



Office of the Town Clerk

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Patricia E. Dzuris, CMC, CMMC
Town Clerk

CERTIFICATE OF VOTE **ARTICLE 26: MBTA Communities Multi-Family Overlay District** **2024 Spring Annual Town Meeting** **Session II – Thursday, May 2, 2024**

I, Patricia E. Dzuris, Town Clerk of Chelmsford, Massachusetts, do hereby certify the following vote taken under Article 26 at the second session 2024 Spring Annual Town Meeting on Thursday, May 2, 2024, held at the Chelmsford Senior Center, 75 Groton Road Chelmsford, MA 01863. The meeting was called to order at 7:30 PM by Moderator Jon H. Kurland. There were 134 Town Meeting Representatives present which satisfied the quorum requirement of 83 Representatives.

The Town Moderator advised the body that they will hear and vote on Articles 26 and 27 together as the action of one has a direct correlation to the outcome of the other. Each of the proponents of Articles 26 and 27 will be allowed 20 minutes to make their presentations.

Christopher Lavallee, Vice-Chair of the Planning Board, presented Article 26.

Recommendations:

- Finance Committee: Unanimously recommends approval of Article 26.
- Select Board: Unanimously recommends approval of Article 26
- Planning Board: Unanimously recommends approval of Article 26

Doreen Deshler, Precinct 9 Town Meeting Representative, presented the Citizen Petition Warrant Article 27.

Recommendations:

- Finance Committee: Takes no action on Article 27.
- Select Board: Unanimously recommends against approval of Article 27

ARTICLE 26. To see if the Town will vote to amend the Town Code, Chapter 195: “Zoning Bylaw” by inserting a new Article XXVI, MBTA Communities Multi-Family Overlay District, which provides as follows:

ARTICLE XXVI

MBTA Communities Multi-Family Overlay District (MCMOD)

§ 195-167. Purpose and intent.

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). This zoning provides for as of right multi-family housing to accomplish the following purposes:

- A. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
- B. Locate housing within walking distance of public transit to promote general public health, reduce the number of vehicular miles travelled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality; and
- C. To ensure compliance with MGL c. 40A § 3A.

§ 195-168. Establishment and applicability.

The locations and boundaries of the MCMOD overlay districts are hereby established and made part of this bylaw as shown on the Umass West Area District Map (Map 20, Block 74, Lots 1,4,and 11), dated February 20, 2024 and the Route 110 West RM Area District Map (Map 92,Block 320, Lots 1,2,3,4,5,and 6), dated February 20, 2024.

- A. **Applicability of MCMOD.** An applicant may develop multifamily housing located within a MCMOD in accordance with the provisions of this Article.
- B. **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 in the MCMOD. Uses that are not identified in § 195-169 are governed by the requirements of the underlying zoning district(s).
- C. **Relationship with other zoning provisions.**
 - 1. Per MGL Chapter 40A, section 3A, for MCMOD “As of right” development any zoning provisions that would normally require the need for a special permits, variances, zoning amendment, waiver, or other discretionary zoning approval is not applicable nor required for an MCMOD application.
 - 2. The following existing zoning Articles are specifically incorporated into the MCMOD by reference, and remain applicable to MCMOD projects:
 - a. Article VII “Outdoor Illumination”, section 195-34
 - b. Article VIII “Environmental Protection Standards
 - c. Article XIX “Administration and Enforcement”, section 195-104
 - d. Article XX “Terminology”

§ 195-169. Allowed uses.

Multifamily dwellings designed under the MCMOD shall meet the following standards:

By right, with site plan review (per § 195-174 of the MCMOD)

- 1. Multifamily dwellings, greater than three dwelling units per 40,000 sq. ft.
- 2. Accessory Uses. The following uses are considered accessory as of right to any of the permitted uses in this section.

- a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.
- b. Accessory uses for residential uses are permitted to the same extent they would be permitted in the RM Zoning District.
3. Uses permitted in the underlying zoning district are allowed as set forth in the Use Regulation Schedule of the Bylaw.

§ 195-170. Design and development standards.

Development standards in the MCMOD are applicable to all multifamily development with more than three units. These standards are components of the Site Plan Review process in § 195-174. Site Plan Review.

A. Architectural design standards.

1. 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.
2. To enhance the buildings and structures and create visual interest that vary the appearance of a building mass, break up long blank walls, express the individuality of each, and enhance the character of the neighborhood, applicants shall vary at least three of the Priority 1 elements below, and at least two of the Priority 2 elements below:
 - a. Priority 1
 - i. Roofline
 - ii. Step backs
 - iii. Modulation
 - iv. Recesses
 - v. Height
 - vi. Color
 - b. Priority 2
 - i. Windows
 - ii. Entries
 - iii. Building form
 - iv. Architectural Materials and details
3. Architectural elements and variations shall not be restricted to a single facade. All sides of a building shall display a similar level of quality and architectural interest.
4. 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 review.

B. Landscaping.

1. Property lines, parking, and roadway buffers (public and private). Where existing dense plantings do not exist along perimeter property lines, a 20 foot landscaped buffer shall be provided with

landscaping that will serve to reduce abutters' view of the project and enhance existing mature vegetative buffer where possible. Landscape buffers may include but not limited to trees, shrubs, pedestrian amenities, berms, lawns, fences, and walls.

2. Within the 20 foot perimeter landscaped buffer, no more than 10 feet can be manicured lawn.
3. A perimeter fence, residential in character, may be installed within required setbacks to provide additional physical barriers for security and/or additional screening.
4. Landscaping around structures. There shall be landscaping plantings along the perimeter of the buildings where possible and consistent with the Massachusetts Fire Code.

C. Lighting.

1. 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 § 195-34 of the Bylaws.

D. Utilities.

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

E. Recreational and open space.

1. Twenty-five percent (25%) of the total lot area for multifamily dwellings shall be set aside as recreational and open space. At least seventy-five percent (75%) of the required open space must be usable defined as not including wetlands as defined by MGL chapter 131 section 40.
2. 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 and agricultural uses. Outdoor recreational facilities shall include incidental recreational structures such as boardwalks and pathways, swimming pools and decks, patio areas, grill stations, fire pits, hammocks, tables and seating, playground(s), bocce turf courts, landscaping and dog parks or other similar features.
3. 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.

F. Sidewalks.

1. Sidewalks shall provide a direct connections among building entrances, the public sidewalk (if applicable), internal access roadways which lead to abutting public roadways, bicycle storage, and parking.
2. Entries. Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

G. Signage

1. Any building or identification signage shall comply with signage requirements in the RM district per section 195-31.

§ 195-171. Density and Dimensional Requirements.

A. Density.

1. Maximum density shall be 15 dwelling units per acre for multifamily dwellings.

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

Standard	
Minimum lot size	40,000 square feet
Height	
Stories (maximum)	3
Stories (minimum)	2
Feet (maximum)	35

Minimum open space	25%
Standard	
Maximum Building Coverage	40%
Standard	
Minimum Frontage (ft)	150
Front Yard Setback (ft)	20
Side Yard Setback (ft)	20 ¹
Rear Yard Setback (ft)	20 ¹
NOTES:	
¹ Increase to 25 feet where abutting an RA or RB District.	

- C. Multiple Principal and Accessory Buildings / Structures on Lots.** In the MCMOD, lots may have more than one principal and accessory building / structures and shall be inter-connected by accessways suitable for emergency responses and pedestrians.
1. Accessory buildings / structures shall not exceed 20 feet or two stories.

§ 195-172. Parking.

A. Vehicular Parking.

1. Multifamily dwellings:
 - a. 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.
 - b. Applicants are encouraged, but not required, to provide additional visitor parking beyond the minimum parking requirement.
2. All required parking spaces may be located on surface parking lots, in accessory garages, in a dedicated parking area on the lot. During site plan review, the Planning Board may permit a reduction in the size of some parking spaces to allow compact parking spaces and pervious parking surfaces.
 - a. Dimensions of outdoor parking spaces shall be a minimum of nine feet by 19 feet.
 - b. Dimensions of indoor parking garage spaces shall be a minimum of nine feet by 18 feet.

B. Bicycle Parking / storage.

1. Covered bicycle storage shall be provided at a rate of one bicycle parking space per dwelling unit.
2. For multifamily dwellings of 25 or units or more, covered bicycle parking spaces shall be integrated into the structure of the building(s).

§ 195-173. Affordability Requirements.

Affordability requirements in the MCMOD are applicable to all multi-family development with three or more units.

- A. Applicability.** Affordability requirements are applicable to all residential developments with three or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (Applicable Projects). No project may be divided or phased to avoid the requirements of this section.
- B. Affordability requirements.**
1. **Subsidized Housing Inventory.** All units affordable to households earning 80% or less of Area Median Income created in the MCMOD under this section must be eligible for inclusion on Executive Office of Housing and Livable Communities’ (“EOHLC”) Subsidized Housing Inventory and as such they must comply with all applicable requirements under 760 CMR 56.00 et seq. This shall include a

requirement that the Applicant execute a Regulatory Agreement for all affordable units as set forth by the EOHLC as part of its Local Action Unit requirements.

- C. **Provision of Affordable Housing.** In Applicable Projects, not fewer than 10% of housing units constructed shall be Affordable Housing Units. The Town prefers to have affordable units created rather than to accept payments in lieu. When the size of a development triggers a requirement for one full affordable unit, the unit must be created on site as part of the project.

Fractional units. When the requirement for Affordable Housing Units results in a fraction of a unit, the applicant shall have the choice to provide an additional affordable unit that complies with the regulations in this Section, or to convert the fraction of a unit to a cash payment to the Town’s Housing Stabilization Fund as shown in the table below. The monetary contribution shall be based on the total development cost limit for suburban/rural areas outside Metro Boston as articulated in the most current Massachusetts Qualified Allocation Plan for the Low Income Housing Tax Credit Program, issued by the EOHLC, or its successor agency.

Number of units	Payment in lieu fraction required	Number of mandatory affordable units
3	0.30	-
4	0.40	-
5	0.50	-
6	0.60	-
7	0.70	-
8	0.80	-
9	0.90	-
10	0.0	1
11	0.10	1
12	0.20	1

Any payment as an in lieu contribution for Affordable Housing Units shall be made as follows: at least 50 percent of the total owed prior to the issuance of a building permit; and the remaining total owed prior to the issuance of an occupancy permit.

§ 195-174. Site plan review.

- A. Sections 195-104 C (1), D, E, F, G, and J shall apply to projects within the MCMOD in addition to the Planning Board’s Site Plan Rules and Regulations.
- B. **Site Plan Approval.** Site Plan approval for uses listed in § 195-169 Allowed Uses shall be granted upon determination by the Planning Board that the application meets the development standards set forth in § 195-170 Design and Development Standards and 195-104.E

§ 195-175. Validity of decision.

- A. 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 finds 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.

- B. 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.

§ 195-176. Waivers.

The Planning Board is specifically authorized to waive any requirements in the MCMOD. 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:

- A. Social, economic or community needs which are served by the proposal
- B. Traffic flow and safety, including parking and loading;
- C. Adequacy of utilities and other public services;
- D. Neighborhood character and social structures;
- E. Impacts on the natural environment; and
- F. Potential fiscal impact, including impact on Town services, tax base and employment.

§ 195-177. 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**

MOTION UNDER ARTICLE 26. I move that the Town amend the Town Code Chapter 195: “Zoning Bylaw” to insert a new Article XXVI MBTA Communities Multi-Family Overlay District to meet state requirements for zoning changes related to multi-family housing development near transit stations.

SUBMITTED BY: **Planning Board**

James Clancy of Precinct 2 made a motion to move the question.

The electronic voting devices registered the following votes:

YES: 125 NO: 17 Abstentions: 0

MOTION TO MOVE THE QUESTION: Carries by a two-thirds vote.

The body then voted on the main motion.

The electronic voting devices registered the following votes:

YES: 125 NO: 19 Abstentions: 2

MOTION UNDER ARTICLE 26: Carries by majority vote.

Town Moderator Jon Kurland called for a motion to adjourn the 2024 Spring Annual Town Meeting. A motion was made and seconded from the floor and the Moderator recognized a majority in favor and adjourned the 2024 Spring Annual Town Meeting at 9:51 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patricia E. Dzuris".

Patricia E. Dzuris, Town Clerk