

Article __: To see if the Town will amend its Zoning Bylaws, Section 4: Establishment of Districts, establish a new Section 16: MBTA Communities Multifamily Overlay District, and amend Section 14: Definitions, as written herein, or do or act anything in relation thereto (Petition of the Select Board)

SECTION 4: ESTABLISHMENT OF DISTRICTS

1. Classes of Districts (add the following to the list of Overlay Districts)

MCMOD MBTA Communities Multifamily Overlay District

2. Purposes of Districts (add the following new paragraph (5) to Subsection C, Overlay Districts)

(5) MCMOD – The purposes of this district are to comply with G.L. c. 40A, § 3A, known as the “MBTA Communities Law,” and achieve other purposes as described under Section 16 of this Bylaw.

3 Location of Districts (add the following new Subsection E)

E. The MCMOD is shown on the map entitled, MBTA Communities Multifamily Overlay District, dated May 6, 2024 and on file with the Town Clerk.

SECTION 16. MBTA COMMUNITIES MULTIFAMILY OVERLAY DISTRICT

1. Purposes

The purpose of the MBTA Communities Multifamily Overlay District (MCMOD) is to allow multifamily housing development in accordance with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (HLC), as may be amended from time to time. In addition, Section 16 is intended to encourage:

- A. New or redeveloped housing in close proximity to the Downtown Walpole commuter rail station;
- B. A mix of housing sizes and types in walkable areas to promote public health, reduce greenhouse gases, improve air quality, and concentrate development where adequate facilities and services exist to support it;
- C. Creation of housing in Walpole that is permanently available to and affordable by low- and moderate-income households;
- D. New investment in housing and mixed-use development that can support the revitalization of Downtown Walpole.

2. Establishment of District

The MCMOD is shown on the map entitled, MBTA Communities Multifamily Overlay District, and dated May 6, 2024, on file with the Town Clerk. The MCMOD contains the following sub-districts, all of which are shown on the map of the MCMOD:

Subdistrict 1/Central Core
 Subdistrict 2/Outer Core

3. Applicability

- A. The requirements of the underlying zoning district(s) shall remain in full force and effect except for development proposed under this Section 16. Within the boundaries of the MCMOD, a developer may elect to develop a project in accordance with the MCMOD, or to develop a project in accordance with the requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).
- B. Unless otherwise regulated within this Section 16, all use, dimension, and all other provisions of the Zoning Bylaw shall remain in full force. Where the MCMOD authorizes uses not otherwise allowed in the underlying district, the provisions of the MCMOD shall control.
- C. An Applicant proposing any development under this Section 16 shall obtain MCMOD Development Plan Approval from the Planning Board prior to issuance of a building permit.

4. Use Regulations

The following use regulations shall apply in the MCMOD.

Table of MCMOD Use Regulations		
Use	Central Core	Outer Core
Dwelling, multifamily*	Yes	Yes
Mixed-use development, subject to the requirements of Section 7 below	Yes	Yes
Off-street parking accessory to a multifamily or mixed-use development, subject to Section 9(D) below	Yes	Yes

*Note. For purposes of this Section 16, multifamily dwelling shall include any 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

5. Density and Dimensional Regulations

Table of Density and Dimensional Regulations		
Requirement	Central Core	Outer Core
Minimum lot area	6,000	8,000

Table of Density and Dimensional Regulations		
Requirement	Central Core	Outer Core
Maximum lot coverage	90%	40%
Minimum required open space	0%	30%
Maximum height		
Stories (maximum)	4	2.5
Feet (maximum)	50	35
Minimum frontage	50	75
Required setbacks:		
Front (minimum-maximum)	0 / 10	30
Side	10	10
Rear	10	30
Corner Lot		
Maximum units per acre	45	20

- A. In the Central Core subdistrict, for a Mixed-Use Development in accordance with Section 7 below, the maximum height shall be 5 stories and 60 feet.
- B. Exceptions. Vertical projections or roof structures that house elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, or to fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless, radio or television masts, silos, energy generation and conservation apparatus, or similar unoccupied features, may be erected above the height limits in this Section 16 provided the structures are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
- C. More than one residential or accessory building or structure shall be allowed on a lot in the MCMOD. Buildings shall be separated by a minimum of 20 feet unless the Fire Chief requires a greater separation to comply with the Massachusetts Fire Code.

6. Affordable Housing

Any residential or mixed-use development in the MCMOD shall provide affordable units in accordance with the following:

- A. Basic Requirements.
 - (1) In any multifamily development under Section 16 resulting in a net increase of 10 or more dwelling units on any parcel or contiguous parcels comprising a proposed development site, at least 10 percent of the dwelling units shall be affordable units. Fractions shall be rounded down to the next whole number.
 - (2) Developments shall not be segmented to avoid compliance with this Section 16. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of ten or more lots or dwelling units above the number existing 36

months earlier on any parcel or set of contiguous parcels held in common ownership on or after the effective date of this Section 16.

- (3) All the affordable units required in a proposed development shall be located within the development site (“on-site units”).

B. Affordable Unit Location and Standards.

- (1) Affordable units shall be dispersed throughout a project. They shall be indistinguishable from and comparable to the market-rate units in construction quality and exterior design. The number of bedrooms in affordable units shall be comparable to the bedroom mix in market-rate units in the development.
- (2) The affordable units must have the same access to all on-site amenities as the market-rate units.
- (3) All affordable units must be constructed and occupied concurrently with or prior to the construction and occupancy of market rate units or development. In phased developments, affordable units may be constructed and occupied in proportion to the number of units in each phase of the project.

C. Tenant or Homebuyer Selection.

- (1) The selection of qualified purchasers or qualified renters shall be carried out under an Affirmative Fair Housing Marketing Plan (AFHMP) submitted by the applicant and approved by the Planning Board. The AFHMP shall comply with the Executive Office of Housing and Livable Communities (EOHLC) Local Initiative Program (LIP) guidelines in effect on the date of the site plan review application to the Planning Board.
- (2) Local Preference for Affordable Units. The applicant shall comply with local preference requirements, if any, established by the Planning Board, subject to an Affirmative Fair Housing Marketing Plan approved by the Executive Office of Housing and Livable Communities (EOHLC) Local Action Unit (LAU) Program.

D. Term of Affordability.

- (1) All affordable units created under this Section 16 shall be subject to an affordable housing restriction approved by the Planning Board, Town Counsel, and the Executive Office of Housing and Livable Communities (EOHLC). The restriction shall run with the land in perpetuity under G.L. c. 184, §§ 31-33 and shall be recorded with the Norfolk County Registry of Deeds or Registry District of the Land Court prior to issuance of a building permit.
- (2) The affordable housing restriction shall be a condition of zoning compliance and shall be incorporated within the Planning Board’s MCMOD Development Plan Approval decision.

7. Mixed-Use Development

- A. A Mixed-Use Development in the MCMOD shall be permitted if it complies with all of the requirements of this Section 16(7).
- B. The nonresidential component of the development shall include one or more of the following:
 - (1) Workshop or studio of an artist, artisan, or craftsperson, which may include as an accessory use retail sales limited to products constructed on the same premises
 - (2) Bank
 - (3) Business or professional office
 - (4) Medical or dental office
 - (5) Personal service establishment providing specialized goods or services frequently used by consumers, such as a hair salon or barber shop, garment or shoe repair, tailoring dry cleaning service, or other similar establishments.
 - (6) Restaurant, with service of alcoholic beverages, or with no service of alcoholic beverages, with or without outdoor dining as an accessory use
 - (7) Bakery, café, deli, or walk-in fast-food service
 - (8) Retail sales or service with a maximum gross floor area not exceeding 15,000 sq. ft.
 - (9) Small-scale grocer or specialty food store with a maximum gross floor area not exceeding 15,000 sq. ft.
- C. The nonresidential uses shall be located only on the ground floor of the front façade facing the street or other public space, such as public park, plaza, or sidewalk.
- D. Access to and egress from multifamily units above the ground floor shall be clearly differentiated from access to other uses, e.g., using separate entrances from the building or within a lobby area shared by different uses within the building.
- E. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
- F. Mixed-use development in the MCMOD shall be exempt from the Section 5.B.1, Schedule of Uses, subsection 3.g.i.

8. MCMOD Development Plan Approval

- A. Development within the MCMOD shall be subject to Site Plan Review under Section 13

of this Bylaw except as noted under Subsection 9 below.

- B. Pre-Application. The Applicant is encouraged to request an informal pre-Application meeting with the Director of Community and Economic Development before filing an Application with the Town Clerk. The purpose of pre-Application review is to obtain advice and comments from Town staff and verify all applicable submission requirements.
- C. Criteria for Conditional Approval. The Planning Board may impose reasonable conditions on a Development as necessary to ensure compliance with the requirements of this Section 16, or to mitigate any extraordinary adverse impacts of the Development on nearby properties, provided that the Board's conditions do not unduly restrict opportunities for housing development by adding unreasonable costs or by unreasonably impairing the economic feasibility of a proposed Development.
- D. Time Limit. MCMOD Development Plan Approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within three years after the Planning Board issues the decision, excluding time required to adjudicate any appeal from the Planning 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 16.

9. Site Development Standards

- A. Developments in the MCMOD shall conform to the standards in this Section 16 and the following:
 - (1) Section 7, Signs;
 - (2) Section 8, Parking Regulations, except as modified below;
 - (3) Drainage Standards under Subsection 11 of Section 13, Site Plan Review.
- B. Setbacks.
 - (1) No use other than landscaping, sidewalks, multiuse paths, street furniture, seating, and permitted signs shall be permitted in the front yard of any lot.
 - (2) The maximum front setback may be increased by the Planning Board for purposes of amenities such as a courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, or façade offsets, but not for automobile use.
- C. Sidewalks, Internal Walkways, and Landscaping.
 - (1) Sidewalks shall be separated from the road with a 3 foot wide landscaped buffer to protect pedestrians and create a pleasing environment, unless pre-existing conditions make it infeasible or where state jurisdiction supersedes local control. The landscaped buffer shall consist of shade trees placed at appropriate intervals

and other landscaping, and street design elements such as benches, shrub, or grass. Landscaping shall be organized in clusters of plantings rather than in a rigid line along the front of the lot.

- (2) All 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.
- (3) Parking lot aisles and access and interior driveways shall not count as walkways. The Planning Board may require benches, waiting areas, bicycle racks, stroller bays, and other sheltered spaces near building entrances.
- (4) 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.
- (5) Site landscaping shall not block a driver's view of oncoming traffic.
- (6) Compliance with these standards shall be demonstrated in Site Circulation and Landscaping Plans submitted with the MCMOD Development Plan Application.

D. Off-Street Parking. Development in the MCMOD shall comply with Section 8 of this Bylaw and the following additional provisions. Any conflict between Section 8 and this Section 16 shall be resolved in favor of this Section 16.

- (1) The minimum number of off-street parking spaces for a multifamily unit shall be 1.5 spaces per unit.
- (2) 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.
- (3) 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.
- (4) For structured parking that is located partially or entirely under a residential building, the vehicular entry to the parking area shall be subordinate in design and placement to the principal pedestrian entry into the building. For example, vehicle parking that is not underneath the multifamily building but is covered by it shall be effectively shielded from view from the street and sidewalks by any combination of the following methods: fence, trees, or building wall sufficiently articulated to avoid the appearance of a blank wall at the street level.

E. Bicycle Parking. For multifamily developments with 10 or more units, there shall be a

minimum of one covered bicycle storage space per two dwelling units.

F. Buildings.

- (1) In developments with multiple buildings, a paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- (2) The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) (front, side, and rear) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- (3) Building(s) adjacent to a principal access drive shall have a pedestrian entry facing that access drive.
- (4) To encourage clustering of buildings and preservation of open space, no building may be more than 80 feet from the nearest adjacent building unless approved by the Planning Board.

G. Shared outdoor space. Multi-family housing shall have common outdoor space that all residents can access. The outdoor space may be located in any combination of ground floor, courtyard, rooftop, or terrace.

H. Exterior Lighting. Throughout the MCMOD district, the goal of an exterior lighting plan shall be to light sidewalks and walkways, building entrances, and parking areas in a consistent, attractive, safe, and unobtrusive manner that minimizes off-site impacts. To this end, exterior lighting in the MCMOD shall conform to the following standards and shall be in accordance with a lighting plan approved by the Planning Board.

(1) Pedestrian Lighting

- (a) Pedestrian lighting shall complement the character, aesthetic appeal, and safety of a development and promote greater pedestrian activity.
- (b) Pedestrian lighting shall use consistent fixtures, source colors, and illumination levels. To prevent glare and light pollution, developments shall be equipped with downcast or full-cutoff fixtures.
- (c) When pedestrian lighting is used in conjunction with street lighting, the illumination provided by the former shall be distinguishable from the illumination provide by the latter to clearly define the pedestrian path of travel.
- (d) Placement of fixtures shall facilitate uniform light levels and work with the placement of sidewalks, landscaping, signage, building entries, and other features to contribute to the continuity of the streetscape. Where possible, the Planning Board prefers the use of a greater number of low fixtures in a well-organized pattern rather than fewer, taller fixtures.

(2) Parking Areas

- (a) Within parking areas, there shall be a unified system that provides attractive lighting throughout the lot.
- (b) Fixtures shall minimize spill light and glare onto adjacent properties. Fixtures adjacent to residential districts shall direct the light away from residential properties and limit off-site light levels.
- (c) Lighting shall complement the lighting of adjacent streets and properties and shall use consistent fixtures, source colors, and illumination levels. When adjacent to walkways, parking area lighting shall not overpower the quality of pedestrian area lighting.

- I. Waivers. Upon the request of the Applicant, the Planning Board may waive by majority vote the requirements of the Site Development Standards found in this Section 16 in the interests of design flexibility and overall project quality, and upon a finding that the proposed variation is consistent with the overall purpose and objectives of the MCMOD.

10. Planning Board MCMOD Rules and Regulation.

The Planning Board shall adopt reasonable administrative MCMOD Rules and Regulations to implement this Section 16. The Rules and Regulations shall prescribe the form and contents of a complete Application for MCMOD Development Plan Approval, including filing fees and technical review fees under G.L. c. 44, § 53G, as well as any plans, specifications, and reports required for the Applicant to demonstrate Section 16 compliance and compliance with any other applicable provisions of this Bylaw. The Rules and Regulations shall be on file with the Town Clerk.

11. Appeals

Any person aggrieved by the Planning Board's decision may appeal to the Superior Court, the Land Court, or other court of competent jurisdiction within 20 days after the MCMOD Development Plan Approval decision has been filed with the Town Clerk.

12. Modifications to Approved Development Plans

- A. Minor Change. After MCMOD Development Plan Approval, an Applicant may apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout of the site, or provision of open space, number of housing units, or affordable housing. A change of 5 percent or less in the number of housing units in a Development shall constitute a minor change. Minor changes must be submitted to the Planning Board in accordance with the Planning Board's Multifamily Overlay District Rules and Regulations and shall include redlined prints of the Approved Plan. The Planning Board may authorize the proposed changes at any regularly scheduled meeting without the need to hold a public hearing. The Planning Board issue a written decision to approve or deny

the minor changes and provide a copy to the Applicant for filing with the Town Clerk.

- B. Major Change. Changes deemed by the Planning Board to constitute a major change in an Approved Development because of the nature of the change or because the change cannot be appropriately characterized as a minor change under subsection (A) above shall be processed by the Planning Board as a new Application for MCMOD Development Plan Approval under Section 13 of this Bylaw.

SECTION 14: DEFINITIONS.

AFFIRMATIVE FAIR HOUSING MARKETING PLAN – A plan for outreach, advertising, application procedures, and tenant selection for affordable housing units, subject to approval by the Executive Office of Housing and Livable Communities (EOHLC) for the affordable units to be eligible for the Chapter 40B Subsidized Housing Inventory.

AFFORDABLE HOUSING - A dwelling unit that is affordable to and occupied by a Low or Moderate Income Household and meets the requirements for inclusion on the Subsidized Housing Inventory.

AFFORDABLE HOUSING RESTRICTION - A contract, mortgage agreement, deed restriction or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period allowed by law, and be entered into an enforceable under the provisions of G.L. c. 184, §§ 31-33 or other equivalent state law.

AREA MEDIAN INCOME (AMI) - The median income for households within the designated statistical area that includes the Town of Walpole, as reported annually and adjusted for household size by the U.S. Department of Housing and Urban Development for the Boston Standard Metropolitan Statistical Area.

LOW OR MODERATE INCOME - Household income that does not exceed 80 percent of the area median family income, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development (HUD), then in effect.