



Town of Norwell
Commonwealth of Massachusetts

WARRANT FOR ANNUAL TOWN MEETING

Monday, May 8, 2023

At 7:30 O'clock in the Evening

At the Norwell Middle School, Henry E. Goldman Gymnasium, Main Street

ARTICLE 41: To see if Town will vote to amend the Norwell Town Code, Division 3, Zoning Bylaw, Part 4, Special Regulations, Article 24, Village Overlay District, by deleting the current Article 24 Village Overlay District and substituting therefore the following new Article 24 Village Residential Overlay District as set forth below, and further, that the Town Clerk be authorized to make clerical, editorial, numerical or other adjustments to effectuate the purposes hereof, or take any other action relative thereto.

ARTICLE 24

Village Residential Overlay District

§201-24.1. Purpose.

The purpose of the Village Residential Overlay District (VROD) is to allow and encourage:

- A. Dwelling units for occupancy by individuals 55 years of age or older; and
- B. Mixed and diverse varieties of housing, including single-family, town-house and multi-family housing;
- C. Affordable housing; and
- D. Development that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas to the greatest extent feasible.

§201-24.2. Applicability.

The VROD shall be an overlay district within the Residential District A and all requirements of the underlying Residential District A shall remain in full force and effect, except where VOD provisions are explicitly different and allow different dimensions, uses and structures that would not otherwise be available in the Residential District A; and, in such cases, the VROD provisions may supersede the Residential District A requirements but only upon the issuance of a special permit from the Planning Board.

§ 201-24.3. Land included.

The VROD shall include all land within Residential District A.

§ 201-24.4. Definitions.

APPLICANT — Any person(s), including a corporation or other legal entity, who applies for issuance of a special permit for construction of a VROD Development hereunder.

The Applicant shall own or be the beneficial owner of all the land included in the proposed VROD Development or have written assent from all of the owner(s) of record for the subject property in order to submit the application.

BEDROOM — A separate room in a dwelling unit intended for, or which customarily could be used for, sleeping.

BUFFER — An area within a VROD Development which may not be cleared, cut, developed or otherwise disturbed except as provided upon issuance of a special permit by the Planning Board hereunder.

DEVELOPMENT SCHEDULE — A schedule showing the order and timing of construction and

sequencing of the improvements to be built or furnished in the VROD Development, separated into phases, if allowed under a special permit issued by the Planning Board.

REGULATIONS — The rules and regulations of the Planning Board.

UPLAND — All land not defined as wet areas.

VILLAGE RESIDENTIAL OVERLAY DEVELOPMENT (VROD Development) — A residential development with age-restricted and affordable dwelling units and permissible accessory uses authorized by special permit from the Planning Board as set forth herein.

WET AREAS — All land, other than wetland buffer zones, subject to the provisions of the Massachusetts Wetland Protection Act, MGL c. 131, §§ 40 and 40A, and the Town of Norwell Wetlands Bylaw.

§201-24.5. Use restrictions.

A VROD Development, consisting of the uses set forth below, individually or in combination, may be authorized by a special permit issued by the Planning Board pursuant to this article and in compliance with the standards set forth herein:

- A. Attached or detached dwelling units owned and occupied by persons aged 55 and over; provided, however, that one spouse may be under 55.
- B. Structures and uses accessory to the use set forth above, including community buildings serving the residents of the VROD Development; recreational facilities; underground utilities located on a lot not serving the dwelling units but on the subject property; and roadways.

§201-24.6. Application for special permit.

An application for a special permit for construction of a VROD Development within the VROD shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by the filing fee determined in accordance with the Planning Board's rules and regulations, and shall include the information and data, and a development plan as described below:

- A. All of the information required for site plan approval pursuant to Zoning Bylaw §201-3.4B.
- B. The name(s) and address(es) of the Applicant(s).
- C. The name(s) and address(s) of all legal and beneficial owners of the property.
- D. Copies of all instruments, options, contracts or encumbrances affecting ownership of the subject property; and an instrument executed by all persons owning property within the subject property consenting to the VROD.
- E. Development application for the property.
- F. A proposed development schedule showing the beginning of construction, the rate of construction, including any proposed phases, and the estimated date of completion.
- G. A narrative prepared by qualified professionals that details the impact of the development on the Town's capacity to furnish services, including, but not limited to, roads, water, sanitation and drainage.
- H. Information regarding the number and kind of dwelling units (single-family, townhouse, multi-family) and accessory structures proposed, their design, their

location, the number of bedrooms, the sale prices and fees anticipated and population projections pertaining thereto.

- I. Areas to be set aside for building structures and parking areas.
- J. Conservation, recreation easements and other easements.
- K. Information regarding the proposed trust instrument that shall own and be responsible for operation, maintenance, repair and replacement of common infrastructure, including the accessways, drainage, septic, irrigation, and other common areas.
- L. Copies of all proposed deed restrictions to assure permanent resale of the required units at affordable prices.
- M. Any other information that the Planning Board may reasonably require in a form acceptable to it to assist the Board in determining whether the Applicant's proposed development plan meets the objectives of this article.

§201-24.7. Standards.

In order to be eligible for consideration for a special permit to construct a VROD Development pursuant to this article, a proposed VROD Development shall meet all of the following criteria and standards:

A. Qualifying Area.

The VROD property shall be located within the VROD and shall contain at least 10 contiguous upland acres.

B. Density Bonus

A VROD Development property shall provide at least one acre of upland per proposed dwelling unit plus a VROD density bonus ranging from 30% to 80%, at the Planning Board's discretion. When the bonus calculation results in a fraction, the value shall be rounded up to the nearest whole number. All other numbers shall be rounded down to the nearest whole number.

Example:

A VROD Development with 10 acres of upland would have a base of 10 units plus at least a 30% density bonus (i.e., a minimum of 3 bonus units for an allowed total of 13 units).

C. Determination of Density Bonus.

The Planning Board shall determine the allowed density bonus by exercising its discretion based upon the special permit criteria and how well they are satisfied.

D. Existing Dwellings.

Existing dwellings on the VROD Development property may be incorporated into a proposed VROD Development; however, the existing units shall count toward the density calculation.

E. Minimum Open Space.

At least 35% of all upland contained within the VROD Development Property shall be open space,

which upon completion of a VROD Development shall be left in its natural vegetated state in perpetuity. A permanent restriction enforceable by the Town shall be recorded against the VROD Development property before any clearing begins or any building permit issues that provides that the open space shall perpetually be kept in an open or natural state. Subsurface wastewater and storm water management systems serving the VROD Development may be located within the open space, provided that a sufficient open space buffer exists to adequately screen the development from abutting properties in accordance with Section 201-24.7.D hereof..

F. Buffer.

A buffer area of not less than 75 feet shall be provided at the perimeter of the VRD site where it abuts residentially zoned or occupied properties or a roadway sufficient to substantially limit the visibility of the VRD from outside its perimeter; provided, however, the buffer may be reduced to not less than 50 feet upon a finding by the Planning Board that suitable screening can be provided. An access way may be placed within the buffer but with suitable screening at the discretion of the Planning Board.

Upon completion of a VROD Development, no vegetation in the Buffer Area may be disturbed, destroyed or removed, except for normal maintenance. . Fencing and/or staggered rows of evergreens may be used to screen the dwellings. Undergrowth also planting may be added to supplement the Buffer Area. G. Roadways and paths.

VROD Development roadways that are intended to become public ways shall satisfy all of the Planning Board's Subdivision Regulations. If a restrictive covenant is provided to prohibit the ways from becoming public (enforceable by the Town), then the regulations may be waived and the ways shall be designed to be adequate for the intended vehicular and pedestrian traffic and shall be maintained by an association of unit owners or by the Applicant. Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, and access to the amenities and facilities on the site and to paths on adjacent sites.

G. Parking.

The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces.

H. Surface drainage.

The stormwater drainage system for the VROD Development shall be designed in accordance with the Subdivision Regulations of the Planning Board, the rules and shall conform to DEP's Stormwater Management Policy and Design Guidelines as amended The Planning Board may require groundwater mounding analyses at its discretion.

I. Utilities.

All electric, gas, telephone, cable, fiber optic, water distribution and similar lines shall be placed underground.

J. Dwelling Units on a Lot.

The development of one or more dwelling units on a lot or lots shall be permitted in an application to construct a VROD Development. Dwelling units may be situated on any common or individual lot consistent with the overall design objectives of the VROD; provided, however, that such dwelling units shall comply with the provisions of the State Building Code, State Fire Code and State Sanitary Code, 310 CMR 15.00, any other applicable state regulations and also shall comply with the local requirements of the Norwell Board of Health.

§201-24.8. Review fees.

The Planning Board may engage, at the expense of the Applicant, professional, technical and/or legal consultants to review an application for a special permit within the VROD Development and to evaluate compliance with the special permit criteria.

§201-24.9. Affordable units.

- A. At least 10% (and up to 20% based upon the Planning Board's sole discretion) of the dwelling units shall be priced and permanently restricted for qualified affordable housing purchasers and qualify as Local Action Units for inclusion in the Town's Subsidized Housing Inventory maintained by the Department of Housing and Community Development. Where this calculation that results in a fraction, the value shall be rounded up to the nearest integer value. Example if there are 17 total dwelling units then 10 percent of the 17 units (i.e., 1.7 units, rounded up to 2 units) shall be permanently restricted as affordable units to a household earning 80% of the Area Median Income, as determined by HUD and DHCD.
- B. The rate of development of affordable dwelling units and market-rate housing built in any one year shall be equivalent to the overall rate of development for the entire VROD Development.
- C. Deed restrictions, acceptable to the Town and established in accordance with the standards of DHCD, shall be placed on the appropriate Dwelling Units to ensure that the affordable housing units created remain affordable housing units in perpetuity, or for as long a period as is allowed by law.
- D. Dwelling units shall be considered as part of a single development if located either on a single parcel or contiguous parcels of land which have been in the same ownership at any time subsequent to the adoption of this zoning amendment.
- E. Regulations. The Planning Board may adopt and maintain a set of regulations that contain the necessary policies, procedures, and requirements to implement the provisions of this bylaw.
- F. Affordable dwelling units shall be situated within the VROD so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.
- G. Affordable dwelling units shall be integrated with the rest of the VRD and shall be compatible in design, appearance, construction, and quality of materials with other units to the extent that such a requirement is consistent with MGL c. 40A, § 3. Interior features and mechanical systems of affordable units shall conform to the same specifications as apply to market-rate units.
- H. With the approval of the Planning Board, as an alternative to the requirements of § 201-24.9F, an applicant may develop, construct or otherwise provide affordable dwelling units off-site, but within the Town, provided that the affordable units are equivalent in size and quality to the on-site units and that are double the number of units required to be included on site and provided that all of the off-site affordable units are constructed and have occupancy permits before the second half of building permits are issued for the on-site project. § 201-24.9A. To the maximum extent practicable, all requirements

that apply to on-site affordable dwelling units shall apply to off-site affordable dwelling units. The Planning Board's approval of the location of the off-site units shall be an integral element of the special permit review and approval process.

- I. Each affordable dwelling unit created in accordance with this article shall be subject to an affordable housing restriction (deed rider) and a regulatory agreement in a form acceptable to the Planning Board and to Town Counsel and to DHCD. The regulatory agreement shall be consistent with any applicable guidelines issued by DHCD and shall ensure that affordable dwelling units can be counted toward the Town's subsidized housing inventory as Local Action Units. The regulatory agreement shall also address all applicable restrictions set forth herein. The special permit shall not take effect until the restrictions, the regulatory agreement, and the special permit have been duly recorded at the Registry of Deeds, and a copy provided to the Planning Board and the Building Inspector/Zoning Enforcement Officer and DHCD.
- J. Each affordable dwelling unit shall have limitations governing its resale through the use of a regulatory agreement (See, § 201-24.9I above). The purpose of the limitations is to preserve the permanent affordability of the units and to ensure the continued availability of the units for affordable income households. The resale controls shall be established through a restriction on the property, and shall be in force in perpetuity.
 - (1) Resale price. Sales subsequent to the initial sale to a qualified affordable housing purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in § 201-24.9I above.
 - (2) Right of first refusal to purchase. The purchaser of an affordable dwelling unit developed as a result of this article shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by DHCD, granting, among other things, the Town's right of first refusal to purchase the property in the event that no subsequent qualified affordable housing purchaser offers to purchase the unit. The Town shall have the right but not the obligation to purchase the unit, but, if the Town does not purchase the unit, the affordability provision shall remain in force and effect.
 - (3) The Planning Board shall require, as a condition for any special permit relief granted under this bylaw, that the Applicant shall comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in § 201-24.9I and J above. The Building Inspector/Zoning Enforcement Officer shall not issue any building permits until the required affordability instruments are recorded.

§201-24.10. Grant of special permit.

The Planning Board by affirmative vote of 4/5 of its members present and voting may grant a special permit for a VRD upon finding that the proposed VRD complies with the requirements of this article. The Planning Board shall not grant a special permit unless it determines that all criteria set forth herein are satisfied. The special permit may be granted with such reasonable conditions, regulations or limitations as the Planning Board may deem necessary to serve the purpose of the bylaw.

§201-24.11. Expiration of special permit.

Special permits shall lapse in not fewer than three years, as determined by the Planning Board.

§201-24.12. Public hearing.

Special permits shall only be issued following a public hearing held in accordance with this bylaw provision and Zoning Bylaw § 201-3.3C.

§201-24.13. Modification.

No structure created within a VROD shall be externally enlarged by more than 200 square feet and no use changed or expanded in the ground except upon approval of the Planning Board and subject to the provisions of §§ 201-24.4 through 201-24.12.

Requested by the Planning Board

The Advisory Board unanimously recommends this article.