

March 20, 2025 Special Town Meeting

Article 10 - § 199-9.2. Multiple-dwelling developments. (2/3 VOTE)

To see if the town will Amend the Zoning Bylaw Chapter 199-9.2 (Multiple Dwellings) by adding underlined text and removing strike out text or take any other action relative thereto.

§ 199-9.2. Multiple-dwelling developments.

A. Special permit required.

- (1) ~~The Board of Selectmen~~ Select Board may grant, after a public hearing, ~~under the provisions of MGL c. 40A, § 5,~~ a special permit for the construction of multiple dwellings in the districts as so specified in § 199-9.2K, ~~subject to all applicable provisions of this chapter and the following special requirements~~ zoning districts where that use is allowed under this section.
- (2) ~~Any application for a permit under this article shall be accompanied by such plans and information as are required herein or as may be reasonably required by the Board of Selectmen, Planning Board or Board of Health in order that the proposal of the applicant may be clearly understood and compliance with the provisions, intent and purposes of this chapter can be established.~~

~~B. Location. An applicant shall provide such maps, plans, drawings or reports as are necessary to indicate that the proposed development shall be so located as not to create traffic hazards and that essential community services shall be available and adequate for the development or that suitable provisions will be made assuring these services.~~

~~C. Site plan required. Any application for a special permit under this article shall be accompanied by a site plan as outlined in § 199-13.3, Site plan review.~~

D. Impact statement.

- ~~(1) Any application for a special permit under this section must be accompanied by an impact statement which details the probable effects of the proposed development on the following aspects of concern to the Town:~~
 - ~~a. Load on municipal utilities or future demand for them.~~
 - ~~b. Increases in vehicular traffic and public safety.~~
 - ~~c. Attendance at public schools.~~
 - ~~d. Provision of housing for Town residents and for persons of low and moderate income.~~
 - ~~e. Increases in municipal service costs.~~
 - ~~f. Land erosion, loss of tree cover and pollution of water.~~
 - ~~g. Disturbance of other aspects of the natural ecology.~~
 - ~~h. Harmony with the character of surrounding developments.~~
- ~~(2) The developer will conduct a housing survey within 1/2 mile of the locus of the property to determine the number of multiple family and single family living units within said area. The addresses and number of multiple family units at each location~~

~~will be left with the application for a building permit. This data may be reviewed and verified by the Town Clerk and Building Commissioner.~~

- E. ~~Waiver of requirements. Strict compliance with any of the foregoing requirements may be waived upon written request by the applicant to the Board of Selectmen, or the Board may waive strict compliance when, in the judgment of the Selectmen, such waiver is not contrary to the public interests and not inconsistent with the provisions, intent and purposes of this chapter.~~
- F. ~~Accessways and internal ways. Large developments.~~
- (1) ~~A multiple-dwelling development consisting of more than 40 dwelling units on the a single lot shall have a minimum of two access roadways from a public way. No accessway shall be located within ~~30~~ 15-feet of any property line in residential use or in a residential zone.~~
 - (2) ~~Within the any multiple dwelling development with multiple residential buildings, vehicular and pedestrian circulation facilities shall be provided for safe and convenient use in accordance with reasonable site planning standards. All streets throughout the development shall conform to the standards as set forth in Chapter 241, Subdivision of Land, of the Code of the Town of Lee, except as waived by the Planning Board.~~
- G. ~~Off-street parking. Off-street parking shall be provided in accordance with the provisions of Article VIII of this chapter, except that the minimum parking area per dwelling unit, if provided in a garage on the lot, may be reduced by 25%. No space shall be considered available for parking which reduces the effective width of a driveway providing access to more than one dwelling unit to less than 16 feet. Parking and play areas shall be so designated and located as to be safely and conveniently accessible from the buildings which they are intended to serve.~~
- H. ~~Site plan review and approval.~~
- (1) ~~Any multiple dwelling development authorized under this section shall be subject to site plan review by the Board of Health, the Conservation Commission and the Planning Board. The ~~Board of Selectmen~~ Select Board shall not render any decision on the application for a special permit ~~unless and~~ until:
 - a. The Board of Health has approved those aspects of the development which come under its jurisdiction, or until 30 days have elapsed without such report;
 - b. The Planning Board has reviewed the site plan and has submitted its report with recommendations to the Selectmen, or until 30 days have elapsed without such report; and
 - c. The Conservation Commission has made its report, or until 30 days have elapsed without such report.~~
 - (2) ~~In considering the application for a special permit under this article, the The Board of Selectmen Select Board will shall give serious consideration to the facts and information contained in the site plan ~~and impact statement~~ and to the reports and recommendations from the involved Town boards and agencies.~~
 - (3) ~~The Planning Board and Conservation Commission may recommend, and the Board~~

~~of Selectmen~~ Select Board may impose, such additional reasonable conditions ~~on any such development~~ as they find necessary in the interests of the Town and public health, safety and welfare, including fencing, screening and greater setback requirements for the protection of abutting residential uses or residential zones.

- (4) Any site plan may be revised by following the same procedure as required for the original approval of the special permit.
 - (5) A site plan, once approved ~~by the Board of Selectmen~~ Select Board, shall become a part of the permit.
- I. Certificate of occupancy. No certificate of occupancy shall be issued for use of any building or structure or use of land under this section unless the building or structure is constructed or used or the land is developed or used in conformity with an approved site plan or any amendment of such plan. A certified copy of an as-built site plan from a licensed surveyor or engineer must be filed prior to issuance of the certificate of occupancy.
- J. Bond required. ~~Unless Where~~ the installation of public services and construction of common facilities, such as internal streets, walkways, parking and play areas, drainage, landscaping and screening, has not been completed, no certificate of occupancy shall be issued ~~by the Building Commissioner~~ for any part of the development until the applicant shall have filed in the office of the Town Clerk a bond with surety satisfactory in form and amount to the ~~Selectmen and approved as to form and legality by the Town Counsel~~ Select Board. Such bond shall be in an amount sufficient, in the judgment of the ~~Department of Public Works~~ Select Board, to secure the completion of such work in compliance with all applicable ~~statutes, ordinances and regulations and in accordance~~ laws and with the approved site plan.
- K. Modified Development and additional standards for multiple dwellings.
- (1) ~~See the Table of Dimensional Requirements for Multiple Dwellings.~~ Section 5.1 dimensional requirements shall apply to multiple dwellings, except as modified in the remainder of this subsection.
 - (2) ~~No more than 12 dwelling units shall be provided for in any one building.~~ Not more than 8 multiple dwelling units (including accessory dwelling units) may be located on any lot in the R-20, R-30, RA-40, CR, RB, or CBC zones. Multiple dwellings are prohibited in the I zone and the OPLI zone. In the DCBC zone and the PCVC zone, the maximum number of dwelling units per lot and per acre may be established by the special permit granting authority.
 - (3) Multiple dwellings structures containing multiple dwellings on the same lot shall be spaced at least 35 feet apart in the RM District except in the DCBC district.
 - (4) ~~No dwelling unit in a multiple dwelling shall contain more than two bedrooms.~~ In the PCVC district, the special permit granting authority may approve multiple dwelling rental or condominium dwellings only upon finding that ownership of the underlying land cannot be divided.
 - (5) ~~The minimum side yard requirements for any proposed multiple dwelling located on a lot which abuts a lot in residential use shall be increased by an additional 10 feet.~~

(Reserved)

- (6) (Reserved)
- (7) The For multiple dwellings consisting of more than four units per lot, the minimum area of developed playgrounds, recreational areas or other usable, suitably landscaped open space shall be at the rate of 500 300 square feet per bedroom. The special permit granting authority may waive or reduce this requirement.
- (8) Front yards and all open areas containing multiple dwellings shall be suitably landscaped ~~and maintained with grass, trees, shrubs or walks.~~
- (9) Every multiple dwelling must be connected to town sanitary sewer and water systems.
- (10) ~~Standards and requirements set forth under § 199-9.2K(7) in this section may be modified or waived by the Board of Selectmen in the case of rehabilitation for multiple dwelling use of buildings which existed at the effective date of this chapter.~~