total allowed number of units for a townhouse development shall be 2.5 units per acre, multiplied by the total area (i.e., 5 units per acre of the tract to be developed)
3. No dwelling unit shall exceed two and one half stories, nor be greater than thirty feet in height.
4. Any part of the developed tract that abuts the open space tract shall be subject to a minimum of a 25 foot setback.
5. Each unit shall have separate entries and off-street parking or garages. Two parking spaces per unit shall be provided.
6. Townhouse clusters shall consist of no more than 6 townhouses per cluster.
7. Townhouse clusters shall be separated from each other by a minimum distance of 30 ft. in all directions.

## Worcester

### Is multi-family housing allowed by right in any part of the municipality?

**Yes** City of Worcester Zoning Ordinance (Adopted 1991, Amended 2004)

Some form of multifamily use permitted by right in:

Residence, General RG-5  
Business, Office BO-1.0  
Business, Office BO-2.0  
Business Limited BL-1.0  
Business, General BG-2.0  
Business, General BG-3.0  
Business, General BG-4.0  
Business, General BG-6.0  
Institutional, Medical IN-H (some)  
Institutional, Educational IN-S (some)  
- Table 4.1 Permitted Uses by Zoning Districts Residential Use

Multifamily defined as:

DWELLING, MULTI-FAMILY – A building or portion thereof used as a multiple dwelling for the purpose of providing four (4) or more separate dwelling units with shared means of ingress and egress and other essential facilities.

DWELLING, MULTI-FAMILY, HIGH RISE – A multi-family dwelling four (4) or more stories in height.

DWELLING, MULTI-FAMILY, LOW RISE – A multi-family dwelling not exceeding three (3) stories in height.

DWELLING, SINGLE FAMILY ATTACHED – A building consisting of not less than three (3) dwelling units, each unit of which is separated from the other by a vertical party wall or double wall, and each unit of which has a separate, ground floor entrance; includes townhouse.

DWELLING, THREE FAMILY DETACHED – A building consisting of three (3) dwelling units one above the other (in whole or part), sharing a common entrance or entrance way in a single building occupying one (1) lot; typically called three decker.

\*\*\*

According to the table of uses:

Continuing care retirement community... by special permit in RS10, RS7, RL7, RG5, BO1.0, BO2.0, BL1.0, BG2.0, BG3.0, BG4.0, BG6.0, IN-S, IN-H.

Multifamily dwelling, high rise... by right in RG-5, BG2.0, BG3.0, BG4.0, BG6.0, and by special permit in IN-H.

Multifamily dwelling, low rise... by special permit in RL7 and IN-H. By right in RG5, BO1.0, BO2.0, BL1.0, BG2.0, BG3.0, BG4.0, BG6.0.

Single family attached dwelling by special permit in RL7, and by right in RG5, BO1.0, BO2.0, BL1.0, BG2.0, BG3.0, BG4.0, INS, INH.

Three family detached dwelling by special permit in RL7 and by right in RG5, BO1.0, BO2.0, BL1.0, BG2.0, BG3.0, BG4.0, BG6.0, INS, INH.

\*\*\*

Lot size requirements for Residence, General (RG-5), below. All multifamily housing forms are also allowed in the business districts and the school and hospital institutional districts, as well as the Mixed Use District and the Adaptive Reuse Overlay District.

Residence, General (RG-5)  
[Use; Lot Area (mim sq. ft)]  
Single-family attached; 2,200 per du  
Three-family dwelling; 7,000  
Multi-family dwelling, first unit; 5,000  
MFD, additional unit, low rise; 1,000 per du  
MFD, additional unit, high rise; 750 per du  
Other residential permitted; 5,000 per du

Tables 4.1 and 4.3

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** According to the table of uses:

Continuing care retirement community... by special permit in RS10, RS7, RL7, RG5, BO1.0, BO2.0, BL1.0, BG2.0, BG3.0, BG4.0, BG6.0, IN-S, IN-H.

Multifamily dwelling, high rise... by right in RG-5, BG2.0, BG3.0, BG4.0, BG6.0, and by special permit in IN-H.

Multifamily dwelling, low rise... by special permit in RL7 and IN-H. By right in RG5, BO1.0, BO2.0, BL1.0, BG2.0, BG3.0, BG4.0, BG6.0.

Single family attached dwelling by special permit in RL7, and by right in RG5, BO1.0, BO2.0, BL1.0, BG2.0, BG3.0, BG4.0, INS, INH.

Three family detached dwelling by special permit in RL7 and by right in RG5, BO1.0, BO2.0, BL1.0, BG2.0, BG3.0, BG4.0, BG6.0, INS, INH.

City of Worcester Zoning Ordinance (Adopted 1991, Amended 2004)

\*\*\*

Residence, Limited (RL-7) dimation requirements:

[Use; Lot Area (mim sq. ft)]  
Single-family attached (townhouses); 3,000 per du  
Three-family dwelling; 9,000  
Multi-family dwelling; first unit 7,000  
MFD, additional unit, Low rise; 2,000 per du  
Other residential permitted; 7,000 per du

## Wrentham

**Is multi-family housing allowed by right in any part of the municipality?**

**No**

**Is multi-family housing allowed, either by right or special permit (including through overlays or cluster zoning)?**

**Yes** DWELLING, MULTIPLE ATTACHED : An attached residential BUILDING containing two or more separate DWELLING UNITS.

ROW HOUSE : A MULTIPLE ATTACHED DWELLING which is designed to contain two or three DWELLING UNITS, where each unit is attached one to another, and where no unit is entirely above the first floor.

\*\*\*

According to the Use Regulation Schedule, "Multiple Attached Dwelling, pursuant to Article 13 4" is allowed by special permit with site plan approval by the planning board in R-30, R-43, and R-87.

Senior Living Community is allowed by special permit with site plan review by the planning board in R-30, R-43, and R-87.

\*\*\*

#### ARTICLE 13 MULTIPLE ATTACHED HOUSING

##### 13.1 Multiple attached dwelling units

This Article sets forth requirements for MULTIPLE ATTACHED DWELLING UNITS which may be constructed in the Town of Wrentham.

##### 13.2 Wrentham Housing Authority

The Wrentham Housing Authority shall be exempt from the minimum LOT size requirements of Article 3 and the area, width, FRONT, SIDE, REAR YARD SETBACK requirements and the OPEN SPACE provisions of Article 6. The Housing Authority shall comply with all other ZONING requirements and is limited to DEVELOPMENT in ZONING DISTRICTS R-30, R-43, R-87. Any DEVELOPMENT proposal by the Housing Authority shall be subject to SITE PLAN APPROVAL by the Planning Board under Article 7.

##### 13.3 Low or Moderate Income Housing

Low or moderate income housing shall be allowed only as authorized by M.G.L ch.40B, s.20 et seq. and is excluded from ZONING DISTRICTS B-1, C-1. Any application to the Board of Appeals for a permit to construct shall comply with the SITE PLAN APPROVAL requirements of Article 8, the WATERSHED protection requirements of Article 5, all statutory requirements of M.G.L ch.40B, and all other requirements of these ZONING bylaws insofar as these are consistent with G.L Ch.40B.

##### 13.4 ROW HOUSE

A ROW HOUSE shall be permitted subject to the site approval by the Planning Board under Article 7, SPECIAL PERMIT approval by the Planning Board under Article 9, and the following provisions:

a. For a two-unit ROW HOUSE, the FRONT, SIDE and REAR YARD SETBACK and LOT area requirements shall be increased to two (2) times those of a SINGLE DETACHED DWELLING within the ZONING DISTRICT. The FRONTAGE requirement shall be that of a SINGLE DETACHED DWELLING.

b. For a three-unit ROW HOUSE, the FRONT, SIDE and REAR YARD SETBACK and LOT area requirements shall be increased to three (3) times those of a SINGLE DETACHED DWELLING within the ZONING DISTRICT. The FRONTAGE requirement shall be one and four tenths (1.4) times that of a SINGLE DETACHED DWELLING in the ZONING DISTRICT.

\*\*\*

R-30 (30,000 sq. ft. x 3=90,000 sq. ft.)

R-43 (43,560 sq. ft. x 3=130,680 sq. ft.)

R-87 (87,120 sq. ft. x 3=261,360 sq. ft.)