**Article IX (Special Regulations)**

**Section 145-54.2 – Multi-Family Overlay District (MFOD)**

**A. Purpose**

The purpose of the MFOD is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (MGL Chapter 40A). This zoning allows for as of right multi-family housing to encourage:

1. The production of a variety of housing types that will provide equal access to new housing for people with a variety of needs and income levels.
2. Support economic development and meet community-based environmental goals, including reducing greenhouse gases and improving air quality by incorporating green principles and environmentally friendly best practices.
3. Support and encourage further public investment in public transit and pedestrian- and bike-friendly infrastructure.

**B. Establishment and Applicability**

The MFOD is an overlay zoning district that is superimposed over the Residential B District (RB) as shown on the Town’s official Zoning Map.

B.1 **Applicability of MFOD.** An applicant may develop multi-family housing located within the MFOD in accordance with the provisions of this section.

B.2 **Underlying Zoning.** The MFOD is an overlay zoning district superimposed on the underlying Residential B District (RB). The regulations for use, dimensions, and all other provisions of the Zoning Bylaw governing the Residential District shall remain in effect. Uses that are not identified in this Section are governed by the requirements of the underlying zoning district (RB).

**C. Definitions**

For purposes of this Section 145-54.2, the following definitions shall apply.

C.1. **Applicant.** A person, business, or organization that applies for a Building Permit, Site Plan Review, or Special Permit.

C.2. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Townsend, as defined by the U.S. Department of Housing and Urban Development (HUD).

C.3. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval with a building permit.

C.4 **Buffer zone.** A physical divider between two areas that is not developed and serves to minimize any unsolicited impacts using vegetation and space.

C.5. **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.

C.6. **Compliance Guidelines.** *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.

C.7. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities (formerly the Department of Housing and Community Development ([DHCD]), or any successor agency.

C.8. **Development standards.** Prior to any development, the applicant shall submit the information necessary to demonstrate that the following standards have been met:

(a) The development will not cause unreasonable traffic congestion or unsafe conditions both within and outside of the development and will comply with Town standards for parking, access, road design and construction.

(b) The development will provide for and maintain convenient and safe emergency vehicle access to all buildings and structures at all times.

(c) The nature of the soils and subsoils shall be suited for the intended purposes. This determination shall focus upon, but shall not be limited to, the location, design and construction of roadways, buildings, septic systems and surface water drainage systems. Soil borings or test pits may be made to provide information on soil texture, color, percolation rates and depth to the groundwater table at its maximum elevation.

(d) Anticipated stormwater runoff from the site shall not exceed peak runoff from the site prior to development. The applicant shall submit formal drainage calculations by a registered professional engineer for this purpose.

C.9. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

C.10. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.

C.11. **Open Space.** Undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.

C.12. **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.

C.13. **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.

C.14. **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.

C.15. **Section 3A.** Section 3A of M.G.L. Chapter 40A, the MA Zoning Act.

C.16. **Site Plan Review Authority.** The Planning Board is the Site Plan Review authority.

C.17. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by DHCD used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

C.18. **Workforce unit.** Also known as affordable unit. A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.

C.19. **Workforce housing.** Also known as affordable housing. Housing that contains Workforce Units as defined by Section C.

**D. Permitted Uses**

In addition to all other uses allowed by right in the Residential District(s), multi-family housing is allowed by right in the MFOD.

**E. Dimensional Standards**

The following dimensional standards shall apply to the MFOD:

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| --- | --- | --- | --- |
| **Dimensional Standards** | | | |
| **Lot Requirements** | | **Setback Requirements** | |
| Frontage Exception | - | Setback From Street | 50 ft |
| Minimum Lot Size | 8000 sq ft | Front Yard Setback | 50 ft |
| Maximum Lot Coverage | 35% | Side Yard Setback | 15 ft |
| Minimum Lot Width | 80 ft | Rear Yard Setback | 20 ft |
| Building Height (Maximum) | | | 3 Stories (35 feet) |
| Open Space Requirement (Percentage) | | | 65% |
| Minimum Density Threshold | | | 15 units per acre |

E.1. The minimum lot size shall be 8,000 sq ft.

E.2. The minimum density shall be no less than 15 units per acre.

E.3. The maximum height for all residential structures shall be no more than 3 stories (35 feet).

E.4. The minimum frontage requirement per freestanding structure shall be 80 feet.

E.5. All residential structures shall be located a minimum of 15 feet from adjacent properties and public ways.

E.6. Front yard setbacks shall be a minimum of 50 feet.

E.7. Side yard setbacks shall be a minimum of 15 feet.

E.8. Rear yard setbacks shall be a minimum of 20 feet.

E.9. The minimum lot width shall be 80 feet.

E.10. The minimum setback distance for freestanding accessory buildings shall be 10 feet from all lot lines.

E.11. Structure size: not to contain less than three dwelling units per detached structure.

E.12. Maximum lot coverage: by buildings and pavement: 35% of gross upland land area.

E.13. Exceptions. The limitation on height of buildings shall not apply to roof-top mechanicals, and chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building. Roof-top mechanicals shall be screened.

E.14. Exceptions: Renewable Energy Installations. The Site Plan Review Authority may waive the height and setbacks in this § 145-54.2 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 substantial 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. Parking**

The following parking standards shall apply to the MFOD:

F.1. One parking space shall be provided for each dwelling unit.

F.2. No parking area shall contain more than one parking space per bedroom per unit. All parking areas shall be connected to the structures by walkways.

F.3. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible.

F.4 Buffers for parking areas shall be at least 50 feet in width.

F.5. All buffer areas and open spaces shall have appropriate native vegetative screening and landscaping to meet development standards and design requirements.

F.6. Any road or driveway serving 12 or more dwelling units shall have at least 250 feet visibility in each travel direction and shall be separated from all other driveways or intersecting streets by at least 150 feet.

F.7. Interior roads and utilities shall provide service functionally equivalent to that assured individual lots under the Planning Board's Subdivision Rules and Regulations.

**G. Exterior Lighting**

G.1. Lighting shall adhere to standards established in Article IX Special Provisions §145-52 Outdoor Lighting.

**H. Mandatory provision of workforce dwelling units.** All multifamily dwelling developments in the MFOD that contain 10 or more dwelling units shall include workforce dwelling units that comprise 10% of the total number of dwelling units constructed or developed in each such development.

1. For purposes of this Section H., the following terms shall have the respective meanings indicated:
   1. Workforce dwelling unit. A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.
   2. Area Median Income (AMI). The median family income for the metropolitan statistical region that includes the Town of Townsend, as defined by the U.S. Department of Housing and Urban Development (HUD) as of the date of application.
   3. Subsidized Housing Inventory (SHI). A list of qualified Affordable Housing Units maintained by the Massachusetts Executive Office of Housing and Livable Communities used to measure a community’s stock of low- or moderate-income housing for the purposes of MGL c. 40B, §§20-23.
2. Workforce dwelling units for purposes of this Section H shall be restricted to households with income at or below 80% of the Area Median Income, as adjusted for household size, as published by the United States Department of Housing and Urban Development for the Boston-Cambridge-Quincy, MA-NH Metro FMR Area, and eligible for inclusion on the Subsidized Housing Inventory maintained by the Massachusetts Executive Office of Housing and Livable Communities.
3. Developments that are subject to this Section H shall comply with the following development standards and criteria:
   1. No development project may be subdivided or phased to avoid the requirements of this Section H.
   2. Workforce dwelling units shall be proportionately dispersed throughout the development with respect to location, unit type, quality and character, room size, and number and distribution of bedrooms, and in all respects shall be indistinguishable from the development’s comparable market-rate dwelling units in external appearance.
   3. Workforce dwelling units shall be equivalent to the development’s market-rate dwelling units in terms of the design, quality of construction, workmanship, mechanical, plumbing, heating, and cooling systems, roofing, insulation, windows and energy efficiency, flooring, lighting and plumbing fixtures, appliances, interior finishes and features, and landscaping.
   4. Workforce dwelling units shall be as conveniently located to any of the development’s common amenities as are the development’s market-rate dwelling units. The residents of affordable dwelling units shall have the same rights and privileges to the use of any such common amenities as do the residents of the development’s market-rate dwelling units.
   5. The dimensional requirements that are set forth in Section H of these bylaws shall apply both to the development’s affordable dwelling units and its market-rate dwelling units.
   6. Workforce dwelling units that are developed in accordance with this Section H shall remain affordable not less than 30 years for newly created units.
4. The Planning Board or the designee thereof shall be responsible for administering this Section H and may promulgate such rules, regulations and guidelines that may include, without limitation, submission requirements and procedures, methods for establishing maximum affordable rental amount, and documentation necessary to qualify affordable dwelling units for listing under the Massachusetts Executive Office of Housing and Livable Communities 40B Subsidized Housing Inventory.
5. The selection of qualified renters shall be affected under a marketing plan that shall be reviewed and approved by the Planning Board or the designee thereof. Such a marketing plan may accommodate rental preference requirements for Town of Townsend residents and employees to the maximum extent permissible.

**I. Site plan review.** All developments in the MFOD shall be subject to site plan review by the Planning Board in accordance with the provisions of Section 145-54.2 of these bylaws. The Planning Board in granting site plan approval may impose such reasonable terms and conditions as it deems to be appropriate to serve the purposes of this Section 145-54.2, including reasonable regulations and requirements as to vehicular access and circulation of motor vehicles within a multifamily dwelling development, architectural design of buildings, site design, and screening from adjacent properties.

A. Applicability. Site Plan Review is required for any project proposed within the MFOD. An application for Site Plan Review shall be reviewed by the Permitting Authority for consistency with the purpose and intent of Sections 145-54.2.

B. Submission Requirements. As part of any application for Site Plan Review for a project within the MFOD, the Applicant must submit the following documents to the Planning Board:

(1) Application and fee for Site Plan Review.

(2) Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by Municipality for Site Plan Review.

(3) Elevations of the building(s) showing the architectural design of the building.

(4) All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the Planning Board.

(5) Narrative of compliance with the applicable design standards of this Article.

C. Timeline. The Planning Board shall hold a public hearing within 65 days of the filing of any application for an MFOD Site Plan and shall file a decision within 90 days of the close of the hearing. 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, to the Applicant and to all owners of land abutting the land being the subject of such application as appearing on the most recent tax list on file at the Assessor’s Office. In addition, the Planning Board shall also give notice of the time, place, and subject matter of the public hearing, 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. The Planning Board may, when appropriate, seek the input of other municipal boards or officials. In general, site plan review should be completed no more than six months after the submission of the application, unless extended by written permission of the Applicant.

D. Site Plan Approval. Site Plan approval for uses listed in Section 145-54.2. Permitted Uses shall be granted upon determination by the Planning Board that the following conditions have been satisfied. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.

(1) The Applicant has submitted the required fees and information as set forth in Townsend’s requirements for a Building Permit and Site Plan Review; and

(2) The project as described in the application meets the development standards set forth in Section 145-54.2. General Development Standards unless any requirements have been waived by the Planning Board.

E. Project Phasing. An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Planning Board, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Section 145-54.2.

**J. Severability.** If any provision of this Section X. is determined to be invalid by a court of competent jurisdiction, the remainder hereof shall not be affected but shall remain in full force and effect. The invalidity of any provision of this Section X shall not affect the validity of the remainder of these bylaws.