

2024 ANNUAL TOWN MEETING

Article ____ (Multifamily Overlay District)

To see if the Town will vote to amend the Medway Zoning Bylaw by inserting a new Section 5.6.5, Multifamily Overlay District, as set forth below; and to amend its Zoning Map to insert the new Multifamily Overlay District as shown on the proposed Multifamily Overlay District zoning map below.

5.6.5 Multifamily Overlay District

A. Purposes. The purposes of the Multifamily Overlay District (MOD) are to:

1. Provide for multifamily housing development in accordance with G.L. c. 40A, § 3A;
2. Encourage the production of a variety of housing sizes and types to provide access to new housing for people with a variety of needs and income levels; and
3. Increase the tax base through private investment in new housing development.

B. Establishment of District

The MOD is shown on the map entitled, Multifamily Overlay District, and dated [date], on file with the Town Clerk.

C. Applicability.

Development of land within the MOD may be undertaken subject to the requirements of this Section 5.6.5 or by complying with all applicable requirements of the underlying district. Developments proceeding under this Section 5.6.5 shall be governed solely by the provisions herein and the standards or procedures of the underlying districts shall not apply. Where the MOD provides for uses and dimensional controls not otherwise allowed in the underlying district and/or applicable overlay districts, the provisions of the MOD shall control. Uses and dimensional controls of the MOD are not subject to any special permit requirements of the underlying district and/or applicable overlay districts. Where the MOD requires a special permit as provided herein, the Planning and Economic Development Board shall be the special permit granting authority.

The MOD contains the following sub-districts, all of which are shown on the Multifamily Overlay District map:

Subdistrict 1/Summer Street

Subdistrict 2/Main Street

D. Use Regulations

The following uses shall be permitted in the MOD, subject to MOD Development Plan Review under Section 5.6.5(I). Section 3.5, Site Plan Review, shall not apply to developments under this Section 5.6.5.

1. Multifamily housing. For purposes of this Section 5.6.5, multifamily housing includes a building with three or more dwelling units or two or more buildings on the same lot with more than one dwelling unit in each building.
2. Accessory uses
 - a) Swimming pool
 - b) Tennis court, other game court
 - c) Off-street parking

E. Density and Dimensional Regulations

1. Basic Standards

	Summer Street	Main Street
Minimum lot area	2 acres	1 acre
Maximum lot coverage	20%	20%
Minimum open space	70%	30%
Maximum height		
Stories (maximum)	3	3
Feet (maximum)	45	45
Minimum frontage	100	100
Minimum setbacks:	25	25
Front	25	25
Side	15	15
Rear	20	20
Maximum units per acre	16	16
Maximum units per building	24	24

2. Height Increase by Special Permit.

- a. The maximum height of a multifamily building may be extended by no more than one additional story, which may not exceed 12 feet in height, by special permit from the Board if the proposed development provides for an increase in open space beyond the minimum open space requirements established in this Section 5.6.5, provided that the additional open space shall be protected by means of a conservation restriction, conveyance to the Town, or conveyance to a nonprofit organization, the principal purpose of which is the conservation of open space. The minimum open space requirements in this Section 5.6.5 include the minimum open space percentage set forth in Subsection E.1 above; all required front, side and rear setbacks; all transitional buffers required under Subsection E.3; outdoor amenity spaces; and any other applicable requirements in the Zoning Bylaw that require any portion of the site to remain in an open or undeveloped state.

- b. In determining whether to grant a special permit for the additional height, the Board shall consider the following factors: whether the proposal provides for better site design; whether the proposal helps mitigate any impacts on abutting properties; whether the proposal increases the protection of wetlands and other sensitive environmental areas; and whether the proposal helps to protect important topographical features and reduce land disturbance, filling, and cutting. In any case where the additional open space land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded providing that the land shall be kept in an open or natural state and not to be developed. All conservation restrictions must be approved by Town Counsel.
 3. In addition to the standard in subsections 1 and 2 above, developments in the MOD shall provide a Transitional Buffer Zone to create a compatible transition with surrounding neighborhoods. The Transitional Buffer Zone shall consist of a minimum setback of 50 feet along all rear and side property lines that abut lots in residential zoning districts if those lots are not within the MOD. Existing trees and other vegetation shall be preserved unless it is necessary to remove them, (e.g. invasive species, diseased trees), and shall be supplemented with additional landscaping as appropriate to mitigate noise, lighting, and building mass from the multifamily housing.
- F. Affordable Housing. Any residential or mixed-use development in the MOD shall comply with Section 8.6 of this Bylaw, except as follows:
1. In any development of six or more units in the MOD, at least 10 percent of the units shall be affordable housing units. Section 8.6(C)(1), Table 11, shall not apply in the MOD.
 2. All affordable units in the MOD shall be on-site units. Other methods of providing affordable units under Section 8.6(D)(2),(3), and (4) shall not apply in the MOD.
- G. Off-Street Parking
1. In the MOD, off-street parking shall comply with Section 7.1.1 except as provided in this Section 5.6.5.
 2. For multifamily development in the MOD, there shall be at least 1.5 parking spaces per unit.
 3. Bicycle spaces. Covered bicycle spaces shall be provided for any multifamily development of 10 or more units. The number of covered bicycle parking spaces shall be 1 for every 3 units.
 4. Surface parking shall be located to the rear or side of the principal building and shall not be located not within the minimum setback between the building and any lot line adjacent to the street or internal access drive. No surface parking shall be located between the front building line of a residential building and the front lot line.
 5. Structured parking in a separate parking garage shall be located at least 20 feet behind the

front building line of the multi-family dwellings on the lot.

H. Site Development Standards. Unless otherwise provided herein, site development shall comply with Section 7 of the Zoning Bylaw.

1. Connectivity. Developments shall provide accessible walkways connecting building entrances to building entrances, buildings to streets, and buildings to sidewalks and adjacent public features, such as parks and playgrounds, with minimal interruption by driveways.
2. Parking lot aisles and access and interior driveways shall not count as walkways. The Board may require benches, waiting areas, bicycle racks, stroller bays, and other sheltered spaces near building entrances.
3. To the maximum extent possible, walkways should have some degree of shelter achieved through the use of building fronts, trees, low hedges, arcades, trellised walks, or other means to delimit the pedestrian space.
4. Site landscaping shall not block a driver's view of oncoming traffic. No fence, wall, sign, landscaping, or plantings shall be placed within the clear sight triangle so as to obstruct visibility at any internal intersection, or any intersection with a public or private way. The clear sight triangle is that formed by the intersecting ways or drives and a straight line joining said lines at a point twenty feet distant from the point of intersection. See Section 6.2.F.4 for clear sight triangle diagram.
5. Vehicular access. Where feasible, curb cuts shall be minimized. While common driveways providing access from a public way are not permitted, they are encouraged to serve units within the development.
6. Plantings. Plants on the Massachusetts Prohibited Plant List, as may be amended, are prohibited. To the maximum extent feasible, all landscaping shall be native, drought resistant, pest tolerant, salt tolerant, hardy for Zone 6, and non-invasive as identified in *The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts* by the Massachusetts Invasive Plant Advisory Group.
7. Lighting. Outdoor lighting shall comply with Section 7.1.2 of this Zoning Bylaw.
8. Mechanicals. Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened from view.
9. Dumpsters. Dumpsters shall be screened by a combination of fencing and plantings. Where feasible, dumpsters or other trash and recycling collection points shall be located within the building.
10. Stormwater management. The applicant shall propose strategies that demonstrate compliance with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts

Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and an Operations and Management Plan for both the construction activities and ongoing postconstruction maintenance and reporting requirements. Stormwater management calculations will be based on NOAA Atlas 14+.

- a. The Post-Construction Stormwater Management Plan and its associated Long-Term Operation and Maintenance Plan shall comply with Article 26 Stormwater Management and Land Disturbance of the Medway General Bylaws, the Town's Land Disturbance Permit Rules and Regulations, and the current Massachusetts Stormwater Handbook.
- b. Low Impact Development (LID) – Applicants shall incorporate Low Impact Development (LID) management practices including nature-based management measures in site design and incorporate environmentally sensitive design principles unless infeasible and shall comply with the following requirements:
 - (i) Reduce runoff and pollutant loading by managing runoff as close to its source as possible;
 - (ii) Utilize integrated LID and individual small-scale stormwater management practices (isolated LID practices) to promote the use of natural systems for infiltration, evapotranspiration, the harvesting and use of rainwater, and reduction of flows to drainage collection systems;
 - (iii) Reduce impervious cover;
 - (iv) Conserve and protect natural lands, especially open space landscapes, high-quality wildlife habitat, or existing farmland;
 - (v) Utilize compact building design and increasing density to prevent sprawl, enhance walkability, and preserve more undisturbed natural areas;
- c. Subsurface detention and infiltration systems shall be designed with access manholes and inspection ports to provide proper means to inspect and maintain the system. All subsurface detention and infiltration systems shall contain an internal “forebay” or pre-treatment chamber row which will allow treatment of first flush runoff (the first 1” of any rainstorm) before discharging stormwater to the remainder of the system and shall be designed to allow for proper access for inspection and maintenance.
- d. Infiltration measures shall be provided to mitigate post-development increases in runoff resulting from proposed rooftops. Runoff from proposed rooftops throughout the site shall be directly routed to dedicated infiltration Best Management Practices (BMPs). Discharge of roof runoff directly to surface grade is strictly prohibited. If runoff is directed to infiltration BMPs which also mitigate surface runoff, the roof runoff shall be directly discharged to the BMP and not allowed to comeingle with untreated surface runoff prior to discharge to the BMP. Installation of metal roofs on buildings and structures depicted on the site plan shall meet the requirements of the most current

updated version of the MA Stormwater Handbook.

11. Buildings.

- a. 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.
- b. Building(s) adjacent to a principal access drive shall have a pedestrian entry facing that access drive.
- c. To encourage clustering of buildings and preservation of open space, placement and separation of buildings shall be subject to review and comment by the Fire Chief with regard to fire safety.

12. Outdoor Amenity Space. A minimum of 20% of the lot shall be dedicated to Outdoor Amenity Space. The Outdoor Amenity Space may consist of any of the Outdoor Amenity Space types in Table 9.6.B.1 of this Bylaw other than Pedestrian Passage or Outdoor Dining. The Outdoor Amenity Space shall also comply with the Description and Design Standards of Table 9.6.B.1. The minimum 20% of Outdoor Amenity Space may be reduced or waived to comply with the required density of G.L. c. 40A, § 3A and the associated Compliance Guidelines.

I. MOD Development Plan Approval

1. All uses in the MOD shall be subject to MOD Development Plan Approval under this Section 5.6.5 to the maximum extent possible. No provision of Section 5.6.5 shall allow a denial or unreasonable conditioning of a multifamily use.
2. Application Procedures. Application for Development Plan Approval under this Section 5.6.5 shall be filed with the Town Clerk. The filing shall include all required forms and submission requirements in the Planning and Economic Development Board's Multifamily Overlay District Rules and Regulations. A copy of the Application, including the date and time of filing, as well as the required number of copies of the Application, shall be filed forthwith by the Applicant with the Planning and Economic Development Board.
3. Upon receipt by the Board, applications shall be distributed to the Building Commissioner, Fire Chief, Police Chief, Health Department, Conservation Commission, Select Board, and the Department of Public Works. Any reports from these reviewing parties shall be submitted to the Board within 35 days of filing of the Application. The Planning and Economic Development Board or its designee shall forward to the Applicant copies of all comments and recommendations received to date from other boards, commissions, or departments.
4. Public Hearing. Within 45 days of receipt of an Application under this Section 5.6.5, the Planning and Economic Development Board shall open a public hearing and review all

Applications in accordance with G.L. c. 40A, § 11.

5. No later than 90 days from the date the Application was received by the Town Clerk, the Board shall approve the plan with any reasonable conditions it deems appropriate to ensure compliance with the requirements of this Section 5.6.5 and other applicable sections of the Zoning Bylaw and file its written decision with the Town Clerk. The decision shall be by majority vote. The time limit for public hearings and taking of action by the Board may be extended by written agreement between the Applicant and the Planning and Economic Development Board. A copy of the agreement shall be filed with the Town Clerk.
6. A copy of the decision shall be mailed to the owner and to the Applicant, if other than the owner. A notice of the decision shall be sent to the parties in interest and to persons who requested a notice at the public hearing.
7. MOD Development Plan Approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within three years after the Board issues the decision, excluding time required to adjudicate any appeal from the Board's decision. The time for commencing construction shall also be extended if the Applicant is actively pursuing other required permits for the project, or if there is good cause for the Applicant's failure to commence construction, or as may be provided in an approval for a multi-phase Development under this Section 5.6.5.
8. Design Guidelines. The Board may adopt Design Guidelines for development in the Multifamily Overlay District and shall file a copy with the Town Clerk. The Design Guidelines shall be advisory, not mandatory. In the event of any conflict between Section 5.6.5 and the Design Guidelines, Section 5.6.5 shall control.
- J. The Board may enact rules and regulations to effectuate the purposes of Development Plan Approval, including but not limited to rules and regulations governing the submission of applications, waivers, Board review process, approval, construction oversight, consultants, modification and fees.

And by amending Section 5.4, Table 1: Schedule of Uses under C. Residential Uses as follows, new language in bold:

Multi-Family Building, Apartment Building, and Multi-Family Developments	Allowed by special permit from the Planning and Economic Development Board in the Multi-Family Housing Overlay District (See Section 5.6.4) and the Medway Mill Conversion Subdistrict (See Section 5.6.2 E) and by right in the Multifamily Overlay District (see Section 5.6.5).
--	--

Or act in any manner related thereto.