



April 2, 2024

I hereby certify that at an adjourned session of the 2024 Annual Town Meeting of the Inhabitants of the Town of Abington held on April 1, 2024, a meeting duly called and conducted under Chapter 152 of the By-Laws of the Town of Abington, a quorum present, it was voted:

Article 16 – ZONING: Enactment of Multifamily Overlay District (MBTA zoning)

Voted to amend the Abington Zoning Bylaw and Zoning Map by adding a new section, §175-40A entitled “Multifamily Overlay District”, as follows.

§ 175-40A. Multifamily Overlay District

A. Purposes

The purpose of the Multifamily Overlay District (MFOD) is to provide for multifamily housing development in accordance with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (HLC), as may be amended from time to time. In addition, § 175-40A is intended to achieve the following purposes:

- (1) Implement the Abington Housing Production Plan;
- (2) Encourage the production of a variety of housing sizes and types to provide access to new housing for people with a variety of needs, ages, household types, and income levels;
- (3) To increase the supply of housing in Abington that is permanently available to and affordable by low- and moderate-income households;
- (4) Locate housing within walking distance of public transportation services and in other walkable locations to promote public health, reduce greenhouse gases, and improve air quality; and
- (5) Increase the tax base through private investment in new housing development.

B. Establishment of District

The MFOD is shown on the map entitled, Multifamily Overlay District, and dated February 16, 2024, on file with the Town Clerk.

C. Applicability

- (1) At the option of the Applicant, development of land within the MFOD may be undertaken subject to the requirements of this § 175-40A or by complying with all applicable requirements of the underlying district. Developments proceeding under this § 175-40A shall be governed solely by the provisions

herein and the standards or procedures of the underlying districts shall not apply. Where the MFOD authorizes uses not otherwise allowed in the underlying district, the provisions of the MFOD shall control. Where the MFOD authorizes uses and dimensional controls not otherwise allowed in applicable overlay districts, the provisions of the MFOD shall control. Uses and dimensional controls of the MFOD are not subject to any special permit requirements of the underlying district and/or applicable overlay districts. Where the MFOD requires a special permit, the Planning Board shall be the special permit granting authority.

- (2) Multifamily development in the MFOD shall not be subject to §§ 175-28 and 175-32 of this Bylaw.

D. Use Regulations

The following uses are permitted in the MFOD:

- (1) Multifamily dwelling. For purposes of this § 175-40A, “multifamily” shall include a building with three or more dwelling units or two or more residential buildings on a lot, each with two or more dwelling units.
- (2) Accessory home occupation
- (3) Other accessory residential uses

E. Density and Dimensional Regulations

Development in the MFOD shall comply with the following density and dimensional regulations.

Minimum lot area (square feet)	30,000
Maximum lot coverage (% lot)	50%
Maximum height	
Stories (maximum)	3
Feet (maximum)	35
Minimum frontage (feet)	35
Minimum setbacks (feet)	
Front	10
Side	10
Rear	20
Maximum units per acre	18
Minimum separation between two or more buildings on the same lot (feet)	25

F. Affordable Housing

Residential development in the MFOD shall provide affordable dwelling units in accordance with this § 175-40A(F).

- (1) In any multifamily development under § 175-40A resulting in a net increase of ten or more dwelling units on any parcel or contiguous parcels comprising a proposed development site, at least 10 percent of the dwelling units shall be affordable housing. Fractions shall be rounded down to the next whole number.
- (2) Developments shall not be segmented to avoid compliance with this § 175-40A. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of ten or more lots or

- dwelling units above the number existing thirty-six months earlier on any parcel or set of contiguous parcels held in common ownership on or after the effective date of this § 175-40A.
- (3) All the affordable units required in a proposed development shall be located within the development site (“on-site units”) unless the Planning Board grants a special permit to allow payment of a fee in lieu. In no event shall the total number of units provided through a fee in lieu be less than the number of affordable housing units required under this § 175-40A(F).
 - (a) The fee in lieu shall be paid as a housing contribution payment to the Abington Affordable Housing Trust, subject to a binding, written agreement with the Town of Abington.
 - (b) The fee in lieu per unit shall be determined in accordance with the Planning Board’s MFOD rules and regulations.
 - (c) The total amount due shall be paid upon the issuance of the first building permit unless the Planning Board approves an alternative payment schedule by special permit.
 - (4) All affordable units created under this § 175-40A shall be subject to an affordable housing restriction approved by the Planning Board, Town Counsel, and the Executive Office of Housing and Livable Communities (EOHLC). The restriction shall run with the land in perpetuity and shall be recorded with the Plymouth County Registry of Deeds or Registry District of the Land Court. All affordable units shall meet the criteria for inclusion in EOHLC’s Subsidized Housing Inventory for the Town of Abington.
 - (5) Comparability. All on-site affordable housing units shall be dispersed throughout the development site and shall be indistinguishable from market-rate units. The number of bedrooms in affordable units shall be comparable to the bedroom mix in market-rate units in the development.
 - (6) The selection of qualified purchasers or qualified renters shall be carried out under an Affirmative Fair Housing Marketing Plan (AFHMP) submitted by the applicant and approved by the Planning Board. The AFHMP shall comply with the Executive Office of Housing and Livable Communities (EOHLC) Local Initiative Program (LIP) guidelines in effect on the date of the site plan review application to the Planning Board.

G. Site Development Standards

- (1) Developments in the MFOD shall conform to the standards in this § 175-040A and the following:
 - (a) Article IX, Signs;
 - (b) § 175-67.1, Outdoor Lighting.
 - (c) 175-65. Vegetation.
 - (d) Article VIII, Off-Street Parking and Loading Regulations, except § 175-52(G);
- (2) Off-Street Parking. In the MFOD, residential uses shall provide a minimum of 1.5 parking spaces per dwelling unit. Development in the MFOD shall be exempt from § 175-52(G).
- (3) The following design standards shall apply to off-street parking facilities in the MFOD. Any conflict between Article VIII and this § 175-40A shall be resolved in favor of this § 175-40A.
 - (a) Sidewalks of at least five feet in width shall be provided with a direct connection among building entrances, the sidewalk on the street or the principal access drive, bicycle storage, and parking.
 - (b) Screening for parking. Surface parking adjacent to a sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than 10 feet. The buffer may include a fence of no more than six feet in height unless there is a significant grade change between the parking and the sidewalk, in which case the fence or wall shall be a minimum of three feet and six inches.
 - (c) Parking and circulation on a development site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

- (d) Parking materials. The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- (e) Parking shall be subordinate in design and location to the principal building façade.
 - (i) Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the street or internal access drive.
 - (ii) For a parking structure integrated within or under a multifamily building, the principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - (iii) A separate, free-standing parking garage on the same lot as one or more multi-family buildings shall be located behind or beside the multi-family building(s). No parking structure shall be located forward of the front building line of the multifamily building closest to the street.
- (f) Vehicular access. Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
- (4) Plantings. Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- (5) Lighting. Light levels shall provide illumination necessary for safety and convenience, prevent glare and overspill onto adjoining properties, reduce the amount of skyglow, and conform to Dark Sky standards. Light trespass onto adjoining properties is not allowed.
- (6) Mechanicals. Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened from view from the public realm.
- (7) Bicycle Parking. For multifamily development, there shall be a minimum of one bicycle storage space per every two dwelling units.
- (8) Buildings.
 - (a) In developments with multiple buildings, a paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other. The minimum sidewalk width shall be five feet.
 - (b) The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
 - (c) Building(s) adjacent to a principal access drive shall have a pedestrian entry facing that access drive.
 - (d) To encourage clustering of buildings and preservation of open space, placement of buildings shall be subject to review and comment by the Fire Chief for fire safety purposes.
- (9) Shared outdoor space. Multi-family housing shall have common outdoor space that all residents can access. The common outdoor space may be located in any combination of ground floor, courtyard, rooftop, or terrace.
- (10) Dumpsters. Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
- (11) Stormwater management. The applicant shall propose strategies that demonstrate compliance with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, the Town of Abington Stormwater Bylaw and an Operations and Management Plan for both the construction activities and ongoing postconstruction maintenance and reporting requirements.

- (12) Any multi-family development within the MFOD shall comply with Section 175-24 Watershed Protection District to the maximum extent practicable. The Planning Board shall review for such compliance through site plan review. Multi-family development projects in the MFOD are exempt from any Special Permitting requirements of Section 175-24.
- (13) Waivers. The Planning Board may waive by majority vote the requirements of this Section 175-40A(G) in the interests of design flexibility and overall project quality, and upon a finding that the proposed variation is consistent with the overall purpose and objectives of the MFOD.

H. MFOD Development Plan Approval

- (1) Development within the MFOD shall be subject to § 175-77 of this Bylaw to the maximum extent possible. Section 175-77(C)(2) shall not apply to multi-family development within the MFOD and no provision of § 175-77 shall allow a denial or unreasonable conditioning of a multi-family development in the MFOD. The following additional provisions shall also apply:
- (2) Rules and Regulations. The Planning Board shall adopt administrative rules and regulations relative to MFOD Site Plan application requirements and contents and shall file the rules with the Town Clerk. The Board's rules and regulations may include filing fees and procedures for the Board to engage outside consultants under G.L. c. 44, § 53G.
- (3) Development Phasing As a condition of MFOD Development Plan Approval, the Planning Board may allow a Development to be constructed in multiple phases, so long as each phase will have an equal distribution of affordable units.
- (4) Modifications to Approved Site Plans
 - (a) Minor Change. After MFOD Development Plan Approval, an Applicant may apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout of the site, or provision of open space, number of housing units, or affordable housing. A change of up to five percent in the number of housing units in a Development shall constitute a minor change. Minor changes must be submitted to the Planning Board in accordance with the Planning Board's Multifamily Overlay District Rules and Regulations and shall include redlined prints of the Approved Plan. The Planning Board may authorize the proposed changes at any regularly scheduled meeting without the need to hold a public hearing. The Planning Board shall issue a written decision to approve or deny the minor changes and provide a copy to the Applicant for filing with the Town Clerk.
 - (b) Major Change. Changes deemed by the Planning Board to constitute a major change in an Approved Development because of the nature of the change or because the change cannot be appropriately characterized as a minor change under par. (a) above shall be processed by the Planning Board as a new Site Plan Application.
- (5) Appeals. Any person aggrieved by the Planning Board's decision may appeal to the Superior Court, the Land Court, or other court of competent jurisdiction within 20 days after the MFOD Development Plan Approval decision has been filed with the Town Clerk.

I. Design Guidelines

The Planning Board may adopt Design Guidelines for Development in the MFOD and shall file a copy with the Town Clerk. In addition to the requirements and standards in this § 175-40A, building and site design within the districts shall comply with the Planning Board's Design Guidelines unless waived during Site Plan Review. Until such time as Design Guidelines can be defined by the Planning Board, §175-4 "Historical New England Architecture" will be the defining guideline. In the event of any conflict between § 175-40A and the Design Guidelines, § 175-40A shall control.

J. Definitions Applicable to this Bylaw

For purposes of this Multifamily Overlay District zoning bylaw, the following definitions shall apply:

Affordable Housing Unit: A dwelling unit that is affordable to and occupied by a Low or Moderate Income Household and meets the requirements for inclusion on the Chapter 40B Subsidized Housing Inventory.

Affordable Housing Restriction: A contract, mortgage agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period allowed by law, and be entered into and enforceable under the provisions of G.L. c. 184, §§ 31-33 or other equivalent state law.

Area Median Income (AMI): The median income for households within the federally designated economic statistical area that includes the Town of Abington, as reported annually and adjusted for household size by the U.S. Department of Housing and Urban Development.

Low or Moderate Income: Household income that does not exceed 80 percent of the Area Median Income (AMI), adjusted for household size, as determined by the U.S. Department of Housing and Urban Development, then in effect.

PASSES WITH A MAJORITY VOTE

A true record,

Attest:

Leanne M. Adams