

Article ____

Section 8.9 MBTA Communities Multi-Family Overlay District (MCMOD)

1. Purpose

The purpose of the MBTA Communities Multi-Family Overlay District (MCMOD) is to allow Dwelling, Multifamily as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A).

2. Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately **56** acres in size that is superimposed over the underlying zoning district(s) and shown and labeled on the Town of Ashland Zoning Map.

- A. **Applicability of MCMOD.** An applicant may develop multi-family housing located within the MCMOD in accordance with the provisions of this Section 8.9.
- B. **Underlying Zoning.** The MCMOD is an overlay district superimposed on all underlying zoning districts. The regulations for uses, dimensions, 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 this Section 8.9 are governed by the requirements of the underlying zoning district(s). Within the boundaries of the MCMOD, a developer may elect either to develop a project in accordance with the requirements of this Section 8.9, or to develop in accordance with requirements of the regulations for uses, dimensions, and all other provisions of the Zoning Bylaw governing the underlying zoning district. If using MCMOD zoning, a project must follow all provisions of the underlying Overlay District or Special District as set forth under Section 8.0 and listed in Section 8.9.4, unless otherwise specifically noted in Section 8.9.
- C. **Relationship of MCMOD to Other Zoning Provisions.** Notwithstanding any other provision of this bylaw to the contrary, including any other provision which requires a special permit for development on property which is included in this Overlay District, no development undertaken pursuant to this Section 8.9 shall require a permit under zoning other than the Site Plan Review as set forth in Section 9.4-9.6 of this bylaw as modified by Section 8.9.9 hereof.

3. Definitions

For purposes of this Section 8.9, the following definitions shall apply. Otherwise, Section 10 shall apply.

- A. **Affordable Housing Restriction.** A use or deed restriction acceptable in form and substance to Massachusetts Executive Office of Housing and Livable Communities (HLC) and the Town that imposes restrictions on Affordable Housing Units to make such units affordable to Income Eligible Households which meets the requirements of HLC's Local Initiative Program (LIP) or any successor program established by HLC for

purposes of Subsidized Housing Inventory (SHI) eligibility; and causes the Affordable Housing Units to be eligible for inclusion on the SHI. An Affordable Housing Restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of Chapter 184, §§ 26, 31, and 32 of the Massachusetts General Laws.

- B. **Affordable Housing Unit.** A dwelling unit in a development subject to this bylaw that is required to be sold or rented to, as applicable, and occupied by an Income Eligible Household.
- C. **Age Restricted Housing.** Developments that dedicate most of their units to people who are a certain age.
- D. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
- E. **Area Median Income (AMI).** The area median household income as determined by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size, for the metropolitan area that includes the Town.
- F. **As of Right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, or other discretionary zoning approval.
- G. **Dwelling Unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- H. **HLC.** The Massachusetts Executive Office of Housing and Livable Communities, or any successor agency.
- I. **Income Eligible Household.** A household of one or more persons whose annual income does not exceed 80% of AMI and meets the applicable requirements established by HLC's LIP.
- J. **Local Initiative Program (LIP).** A program administered by HLC pursuant to 760 CMR 56.00 to develop and implement local housing initiatives that produce low- and moderate-income housing, with or without a comprehensive permit issued pursuant to Chapter 40B, §§ 20 through 23 of the Massachusetts General Laws.
- K. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
- L. **MBTA.** Massachusetts Bay Transportation Authority.
- M. **Dwelling, Multi-Family.** A building designed for, or containing, three (3) or more residential dwelling units.
- N. **Open Space.** Contiguous undeveloped land within a parcel boundary.
- O. **Section 3A.** Section 3A of the Massachusetts General Laws Chapter 40A, the Zoning Act.
- P. **Permit Granting Authority.** The Planning Board shall be the Permit Granting Authority hereunder.

Q. **Subsidized Housing Inventory (SHI).** The list compiled by HLC containing the count of eligible low- or moderate-income housing by a city or town pursuant to 760 CMR 56.00, Chapter 40B of the Massachusetts General Laws, and applicable HLC guidelines.

R. **Sub-District.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

4. **Sub-Districts.** There are five (5) sub-districts in the MCMOD, all of which are shown on the Town of Ashland Zoning Map. The subdistricts and their corresponding underlying zoning are as follows:

- Sub-district “A” – Memorial Drive
Underlying zoning: Rail Transit District, Section 8.4
- Sub-district “B” – Pleasant Street
Underlying zoning: Ashland Downtown District (ADD), Section 8.5
- Sub-district “C” – Main Street
Underlying zoning: Ashland Downtown District (ADD), Section 8.5
- Sub-district “D” – Chestnut Street
Underlying zoning: Wildwood Mixed Use Special District, Section 8.6
- Sub-district “E” – Pond Street
Underlying zoning: Pond Street Mixed Use Overlay District, Section 8.8

5. Permitted Uses

A. **Uses Permitted as of Right.** The following uses are permitted as of right within all Sub-Districts of MCMOD:

1. Dwelling, Multifamily.

6. Prohibited Uses

- A. Age restricted housing.
- B. Housing with limitations on the size of the units, the number of bedrooms, the size of bedrooms, and/or the number of occupants.

7. Dimensional Requirements

A. Dimensional Standards and Density Allowed in MCMOD:

Sub-District	Frontage (Min)	Front Yard (Min)	Side Yard (Min)	Rear Yard (Min)	Height	Units per Acre
A	150'	25'	25'	30	3 Stories (Max 38 feet) and 4 Stories at rear of building if slope permits	21
B	100'	15'	15'	12'	3 Stories (Max 38 feet)	15
C	100'	15'	15'	12'	3 Stories (Max 38 feet)	15
D	150'	25'	25'	25'	4 Stories (Max 51 feet)	30
E	150'	None	10'	15'	4 Stories (Max 51 feet)	22

B. Common Open Land.

- The developer is encouraged to have common open land for use by the general public. The common open land shall have a shape, dimension, character and location suitable to assure its use for park or open space purposes by the general public.

C. Parking Requirements. In the MCMOD, off street parking shall be provided as given below. Parking shall not be reduced by underlying zoning.

- For dwelling units, one (1) parking space per each studio or one bedroom unit and one and one half (1 1/2) parking spaces per each unit having two bedrooms or more.

D. Exceptions:

- Renewable Energy Installations. The Permit Granting Authority may waive the height and setbacks in Section 8.9.7 (Dimensional Requirements) to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

8. Affordability Requirement

A. Applicability

- Any proposed multi-family residential development containing ten (10) or more dwelling units on any parcel or contiguous parcel(s) comprising a proposed site within the MCMOD shall be subject to the requirements of this section.

B. Mandatory Provision of Affordable Units.

1. As a condition of approval, projects in Sub-Districts A, B, C and D shall contribute at least 12.5% of the total dwelling units in the development as Affordable Housing Units. Sub-District E shall contribute 10% of the total dwelling units in the development as Affordable Housing Units. The 12.5% requirement is dependent in approval from EOHLC, if the Town does not receive said approval, the requirement shall be 10% for all sub-districts.
2. For the purposes of this article, any calculation of required Affordable Housing Units that results in the fractional or decimal equivalent of one-half (0.50) or above shall be increased to the next highest whole number. Nothing in this bylaw shall preclude a developer from providing additional affordable units, or greater affordability, or both, than the minimum requirements.
3. As a condition of approval of a project, all Affordable Housing Units shall be subject to an Affordable Housing Restriction. The Affordable Housing Restriction shall be approved by Town Counsel and HLC prior to the Permit Granting Authority issuing their decision hereunder. No building permit shall issue for the project prior to the Restriction being recorded at the Middlesex South Registry of Deeds and a copy provided to the Permit Granting Authority and the Building Commissioner.
4. Affordable Housing Units shall be sold or rented, as applicable, to Income Eligible Households at sales prices or rents that are affordable to Income Eligible Households pursuant to an Affordable Housing Restriction.

9. Site Plan Review

- A. **Applicability.** Site Plan Review is required for all multi-family projects in the MCMOD. An application for Site Plan Review shall be reviewed by the Permit Granting Authority in accordance with Section 9.4-9.6 of this bylaw.
- B. **Requirements.** As part of any application for Site Plan Review for a project within the MCMOD, the Applicant must adhere to Section 9.4-9.6 of this Zoning Bylaw.
- C. **Decision.** Final Action of the Permit Granting Authority shall include one of the following:
 1. Approval based on a determination that the proposed project complies with the criteria and design standards set forth in this section of the Zoning Bylaw.
 2. Approval subject to any **reasonable** site plan and design performance conditions, modification, and restrictions the Permit Granting Authority may deem necessary to ensure the health, safety and general welfare of the community.
 3. Disapproval of the application for the reasons of an incomplete application.