

PLANNING BOARD ARTICLE A

MBTA Communities Multifamily Overlay District (MCMOD)

To see if the Town will:

- I. Vote to amend the Rowley Zoning Map to create the MBTA Communities Multifamily Overlay District (MCMOD) that will be comprised of the following two zoning overlay sub-districts (the Station District and the Western District):



(1) the Station District consisting of approximately 35 acres located in the Outlying (OD) Zoning District shall consist of the following tax parcels: 401 Main Street (Map 27, Lot 51); 397 Main Street (Map 27, Lot 52); 393 Main Street (Map 27, Lot 53-1); 395 Main Street (Map 27, Lots 53 2-A and 2-B); 387 Main Street (Map 27, Lot 54); 381 Main Street (Map 27, Lot 58); 383 Main Street (Map 27, Lot 57); 22 Deerfield Lane (Map 27, Lot 54-1); 23 Deerfield Lane (Map 27, Lot 54-5); 30 Deerfield Lane (Map 27, Lot 54-2); 29 Deerfield Lane (Map 27, Lot 54-4); 34 Deerfield Lane (Map 27, Lot 54-

3); 1-12 Depot Way (Map 27, Lot 78); and Railroad Avenue (Map 27, Lot 78-1)

**Western Overlay
District**



(2) **the Western District** shall consist of approximately 47 acres located in the Outlying (OD) Zoning District shall consist of the following tax parcels: 909 Haverhill Street (Map 4, Lot 34-2); 915 Haverhill Street (Map 4, Lot 31-1); and 935 Haverhill Street (Map 4, Lot 31);

- II.** Vote to amend the Rowley Protective Zoning Bylaw (the “Zoning Bylaw”) to add new Section 4.15 as follows:

Section 4.15: MBTA Communities Multifamily Overlay District (MCMOD)

A. Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A).

B. Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately 81.7 acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map.

1. **Applicability of MCMOD.** An applicant may develop multi-family housing located within a MCMOD in accordance with the provisions of this Section 4.15
2. **Underlying Zoning.** The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MCMOD. Uses that are not identified in Section 4.15 are governed by the requirements of the underlying zoning district(s).
3. **Sub-districts.** The MCMOD contains the following sub-districts, all of which are shown on the MCMOD Boundary Map:
 - a. Station District, which is generally comprised of certain parcels west of the Rowley MBTA Commuter Rail Station, north of Railroad Avenue, and East of Route 1A.
 - b. West District, which is generally comprised of certain parcels north of Haverhill Street and east of Red Pine Way.

C. Definitions.

For purposes of this Section 4.15 the following definitions shall apply.

1. **Affordable Housing Restriction.** A use or deed restriction acceptable in form and substance to HLC and the Town that imposes restrictions on Affordable Housing Units to make such units affordable to Income Eligible Households which meet the requirements of HLC’s LIP or any successor program established by HLC for purposes of SHI eligibility;

- and causes the Affordable Housing Units to be eligible for inclusion on the SHI. An Affordable Housing Restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of Chapter 184, §§ 26, 31, and 32 of the Massachusetts General Laws.
2. **Affordable Housing Unit.** A housing unit in a development subject to this bylaw that is required to be sold or rented to, as applicable, and occupied by an Income Eligible Household.
 3. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
 4. **Area Median Income (AMI).** The area median household income as determined by the U.S. Department of Housing and Urban Development, adjusted for household size, for the metropolitan area that includes the Town.
 5. **As of right.** Development that may proceed under the zoning in place at the time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
 6. **Building Coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
 7. **HLC.** The Massachusetts Executive Office of Housing and Livable Communities, or any successor agency.
 8. **Income Eligible Household.** A household of one or more persons whose annual income does not exceed 80% of AMI and meets the applicable requirements established by HLC's LIP.
 9. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
 10. **Local Initiative Program (LIP).** A program administered by HLC pursuant to 760 CMR 56.00 to develop and implement local housing initiatives that produce low- and moderate-income housing, with or without a comprehensive permit issued pursuant to Chapter 40B, §§ 20 through 23 of the Massachusetts General Laws.
 11. **MBTA.** Massachusetts Bay Transportation Authority.
 12. **Dwelling, Multi-Family.** A building designed for, or containing, two (2) or more dwelling units.
 13. **Open space.** Contiguous undeveloped land within a parcel boundary.
 14. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface

- parking space does not count as a built structure for the purposes of this definition.
15. **Site Plan Review authority.** The Planning Board shall be the designated Site Plan Review authority for applications in the MCMOD,
 16. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
 17. **Section 3A.** Section 3A of the Zoning Act.
 18. **Site Plan Review Authority.** The Planning Board shall have authority over site plan review.
 19. **Subsidized Housing Inventory (SHI).** The list compiled by HLC containing the count of eligible low- or moderate-income housing by a city or town pursuant to 760 CMR 56.00, Chapter 40B of the Massachusetts General Laws, and applicable HLC guidelines
 20. **Sub-district.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

D. Permitted Uses

1. **Uses Permitted As-of-Right.** The following uses are permitted as of right within the MCMOD:
 - a. Multi-family housing.

E. Dimensional Standards

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

Standard	Station District	Western District
Lot Size (square feet)		
Minimum	10,000	10,000
Height (*)		
Stories (Maximum)	2	3
Feet (Maximum)	35	50
Minimum Open Space		
Minimum Open Space	50%	50%
Max Building Coverage	25%	25%
Max Lot Coverage	50%	50%
Setbacks (feet)		

Front yard setback	50	50
Rear yard setback	15	15
Side yard setback 1	15	15
Side yard setback 2	15	15

(*) – In the MCMOD, building height shall be measured as the vertical distance from the average elevations of the proposed lot grade at the front of the building to the highest point of the top story in the case of a flat roof, and to the mean height between the plate and the ridge in the case of the pitched roof.

4. **Multi-Building Lots.** In the MCMOD, lots may have more than one principal building.
5. **Exceptions.** Limitations of height shall not apply to flagpoles, chimneys, radio and television antennae, windmills, silos, water tanks, public utility structures, and similar non-inhabitable structures.
6. **Exceptions: Renewable Energy Installations.** The Planning Board may waive the height and setbacks of this subsection to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

F. Off-Street Parking

These parking requirements are applicable to development in the MCMOD.

1. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be required, either in surface parking or within garages or other structures:
 - a. Station District – 1 space per dwelling unit;
 - b. Western District - 1 space per studio or 1 bedroom dwelling unit, 2 spaces per two bedroom or greater.

G. Affordability Requirement

1. Applicability
 - a. Any proposed residential developments containing ten (10) or more rental or ownership housing units on any parcel or contiguous parcel(s) comprising a proposed site shall be subject to the requirements of this section.

2. Mandatory Provision of Affordable Units

- a. As a condition of approval for a development subject to this section, a project shall contribute at least 10% of its total housing units as Affordable Housing Units with the exception that, if the Planning Board determines it is in the public interest, the applicant may make a cash contribution to the Rowley Affordable Housing Trust in an amount determined by the Affordable Housing Trust Board of Trustees.
- b. For purposes of this article, any calculation **of required** Affordable Housing Units that results in the fractional or decimal equivalent of one-half (0.50) or above shall be increased to the next highest whole number. Nothing in this bylaw shall preclude a developer from providing additional affordable units, or greater affordability, or both, than the minimum requirements.
- c. As a condition for the issuance of a certificate of occupancy, all Affordable Housing Units shall be subject to an Affordable Housing Restriction. The certificate of occupancy shall not be issued until the Affordable Housing Restriction is approved by Town Counsel and HLC, and is recorded at the South Essex Registry of Deeds, and proof of recordation has been provided to the Inspector of Buildings.
- d. Affordable Housing Units shall be sold or rented, as applicable, to Income Eligible Households at sales prices or rents that are affordable to Income Eligible Households pursuant to an Affordable Housing Restriction.

H. Site Plan Review

1. **Applicability.** Site plan review is required for a project of four (4) dwelling units or more.
2. **Requirements.** As part of any application for Site Plan Review for a project within the MCMOD, the Applicant must adhere to Section 7.6 of this Zoning Bylaw provided that notwithstanding any other provisions to the contrary in the said Section 7.6, the Site Plan Review Authority may not reject any plan, but may approve it subject to reasonable conditions.
 - a. In addition to requirements outlined in Section 7.6 of this Zoning Bylaw, applicants shall submit an application detailing their adherence with Design Guidelines outlined in subsection I of this Section 4.15.

I. General Design Guidelines

1. Intent

- a. The following design standards are adopted to ensure that new development shall be of high quality and is compatible with the character and scale of Rowley's building types, without limiting creativity through architectural design. These guidelines provide goals and standards that are intended to be flexible, and applied by the Site Plan Review Authority as appropriate. While these Guidelines apply to all site improvements and buildings and structures, it is not the intent of this section to prescribe or proscribe use of materials or methods of construction regulated by the State Building Code, but rather to enhance the appearance of the built environment within the MCMOD.

2. Applicability

- a. These design guidelines shall apply to any proposed development with more than 4 units.

3. Building and Structure Placement

- a. Consideration shall be taken in the placement of buildings and structures in the overlay district to:
 - i. Provide for a landscaped buffer of buildings and structures to residential districts adjacent to the MCMOD. Such buffering may include, but is not limited to: landscaping, screening materials, natural barriers, fencing, and related measures;
 - ii. Orient buildings to any adjacent usable open space, with access to the building onto or accessible to the usable open space;
 - iii. Orient structures to provide pedestrian entrances to any adjoining sidewalks;
 - iv. Locate trash collection and dumpster sites in appropriate places, screened to avoid adverse impacts on neighboring properties to the overlay district; and
 - v. Locate structures above thirty-five feet (35') behind structures below thirty-five feet, relative to the street, to decrease the visual impact of building height adjacent to the street or parcel boundary.

4. Building Massing, Articulation, and Architecture

- a. Architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature

throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Consideration shall be made in the design and massing of buildings in order to do the following:

- i. A variety of building heights and varied roofline articulation shall be provided for buildings and structures within the overlay district.
- ii. Buildings shall have pitched rooflines with gables and dormers in lieu of flat rooflines.
- iii. Multiple-paned windows that divide large areas of glass into smaller parts shall be used.
- iv. Building entry treatments shall be used that are arched or framed and protect people from the elements.
- v. To reduce a building's perceived mass, buildings are encouraged to be divided into smaller scale horizontal and vertical components. Building façades over forty feet (40') in length should have a change in plane every thirty (30') horizontal feet, articulated by projecting or recessed bays, balconies, or setbacks and should be broken into a series of smaller varied elements by incorporating projections or recesses, canopies, trellises or awnings, doorways or windows to vary the facade and emphasize architectural features. Projecting bays, recesses, and cornices are encouraged at all floor levels. A change in plane shall be accompanied by a change in color, material, texture and/or expressed joints and details. Recesses and projections of the building facades shall be a minimum of one (1) foot deep.

5. Open Space and Landscaping

- a. Landscape design shall strive to provide greenery so that streets and access drives are lined with shade trees, large paved areas are visually divided and screened, and buffers are provided within and around the project.
 - i. Landscaping shall consist of a combination of grass, flowers, vines, groundcovers, trees and/or shrubs and use a combination of climate-tolerant plant material and protective ground cover with a mixture of deciduous and evergreens for visual effect 12 months of the year. During plant selection, particular attention shall be paid to tolerance to potential road salt and other deicing treatments.

, or to take any other action relative thereto.

Inserted by the Planning Board

Explanatory Note: *Passage requires a simple majority vote. This article will create two MBTA Communities sub-districts that will place Rowley in compliance with the MBTA Communities Act (MGL Chapter 40A Section 3A). The MBTA obligation for Rowley is based on its 2,405 existing residential units and requires:*

- *The potential capacity to create a minimum of 601 units as-of-right (meaning by Planning Board Site Plan Review approval versus a discretionary, Special Permit approval).*
- *A minimum, district-wide, gross density of 15 units per acre.*
- *Suitable for families with children and without age-restriction.*
- *With at least 20% of the developable station area located within 1.5 miles of the Rowley train station (the 35 acres of the Station sub-district) with the remainder of the MBTA multifamily district obligation being met with the Western sub-district located at the western extent of Route 133/Haverhill Street abutting Georgetown, and in proximity to the I-95/Route 133 interchange.*

Accounting for the requirements for contiguity, roadways, setbacks, wetlands and other considerations reducing buildable area, the Planning Board believes the proposed MCMOD Sub-districts provide a practical and effective way to meet Rowley's MBTA Community requirements.

Failure to comply with the law would place the Town at risk of violating federal and state fair housing laws and potentially to civil enforcement action by the Massachusetts Attorney General. Non-compliance would also result in a loss of eligibility for state funding programs. The resulting loss of town revenue and costs associated with non-compliance could affect existing services and revenue.