



Office of the Town Clerk

Town of Chelmsford  
50 Billerica Road  
Chelmsford, MA 01824  
978 250 5205  
tdzuris@chelmsfordma.gov

Patricia E. Dzuris, CMC  
Town Clerk

**CERTIFICATE OF VOTE - ARTICLE 5**  
**Amend the Town Code, Chapter 195 “Zoning Bylaw” by inserting a new Article XXV, UMass West Multi-Family Housing Overlay District**  
**Special Town Meeting - Thursday, February 24, 2022**

I, Patricia E. Dzuris, Town Clerk of Chelmsford, Massachusetts, do hereby certify the following vote taken under Article 5 at the 2022 Special Town Meeting on Thursday, February 24, 2022 held at the Chelmsford High School, 200 Richardson Road, Chelmsford, MA 01863. The meeting was called to order at 7:30 PM by Moderator Jon H. Kurland. At the start of the meeting, there were 89 members present which satisfied a quorum requirement of 82.

**ARTICLE 5.** To see if the Town will vote to amend the Town Code, Chapter 195 “Zoning Bylaw” by inserting a new Article XXV, UMass West Multi-Family Housing Overlay District, which provides as follows:

**UMASS WEST MULTI-FAMILY OVERLAY DISTRICT (UMW MFOD)**

**195-148: PURPOSE AND INTENT:**

The Purpose of this overlay is to regulate the development of multifamily dwelling units by establishing eligibility requirements and reasonable conditions for construction, in conformance with Chapter 358 of The Acts of 2020 and G. L. c. 40A, §5.

**195-149: ESTABLISHMENT AND APPLICABILITY:**

The locations and boundaries of this overlay district are hereby established and made part of this bylaw as shown on the UMass West Multi-Family Housing Overlay District Map, dated 11/10/2021.

The Multi-Family Housing Overlay District regulations of this article shall be the sole regulation for properties in the UMW MFOD. Except as specifically incorporated herein, any other provisions of the Town of Chelmsford Zoning Bylaws (“Bylaws”) shall not apply to a development of Multifamily Dwelling Units or Age Restricted Multifamily Dwelling Units under this Overlay. Any owner of property in this UMW MFOD may choose to develop their property under the underlying zoning without regard to the UMW MFOD. If not already specifically incorporated elsewhere in the UMW MFOD, the UMW MFOD specifically incorporates the following sections of the Bylaws:

Article III, §195-8, Nonconforming Uses and Structures,

Article IV, §195-10, Existing Nonconforming Lots

Article IV, §196-14, Height Restrictions on Certain Accessory Structures,

Article VI, Fairs, Carnivals and Similar Events,

Article VII, §195-34, Outdoor Illumination,  
Article VIII, Environmental Protection Standards,  
Article XIII, Wireless Communications Facilities,  
Article XIII A, Commercial Solar Photovoltaic Facility  
Article XIV, Aquifer Protection District,  
Article XV, Floodplain District,  
Article XIX, Administration and Enforcement, and  
Article XX, Terminology.

**195-150: DEFINITIONS:**

**Multifamily Dwelling:** A multifamily dwelling designed for and occupied by three or more family dwelling units, in any configuration, in one building or multiple buildings (whether or not attached) on a single lot, and the buildings accessory thereto.

**Affordable Housing Multifamily Dwelling:** Multifamily dwellings featuring one hundred percent (100%) affordable housing units, with such units affordable to households making no more than eighty percent (80%) of Area Median Income.

**195-151: ALLOWED USES:**

**BY RIGHT**

Multifamily Dwellings, projects with a total of 2 dwelling units per acre or less

Affordable Housing Multifamily Dwellings, projects with a total of 2 dwelling units per acre or less

**BY RIGHT, WITH SITE PLAN REVIEW (Per Section 15 of the UMW MFOD)**

Multifamily Dwellings greater than 2 dwelling units per acre

Affordable Housing Multifamily Dwellings, greater than 2 dwelling units per acre

Uses permitted in the underlying zoning district are allowed as set forth in the Use Regulations Schedule of the Bylaw.

**195-152: DESIGN STANDARDS:**

Multifamily Dwellings or Affordable Housing Multifamily Dwellings designed under the UMW MFOD shall meet the following standards:

Any development site proposed for Multifamily Dwellings shall have a minimum lot area of ten (10) acres and a minimum frontage of 50 feet on a public or private way that is open for public use. However, the Planning Board may waive the minimum lot frontage on a public or private way open to

public use, provided that a substitute private access road into the site area will be constructed with the reduced frontage. Provided that a lot created pursuant to the UMW MFOD shall not be required to obtain access through the lot's legal frontage and projects may have shared driveways; or

Any development site proposed for Affordable Housing Multifamily Dwellings shall have a minimum lot area of two (2) acres and a minimum frontage of 20 feet on a public or private way that is open for public use or on a driveway. However, the Planning Board may waive the minimum lot frontage on a public way, private way open to public use, or on a driveway, provided that a suitable private access road into the site area can be constructed with the reduced frontage. Provided that a lot created pursuant to the UMW MFOD shall not be required to obtain access through the lot's legal frontage and projects and lots may have shared driveways.

Any roadway or access drive located within 50 feet of a property line shall be shielded from the property line by a buffer of vegetated screening satisfactory to the Building Commissioner for any "by right" project and the Planning Board, for projects requiring site plan approval, between the roadway and property line for the entire length of the roadway within the 50-foot area. Provided that lots created pursuant to the UMW MFOD shall not be required to provide such buffer between lot lines shared with other lots in the UMW MFOD.

The required minimum distance between buildings that are structurally connected by roofing, fencing, or other means that is not enclosed or heated shall be determined by the Building Commissioner for "by right" projects and the Planning Board for projects requiring site plan approval. Other dimensional parameters shall be determined based on aesthetics, practicality of design, and the design's effect on the development.

Within the UMW MFOD all dwelling units shall comply with the following minimum net floor area requirements, measured as living area, unless the Planning Board authorizes a reduction by waiver during the Site Plan approval process:

- (1) Studio Unit: 500 Square feet
- (2) One-Bedroom Unit: 600 Square feet
- (3) Two-Bedroom Unit: 900 Square feet
- (4) Three-Bedroom Unit: 1,200 Square feet

**195-153: DENSITY:**

Maximum density shall be fifteen dwelling units per acre for Multifamily Dwellings and shall be thirty dwelling units per acre for Affordable Housing Multifamily Dwellings.

No more than 25% of the total site area within the wetlands and/or flood plain shall be used in calculating maximum density for the site.

**195-154: BUILDING AND PARKING COVERAGE:**

The maximum coverage of any lot with Multifamily Dwellings, including garages, carports, and surface parking areas, shall not exceed 45 percent of the site area. Notwithstanding the foregoing, any lot with only Affordable Housing Multifamily Dwellings may have up to 65 percent maximum coverage of its site available for use by all buildings, garages, carports, and surface parking areas.

**195-155: SETBACKS:**

Building and Structure Setbacks:

FRONT, SIDE AND REAR YARDS: No building or structure shall be erected within thirty feet (30') of any property line abutting a public or private street, existing as of the date of adoption of this by-law, or within twenty feet (20') of any other property boundary area, excluding any internal lot line or roadway created as part of a project within the UMW MFOD.

Parking Setbacks:

FRONT, SIDE AND REAR YARDS: No parking area shall be constructed within twenty-five feet (25') of any property line abutting a public or private street or within twenty-five feet (25') of any other property boundary area, excluding any internal lot line created as part of a project within the UMW MFOD.

**195-156: BUILDING HEIGHT:**

The maximum building height shall be fifty-six feet (56') unless waived by the Planning Board. The maximum number of stories shall be four (4) stories and there shall be no roof mounted equipment other than rooftop solar, which shall not be included in the calculation of building height.

**195-157: UTILITIES:**

Services. All utilities shall be installed underground unless otherwise approved by the Planning Board.

**195-158: RECREATIONAL AND OPEN SPACE:**

Fifty percent (50%) of the total lot area for Multifamily Dwellings (including wetlands) shall be set aside as recreational and open space. The open space shall remain free from structures, parking and drives, and such area shall be left either in its natural state, landscaped, or developed for outdoor recreational facilities. Outdoor recreational facilities may include incidental recreational structures such as boardwalks and pathways, and may also include swimming pools and decks, patio areas, grill stations, fire pits, hammocks, tables and seating, playground(s), bocce turf courts, landscaping and dog parks and other similar features. Thirty-five percent (35%) of the total lot area (including wetlands) shall be set aside as recreational and open space in any lot with Affordable Housing Multifamily Dwellings. Any area transferred to another entity by deed, easement or other similar document that includes criteria for preservation as open space shall continue to be included in the recreational and open space and density calculations for the developed site.

**195-159: PARKING:**

Multifamily Dwellings:

Off-Street Parking spaces shall be provided at a rate of not less than 1.6 parking spaces per unit, which shall include both resident and guest parking and the Planning Board shall have authority during site plan approval to require up to an additional 65 parking spaces which shall be banked and shall not be constructed unless warranted by demand.

Affordable Housing Multifamily Dwellings:

Off Street Parking provision shall be made for not less than nine-tenths (.9) of a parking space per unit, which shall include both resident and guest parking.

The required parking spaces may be located on surface parking lots, in accessory garages, in a dedicated parking area on the lot. When the parking spaces are located outside, the area used for parking shall be graded and drained so as to prevent surface water accumulation within the parking area and to prevent surface water runoff to an adjoining property or the public way. During Site Plan review, the Planning Board may permit a reduction in the size of some parking spaces to allow compact parking spaces.

Dimensions of outdoor parking spaces shall be a minimum of 9 feet by 19 feet.

Dimensions of indoor parking garage spaces shall be a minimum of 9 feet by 18 feet.

**195-160: LANDSCAPING:**

Perimeter Buffer: Where existing dense plantings do not exist, the perimeter of the developed portion of a project site shall be supplemented with landscaping that will serve to reduce abutters' view of the project and enhance existing mature vegetative buffer where possible. A perimeter fence may be installed within required setbacks to provide additional physical barriers for security and/or additional screening.

Parking Buffer: There shall be plantings along the edge and interiors of the surface parking areas to mitigate the heat island effect caused by surface parking. Efforts will be made to ensure that any plantings within the parking area will visually connect the project with the existing mature vegetation buffer.

Landscaping Around Structures. There shall be plantings along the perimeter of the buildings where possible and consistent with the Massachusetts Fire Code.

**195-161: ARCHITECTURAL DESIGN STANDARDS.**

The material selections and detailing of the proposed buildings will be consistent with New England architecture complimenting the surrounding neighborhood.

Residential Buildings shall be constructed with a minimum of two stories.

A lighting plan shall be required in conjunction with the site plan review. Lighting shall be designed to illuminate the subject property and shall not encroach onto abutting properties. All lighting shall be directed away from adjoining property with no light spillover and shall comply with Section 195-34 of the Bylaws.

**195-162: SITE PLAN REVIEW:**

Sections 195-104 C(1), D, E, F, G, H and J shall apply to projects within the UMW MFOD.

A site plan, as specified in § 195-104.

Narrative analyses of the consequences of the proposed development, including evaluation of the following concerns at a level of detail appropriate to the scale of development proposed, as determined by the Planning Board:

Natural environment. Groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially rare species and mature trees) and wildlife habitats.

Public services. Traffic safety and congestion, need for water system improvements and need for public sewerage.

Visual environment. Visibility of buildings and parking and visual consistency with existing development in the area.

**195-163: VALIDITY OF DECISION:**

Approval of a Site Plan shall remain valid and shall run with the land indefinitely, provided that a valid building permit has been issued and construction has commenced, including site work, within three years after the site plan approval decision issues, which time shall be extended by the time required to adjudicate any appeal from such approval. For purposes of Projects that are phased, the commencement of construction or substantial use on any Project phase shall constitute commencement of construction of all remaining phases of the Project. This three year period may also be extended for a specific period of time by majority vote of the Planning Board if it find the project proponent is actively pursuing other required permits for the project or that there is other good cause for the failure to commence construction within the three year period. Requests for extensions must be filed with the Planning Board prior to the expiration of the three-year period.

If submittal of a building permit application has not been made within three years after the decision is issued (or any Planning Board approved extension of the three-year period), then Site Plan Review approval shall be null and void, and no construction shall thereafter commenced unless a new Site Plan Review is approved in accordance with the provisions of this Section.

**195-164: WAIVERS:**

The Planning Board is specifically authorized to waive any requirements in the UMW MFOD. The Board shall base its decision upon findings that the waivers will provide for improved aesthetics created by the design, and practicality of design to lessen environmental, neighborhood, and public service impacts and provided that the Planning Board shall consider, as applicable to the proposed waivers:

Social, economic or community needs which are served by the proposal;

Traffic flow and safety, including parking and loading;

Adequacy of utilities and other public services;

Neighborhood character and social structures;

Impacts on the natural environment; and

Potential fiscal impact, including impact on Town services, tax base and employment.

**195:165: APPEALS:**

Any decision issued by the Planning Board under this UMW MFOD may be appealed to a court of competent jurisdiction pursuant to G. L. c. 40A, § 17.

**195-166: SEVERABILITY:**

In the event that one or more of the provisions of this article are determined to be illegal or unenforceable by a court of competent jurisdiction, then the illegality or unenforceability of any such provision shall not affect the validity of any other provision of this article which remains in full force and effect.

; or act in relation thereto.

**SUBMITTED BY: Planning Board**  
*Majority Vote*

**MOTION ARTICLE 5.** I move that the Town amend the Town Code, Chapter 195 “Zoning Bylaw” by inserting a new Article XXV, UMass West Multi-Family Housing Overlay District, which provides as follows:

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**Landscaping Around Structures.** There shall be plantings along the perimeter of the buildings where possible and consistent with the Massachusetts Fire Code.

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**195-164: WAIVERS:**

The Planning Board is specifically authorized to waive any requirements in the UMW MFOD. The Board shall base its decision upon findings that the waivers will provide for improved aesthetics created by the design, and practicality of design to lessen environmental, neighborhood, and public service impacts and provided that the Planning Board shall consider, as applicable to the proposed waivers:

Social, economic or community needs which are served by the proposal;

Traffic flow and safety, including parking and loading;

Adequacy of utilities and other public services;

Neighborhood character and social structures;

Impacts on the natural environment; and

Potential fiscal impact, including impact on Town services, tax base and employment.

**195:165: APPEALS:**

Any decision issued by the Planning Board under this UMW MFOD may be appealed to a court of competent jurisdiction pursuant to G. L. c. 40A, § 17.

**195-166: SEVERABILITY:**

In the event that one or more of the provisions of this article are determined to be illegal or unenforceable by a court of competent jurisdiction, then the illegality or unenforceability of any such provision shall not affect the validity of any other provision of this article which remains in full force and effect.

{Zoning Maps Attached}

**SUBMITTED BY: Planning Board**  
*Majority Vote*

**Recommendations:**

Finance Committee: Majority recommends approval of Article 5.

Select Board: Majority recommends approval of Article 5.

Planning Board: Majority recommends approval of Article 5.

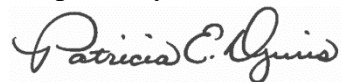
The electronic voting devices registered the following votes:

**YES: 89    NO: 13    Abstentions: 0**

MOTION UNDER ARTICLE 5: Carries by majority vote

The Special Town meeting adjourned at 9:59 PM.

Respectfully submitted,



Patricia E. Dzuris

A True Copy Attest: 