

## **Article XVIII**

### **MBTA Communities Multi-family Overlay District**

#### **18.1 Purpose and Intent**

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multifamily 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 in the community for people with a variety of needs and income levels.
- B. Preserve open space by locating new housing within or adjacent to existing developed areas and infrastructure.

#### **18.2 Establishment and Applicability**

The MCMOD is an overlay district having a land area of approximately 15.8 acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map. The MBTA Communities Multi-family Overlay District shall be comprised of the following lots and shall be referred to by the lot number and the Assessor's map number: Lot 45 Map 49, Lot 46 Map 49 and Lot 82, Map 49.

- A. Applicability of MCMOD. An applicant may develop multi-family housing located within a MCMOD in accordance with the provisions of this Article XVIII.
- B. Underlying Zoning. The MCMOD is an overlay district superimposed on an underlying zoning district. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district shall remain in full force, except for uses allowed as of right in the MCMOD. Uses that are not identified in Article XVIII are governed by the requirements of the underlying zoning district.
- C. Floodplain District- the Requirements of Article VI of this By-law shall only apply to that portion of a lot in the MCMOD as is physically located in Zone A or AE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program. Article VI shall not apply to any portion of a lot in the MCMOD that is not located in said Zone A or AE.

#### **18.3 Definitions**

For purposes of this Article XVIII, the following definitions shall apply.

- A. Applicant. A person, business, or organization that applies for a building permit and Site Plan Review.
- B. 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, waiver, or other discretionary zoning approval.
- C. Compliance Guidelines. *Compliance Guidelines for MBTA Communities Multi-family Overlay Zoning District Under Section 3A of the Zoning Act* as further revised or amended from time to time.
- D. Executive Office of Housing and Livable Communities-EOHLC. The Massachusetts Executive Office of Housing and Livable Communities, or any successor agency.
- E. Development standards. Provisions of Section 18.7 General Development Standards made applicable to projects within the MCMOD.
- F. Infill. Parcel of vacant land such as an empty parcel between two properties.
- G. MBTA. Massachusetts Bay Transportation Authority.
- H. MBTA Multi-family housing. A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
- I. MBTA Communities Multi-family Overlay District (MCMOD). A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
- J. Parking, surface. One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
- K. Residential 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.
- L. Section 3A. Section 3A of the Zoning Act (MGL Chapter 40A).

#### 18.4 Permitted Uses.

- A. Principal Use Permitted As of Right in the MCMOD: MBTA Multi-family housing.
- B. Accessory Uses. The following uses are considered accessory as of right to the permitted use in Section 18.4. A.
  - 1. Parking. Surface parking on the same lot as the principal use.

#### 18.5 Dimensional Standards.

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

##### **Standard**

Lot Size	
Minimum (SF)	10,000
Units/Lot	3-80
Height	
Stories (Maximum)	3.0
Feet (Maximum)	45

Minimum Open Space                      40%

<b>Standard</b>	
Floor Area Ratio (FAR)	
Maximum Building Area	25%
Lot area/dwelling unit	3000 sf.

**Standard**

Minimum Frontage (ft)                      50  
Front Yard Setback                          30  
    Min. to Max. (ft.)  
Side Yard Setback  
    Corner (ft)                                  20  
    Interior (ft)                                20  
Rear Yard Setback                          20  
    Min. to Max. (ft.)

B. Multi-Building Lots. In the MCMOD, lots may have more than one principal building.

C. Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.

D. Exceptions: Renewable Energy Installations. To accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment, such installations may be located within the any side yard or rear yard setback or on the roof of any Building notwithstanding the height limitations of Section 18.5 where the Site Plan Review Authority finds such installations shall not create a significant detriment to abutters in terms of noise or shadow and are 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.

## 18.6 Off-Street Parking

These parking requirements are applicable to development in the MCMOD.

A. Number of parking spaces. The following maximum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	Dwelling unit 2 or more bedrooms – 2
	Dwelling unit fewer than 2 bedrooms - 1

B. Number of bicycle parking spaces. The following minimum numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit]

C. Bicycle storage. For a multi-family development of 3 units or more covered parking bicycle parking spaces shall be integrated into the structure of the building(s).

#### 18.7. General Development Standards

A. Development standards in the MCMOD are applicable to all multi-family development projects within the MCMOD. These standards are components of the Site Plan Review process in Section 18.8 Site Plan Review and considered Standards of Review for a MCMOD site plan application.

##### B. Site Design.

1. Connections. Sidewalks shall provide a direct connection among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.

2. Vehicular access. Where feasible, curb cuts shall be minimized, and shared driveways encouraged.

3. Screening for Parking. Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than [6 (six)] feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.

4. Parking Materials. The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.

5. Plantings. Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.

6. Lighting. Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.

7. Mechanicals. Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.

8. Dumpsters. Dumpsters located outside of the building shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.

9. Stormwater management. The project shall comply with the Topsfield Stormwater and Erosion Control Bylaw.

C. Buildings: General.

1. Position relative to principal street. The primary building shall have its principal façade and entrance facing the principal street. See also Section 18.7F. Buildings: Corner Lots.
2. Entries. Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

D. Buildings: Multiple buildings on a lot.

1. Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
2. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
3. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
4. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

E. Buildings: Shared Outdoor Space. Multi-family housing shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.

F. Buildings: Corner Lots. A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.

1. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
2. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
3. Fire exits serving more than one story shall not be located on either of the street-facing façades.

G. Buildings: Infill Lots. If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of Section 18.5. Dimensional Standards. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two adjacent buildings to provide consistency along the street.

H. Buildings: Principal Façade and Parking. Parking shall be subordinate in design and location to the principal building façade.

1. Surface parking. Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way.

2. Integrated garages. The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.

I. Waivers. Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the MBTA Site Plan Review Authority may waive the requirements of this Section 18.7 General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCMOD.

## 18.8 Site Plan Review

A. Applicability. Site Plan Review is required prior to the issuance of a building permit for a project within the MCMOD that proposes three (3) dwelling units or more. An application for Site Plan Review shall be reviewed by the Zoning Board of Appeals for consistency with the purpose and intent of this Article XVIII.

B. Submission Requirements. As part of any application for Site Plan Review for a project within the MCMOD, the Applicant must submit the following documents to the Town Clerk in accordance with Article IV Section 4.11 Submittal Distribution Requirements and Formats for a Definitive Plan in the Rules and Regulations Governing the Subdivisions of Land in the Town of Topsfield. The Clerk's copy of the Site Plan Review application shall be kept on file by the Town Clerk:

1. Application and fee for Site Plan Review.

2. A site plan that demonstrates compliance with the General Development Standards in Section 18.7 and that show the position of the proposed building on the lot, proposed points of vehicular access to and egress from the lot and vehicular circulation on the lot, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information required by or referenced in Article IX Section 9.06 of this By-law.

3. Elevations of the building(s) showing the architectural design of the building.

4. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals twenty feet (1"=20'), or at a scale as approved in advance by the Permitting Authority.

5. Narrative of compliance with the requirements of Sections 18.4-18.7.

C. Timeline. The Boards and commissions receiving copies of the Site Plan Review application shall have up to thirty (30) days to submit comments and recommendations in writing to the Zoning Board of Appeals. The Zoning Board of Appeals shall hold a public hearing on any Site Plan Review application consistent with G.L. c. 40A, §11 and

shall take final action on any said application consistent with the time period provided in G.L. c. 40A, §9.

D. Site Plan Approval. Site Plan Review approval under this section shall be granted, with or without conditions, upon determination by the Zoning Board of Appeals that the following have been satisfied. The Zoning Board of Appeals shall have the right to waive or modify any requirement of Section 18.7 or 18.8.B upon its own motion or upon the request of the applicant and shall have the right to request any additional information it deems necessary to ensure compliance with this 18. The Zoning Board of Appeals may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied or to ensure compliance with any condition of a Site Plan Review approval.

1. The Applicant has submitted the required fee and a complete application meeting the requirements of Section 18.8.B. and
2. The project as described in the application meets the Requirements of Sections 18.4-18.7.

E. Project Phasing. An Applicant may propose, in a Site Plan Review application, that a project be developed in phases subject to the approval of the Zoning Board of Appeals, provided that the application shows the full buildout of the project and all associated impacts as of the completion of the final phase.

F. Pursuant to G.L. c. 41, §53G, the Zoning Board of Appeals may employ consultants, at the expense of the applicant, to assist the Zoning Board of Appeals in its review of any Site Plan Review application under this section.

G. Any Site Plan Review approval granted under Section 18.8 shall lapse within one (1) year if a substantial use thereof has not commenced, except for good cause shown. Any Site Plan Review decision issued under Section 18.8 shall be appealable consistent with G.L. c. 40A, §17. In the event of any appeal, that one year period shall be extended for a period equal to that from the date of filing of said appeal to the date of final disposition thereof.

#### 18.9. Severability.

If any provision of this Article XVIII is found to be invalid by a court of competent jurisdiction, the remainder of Article XVIII shall not be affected but shall remain in full force. The invalidity of any provision of this Article XVIII shall not affect the validity of the remainder of this By-law.