

Article VIII § 165-60-: MBTA Communities Multifamily Overlay District (MCMOD)

A. Purpose

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).

B. Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately 64.41 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map.

1. **Applicability of MCMOD.** An applicant may develop multi-family housing located within a MCMOD in accordance with the provisions of this § 165-60.
2. **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 or by special permit in the MCMOD. Uses that are not identified in § 165-60 are governed by the requirements of the underlying zoning district(s).
3. **Sub-districts.** The MCMOD contains the following sub-districts, all of which are shown on the MCMOD Boundary Map:
 - a. Downtown Core District, which is generally comprised of certain parcels along the intersection of Routes 97 & 133;
 - b. Downtown – Upper District, which is generally comprised of certain parcels north of the intersection of Routes 97 & 133;
 - c. Downtown – Lower District, which is generally comprised of certain parcels south of the intersection of Routes 97 & 133.

C. Definitions.

For purposes of this Section -- the following definitions shall apply.

1. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
2. **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.
3. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
4. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
5. **MBTA.** Massachusetts Bay Transportation Authority.
6. **Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including commercial.
7. **Dwelling, Multi-Family.** A building designed for, or containing, two (2) or more dwelling units.

8. **Open space.** Contiguous undeveloped land within a parcel boundary.
9. **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.
10. **Permit Granting Authority.** The Permit Granting Authority shall include the Planning Board for the issuance of permits.
11. **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.
12. **Section 3A.** Section 3A of the Zoning Act.
13. **Site plan review authority.** The Planning Board shall have authority over site plan review
14. **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.

D. Permitted Uses

1. **Uses Permitted As of Right.** The following uses are permitted as of right within the MCMOD:
 - a. Multi-family housing.
 - b. Commercial uses as allowed by the underlying zoning, when part of a mixed-use development

E. Dimensional Standards

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

Standard	Downtown Core	Downtown – Upper & Lower
Lot Size (square feet)		
Minimum	10,000	10,000
Height		
Stories (Maximum)	3	2
Feet (Maximum)	40	35
Minimum Open Space		
Minimum Open Space		40%
Max Lot Coverage	60%	
Setbacks (feet)		
Front yard setback	0	50
Rear yard setback	10	30
Side yard setback 1	0	30
Side yard setback 2	0	30
Parking		
Minimum # of parking spaces per unit	1 per one bedroom or studio 2 per two bedroom or greater	1 per one bedroom or studio 2 per two bedroom or greater

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

3. **Exceptions.** Limitations of height shall not apply to flagpoles, chimneys, radio and television antennae, windmills, silos, water tanks, public utility structures, solar panels, and similar non-inhabitable structures.

F. Off-Street Parking

These parking requirements are applicable to development in the MCMOD.

1. **Number of parking spaces.** The following minimum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:
 - a. 1 space per studio or 1 bedroom dwelling unit, 2 spaces per two bedroom or greater

G. Site Plan Review

1. **Applicability.** Site plan review is required for a project that proposes 3 or more dwelling units. An application for site plan review shall be reviewed by the Permit Granting Authority.
2. **Requirements.** As part of any application for Site Plan Review for a project within the MCMOD, the Applicant must adhere to Article 13, Section 165-83 of this zoning bylaw.

H. Design Guidelines

1. The Planning Board may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction within the MCMOD. Such Design Guidelines must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines may contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.