

SUDBURY SELECT BOARD
 MONDAY NOVEMBER 20, 2023
 7:30 PM, ZOOM

Item #	Time	Action	Item
	7:30 PM		CALL TO ORDER
			Opening remarks by Chair
			Public comments
MISCELLANEOUS			
1.		<i>VOTE</i>	Vote to open a joint meeting with the Planning Board to discuss MBTA Communities.
2.			Continue joint meeting with Planning Board for discussion and review on progress of Master Plan.
3.		<i>VOTE</i>	Vote to close joint meeting with Planning Board and resume Select Board meeting.

These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. Some items may be taken out of order or not be taken up at all. The Chair will strive to honor timed items as best as possible. The Chair reserves the right to accept public comment on any item and may establish time limits.



SUDBURY SELECT BOARD
Monday, November 20, 2023

MISCELLANEOUS (UNTIMED)

1: Joint meeting with Planning Board

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to open a joint meeting with the Planning Board to discuss MBTA Communities.

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

11/20/2023 7:30 PM

MANDATORY MIXED-USE DISTRICTS AND SECTION 3A

In August 2023, the 3A Guidelines were revised to include a path for communities to offset some of their required unit capacity by having a mandatory mixed-use district that meets certain standards, as listed in the new Section 5.c.

What is a mandatory mixed-use district?

A mandatory mixed-use district, referred to as a “mixed use development zoning district” in the 3A Guidelines, is a zoning district where multiple residential units are allowed as of right if, but only if, combined with non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.

Is a mandatory mixed-use district a 3A compliant district?

No, a mandatory mixed-use district is not a 3A compliant district. Section 3A of the Massachusetts Zoning Act (“Chapter 40A”) requires compliant districts to allow multi-family housing as of right. Mixed-use development does not qualify as multi-family housing because of the non-residential uses. However, a mandatory mixed-use district can affect the reasonable size requirement by offsetting a portion of the required multi-family unit capacity.

How is the unit capacity offset calculated?

A community that wants to offset its required unit capacity with a mandatory mixed-use district must calculate an estimate of unit capacity of that district. This calculation is similar to how unit capacity is calculated for 3A compliant districts. The unit capacity of the mandatory mixed-use district can be subtracted from the required unit capacity to offset up to 25% of the required multi-family unit capacity.

For example, a community's required unit capacity is 100 units. The community has a mandatory mixed-use district that meets the standards in Section 5.c. Using the compliance model, the community calculates that the unit capacity of the mandatory-mixed use district is 25 units.

The community is able to offset its minimum unit capacity by up to 25 units, which is 25% of their requirement. To achieve compliance, the 3A compliant multi-family zoning district must show a unit capacity of 75 units. Together, the mandatory mixed-use and the multi-family districts demonstrate a unit capacity of 100 units.

STANDARDS FOR MANDATORY MIXED-USE DISTRICTS

In order for a mandatory mixed-use district to be eligible to offset the required unit capacity, the district must meet the following standards:

- (i) *the mixed-use development zoning district is in an eligible location where existing village-style or downtown development is essential to preserve pedestrian access to amenities;*
- (ii) *there are no age restrictions or limits on unit size, number of bedrooms, bedroom size or number of occupants and the residential units permitted are suitable for families with children;*
- (iii) *mixed-used development in the district is allowed "as of right" as that phrase has been interpreted by EOHLC (for example, in section 4(c) with respect to affordability requirements);*
- (iv) *the requirement for non-residential uses is limited to the ground floor of buildings, and in no case represents a requirement that more than thirty-three percent of the floor area of a building, lot, or project must be for non-residential uses;*
- (v) *the requirement for non-residential uses does not preclude a minimum of three residential dwelling units per lot;*
- (vi) *the requirement for non-residential uses allows a broad mix of non-residential uses as-of-right in keeping with the nature of the area; and*
- (vii) *there are no minimum parking requirements associated with the non-residential uses allowed as of right.*

Mandatory Mixed-Use District Location – Additional Requirements

A community must submit a short online application that the mixed-use development zoning district meets the requirements of subparagraph (i). This request must be submitted at least 90 days prior to the vote of the MBTA community's legislative body to guarantee a response in time. EOHLC staff will work closely with communities under tighter deadlines to expedite this review.

The district location must be where existing village-style or downtown development is essential to preserve pedestrian access to amenities. In addition, the location must meet the definition of "eligible location" per MGL c. 40A section 1A:

"areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed-use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts."

AS OF RIGHT ZONING

What does “as of right” mean?

Section 3A requires that “An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right.”

“As of right” means development may proceed in that district under a zoning ordinance or by-law without the need for a discretionary process such as a special permit, variance, zoning amendment or other discretionary zoning approval. While on its face as of right may seem like a straightforward concept, there are many nuances to consider, and the Executive Office of Housing and Livable Communities (EOHLC) will review submitted zoning text to determine whether zoning provisions allow for multi-family housing as of right.

Why is allowing multi-family housing as of right important?

In many cities and towns, when multi-family housing is allowed it is often subject to an expensive, unpredictable, and time-consuming review process. Special permits are discretionary and can require multiple public hearings, resulting in additional requirements for the project proponents. The time and materials needed to attain a special permit, variance or zoning amendment increases the cost of development, and these costs are passed on to buyers and renters.

By requiring multi-family housing to be allowed as of right, Section 3A removes some of the zoning barriers to multi-family housing development. Other barriers may remain, however zoning restrictions may cease to be the limiting factor for new housing in 3A compliant districts.

Does as of right zoning allow site plan review?

The Zoning Act (MGL c40A) does not establish nor recognize site plan review as an independent method of regulating land use. However, Massachusetts courts have recognized site plan review as a permissible regulatory tool, including for uses that are permitted as of right. These court decisions establish that when site plan review is required for a use permitted as of right, site plan review involves the regulation of a use and not its outright prohibition. The scope of review is therefore limited to imposing reasonable terms and conditions on the proposed use, consistent with applicable case law.

The 3A Guidelines similarly recognize that site plan review may be required for multifamily housing projects that are allowed as of right, within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed as of right and complies with applicable dimensional regulations.

SECTION 3A/MBTA COMMUNITIES ZONING IMPLEMENTATION FACT SHEET

WHAT ARE THE BASIC REQUIREMENTS OF SECTION 3A COMPLIANCE?

Section 3A of the Massachusetts Zoning Act ("Chapter 40A"), together with the [Section 3A Guidelines](#), provides multi-family zoning standards for MBTA Communities. The law lays out the basic requirements, and the Guidelines describe how those requirements are defined and measured.

Requirement: A compliant district must...	How compliance is determined	Where to find more information
<i>Allow multi-family housing "as of right"</i>	EOHLC will review local zoning to determine compliance.	3A Guidelines section 4
<i>Be "of reasonable size"</i>	Reasonable size is measured through a GIS map of the district and inputs to the Compliance Model demonstrating unit capacity and land area.	3A Guidelines section 5
<i>Have a minimum gross density of 15 units per acre</i>	Gross density is calculated based on inputs to the Compliance Model	3A Guidelines section 6
<i>Be without age restrictions and be suitable for families with children</i>	EOHLC will review local zoning to determine compliance	3A Guidelines section 7
<i>Be located near transit, if applicable</i>	Location requirements are measured using a map of the district. Adjacent communities do not have a location requirement.	3A Guidelines section 8

So you think you are in compliance....what next?

When a community believes it has a multi-family zoning district that complies with Section 3A, it should apply for a [determination of district compliance](#) from the Executive Office of Housing and Livable Communities (EOHLC). Applications may be made for a multi-family zoning district that was in existence on the date that Section 3A became law, January 14, 2021, or for a multi-family zoning district that was created or amended after the enactment of Section 3A.

Upon reviewing a complete application, EOHLC will provide the MBTA community a written determination either stating that the existing multi-family zoning district complies with Section 3A, or identifying the reasons why the multi-family zoning district fails to comply with Section 3A and the steps that must be taken to achieve compliance.

An MBTA community that has achieved interim compliance prior to requesting a determination of district compliance shall remain in interim compliance for the period during which a complete application for determination of district compliance is pending at EOHLC.

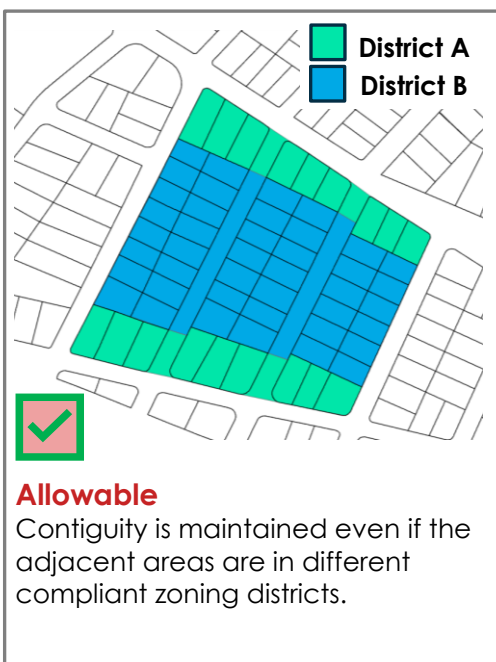
SECTION 3A REASONABLE SIZE REQUIREMENT: CONTIGUITY

Compliance with Section 3A can be achieved with multiple districts, or multiple areas of the same district. However, there are contiguity standards that must be met, in order to ensure that the compliant district(s) exist on a neighborhood scale. Section 5 of the Guidelines has Reasonable Size requirements including contiguity, and Section 8 has Location requirements.

50% of the total district area must be contiguous

(this is not the same as 50% of the minimum land area).

Graphics courtesy of Mass Housing Partnership



CONTIGUITY: ADDITIONAL CONSIDERATIONS

Why contiguity?

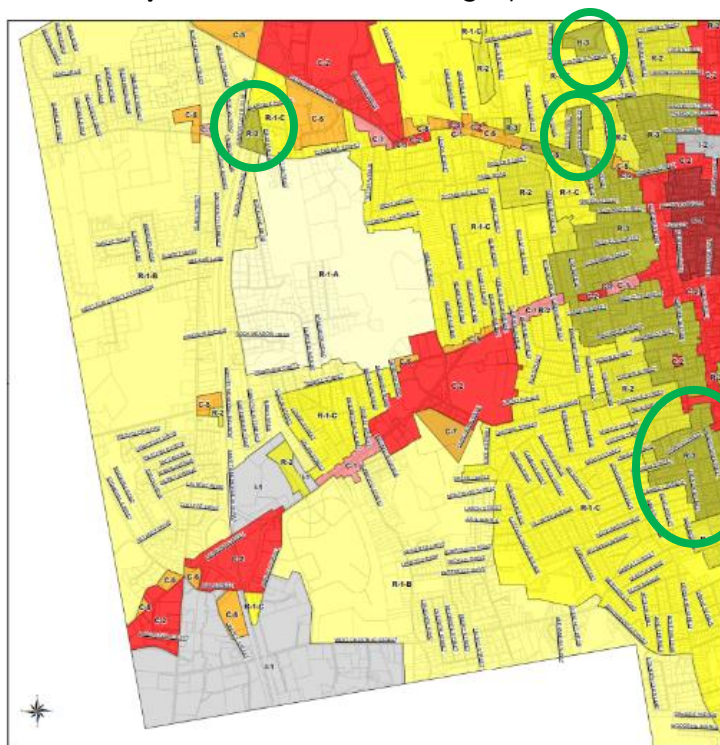
The inclusion of a contiguity requirement is designed to encourage neighborhood scale districts, and to avoid isolated developments or spot zoning. Spot zoning can occur when one lot is singled out for different treatment under zoning from other similar surrounding land. It is sometimes easier to identify individual lots where multi-family housing may be appropriate, however it is important to use good planning practices to evaluate a zoning district more broadly. By planning a zoning district on a neighborhood scale, a community has the opportunity to consider how multi-family housing will integrate into the fabric of the community.

The five-acre minimum

If a district has multiple locations, there is a **5-acre minimum district land area** in order to contribute towards the reasonable size requirement. This does not mean each parcel needs to be 5 acres. Instead it requires that each part of the district, which can be many or few parcels, be no less than five acres.

This allows the district to be located in multiple locations and creates flexibility for the compliant districts to meet the needs of the community. This requirement also helps create neighborhoods, not just "project sites," which also helps avoid spot zoning.

One exception to this rule is if a municipality can meet its entire unit capacity in less than 5 acres, then the entire district must be contiguous. This exception applies to communities in the adjacent small town category, which has no minimum land area requirement.



In this example, the circled areas are all subdistricts of the same zoning district.

Each subdistrict must be at least 5 acres to contribute to the reasonable size requirement.

The four subdistricts are not contiguous, but as long as one subdistrict is at least 50% of the total district area, this may satisfy the contiguity requirement.

GROSS DENSITY

What is gross density?

In Section 3A, gross density is defined as a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses. Section 3A requires that compliant zoning district(s) allow a minimum gross density of 15 units per acre.

How does a municipality show that the 3A compliant district(s) meet the gross density requirement?

The Compliance Model is a tool that communities must use to determine the gross density of the multi-family district(s). The Compliance Model calculates the district area and summarizes zoning restrictions to derive an estimate the number of units that are allowed on each parcel, which is unit capacity. Using the unit capacity and the area of the district, the Compliance Model can then calculate gross density. The Compliance Model ensures that the gross density and unit capacity accurately considers the zoning restrictions in the district.

How does gross density work across multiple districts/subdistricts?

Many communities will comply with Section 3A by mapping multiple zoning districts or subdistricts. The overall gross density of all districts/subdistricts used to comply with Section 3A must be at least 15 units per acre. This means that some subdistricts may have a gross density of less than 15 units per acre, and some subdistricts may have a greater gross density.

How is gross density different from other ways housing density is measured?

Housing density can be measured in a few different ways. Often, housing density is discussed in terms of one lot or development site, for example how many units a particular site allows, which is referred to as net density. However, gross density differs from this approach because it includes all of the land in the district such as public rights-of-way. Gross density is a way to measure density on a district-wide basis, instead of at the parcel level. Another way density can be described is floor-to-area ratio (FAR). Many communities already have FAR requirements in their zoning. FAR controls how intensely a site can be developed, by restricting a building's floor area in relation to the size of the lot. A district can include FAR requirements and still meet the gross density requirement of Section 3A.

Net density measures how many units a particular site allows. The density of each parcel would be measured individually:



Gross density measures how many units a particular district allows. The density of the district would be measured inclusive of rights of ways:




SECTION 3A/MBTA COMMUNITIES ZONING IMPLEMENTATION FACT SHEET

HOW IS REASONABLE SIZE DEFINED?

Section 3A of the Zoning Act (MGL c40A) states that “An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right.” Section 5 of the 3A Guidelines provides that reasonable size is measured in two ways.

One way reasonable size is defined is the minimum land area. Most communities have a minimum required land area of 50 acres, and specific land area requirements by municipality can be found [here](#).


How big is 50 acres?



Fifty acres is 1/10 of area within the ½ mile radius around a transit station, which is called the **transit station area**.

%

Fifty acres is a small fraction of a community's total land area. In fact, when all of the minimum land area requirements are combined, the total area is less than 1% of developable land area in the MBTA communities.



It takes approximately 20 minutes to walk the perimeter of 50 acres

Reasonable size is also defined through unit capacity, which is a measure of the number of multi-family units that zoning allows in the district. Although some multi-family units may already exist, unit capacity for any given lot may be higher or lower than existing development on a site, depending on what number of units are allowed in the zoning. Learn about what unit capacity is and how a community's unit capacity requirement is determined on the fact sheet “What is Unit Capacity?”

HOW IS REASONABLE SIZE MEASURED?

A community must use the [Compliance Model](#) to determine if its district(s) meet reasonable size requirements.

Minimum land area

The map-based portion of the Compliance Model is used to determine the area of the district(s). Some types of land are excluded from the land area measurement, so the Compliance Model must be used to measure area.

Unit capacity

The Excel-based portion of the Compliance Model is used to determine the unit capacity of the district(s). The Compliance Model takes the zoning requirements into account, as well as other factors such as lot size, parking requirements, excluded land and open space requirements.

More information on how to use the Compliance Model is available in the [Compliance Model User Guide](#) on the MBTA Communities webpage.

WHAT IS UNIT CAPACITY?

For Section 3A, “Unit capacity” is a measure of the number of multi-family units that zoning allows as of right based on the capacity of the lots in the district. Although some units may already exist, unit capacity for any given lot may be higher or lower than existing development on the site. Unit capacity is one of the factors that is used to determine if a zoning district is a reasonable size.

The Compliance Model must be used to evaluate unit capacity. The Compliance Model takes the zoning requirements into account, as well as other factors such as lot size, parking requirements, excluded land and open space requirements.

The unit capacity of each lot is measured as if that lot was undeveloped:

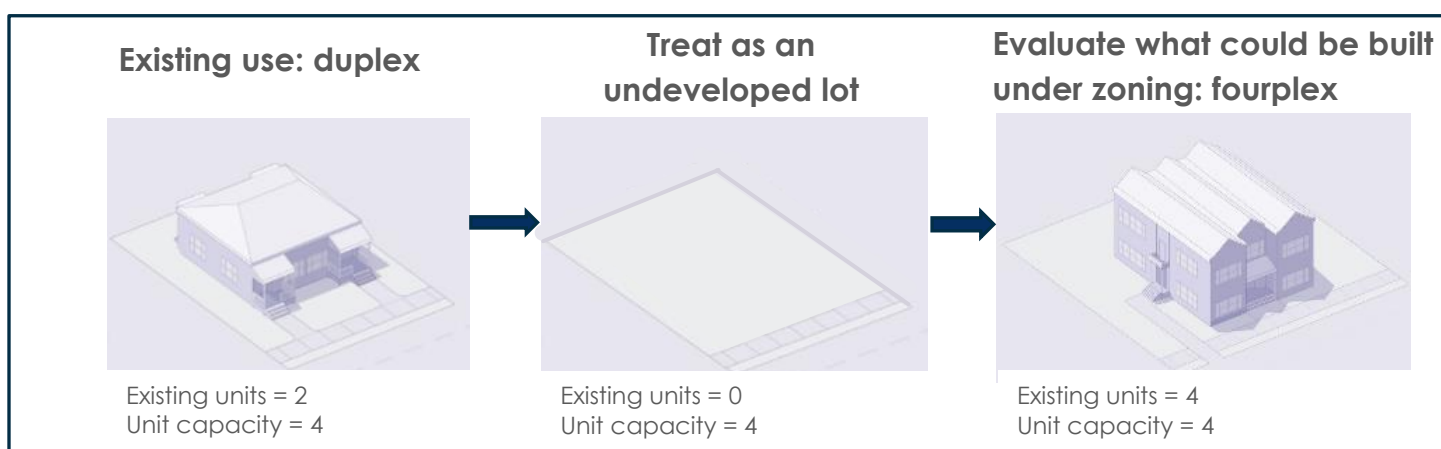


Image source: Desegregate CT, Zoning Dictionary: <https://www.desegregatect.org/definitions>

HOW IS A COMMUNITY'S UNIT CAPACITY REQUIREMENT DETERMINED?

A community's unit capacity is expressed as percentage of its 2020 Housing Stock, which is the number of total housing units in each MBTA community as determined by the most recently published United States Decennial Census of Population and Housing. In some cases, adjustments to the unit capacity requirement are then made to reflect certain local conditions.

Each community category has a different percentage to find the unit capacity requirement:

Category	Percentage of total housing units
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%

A community's unit capacity requirement can be found [here](#).

More information about unit capacity can be found [here](#).

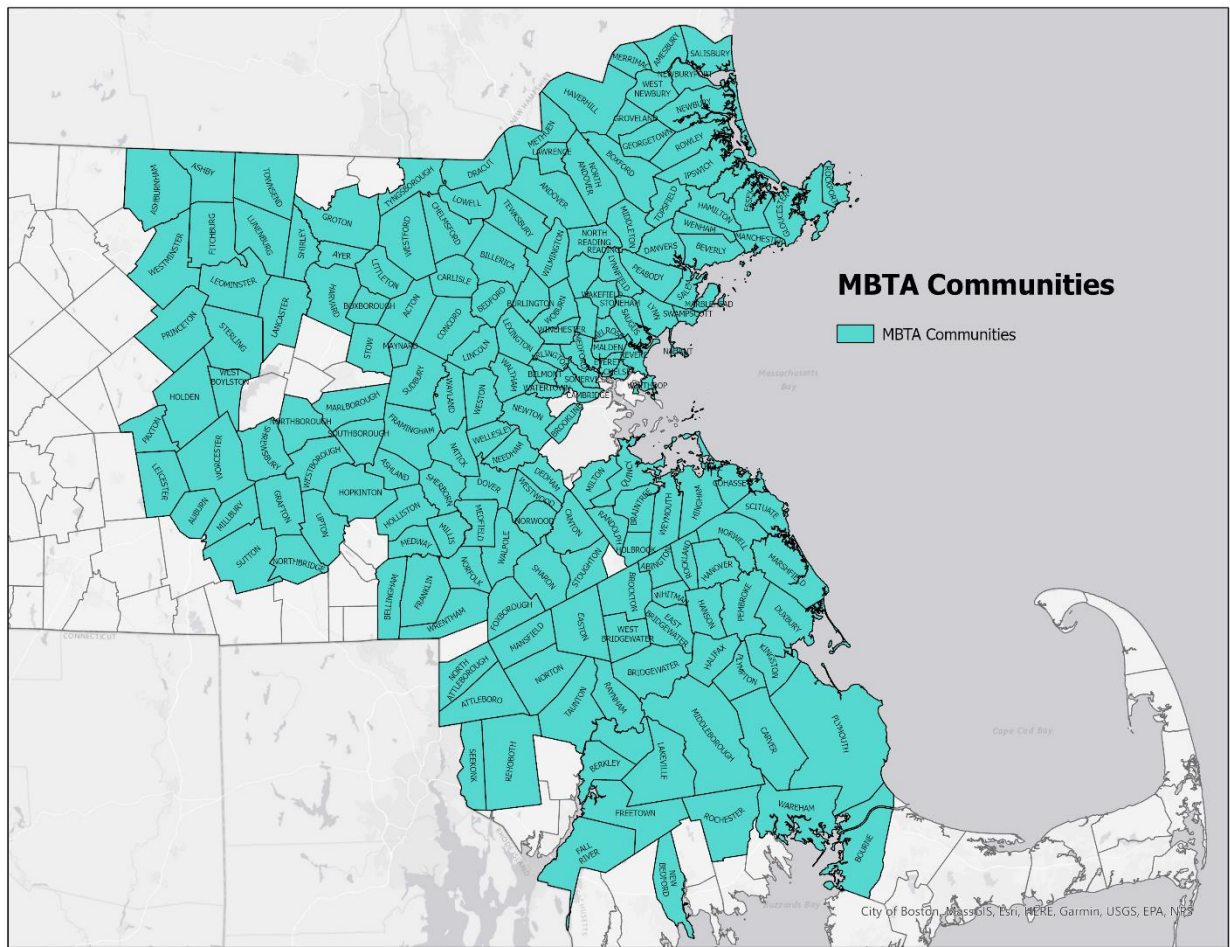
SECTION 3A/MBTA COMMUNITIES ZONING IMPLEMENTATION FACT SHEET

WHAT IS AN MBTA COMMUNITY?

Section 3A of the Massachusetts Zoning Act ("Chapter 40A"), together with the [Section 3A Guidelines](#), provides multi-family zoning requirements for MBTA Communities. Chapter 40A defines an "MBTA Community" in Section 1A as the following:

"MBTA community", a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

This definition yields 177 communities in Massachusetts:



Attachment 1.a: MBTA communities (6023 : Joint meeting with Planning Board)

**Details about the Economic Feasibility Analysis for compliance with Section 4.b. of the
Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act
(Compliance Guidelines)**

1. What is “inclusionary zoning”?

Inclusionary zoning refers to a zoning ordinance or bylaw that allows residential development, but only if a proposed project includes a specified number or percentage of units that are restricted for occupancy by individuals or families with incomes below a specified level, usually a percentage of the area median income. If the units are to be sold to homeowners, the initial sales price is capped, and the unit resale price is also capped. If the units are to be rented to tenants, the rents are capped. The affordable units may not generate sufficient revenue to cover their costs, so inclusionary zoning will lead to new housing production only if the market-rate units in project can effectively subsidize the development of the affordable units. Inclusionary zoning often requires a special permit or other discretionary permit from a local board, which imposes conditions related to the number of affordable units and appurtenant recorded use restrictions and monitoring obligations.

2. How do the Compliance Guidelines reconcile inclusionary zoning requirements with the law’s requirement that multi-family housing be allowed as of right?

Since inclusionary zoning already exists in many MBTA communities, and because these communities have identified significant local needs to produce affordable units that are consistent with the overall goals of Section 3A of the Zoning Act, the Compliance Guidelines make allowance for zoning that requires some affordable units. Specifically, Section 4.b. of the Compliance Guidelines provide that:

- For purposes of making compliance determinations with Section 3A, EOHLC will consider an affordability requirement to be consistent with as of right zoning as long as the zoning requires not more than 10 percent of the units in a project to be affordable units, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income, the “Affordability Baseline”.
- Notwithstanding the foregoing, EOHLC may, in its discretion, approve a greater percentage of affordable units, or deeper affordability for some or all of the affordable units, in either of the following circumstances:
 - The affordability requirements applicable in the multi-family zoning district are reviewed and approved by EOHLC as part of a smart growth district under chapter 40R, or under another zoning incentive program administered by EOHLC; or
 - The affordability requirements applicable in the multi-family zoning district are supported by an economic feasibility analysis, prepared for the municipality by a qualified and independent third party. The analysis must demonstrate that a reasonable variety of multi-family housing types can be feasibly developed at the proposed affordability levels, taking into account the densities allowed as of right in the district, the dimensional requirements applicable within the district, and the minimum number of parking spaces required.
- In no case will EOHLC approve alternative affordability requirements that require more than 20 percent of the units in a project to be affordable units, **except** in a smart growth zoning district under chapter 40R with a 25 percent affordability requirement approved and adopted prior to

the August 8, 2023, issuance of the Compliance Guidelines, including any such existing district that is expanded or amended to comply with the Compliance Guidelines

The following table sets forth when inclusionary zoning is presumed to be compliant with the Compliance Guidelines. In all cases, the interaction between the inclusionary zoning requirements, the use and dimensional zoning regulations, and the existing parcel configurations and development in the district designated for compliance with Section 3A will be reviewed to ensure that the nominal inclusionary zoning requirements are consistent with the effective requirements for developing multifamily housing in the district.

TABLE 1: Basic Requirements for inclusionary zoning permissibility in zoning districts designated for compliance with Section 3A

Percent units per project to be restricted as affordable	Maximum percentage of Area Median Income (AMI) threshold for households to be eligible to buy or rent units	Compliant with Section 3A
Less than or equal to 10%	Greater than ¹ or equal to 80 %	Yes
Less than or equal to 10%	Less than 80%	At EOHLC discretion, subject to Economic Feasibility Analysis
Greater than 10% and less than or equal to 20% of units outside of approved EOHLC program such as UCH-TIF or c. 40R	Any	At EOHLC discretion, subject to Economic Feasibility Analysis
Greater than 10%, and less than or equal to 20% of units in an approved EOHLC program such as UCH-TIF or c. 40R	Any	At EOHLC discretion, taking into account any requirements of the applicable EOHLC program
Up to 25% units in a 40R district approved and adopted prior to 8/10/2022	Any	At EOHLC discretion.

¹ Nothing in the Compliance Guidelines affects eligibility for units to be listed on the Subsidized Housing Inventory (SHI) under c. 40B. However, units for which households with incomes greater than 80% of Area Median Income are eligible to rent or buy are not eligible for inclusion on the SHI

Inclusionary zoning may be more complicated than the scenarios set forth in Table 1. For additional direction on a particular bylaw or ordinance, please contact program staff at DHCD3A@mass.gov.

3. Does every MBTA community with inclusionary zoning requirements need to complete an Economic Feasibility Analysis?

No. An MBTA community can incorporate an inclusionary zoning requirement into a compliant zoning district as long as it is consistent with the Affordability Baseline. If the zoning district has an existing inclusionary requirement that exceeds the Affordability Baseline, and the zoning is amended to conform to the Affordability Baseline then no Economic Feasibility Analysis is needed.

4. Why do MBTA communities with inclusionary zoning that requires more than 10% of units in a project and/or requires affordability at less than 80% of Area Median Income (AMI) need to complete an economic feasibility analysis?

The purpose of an economic feasibility analysis is to demonstrate that a reasonable variety of multi-family housing types can be feasibly developed at the proposed affordability levels, taking into account the densities allowed as of right in the district, the dimensional requirements applicable within the district, and the minimum number of parking spaces required. EOHLC requires such a demonstration because it would be inconsistent with the intent of the law to issue a determination of compliance for a zoning district in which multi-family housing is purportedly allowed as of right, but production of new multi-family housing is unlikely to occur, or is likely to be unreasonably limited, because of inclusionary zoning requirements.

5. Who must complete an economic feasibility analysis?

In general, an MBTA community must complete an economic feasibility analysis if it is proposing a zoning district with inclusionary zoning requirements that exceed the Affordability Baseline (*i.e.*, **MORE THAN** 10% of the units in a project to be restricted as affordable and/or requires that those units be affordable to households earning **LESS THAN** 80% of Area Median Income). Please see Table 1, and review Section 4b of the Compliance Guidelines for exceptions to this general rule.

6. When must the economic feasibility analysis be submitted?

The economic feasibility analysis must be submitted as part of the district compliance application. Additionally, EOHLC offers a “pre-adoption review”, upon request, in accordance with Section 9.b. of the Compliance Guidelines. In a pre-adoption review, the text of the inclusionary zoning is reviewed together with all the other elements required for determining district compliance.

7. What does an economic feasibility analysis have to contain?

Please refer to the *Economic Feasibility Analysis Instructions*.

8. What do we do if our inclusionary zoning has a range of requirements depending on project tenure (rent or ownership) and/or a range of affordability standards and % required?

If the inclusionary zoning imposes any requirements that apply to the district designated for compliance with Section 3A that exceed the Affordability Baseline, then an economic feasibility analysis is required.

9. Can a Regional Planning Agency serve as the “qualified and independent third party”?

Yes.

10. Can an economic feasibility analysis be submitted that was conducted 5 years ago? How long is an analysis good for?

EOHLC will accept an analysis that was conducted up to 5 years prior to the date of submission. However, the analysis must be applicable to the zoning in the district designated for compliance with Section 3A. A prior analysis may be revised to analyze new zoning requirements that may be part of a district submitted for compliance with Section 3A.

11. What standards will EOHLC use to review and approve Economic Feasibility Analyses?

The following criteria will be used to determine if an economic feasibility analysis is approvable:

1. The analysis demonstrates that it allows for a reasonable variety of multi-family housing to be economically feasible, at the proposed affordability levels, considering:
 - a. the densities allowed as of right in the district; and
 - b. the dimensional requirements applicable within the district; and
 - c. the minimum number of parking spaces required; and
 - d. The existing configuration of parcels and residential development in the district, and how the zoning interacts with those existing conditions; and
 - e. If applicable, examples of prior development of multi-family housing under existing inclusionary zoning requirements and in zoning districts comparable to the district designated for compliance with Section 3A.;
2. EOHLC review of the inclusionary zoning text, zoning district text, and the completed Compliance Model shows the proposed requirements can meet the criteria above for development of the specific varieties of multi-family housing that the zoning permits as of right. Please note, the text of the inclusionary zoning bylaw/ordinance will be reviewed together with all required elements for district compliance as each of these elements work together as a package in relationship to the feasibility of inclusionary zoning requirements.

12. What Technical Assistance/funding programs are available to help municipalities complete an economic feasibility analysis? Is there a standard scope of work we can use to procure a consultant?

The following Technical Assistance resources are available for assistance to develop an economic feasibility analysis:

EOHLC grant programs available through the Community One Stop:

- Community Planning Grants - On Tuesday 5/9/2023, the Healey-Driscoll Administration announced the availability of additional funding for municipalities across the Commonwealth to support community planning and engagement efforts geared towards increasing the production of housing. Section 3A Economic Feasibility Analyses and other compliance activities are eligible for this funding. Applications are available through the Community One Stop for Growth program, which is **open through June 2, 2023**, at www.mass.gov/onestop. These "early action" grants will be announced in mid-June and municipalities must be able to execute a contract by

June 30, 2023. This funding opportunity is a chance to secure funding for completing an economic feasibility analysis with a start date of July 1, 2023. Get more information about this opportunity at: <https://www.mass.gov/how-to/community-planning-grant-program>

- Housing Choice Community Grants (available for municipalities designated as Housing Choice Communities)
- Rural and Small Town Development Fund (available for municipalities less than 7,000 population or less than 500 persons per square mile)

Additional technical assistance from regional planning agencies and other organizations is also available, more information is available [here](#).



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Attachment 1.a: MBTA communities (6023 : Joint meeting with Planning Board)

Introduction

This document contains Sample Zoning for MBTA communities that are working towards compliance with Section 3A of the Zoning Act (Section 3A) and the *Compliance Guidelines for Multi-family Zoning District Under 3A of the Zoning Act*, issued by the Department of Housing and Community Development on August 10, 2022, as revised and/or amended (the Compliance Guidelines) at <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities#section-3a-guidelines->.

This Sample Zoning has three purposes:

1. To provide recommended provisions for an overlay zoning district that allows multi-family as an as of right use, consistent with Section 3A.
2. To help communities evaluate the requirements of existing zoning districts to understand how the existing districts might be modified to address compliance with Section 3A and the Compliance Guidelines.
3. As a companion to the Compliance Model, to help communities test existing or proposed zoning for compliance with Section 3A and the Compliance Guidelines.

This document is broken into three sections.

1. This brief introduction.
2. The Sample Zoning, with commentary in shaded text boxes.
3. Appendices that provide more detail about specific elements of the Sample Zoning. Some appendices contain additional resources.

Sample Zoning and Commentary

The Sample Zoning can be used as a stand-alone bylaw or ordinance that can be added to a community's Zoning. If the community is adopting a new base zoning district, the Sample Zoning can be adopted with appropriate modifications to remove references to it as an overlay district. In addition, if the community is amending an existing zoning district, many of the recommended provisions of the Sample Zoning will be useful for incorporation into the existing zoning.

The Sample Zoning is intended to include all the elements of a compliant zoning district, but *the Sample Zoning should not be adopted without modifications that tailor it the needs of the community adopting it or without modifications to the community's existing zoning to avoid inconsistencies.* The commentary provides guidance for those modifications and more information about the language within the sections.

The commentary for **Section [x] E. Dimensional Standards** specifically ties this Sample Zoning to the zoning parameters in the checklist portion of the Compliance Model, which may be of assistance to communities as they work towards demonstrating compliance with the Compliance Guidelines.

Optional Text

Text between brackets – [sample text] – indicates optional text that may be tailored to a community’s specific needs. Often the commentary contains an explanation for the brackets and may provide sample text as an example for a community to consider.

Appendices

Certain topics require a more detailed level of commentary. The Appendices provide additional context and guidance for certain components of the Sample Zoning. Many of the topics are components of existing zoning but communities will need to evaluate specific components or circumstances related to Section 3A before incorporating them into their new zoning bylaw or ordinance.

Review with Counsel

Municipalities are strongly encouraged to discuss draft zoning with municipal counsel before submission to EOHLC for preliminary review and/or before adoption to review for and resolve any potential inconsistencies between the proposed zoning, existing zoning, and Chapter 40A, Sections 1A and 3A.

Questions

If you have any questions about this Sample Zoning or its commentary, please email EOHLC at DHCD3A@mass.gov. The main webpage is: <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>.

Comments on A. PURPOSE

The Executive Office of Housing and Livable Communities (EOHLC) provides information on Section 3A and all the resources to help communities evaluate their districts for compliance at <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>.

Tailoring the Statement of Purpose

The following list is provided as an example of statements that could be included in this section:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
2. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services within a half-mile of a transit station.
3. Locate housing within walking distance of public transit [and downtowns or town centers] to promote general public health, reduce the number of vehicular miles travelled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality.
4. Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.
5. Support public investment in public transit and pedestrian- and bike-friendly infrastructure.
6. Increase the municipal tax base through private investment in new residential developments.

The listed purposes are suggestions only. Some may not apply to a specific municipality, for example an adjacent community or adjacent small town with a district that is not within a half-mile of a transit station may want to reword example 2 above. Each community should edit this purpose as needed to reflect the intention and location of the specific district under consideration and add additional purposes relevant to its own needs and aspirations for this district.

Comments on A. PURPOSE (continued)

Voting Threshold

M.G.L Chapter 40A Section 5 allows a simple majority of the relevant legislative body to adopt an amendment to a zoning ordinance or bylaw to allow multi-family housing as of right in an eligible location.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40A/Section5>

For information about simple majority voting and other reforms to MGL c. 40A see this site: <https://www.mass.gov/info-details/housing-choice-legislation>.

If municipalities are considering drafting a zoning amendment that will require a simple majority vote, review the guidance document (last updated May 20, 2021). The first question in the document identifies the types of amendments that can be enacted with a simple majority vote.

If the municipality has questions about whether an amendment affects an eligible location, EOHD can provide an advisory opinion about the eligible location, and the link to submit a request is on the same webpage noted above. Remember that a proposed amendment cannot combine a change that requires a simple majority vote with a change that requires a two-thirds majority vote.

Municipalities may also want to review the opinion issued by the Attorney General's Office for case #10614 on November 29, 2022, for the Town of Westwood as it addresses Section 5. The opinion is available on the AGO's Municipal Law Unit Decision Lookup:

<https://massago.hylandcloud.com/203publicaccess/mlu.htm>

Municipalities are also encouraged to review the required quantum of vote with municipal counsel in advance of legislative action as Municipal Counsel may be called upon by the legislative body to render an opinion on this issue during the proceedings of the legislative body.

Section [x]: MBTA Communities Multi-family Overlay District**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). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. [Add one or more purposes.]

Comments on B. ESTABLISHMENT AND APPLICABILITY

Establishment

Municipalities adopting this Sample Zoning will need to take two actions:

1. Adopt this Sample Zoning, as amended for the needs of the community, as an amendment to the existing Zoning (bylaw or ordinance, as appropriate).
2. Amend the zoning map to identify the boundaries of the overlay district and any sub-districts within the overlay district. An amendment to the zoning map is required whether the amendment is the creation of a new district or overlay district. If the municipality is amending an existing zoning district and changing the boundaries, the map must be amended to show the amended district boundaries.

The same process and voting threshold apply for both the amendment to the Zoning and the amendment to the zoning map.

Applicability and Other Zoning Districts

Municipalities may have other overlay districts that will overlap with the MCMOD. Such districts may require other approvals for certain actions, such as building within a flood plain or a demolition delay by-law or ordinance. These requirements should be evaluated to determine if the criteria for approval are clear and objective in their application to building multi-family housing. **Section [x] B.1.** may need to be modified to address those districts. Where the requirements of an overlapping district are not compatible with the purposes of the MCMOD, the boundaries of the overlapping district may need to be modified to eliminate the overlap. Municipalities that are unsure about the implications of the overlap should discuss options with DHCD.

Municipalities should also check other sections of their Zoning and other Town by-laws/ City Ordinances, or permit approval processes for restrictions, including any dwelling unit limitations placed on affordable housing and the application process for building permits. The Zoning may need to be amended to make these restrictions inapplicable in the MCMOD.

Sub-districts

The establishment of sub-districts in an MCMOD is optional. Sub-districts are a way to encourage or require different housing types and densities in different areas of the MCMOD. If the MCMOD contains sub-districts, please add any applicable information here and replace the names of the sample sub-districts with the relevant name(s). See **Appendix A. Sub-districts** for more information about sub-districts.

B. Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately __ 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 Section [x].
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/Ordinance] 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 Section [x] 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: [Name of one or more sub-districts].]

Comments on C. DEFINITIONS

Municipalities should review the existing definitions in their Zoning and add or amend as needed to ensure consistency in the use of defined terms. A word or term that has an existing definition in the zoning bylaw or ordinance should not be given a different meaning in the MCMOD. An existing definition may need to be modified to for the MCMOD to be compliance with Section 3A.

Not every community will need all of the definitions set forth in the Sample Zoning. For example, communities that do not have requirements for structured parking do not need a definition of structured parking.

Notes on the Definitions

Affordable unit and Affordable housing. See **Appendix B. Affordable Housing** for more information. Note that Affordable units may be, but are not required to be, eligible for inclusion on DHCD's Subsidized Housing Inventory. No Affordable Unit shall be counted on the Subsidized Housing Inventory unless it satisfies the requirements for inclusion under 760 CMR 56.03(2) or any other regulation or guidance issued by DHCD.

C. Definitions.

For purposes of this Section[x], the following definitions shall apply.

1. **Affordable unit.** A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.
2. **Affordable housing.** Housing that contains Affordable Units as defined by this Section [x].
3. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
4. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the [City] [Town] of _____, as defined by the U.S. Department of Housing and Urban Development (HUD).
5. **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.
6. **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.
7. **Compliance Guidelines.** *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.
8. **DHCD.** The Massachusetts Department of Housing and Community Development, or any successor agency.
9. **Development standards.** Provisions of **Section [x] G. General Development Standards** made applicable to projects within the MCMOD.
10. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities, DHCD's successor agency.
11. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
12. **MBTA.** Massachusetts Bay Transportation Authority.
13. **Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including, commercial, institutional, industrial, or other uses.
14. **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.
15. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.

16. **Open space.** Contiguous undeveloped land within a parcel boundary.
17. **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.
18. **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.
19. **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.
20. **Section 3A.** Section 3A of the Zoning Act.
21. **Site plan review authority.** [Identify the municipal board, council, or committee responsible for Site plan review.]
22. **Special permit granting authority.** The Special Permit Granting Authority shall include the [board of selectmen / select board], city council, board of appeals, planning board, or zoning administrators as designated by the Zoning for the issuance of special permits.
23. **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.
24. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.
25. **Transit station.** An MBTA subway station, commuter rail station, or ferry terminal.
- a. **Commuter rail station.** Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.
 - b. **Ferry terminal.** The location where passengers embark and disembark from regular, year-round MBTA ferry service.
 - c. **Subway station.** Any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line.

Comments on D. PERMITTED USES

Uses Permitted As of Right

Multi-family Housing

Multi-family housing must be allowed as of right in the MCMOD. The MCMOD may encourage or require particular building types or densities in the MCMOD, or sub-districts within the MCMOD, based on the Multi-family Building Type definitions a community chooses to add.

The following restrictions on multi-family development are not allowed: restrictions on the minimum age of residents and limitations on the size of the units, the number of bedrooms, the size of bedrooms, and the number of occupants. A community may require affordable housing units consistent with the Compliance Guidelines. See **Appendix B. Affordable Housing** for information about affordability restrictions in a MCMOD.

Mixed-use Development

Mixed-use development may be allowed as of right in the MCMOD. Communities should remember that the Zoning Act defines mixed-use development as having a mix of uses with a residential component. **Communities are encouraged to consider allowing mixed-use development** as of right in the MCMOD especially when the MCMOD is located near a transit station or an existing downtown or village center. See **Appendix D. Special Permits** for more information about including mixed-use development and other land uses in the MCMOD.

Non-residential Uses

Uses that are not multi-family uses may also be added in this section depending on the other municipal goals for this zoning overlay. Other such uses could include places of employment, neighborhood-type retail and services, home occupation, and other uses appropriate for this area. If other uses are considered, see note above under **Section [x] A. Purpose** about the required threshold of vote to adopt the district.

Remember to add the definitions of additional uses to **Section [x] C. Definitions** if those uses are not already defined in the current Zoning.

Uses Permitted by Special Permit

Municipalities may consider allowing additional uses in the MCMOD by special permit. For guidance on which uses could require a special permit, instead of being allowed as of right, see **Appendix D. Special Permit**.

Comments on D. PERMITTED USES (continued)**Accessory Uses**

Communities should consider allowing accessory uses appropriate to a multi-family housing setting as of right in the MCMOD. Examples of appropriate as of right accessory uses may include professional office, studio or home occupation with no employees and who do not have regular clients/customers come to the office. Accessory uses with employees/regular clients, or which generate noise (e.g. music lessons) may require a special permit or may be prohibited.

The municipality's review of accessory uses that are necessary to a multi-family use cannot require a higher standard than the principal use in this MCMOD. For example, if the municipality states that parking is an accessory use, that use cannot require a special permit for parking serving a multi-family building which is allowed by right.

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. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists’ studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

- 2. **[Uses Permitted by Special Permit.** The following uses [and accessory uses] require a Special Permit from the [Special Permit Granting Authority].]
- 3. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section D.1.
 - a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.
 - b. [Identify as of right accessory uses appropriate to the above permitted uses.]

Comments on E. DIMENSIONAL STANDARDS

Table of Dimensional Standards

For the purposes of this guidance document, the table in the Sample Zoning regulation is divided into sections that correspond with the key standards in the compliance model. Municipalities may reorganize the order to meet their current zoning layouts or their needs for this district.

Compliance Model Input Tabs and Required Dimensional Standards

In the Compliance Model, the Model Input tabs identify the standards that are included in the calculations of dwelling units per acre and unit capacity and the checks on those calculations. These standards, along with **Section F. Off-Street Parking Spaces**, are required to demonstrate compliance with Section 3A and are inputs into the Compliance Model.

The minimum standards required to determine unit capacity are:

- Minimum Lot Size (in square feet)
- Building Height (in number of stories)
- Minimum Open Space (as a percentage of the lot)
- Parking spaces per dwelling unit (see **Section [x] F. Off-Street Parking**).

In addition to Excluded Land, as defined in the Compliance Guidelines, Open Space and Parking requirements help determine the number of square feet available for the building footprint. Multiplying the building footprint by the building height produces the building volume, which is used to determine the number of units that can be produced per lot. The Compliance Model uses stories to calculate building height. (Feet are provided in the example dimensional standards in **Appendix C. Development Intensity** for those communities who also wish to control height by the number of feet.)

Two other standards, commonly used in communities, are Maximum Lot Coverage (as a percentage of lot and for buildings only, not parking or other impervious surfaces) and Floor Area Ratio. The Compliance Model uses these two standards to check the municipal zoning for limitations on unit capacity.

Comments on E. DIMENSIONAL STANDARDS (continued)

Working with the Compliance Model

Municipalities can use the Compliance Model to check existing zoning districts or geographic areas for compliance. If the existing zoning does not produce the unit capacity required or the minimum standard of 15 dwelling units per acre within the proposed district(s), try testing one or more of the suggested dimensional standards in **Appendix C. Development Intensity** with the existing zoning to see which standard or combination of standards produces the desired result. For example, if the existing zoning has an FAR of 0.30 and the other characteristics of a district are similar to the Lower Intensity District described in the appendix, try increasing the FAR to 2 or 2.5 to see the difference in the calculations.

Optional Standards

These dimensional standards are commonly used by municipalities but are not directly captured in the Compliance Model calculations.

- Minimum Frontage
- Setbacks or Yards (Front, Side, Rear)

Because these are dependent on the size and shape of the lot, they are difficult to model. The numbers used for these standards will affect how a lot can be developed. Municipalities should carefully consider the existing context of parcel sizes and shapes within the MCMOD boundary when setting these standards.

Communities do use other methods of controlling density. These will interact with the standards presented in this Sample Zoning and may decrease two of the measurements used to determine compliance (dwelling units per acre and unit capacity). Communities should proceed with care in adding more requirements to avoid unintentional consequences. **If dimensional standards, in combination, effectively prevent as of right development of the unit capacity required or the minimum gross density of 15 dwelling units per acre, the district will not comply with MGL 40A requirements.**

Comments on E. DIMENSIONAL STANDARDS (continued)

Notes on the Standards

¹ **Minimum Lot Size.** If the municipality allows multiple buildings per lot, higher densities on each lot may be achieved.

No Minimum Lot Size: Many established and valued neighborhoods and downtown areas in New England have smaller lot sizes than the current Zoning would allow. To replicate the pattern of those neighborhoods and allow appropriate infill development, strongly consider establishing no minimum lot size or calculating an appropriate average parcel size of the existing built environment. (Make sure to remove outlier parcels from the test calculations. For example, if the majority of the parcels are 5,000 square feet but a single parcel is 4 acres, remove the 4-acre parcel from the calculation of average parcel size.)

Communities with a different development pattern could consider using a low or no minimum lot size in a sub-district that includes an existing town center or small downtown. Such areas may have smaller parcel sizes than the rest of the town as a result of historic development patterns around a crossroads or other historic cluster of uses. Creating a subdistrict for appropriately scaled multi-family in existing town centers may help smaller communities achieve goals for housing and economic development while demonstrating compliance with Section 3A. Communities may also find that reducing lot size minimums to meet existing development patterns may reduce request for variances in these town centers when property owners seek to rehabilitate existing buildings.

² **Height.** The number of stories is a key component of the Compliance Model. If the municipality also wishes to govern buildings by number of feet, note that the suggested heights in the examples in **Appendix C. Development Intensity** allow for the appropriate number of stories at a floor-to-floor height of 11 feet per story with allowance for a pitched roof or for a higher ground floor to accommodate changing preferences for retail and restaurant heights. If the municipality prefers additional height than the five stories shown, these dimensions can be used to set a maximum height. See note below for **Floor Area Ratio**.

³ **Open Space.** This measure is a key input into the Compliance Model and is a proxy for the use of setbacks. However, the use of setbacks and open space as dimensional standards in Zoning varies by the community size and intensity of the current development pattern. The Compliance Model will flag, but not reject, high requirements for minimum Open Space. The municipality should consider defining Open Space to include the setbacks, especially in communities with smaller lots in areas of higher development intensity. See notes below on Building Coverage for conflicts.

Comments on E. DIMENSIONAL STANDARDS (continued)

⁴ **Floor Area Ratio.** Floor Area Ratio (FAR), height, and restrictions on the ground plane building envelope (setbacks, building coverage, lot coverage, and open space requirements) can work against each other to unduly restrict development on a lot. In particular, the use of FAR and Building Coverage may set up a conflict.

Higher parking requirements may interact with Building Coverage to provide an incentive for structured parking or to reduce the number of dwelling units that can be built on a lot. See **Appendix E. Parking Considerations.**

⁵ **Building Coverage.** Four sets of dimensions work either together or against each other to restrict the footprint of a building. These dimensions are the setbacks, maximum Building Coverage, Minimum Open Space, and surface parking. Some communities use lot coverage either instead of building coverage or in addition to it; those communities may include parking and other impervious surfaces as part of lot coverage.

⁶ **Frontage:** Many communities also regulate lot size by length of frontage. A minimum frontage can be a deterrent to infill activity in older developed areas. As with lot size, municipalities may wish to consider the average frontage of existing built parcels in the area in question or they may choose to reduce that frontage to allow for more infill development that is sympathetic to the existing built context. Note that the shorter the frontage, the narrower the setbacks need to be, especially on lots of one acre or less.

⁷ **Setbacks.** The use of setbacks can become restrictive on smaller lots but may be appropriate on larger lots or areas with established setbacks based on existing development patterns. See the notes above for Building Coverage, Floor Area Ratio, and Open Space to understand potential conflicts among dimensional standards.

As written, this MCMOD would allow parking within the setbacks; municipalities may wish to establish a minimum setback that does not allow building or parking. See **Section [x] G. General Development Standards** for more information about the front setback and **Appendix C. Development Intensity** for more discussion of dimensional standards.

⁸ **Lots with multiple buildings.** If the municipality is defining standards by Multi-family Building Type, then more than one building type could be allowed per lot. For example, on a large lot, a series of Attached Dwellings (such as Townhouses or Rowhouses) might be appropriate next to the principal street and larger structures to the rear of the property, depending on the existing built context.

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	
Lot Size	
Minimum ⁽¹⁾ (SF)	
Height ⁽²⁾	
Stories (Maximum)	
Feet (Maximum)	
Minimum Open Space ⁽³⁾	

2. [Additional standards – see notes]

Standard	
Floor Area Ratio (FAR) ⁽⁴⁾	
Maximum Building Coverage ⁽⁵⁾	

3. [Additional standards – see notes]

Standard	
Minimum Frontage ⁽⁶⁾ (ft)	
Front Yard Setback ⁽⁷⁾	
Min. to Max. (ft.)	
Side Yard Setback	
Corner (ft)	
Interior (ft)	
Rear Yard Setback	
Min. to Max. (ft.)	

4. **Multi-Building Lots.** In the MCMOD, lots may have more than one principal building.⁸
5. **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.
6. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [x] E. Dimensional Standards** 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.

Comments on F. OFF-STREET PARKING

Off-Street Parking

Excessive parking requirements can be a significant deterrent to new housing, especially on smaller lots. For this reason, this Sample Bylaw recommends establishing a parking **maximum**. The number of parking spaces per unit is a factor in calculating the amount of land available for the building footprint in the Compliance Model. A higher number of parking spaces required per dwelling unit means less land available for the calculation of Multi-family unit capacity. In Adjacent communities or Adjacent small towns, there may be a greater need for on-site parking. By contrast, in higher-density communities (for example, those with Subway stations), a zero-parking requirement may be appropriate.

A municipality may add parking requirements for additional uses allowed by right or by special permit within the MCMOD. Parking shall not be the sole threshold for requiring a special permit process for a project application. Where possible, these additional parking requirements should be expressed as parking maximums, especially in areas that are already developed. Municipalities are encouraged to be creative about reducing the area needed for parking to provide more lot area for housing and open space and should consider creating incentives for shared parking across uses and buildings.

Electric vehicle charging stations may be included as a component of accessory parking.

Shared Parking

Acceptable sources for calculating shared parking include those demonstrated in the Urban Land Institute Shared Parking Report or the ITE Shared Parking Guidelines. See <https://perfectfitparking.mapc.org/> for information about how to think about parking ratios.

Bike Storage

In all communities, municipalities should consider requiring bike storage to supplement the required parking spaces, especially within biking distance of a transit station. See Section [x] F.3. for an example. The numbers in brackets are provided as a guide to thresholds; the community may substitute its preference. The increasing use of electric bicycles has expanded the commute range for many people. Municipalities should strongly consider requiring secure, indoor bicycle storage for a wider range of properties, subject to local context and demand. This could also be incorporated into **Section [x] G. General Development Standards**.

See **Appendix E. Parking Considerations** for an additional discussion of parking topics, including EV charging.

F. Off-Street Parking

These parking requirements are applicable to development in the MCMOD.

1. **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	[# spaces per Residential Dwelling Unit]
Mixed-Use (Non-residential)/ Commercial	[Sum of uses computed separately. (See 3, below.)]

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

Use	Minimum Spaces
Multi-family	[# spaces per Residential Dwelling Unit]
Mixed-Use (Non-residential)/ Commercial	[# spaces per Gross Square Feet or other measure]

3. **[Bicycle storage.** For a multi-family development of [25] units or more, or a mixed-use development of [25,000] square feet or more, covered parking bicycle parking spaces shall be integrated into the structure of the building(s).]
4. **[Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.]

Comments on G. GENERAL DEVELOPMENT STANDARDS

This entire section is optional, as indicated by the brackets surrounding the section. Communities often use Development Standards to provide control of certain elements of the design of the building(s) and site of a development.

If retained, **development standards must be applied to all projects within the MCMOD. Multi-family Development cannot be singled out for special standards** as stated in the Compliance Guidelines. The appropriate section in the Compliance Guidelines is 4.c.

Development Standards for multi-family should be limited to the topics under site plan review and be clear and quantifiable. See the commentary for **Section [x] I. Site Plan Review** and **Appendices F and G**.

The standards provided are for guidance and may be amended or deleted based on the municipality's needs and the context within the MCMOD boundary. For example, some of the buffer requirements, open space requirements, and restrictions on parking locations may be less applicable (or inapplicable) to an urbanized environment where buildings abut each other or share party walls, or for projects that will occupy most or all of a lot's land area. Other circumstances that may vary include, but are not limited to, the following:

- **Buildings.** This section provides options for different building conditions, not all of which may be applicable to a single district. For example, the standards for multiple buildings on a lot may differ depending on whether the area is urbanized with deep lots and narrow frontages or less urbanized with building organized as a campus or in other configurations. Municipalities should consider the standards that are most relevant for their development pattern.
- **Open Space and the Compliance Model.** Upper-level and ground-level open space may contribute to the municipality's minimum open space requirement, but such space will not have an impact on the Compliance Model as it uses the zoning requirements, not development proposals, to evaluate compliance with the guidelines.

See **Appendix F. Development Standards and Design Guidelines** for additional information about controls on site and building design.

G. [General Development Standards]

1. Development standards in the MCMOD are applicable to all multi-family development with more than [25] units or mixed-use development of more than [25,000] SF within the MCMOD. These standards are components of the Site Plan Review process in **Section [x] I. Site Plan Review**.
2. **Site Design.**
 - a. **Connections.** Sidewalks shall provide a direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
 - b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
 - c. **Open Space.**
 - d. **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.
 - e. **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.
 - f. **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.
 - g. **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.
 - h. **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.
 - i. **Dumpsters.** Dumpsters 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.
 - j. **Stormwater management.** Strategies that demonstrate compliance of the construction activities and the proposed project 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, if applicable,

additional requirements under the [Municipality] MS4 Permit for projects that disturb more than one acre and discharge to the [City's/Town's] municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

3. **Buildings: General.**

- a. **Position relative to principal street.** The primary building shall have its principal façade and entrance facing the principal street. See also Section G.7. Buildings: Corner Lots.
- b. **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

4. **Buildings: Multiple buildings on a lot.**

- a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
- b. 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.
- c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- d. 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.
- e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

5. **Buildings: Mixed-use development.**

- a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
- b. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
- c. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
- d. 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.

6. **Buildings: Shared Outdoor Space.** Multi-family housing and mixed-use development 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.
7. **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.
 - a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
 - b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
 - c. Fire exits serving more than one story shall not be located on either of the street-facing façades.
8. **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 [x] E. Dimensional Standards**. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.
9. **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.
 - a. **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.
 - b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - c. **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.
10. **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this **Section [x] G. 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.]

Comments on H. AFFORDABILITY REQUIREMENTS

Requiring Affordable Housing in 3A Compliant Zoning Districts

MBTA communities may require Affordable Housing Units in development projects within 3A-compliant zoning districts, subject to the limitations described in Section 4.b. of the Compliance Guidelines. Therefore, **this section is optional**, and may be used by MBTA communities that want to include an affordability requirement. Such affordability requirements are often called “Inclusionary Zoning.” Communities with existing Inclusionary Zoning districts should carefully review definitions and other provisions of their existing zoning to reconcile them with affordability requirements or, if different, to clearly distinguish between the MCMOD district requirements and requirements in other zoning districts.

There are several methods a municipality may use to require affordable units in a 3A compliant district:

1. In all MBTA communities, the zoning may require 10% (or less) of units in a development project be restricted as affordable, with a cap on income of families or individuals who are eligible to occupy the units of 80% (or more) of the Area Median Income (AMI). Municipalities that want to restrict more units or provide the units with deeper affordability should refer to the options described below, and found in Section 4.b. of the Guidelines.
2. Communities may require up to 20% of units to be affordable and/or require affordability for households earning less than 80% AMI when that zoning is approved by DHCD through a zoning incentive program such as chapter 40R. Communities that are amending an existing 40R district (adopted prior to August 10, 2022) to comply with Section 3A may retain a pre-existing requirement for up to 25% of units to be affordable.
3. Communities may require up to 20% of units in a project to be affordable, and/or to require that units are affordable to households earning income less than 80% of the AMI, without approval through another DHCD zoning incentive program, if those MBTA communities submit, and have approved, an economic feasibility analysis.
4. Communities may choose to require affordable units for households with incomes over 80% of AMI to preserve Workforce Housing. See notes on SHI eligibility below and **Appendix B. Affordable Housing**.

For complete details about requiring affordable units, please carefully read Section 4.b. of the Compliance Guidelines and Appendix B of this Sample Zoning document.

Comments on H. AFFORDABILITY REQUIREMENTS (continued)

Key Considerations for Affordability Requirements

Existing Inclusionary Zoning

Communities with existing Inclusionary Zoning should compare their current zoning to Section 4.b as noted above. If the current Zoning is non-compliant, the community can choose to exempt the MCMOD from the existing Inclusionary Zoning and add specific affordability provisions to the MCMOD that are consistent with the Compliance Guidelines.

When creating Inclusionary Zoning standards there are two key metrics to consider that may be tailored to specific requirements.

1. **What size project should trigger Affordability Requirements?** The sample bylaw starts with 10 units as a threshold. Thus, a project with 10 units would require 1 unit to be affordable and 9 units could be market rate.
2. **Percentage of units required to be affordable.** As noted above, 10% is allowed in all situations, up to 20% and/or less than 80% AMI is allowed with an approved economic feasibility analysis.

Municipalities should carefully consider the interplay of the unit thresholds and the percent of units so as not to create a situation where the affordability requirements do not comply with Section 4.b. of the Compliance Guidelines. Careful consideration of the local market is important consideration when determining these standards.

Making sure that Affordable Housing projects qualify for the Subsidized Housing Inventory

MBTA communities may want Affordable Housing Units that are developed in Section 3A-compliant zoning districts to be eligible for and included on the Subsidized Housing Inventory (SHI), which measures a municipality's stock of SHI-eligible housing units for purposes of Massachusetts General Laws Chapter 40B.

Municipalities that adopt Inclusionary Zoning provisions need to understand how these units may qualify for inclusion on the SHI when a multi-family or mixed-use development project is submitted under inclusionary zoning provisions. Units that arise from Inclusionary Zoning provisions may qualify for the SHI through DHCD's Local Initiative Program (LIP) as LIP Local Action Units (LAUs). Because many of these units may be permitted "as of right," municipalities must carefully communicate requirements to project proponents and take an active role in submitting an application for these LAUs, which must be approved under LIP to establish SHI-eligibility under this program.

Comments on H. AFFORDABILITY REQUIREMENTS (continued)

Communities should consult with DHCD LIP program staff about how to develop zoning and projects that comply with LAU program requirements for units arising from as of right multi-family zoning and are strongly encouraged to do so early in the process to ensure LIP LAU program requirements, including with respect to development standards, will be met.

LIP LAU program information is available at this webpage:

<https://www.mass.gov/service-details/local-initiative-program>

See also the G.L. c. 40B guidelines, available at:

<https://www.mass.gov/files/documents/2017/10/10/guidecomprehensivepermit.pdf>

The AFHMP guidelines are also found as stand-alone guidelines at

<https://www.mass.gov/files/documents/2016/07/oj/afhmp.pdf>

SHI eligibility is not to be taken for granted. For units to be eligible to count on the SHI, they must comply with all applicable requirements under 760 CMR 56.00 et seq., including without limitation (a) income limitations no higher than 80% AMI, (b) receipt of a Subsidy through an eligible Subsidy program (in most cases through a state Subsidizing Agency), which may take the form of technical assistance under DHCD's Local Initiative Program/Local Action Unit Program, and (c) recording of an affordability restriction that meets the requirements of DHCD guidelines and the applicable Subsidy program at the Registry of Deeds. The project proponent must follow applicable rules about conducting a lottery and resident selection, affirmative fair housing marketing and monitoring income levels over time, as well as other requirements in accordance with DHCD guidelines and the applicable affordability restriction and approved Affirmative Fair Housing Marketing and Resident Selection Plan. See **Appendix B. Affordable Housing** for more information about the process and requirements and sample language. Notably, **affordability requirements for units available to households earning income above 80% of the AMI do not meet SHI affordability requirements.**

H. [Affordability Requirements.

1. Purpose.

- a. [Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
- b. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
- c. Increase the production of affordable housing units to meet existing and anticipated housing needs; and
- d. Work to overcome economic segregation allowing [Municipality] to be a community of opportunity in which low and moderate-income households have the opportunity to advance economically.]

2. **Applicability.** This requirement is applicable to all residential and mixed-use developments with [ten (10)] or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (Applicable Projects). No project may be divided or phased to avoid the requirements of this section.

3. Affordability requirements. [Either a or b, not both.]

- a. [**Subsidized Housing Inventory.** [All] units affordable to households earning 80% or less of AMI created in the MCMOD under this section must be eligible for listing on EOHLIC's Subsidized Housing Inventory.]
- b. [**Non-SHI Affordable Units.** Affordable Units do not have to qualify for listing on EOHLIC's Subsidized Housing Inventory but must be restricted in accordance with the metrics below.]

4. **Provision of Affordable Housing.** In Applicable Projects, not fewer than [ten percent (10%)] of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to [eighty percent (80%)] of the AMI.

5. [Fee in Lieu.

- a. As an alternative to the requirements of paragraph (3) of this section, and at the sole discretion and majority vote of [the Executive Body of the municipality] upon a recommendation of the [Zoning Enforcement Officer/Planning Director/Building Inspector/Housing Coordinator], the developer or property owner shall contribute a fee to the Municipality's Affordable Housing Trust Fund in lieu of providing all or a portion of the required Affordable Housing Units within the proposed development.

- b. The fee in lieu of providing one or more Affordable Housing Units shall be a minimum of [\$400,000.00] per required Affordable Housing Units not provided within the development. This fee may be adjusted upward by a majority vote of [the Executive Body of the municipality].]
 - c. Any payment to the Affordable Housing Trust Fund as an in lieu contribution for Affordable Housing Units shall be made as follows: at least 50 percent of the total owed prior to the issuance of a building permit; and the remaining total owed prior to the issuance of an occupancy permit.
- 6. Development Standards.** Affordable Units shall be:
- a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
 - b. Dispersed throughout the development;
 - c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
 - d. Located such that the units have equal avoidance of any potential nuisances as [market-rate units] within the development;
 - e. Distributed proportionately among unit sizes; and
 - f. Distributed proportionately across each phase of a phased development.
 - g. [Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.]
- 7. Administration.**
- a. The [Zoning Enforcement Officer/Planning Director/Building Inspector/Housing Coordinator] shall be responsible for administering and enforcing the requirements in this section.]

Comments on I. SITE PLAN REVIEW

This entire section is optional, as indicated by the brackets surrounding the section. **Site plan review is not required for the MCMOD.** Some municipalities already have a Site Plan Review process in their Zoning.

Only as of right Site Plan Review is permitted under Section 3A. If the community's existing zoning provides for Site Plan review by Special Permit, such provisions may not be applied to multi-family zoning adopted pursuant to Section 3A. The existing Site Plan Review must be amended to as of right Site Plan Review, or the MCMOD (or other compliant zoning district) must include as of right Site Plan Review.

See **Appendix G. Site Plan Review** for resources and references to relevant Site Plan Review case law.

Communities may choose to apply the Site Plan Review process to all projects within the MCMOD, to projects that meet a certain threshold, or not at all. For more specific information about the applicability of Site Plan Review, please see section 4.a. of the Compliance Guidelines. Such Site Plan Review process shall be construed as an as of right review and approval process as required by and in accordance with the Compliance Guidelines.

To reduce the number of projects that come before the Planning Board, municipalities may consider an Administrative Site Plan review process that would apply to projects below a certain threshold and/or to modifications of approved Site Plans (as defined by the community).

Site Plan Review is limited to the regulation of the use and a Site Plan Review Authority may impose reasonable conditions when considering site plan approval. Site Plan Review may not be denied except for very limited reasons to the extent permitted by applicable Massachusetts law.

If the municipality does not already have standards for Site Plan Review, then consider adding the following to the Zoning.

[Administration. The provisions of this Section [x] shall be administered by the Zoning Enforcement Officer, except as otherwise provided herein.]

I. [Site Plan Review]

1. **Applicability.** Site Plan Review is required for a project that proposes [25] dwelling units or more. An application for Site Plan Review shall be reviewed by the Permitting Authority for consistency with the purpose and intent of Sections [x] D through [x] H.
2. **Submission Requirements.** As part of any application for Site Plan Review for a project within the MCMOD submitted under Sections [x] E through [x] I (or, for projects not requiring Site Plan Review, prior to submission of any application for a building permit), the Applicant must submit the following documents to the Municipality:
 - a. Application and fee for Site Plan Review.
 - b. Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by Municipality for Site Plan Review.
 - c. Elevations of the building(s) showing the architectural design of the building.
 - d. 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 forty feet (1"=40') or larger], or at a scale as approved in advance by the Permitting Authority.
 - e. Narrative of compliance with the applicable design standards of this Section[x].
3. **Timeline.** Site Plan Review should be commenced no later than 30 days of the submission of a complete application and should be completed expeditiously. The site plan review authority may, when appropriate, seek the input of other municipal boards or officials. In general, site plan review should be completed no more than 6 months after the submission of the application.
4. **Site Plan Approval.** Site Plan approval for uses listed in Section [x] D Permitted Uses shall be granted upon determination by the Site Plan Review Authority that the following conditions have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
 - a. the Applicant has submitted the required fees and information as set forth in Municipality's requirements for a Building Permit and Site Plan Review; and

- b. **[Use only if there are no development standards within the local zoning or included in this MCMOD district.]** Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage that demonstrates compliance of the construction activities and the proposed project 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, if applicable, additional requirements under the [Municipality] MS4 Permit for projects that disturb more than one acre and discharge to the [City's/Town's] municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

OR

- b. **[Use if the municipality used Section G., above]** the project as described in the application meets the development standards set forth in Section [x] G. General Development Standards.]
5. **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of **Section [x] H. Affordability Requirements.**]

J. Severability.

If any provision of this Section [x] is found to be invalid by a court of competent jurisdiction, the remainder of Section [x] shall not be affected but shall remain in full force. The invalidity of any provision of this Section [x] shall not affect the validity of the remainder of the [Municipality's] Zoning.



Appendix A. Sub-districts

The use of sub-districts within a larger overlay or base zoning district may be appropriate for some MBTA Communities. Sub-districts may appear complicated, but they provide the opportunity to address more specific local conditions within a community, especially those whose development patterns shift significantly throughout the built environment. For example, a community may wish to create a single MCMOD that includes one level of development intensity next to a transit station, a second level in the downtown area, and a third level on a large parcel that is likely to be redeveloped for multi-family housing. Three sub-districts would allow that community to address area-specific goals within a single overlay dedicated to multi-family use.

The requirements for sub-districts may vary by purpose, use, dimensional standards, and development standards. If a community is considering creating sub-districts with this Sample Zoning, the following sections may need to be modified.

- **Section [x] A. Purpose.** Information about the purpose of each sub-district, if the MCMOD has more than one district, may also be added.
- **Section [x] B. Applicability.** Add a description of each sub-district. Consider describing each district by the building typologies allowed in that district or the dimensional standard that changes the most in each district.
- **Section [x] C. Definitions.** Add any definitions specific to the sub-district(s).
- **Section [x] D. Permitted Uses.** The community can define uses permitted as of right for each sub-district. The community may consider basing some of these on housing typologies. In the example above, the area next to the transit station could include mid-rise multi-family of three to five stories, the downtown area could include three-to-eight family-buildings tucked behind the main street, and the large parcel could include clusters of town houses with protected open space.
- **Section [x] E. Dimensional Standards.** Dimensional standards may be used to define specific sub-districts. See **Appendix C. Development Intensity** for a broader discussion.
- **Section [x] F. Parking Standards.** Requirements for parking (and other components, such as bicycle spaces, storage, and EV stations) may also vary by sub-district. Considerations include distance from transit and density of other uses, among others. Sub-districts with a higher mix of uses that provide jobs, goods, and services within walking or biking distance of housing may need lower parking requirements.
- **Section [x] G. General Development Standards.** Sub-districts within the MCMOD may have separate development standards which can be added to *Section [x] G. General Development Standards*. The community can define a consistent design approach for buildings and sites in each sub-district. Note that development standards should be limited to those that fall under the criteria for Site Plan Review. See **Appendix F. Development Standards and Design Guidelines** for additional discussion of this topic.



Appendix B. Affordable Housing

Section 3A and Affordable Housing

Section 3A does not address affordable housing. Section 4.b. of the Compliance Guidelines addresses affordable housing as noted in the comments for **Section [x] H. Affordability Requirements**. Municipalities have an option to include deeper affordability requirements with EOHLIC approval of an Economic Feasibility Analysis (EFA). Guidance related to submission of an EFA can be found on the [mass.gov/mbtacomunities](https://www.mass.gov/mbtacomunities) web pages.

A community may impose affordability restrictions as permitted by the Compliance Guidelines without such restrictions being inconsistent with the as of right multi-family use required by Section 3A. The community's requirements also need not be tied to the use of the Site Plan Review process. (See **Appendix G. Site Plan Review**.)

Affordability requirements can be tied to the as of right use or as part of a special permit process with development incentives – an option for a special permit is discussed in **Appendix D. Special Permits**. Affordability under the Compliance Guidelines is restricted; the use of special permits may provide greater flexibility for specific local initiatives for affordable housing above the requirements allowed by the Compliance Guidelines.

Workforce Housing: Affordability Requirements for units over 80% of AMI

Communities may choose to work towards including their units on the Subsidized Housing Inventory (SHI) which must be restricted to be affordable to households making not more than 80% of the AMI and meet other SHI eligibility requirements. However, some communities are addressing local needs for Workforce Housing that has affordability requirements for households making over 80% of AMI – typically between 81% and 120% of AMI. Affordable units that are restricted to households in that income range will not qualify for the SHI because of the higher income levels. Such affordable workforce units must have recorded deed restrictions and must be monitored for compliance with income restrictions.

MassHousing provides information about their Workforce Housing Fund and the program guidelines here: <https://www.masshousing.com/developers/workforce-housing>

Subsidized Housing Inventory

In **Section [x] H. Affordability Requirements**, optional language in the Sample Zoning ties the creation of Affordable Units to the SHI. For units to count on the SHI, they must comply with all applicable requirements under 760 CMR 56.00 *et seq.*, including without limitation (a) income limitations no higher than 80% AMI, (b) receipt of a state subsidy, which may take the form of technical assistance under EOHLIC's Local Initiative Program/Local Action Unit Program, and (c) recordation of an affordability restriction with the records of the Registry of Deeds.

Note that any development standards for SHI units must comply with the requirements of an eligible subsidy program. (This may apply to both **Section [x] H. Affordability Requirements** and **Section [x] G. General Development Standards.**)

SHI eligible units may be subject to a recorded regulatory agreement with the relevant subsidizing agency. In the case of Local Action Units created through EOHLC's LIP program, such regulatory agreement shall be executed by the developer/project sponsor, the municipality, and EOHLC in accordance with Local Initiative Program regulations and guidelines.

Communities using the Local Initiative Program/Local Action Unit Program should coordinate with EOHLC early in development process to ensure compliance with program and development requirements (e.g., unit size, number of bedrooms required, or long-term use restriction/regulatory agreement to be executed with EOHLC).

Resources

For detailed information about SHI eligibility and a list of Eligible Subsidy Programs, please review EOHLC's G.L. c. 40B Guidelines:

<https://www.mass.gov/doc/guidelines-gl-c40b-comprehensive-permit-projects-subsidized-housing-inventory/download>

For more information about the LAU Program, visit the LIP/LAU Program website:

<https://www.mass.gov/service-details/local-initiative-program>

Other resources to review include MHP's Local Action Units Guidelines:

<https://www.housingtoolbox.org/resources/local-action-units-laas-guide>

and EOHLC's 40R program if the community does not already have a 40R district.

<https://www.mass.gov/service-details/chapter-40r>



Appendix C. Development Intensity

Development intensity refers to the relative intensity of the built environment with respect to the location from a transit station. The measurement of distance from a transit station is based on the distance from the closest edge of the parcel containing the transit station to the parcel being measured. Communities can use the area types described below as guides to define either a MCMOD based on the current development patterns in their community or sub-districts within their proposed MCMOD. Please note – these are only suggestions for a variety of approaches that may be taken to comply with Section 3A. Many communities will craft their own scale of development intensity or even multiple sub-districts in order to demonstrate compliance.

- **Lower Intensity.** Larger lot sizes, lower building heights, higher requirements for minimum Open Space, and higher maximum parking ratios. Lower Intensity areas are more likely to be beyond a ½-mile from a transit station.
- **Medium Intensity.** Mid-height buildings, medium requirements for minimum Open Space, medium maximum parking ratios. Lot sizes may vary depending on the location within the community. Medium intensity areas may be transitions from Medium-High Intensity areas to Lower Intensity areas within a ½-mile to a mile of a transit station. Medium Intensity areas could also be community-defined town or village centers.
- **Medium-High Intensity.** Transition from High Intensity to Medium Intensity areas in terms of height and open space requirements and generally within a ½-mile of a transit station or within larger community-defined town centers or downtowns.
- **High Intensity.** Smaller lots and taller buildings or block-size buildings, no requirements for minimum Open Space, lower maximum parking ratios or structured parking. High intensity areas are more likely to be located within a ¼-mile of a Transit Station.

Dimensional Standards and Development Intensity

These sample dimensional standards are split into a menu of four different area types based on the relative intensity of development. These suggested dimensional standards can be set by Multi-family Building Type, sub-district, or throughout the MCMOD. The area could be an entire district, for example, an Adjacent Community may have a development pattern that is lower in intensity of use and built environment than the community next door with a commuter rail station. That Adjacent Community may wish to use the suggested Lower Intensity dimensions below.

However, the Adjacent Community may have a town center with a more intense development pattern and decide that its MCMOD should have two sub-districts. The first sub-district may apply the Medium Intensity or Medium-High Intensity standards below to the town center and the Medium Intensity or Lower Intensity standards to the second sub-district within the same MCMOD (See **Appendix A. Sub-districts** for more discussion on this topic).

The minimum lot sizes in the table below for the Lower Intensity and Medium Intensity areas assume a single building per lot. See **Section [x] E. Dimensional Standards** for the notes that match the organization of these tables and the superscripted numbers below. The purpose of these tables is to show how the different dimensional types can work together to produce the four development intensity examples.

For communities wishing to test their existing zoning or a proposed zoning district with the Compliance Model, the dimensional standards below provide a starting point for that assessment. These tables may be particularly useful if the first iteration with the Compliance Model indicates a potential problem with compliance.

1. Lot Sizes, Height, and Open Space.

Standard	Lower Intensity	Medium Intensity	Medium-High Intensity	High Intensity
Lot Size				
Minimum ⁽¹⁾ (SF)	20,000	5,000	2,500	0
Height ⁽²⁾				
Stories (Maximum)	3	4	5	6
Feet (Maximum)	45	55	65	75
Minimum Open Space ⁽³⁾				
Within ¼ mile of a Transit Station	20%	10%	10%	5%
Within ½ mile of a Transit Station	20%	10%	10%	5%
Over ½ mile from a Transit Station	30%	20%	10%	5%

2. FAR and Building Coverage.

Standard	Lower Intensity	Medium Intensity	Medium-High Intensity	High Intensity
Floor Area Ratio (FAR)(4)	2.5	3.5	4.5	5 or higher
Maximum Building Coverage(5)				
Within ¼ mile of a Transit Station	80%	90%	90%	95%
Within ½ mile of a Transit Station	80%	90%	90%	95%
Over ½ mile from a Transit Station	70%	80%	90%	95%

3. Frontage and Yards.

Standard	Lower Intensity	Medium Intensity	Medium-High Intensity	High Intensity
Minimum Frontage(6) (ft)	50	25	25	0
Front Yard Setback(7)				
Min. to Max. (ft.)	10-40	10-20	0-20	0-15
Side Yard Setback				
Corner (ft)	10-40	10-20	0-10	0-10
Interior (ft)	10-40	10-20	0-10	0-10
Rear Yard Setback				
Min. to Max. (ft.)	10-40	10-20	5-10	5-10

Attachment 1.a: MBTA communities (6023 : Joint meeting with Planning Board)



Appendix D. Special Permits

Multi-family must be allowed as of right and may be subject to Site Plan review. However, a community may choose to add other uses, either as of right or with a special permit. The use of the special permit approval process in the MCMOD will depend on the following:

- Other uses that are permitted in the underlying zoning.
- Specific types of multi-family as long as the multi-family that is allowed as of right is sufficient to be compliance with Section 3A. For example, the community may require a special permit process to allow a density or height bonus in exchange for additional affordable units above the level set in the Compliance Guidelines. (see example Section[x].D.2.a, below) However, failure to obtain the special permit would not eliminate the ability to develop multi-family under as of right zoning.
- Uses that are compatible in nature but not by location. For example, office use in a mixed-use building may be allowed by right, but a special permit is required for office use on the second floor. (See sample Section[x].D.2.b, below) Note that residential use is a required component of mixed-use development in the MCMOD.
- Any uses that the community considers to be compatible with multi-family zoning in this particular area or sub-district but may require additional review. For example, a light industrial use may be combined with a multi-family use, but the community requires a special permit for the industrial use to set appropriate requirements for pedestrian and vehicular circulation and the mitigation of potentially noxious impacts such as noise, light, odor, or storage. The accompanying multi-family is allowed as of right; site plan review can be used to check that site and building components are compatible with the special permit conditions for the industrial use. However, the special permit for the industrial use cannot be denied in an attempt to prevent the multi-family use; the two uses are separate components of the development. (See sample Section[x].D.2.c, below)
- Standards that the community wants to promote, such as the use or generation of renewable energy, mitigation of heat island effect, or other specific community benefits. Such standards could be paired with a height or density bonus. (See sample Section[x].D.2.d, below)
- Whether the community is using this zoning as a base district rather than as an overlay and wishes to permit additional use types with more stringent standards.
- Whether the community is using sub-districts with different levels of development intensity.

Remember to add the definitions of additional uses to **Section [x] C. Definitions** if those uses are not already defined in the community's current Zoning.

Section[x].D.2.a-d below are provided as examples for communities to consider and are not required by the Compliance Guidelines. Communities have many options to define uses that

require special permits, but the options below address some situations that may be common to the MBTA Communities. The sample language below is provided as a guide to developing community-appropriate special permit uses.

D. Permitted Uses.

2. **Uses Permitted by Special Permit.** The following uses require a Special Permit from the Permitting Authority.

- a. **Affordable Housing.** The provision of Affordable Housing for either (a) at least [25%] of the total units in a proposed multi-family housing or mixed-use development which are affordable to households making no more than [80%] of the Area Median Income or (b) at least [10%] of the total units in the proposed multi-family housing or mixed-use development which are affordable to households making no more than [50%] of the Area Median Income. In exchange for either (a) or (b), the proposed multi-family housing or mixed-use development shall have one additional story of height above the requirements set forth in **Section [x] E. Dimensional Standards**. All other provisions of **Section [x] H. Affordability Requirements** apply to the Affordable Housing Units developed in accordance with this section.

Why Might a Community Add This Special Permit?

Some communities seek higher requirements for the provision of affordable housing units than the Compliance Guidelines allow. (See **Appendix B. Affordable Housing** for more discussion of this topic.) Higher affordability requirements help to address community needs, but for smaller projects, the provision of such units may increase the cost of development beyond the level of feasibility. One way to address this situation is to provide a bonus that adds additional value to the development to support the higher requirement for affordable units. In this example, an extra story of height acts as that incentive.

- b. **Second-floor Office Use in Mixed-Use Developments.** Office use on the second floor of a mixed-use development.

Why Might a Community Add This Special Permit?

Residential is a required component of mixed-use developments in a MCMOD. As suggested in **Section [x] D. Permitted Uses**, the non-residential uses would be limited to the ground floor. However, certain situations may call for a non-residential use on an upper floor – for example, the adaptive reuse of an older building or a site with significant topographical change. A Special Permit could provide flexibility in the location of non-residential uses within the building (in this example, office). The key is that denial of the special permit for this purpose may not be used to deny the residential component of the project.

- c. **Light Industrial Use in Mixed-Use Developments.** The [Permitting Authority] may grant a special permit for light industrial use in combination with multi-family housing or mixed-use development. The special permit shall be limited to conditions on the integration of the circulation of pedestrians and vehicles with the circulation for other uses on the site, location of industrial loading docks with respect to residential uses, and the mitigation of noise, dust, odors, and storage of hazardous and/or bulk materials, including trash and waste products, related to the operations of the industrial use. The [Site Plan Review Authority] may require appropriate internal landscaped buffers between uses to promote safety and mitigate visual or auditory impacts. Denial of a special permit for industrial use is not an automatic denial of the multi-family housing or residential components of a mixed-use development.

Why Might a Community Add This Special Permit?

In some communities, industrial land is under pressure from residential development, which may have a higher market value. Those communities do not want to lose the ability to keep the land available for industrial use when the market shifts. In other communities, land value for industrial uses is insufficient to spur investment in those uses. Residential as a component of light industrial may help preserve a portion of the land for industrial use, support existing industrial uses with a higher-value land use, and locate housing near jobs. The key to this example is to define light industrial to be consistent with residential uses on the same site. Light industrial uses will have circulation requirements for loading and unloading and uses that may be considered noxious by residents, including outdoor storage, longer hours of operation, odors from processing and manufacturing, and other impacts. Again, the key is to create development standards that mitigate the negative impacts and provide safe circulation for pedestrians, bicyclists, and drivers.

As with the example above, denial of the special permit cannot be used solely as a means of denying the residential use. For this to be successful, interested communities should carefully define the purpose of such co-location of uses to support both light industrial and residential and not use one to supplant the other.

- d. **Stormwater Management and Heat Island Impact.** The Permitting Authority may grant a special permit to allow one additional story of height above the requirements set forth in **Section [x] E. Dimensional Standards** in exchange for retaining 100% of the stormwater on site and for including one of the following additional components:
- i. Install a vegetated or green roof over 50% of the roof area.
 - ii. Use diffuse, highly reflective materials on 75% of the roof area.
 - iii. Provide solar PV and/or solar thermal on a minimum of 50 percent of the roof area.
 - iv. Provide 100% highly reflective concrete topping.
 - v. Install a blue roof over 50% of the roof area to provide initial temporary water storage and then gradual release of stored water.

Why Might a Community Add This Special Permit?

This example is one of several throughout this document that encourages communities to consider addressing other local needs through the MCMOD, with a reminder that the resulting zoning must still comply with Section 3A and the Compliance Guidelines. In this example, a height bonus is provided to encourage strategies that will help mitigate the negative impacts from an increase in precipitation (number and intensity of events) and the heat island effect. The example bonus is not limited to a single story of height; communities may mix and match the suggestions above to meet their local need. For example, the first story could be for retaining 100% of stormwater on site and an additional story could be offered for each of the accompanying criteria. The list above addresses a more urbanized environment; a different list might be more suitable for a lower intensity district.



Appendix E. Parking Considerations

Parking requirements are a factor in how much land is available for development and the required spaces per residential dwelling unit is part of the calculations in the Compliance Model (See commentary for **Section [x] E. Dimensional Standards**. The need for parking for residential use is partly a function of the distance between the housing and jobs, goods, and services. The presence of public transit helps reduce that need by providing an alternative method of access. However, in some markets, the demand for parking is higher: housing may be further away from other uses, public transit is not available, or the location of other needs, particularly jobs, is not in alignment with the available transit.

Parking Maximums

This Sample Zoning suggests establishing a parking maximum, rather than a minimum. Most communities have parking minimums; this may encourage some developers to over-park the site. Over time, parking maximums may reduce the amount of land devoted to parking, thus freeing up more land for housing and open space. As with other guidance in this document, communities should evaluate what is appropriate for their community. For example, lots in Lower Intensity areas outside walking or biking distance to transit stations may need a higher parking ratio for surface lots; smaller lots in High Intensity areas may either not need parking or may have structured parking as an option. (See **Appendix C. Development Intensity** for a discussion of these area types.)

The suggested ratios in the table below are maximums based on the distance of the use from a Transit Station and are provided as a starting point. Communities using the Compliance Model to test the other zoning parameters in **Appendix C. Development Intensity** may also want to test the ratios below as parking is one of the factors in the Compliance Model.

- 1. 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/Location	Maximum Spaces per Residential Dwelling Unit
Multi-family	
Within ¼ mile of a Transit Station	1.00
Within ½ mile of a Transit Station	1.25
Over ½ mile from a Transit Station	2.00

Mixed-use, non-residential	Sum of uses computed separately. (See 3, below.)
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Bicycle Parking and Storage

As bicycle use becomes more common as a form of both regular transit and recreation, providing bicycle spaces in each development is increasing in importance. Equally important for multi-family housing is the ability to store bicycles in covered storage. The table below is a starting point for the **minimum** number of bicycle spaces per use, by geography. Bicycle parking and storage is not part of the Compliance Model and is not a required component of compliance with Section 3A and the Compliance Guidelines. Communities should consider the existing and projected local bicycle infrastructure when establishing their regulations. For example, a community with a multi-use rail trail may want to establish higher minimum requirements for spaces and storage.

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

Location	Multi-family	Mixed-Use (Non-residential)/ Commercial
Within 1 mile of a Transit Station	1 per dwelling unit	1 per every [five (5)] parking spaces
Over 2 miles from a Transit Station	1 per every [two (2)] dwelling units	1 per every [ten (10)] parking spaces

Parking Relief for Historic Buildings

Another option for meeting local needs is to consider incentives for the adaptive reuse of historic buildings. One way to do that is to provide parking relief. For example, removing parking requirements for the residential uses in an historic building creates an incentive to reuse the upper floors for residential uses. This is important, because the requirements to bring older buildings up to code for upper-story residential use can be expensive. Reductions in parking requirements help offset that cost and reduce the need for a variance for a smaller downtown lot with an existing building. This option may be more important for a community retaining parking minimums in its Zoning. Sample language is below:

Waiver of Parking Requirements for Historic Buildings. The adaptive reuse of buildings listed on the National or State Registers of Historic Places, or eligible for such listing, is not required to provide parking for the residential uses within the historic building. Parking shall be provided for additions to the historic building or for

new additional buildings on the same lot in accordance with the requirements of this section.

Electric Vehicles

Communities may consider requiring EV charging stations or the infrastructure for later addition of such charging stations as recognition of increasing demand for electric vehicles. Communities who choose this option may not apply this solely to multi-family uses within the MCMOD or create such a high requirement that the multi-family use is rendered infeasible.

Sample language for requiring EV charging stations is below. This could be modified to require the underlying infrastructure instead:

Number of electric vehicle (EV) charging stations. For all uses within the MCMOD, electric charging stations are required with one EV space required for every [twenty (20)] parking spaces, rounded up to the next highest number of EV stations.



Appendix F. Development Standards and Design Guidelines

Development Standards

Development Standards, examples of which are provided in **Section [x] G. General Development Standards** and **Section [x] H. Affordability Requirements** must be clear, objective, and quantifiable – in other words, anyone reading the standard must be able to say with certainty whether or not the standard has been met. An example might be a requirement for a roof pitch of 9:12 or a prohibition on parking in the front yard setback. Either can be verified by reviewing the plans from the Applicant either as part of a building permit application or in the Site Plan Review process.

Development standards in a MCMOD must be tied to either Administrative review for an as of right use or the criteria for Site Plan Review for projects for which that process is applicable. The development standards must reflect reasonable terms and conditions on the use.

Additional Options for Development Standards

The following sample Development Standards apply to specific development conditions that are less universal than the options provided in *Section [x] G. General Development Standards* are provided here as additional examples to consider.

- **Open Space.** Communities that may have larger lots with significant open space (perhaps as part of a multi-family cluster development), may consider development standards for the use of that open space. One option is as follows:

Open Space. Acceptable activities within the minimum required Open Space include natural areas (including wetlands and surface waters), wildlife and native plant habitat, landscape plantings, agricultural activities, low-impact design stormwater management, non-motorized trails, and other low-impact activities. Open Space shall not contain habitable structures.

- **Location of Parking.** Parking, either surface or structured, is not allowed between a building and the front yard lot line. On a corner lot, parking is not allowed between the building and the front and side yard lot lines.
- **Multiple buildings on a lot/campus-style development.** Buildings may be oriented around an internal street network or, in a campus-like environment, to create community courtyards serving to define space for public and private activities.

Design Guidelines

Some communities have a design guidelines document that is separate from its Zoning and contains text and illustrations of the standards to be followed. If communities wish to use such a document for their MCMODs, then care must be taken to limit the design guidelines to the criteria for Site Plan Review. Language that is subjective – for example, “materials must be of high quality” or “landscaping must be attractive” – is not appropriate for design guidelines in a MCMOD. The document must be readily available to the Applicant prior to submission for a building permit. Communities should also carefully consider how such design guidelines are incorporated into the Site Plan Review process; any use of the design guidelines should not cause an undue delay in the review of the application or be used to deny the as of right multi-family use. See **Appendix G. Site Plan Review** for more information.

Sample language to link to an outside document to the zoning is below:

Design Guidelines. The Site Plan Review Authority 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.



Appendix G. Site Plan Review

For more specific information about the applicability of Site Plan Review to the MCMOD, please see section 4.a. of the Compliance Guidelines.

Communities should also review recent case law and opinions from the Attorney General’s Office (AGO). The AGO released an opinion for Case #10555 on November 21, 2022, that would be useful to review. This case revolved around a recent warrant article in the Town of Mansfield that established two levels of site plan review: Administrative Plan Approval and Major Plan Approval.

The opinion also provides specific guidance for communities who are considering applying Site Plan Review to uses covered under Section 3 of the Zoning Act (commonly referred to as Dover Amendment uses) and the as of right multi-family use under Section 3A.

Key components of Site Plan Review for MBTA Communities to consider as they modify **Section [x] I. Site Plan Review** include the following:

- Site Plan Review is limited to the regulation of the use: the Permitting Authority may “impose reasonable terms and conditions” on the as of right use.
- The Permitting Authority does not have “discretionary power” to deny the as of right use; in other words, it may not prohibit the use.

Communities should review the opinion, which is available on the AGO’s Municipal Law Unit Decision Lookup: <https://massago.hylandcloud.com/203publicaccess/mlu.htm>. This opinion includes references to other case law relating to the use of the Site Plan Review process and how the courts have viewed procedures and criteria for review.

Resources for municipal staff and elected officials include the *Handbook of Massachusetts Land Use and Planning Law* (Mark Bobrowski, Wolters Kluwer, currently in the fifth edition) and, for members of the Massachusetts Chapter of the American Planning Association, the *Guidebook to Massachusetts Land Use* (Robert P. Mitchell, FAICP and Robert W. Ritchie, Esq., American Planning Association Massachusetts Chapter, 2021). Both have chapters on Site Plan Review, including applicable case law.



Commonwealth of Massachusetts

EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus, Jr., Secretary

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Compliance Guidelines for Multi-family Zoning Districts **Under Section 3A of the Zoning Act**

1. Overview of Section 3A of the Zoning Act

Section 3A of the Zoning Act provides: *An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.*

The purpose of Section 3A is to encourage the production of multi-family housing by requiring MBTA communities to adopt zoning districts where multi-family housing is allowed as of right, and that meet other requirements set forth in the statute.

The Executive Office of Housing and Livable Communities (EOHLC), in consultation with Executive Office of Economic Development, the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. EOHLC promulgated preliminary guidance on January 29, 2021. EOHLC updated that preliminary guidance on December 15, 2021, and on that same date issued draft guidelines for public comment. These final guidelines supersede all prior guidance and set forth how MBTA communities may achieve compliance with Section 3A.

2. Definitions

“Adjacent community” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) is not an adjacent small town.

“Adjacent small town” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing.

“Affordable unit” means a multi-family housing unit that is subject to a restriction in its chain of title limiting the sale price or rent, or limiting occupancy to an individual or household of a specified income, or both. Affordable units may be, but are not required to be, eligible for inclusion on EOHLC’s Subsidized Housing Inventory. Nothing in these Guidelines changes the Subsidized Housing Inventory eligibility criteria, and no affordable unit shall be counted on the Subsidized Housing Inventory unless it satisfies the requirements for inclusion under 760 CMR 56.03(2) or any other regulation or guidance issued by EOHLC.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring a minimum age for some or all occupants.

“As of right” means development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

“Bus station” means a location with a passenger platform and other fixed infrastructure serving as a point of embarkation for the MBTA Silver Line. Upon the request of an MBTA community, EOHLC, in consultation with the MBTA, may determine that other locations qualify as a bus station if (i) such location has a sheltered platform or other fixed infrastructure serving a point of embarkation for a high-capacity MBTA bus line, and (ii) the area around such fixed infrastructure is highly suitable for multi-family housing.

“Commuter rail community” means an MBTA community that (i) does not meet the criteria for a rapid transit community, and (ii) has within its borders at least 100 acres of developable station area associated with one or more commuter rail stations.

“Commuter rail station” means any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service, including stations under construction and scheduled to being service before the end of 2023, but not including existing stations at which service will be terminated, or reduced below regular year-round service, before the end of 2023.

“Compliance model” means the model created by EOHLC to determine compliance with Section 3A’s reasonable size, gross density, and location requirements. The compliance model is described in further detail in Appendix 2.

“Determination of compliance” means a determination made by EOHLC as to whether an MBTA community has a multi-family zoning district that complies with the requirements of Section 3A. A determination of compliance may be determination of interim compliance or a determination of district compliance, as described in section 9.

“Developable land” means land on which multi-family housing can be permitted and constructed. For purposes of these guidelines, developable land consists of: (i) all privately-owned land except lots or portions of lots that meet the definition of excluded land, and (ii) developable public land.

“Developable public land” means any publicly-owned land that (i) is used by a local housing authority; (ii) has been identified as a site for housing development in a housing production plan

approved by EOHLC; or (iii) has been designated by the public owner for disposition and redevelopment. Other publicly-owned land may qualify as developable public land if EOHLC determines, at the request of an MBTA community and after consultation with the public owner, that such land is the location of obsolete structures or uses, or otherwise is suitable for conversion to multi-family housing, and will be converted to or made available for multi-family housing within a reasonable period of time.

“Developable station area” means developable land that is within 0.5 miles of a transit station.

“EOHLC” means the Executive Office of Housing and Livable Communities.

“EOED” means the Executive Office of Economic Development.

“Excluded land” means land areas on which it is not possible or practical to construct multi-family housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

- (i) All publicly-owned land, except for lots or portions of lots determined to be developable public land.
- (ii) All rivers, streams, lakes, ponds and other surface waterbodies.
- (iii) All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
- (iv) Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
- (v) All public rights-of-way and private rights-of-way.
- (vi) Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.
- (vii) Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

“Ferry terminal” means the location where passengers embark and disembark from regular, year-round MBTA ferry service.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“Listed funding sources” means (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2E of chapter 29; and (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

“Lot” means an area of land with definite boundaries that is used or available for use as the site of a building or buildings.

“MassGIS data” means the comprehensive, statewide database of geospatial information and mapping functions maintained by the Commonwealth's Bureau of Geographic Information, within the Executive Office of Technology Services and Security, including the lot boundaries and use codes provided by municipalities.

“MBTA” means the Massachusetts Bay Transportation Authority.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

“Mixed-use development” means development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.

“Mixed-use development zoning district” means a zoning district where multiple residential units are allowed as of right if, but only if, combined with non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within a multi-family zoning district, made in accordance with the requirements of section 5.b below.

“Multi-family zoning district” means a zoning district, including a base district or an overlay district, in which multi-family housing is allowed as of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

“One Stop Application” means the single application portal for the Community One Stop for Growth through which (i) the Executive Office of Housing and Economic Development considers requests for funding from the MassWorks infrastructure program; (ii) EOHLIC considers requests for funding from the Housing Choice Initiative, (iii) EOED, EOHLIC and other state agencies consider requests for funding from other discretionary grant programs.

“Private rights-of-way” means land area within which private streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Publicly-owned land” means (i) any land owned by the United States or a federal agency or authority; (ii) any land owned by the Commonwealth of Massachusetts or a state agency or authority; and (iii) any land owned by a municipality or municipal board or authority.

“Public rights-of-way” means land area within which public streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Rapid transit community” means an MBTA community that has within its borders at least 100 acres of developable station area associated with one or more subway stations, or MBTA Silver Line bus rapid transit stations.

“Residential dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Section 3A” means section 3A of the Zoning Act.

“Sensitive land” means developable land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing. It also includes locations where multi-family housing would be at increased risk of damage caused by flooding. Sensitive land includes, but is not limited to, wetland buffer zones extending beyond the title 5 setback area; land subject to flooding that is not a wetland resource area; priority habitat for rare or threatened species; DEP-approved wellhead protection areas in which development may be restricted, but is not prohibited (Zone II and interim wellhead protection areas); and land areas with prime agricultural soils that are in active agricultural use.

“Site plan review” means a process established by local ordinance or by-law by which a local board reviews, and potentially imposes conditions on, the appearance and layout of a specific project prior to the issuance of a building permit.

“Subway station” means any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line, including any extensions to such lines now under construction and scheduled to begin service before the end of 2023.

“Transit station” means an MBTA subway station, commuter rail station, ferry terminal or bus station.

“Transit station area” means the land area within 0.5 miles of a transit station.

“Zoning Act” means chapter 40A of the Massachusetts General Laws.

3. **General Principles of Compliance**

These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to allow multi-family housing “as of right.”
- The metrics that determine if a multi-family zoning district is “of reasonable size.”
- How to determine if a multi-family zoning district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code.
- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.”
- The extent to which MBTA communities have flexibility to choose the location of a multi-family zoning district.

The following general principles have informed the more specific compliance criteria that follow:

- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries benefit from proximity to transit stations in nearby communities.
- The multi-family zoning districts required by Section 3A should encourage the development of multi-family housing projects of a scale, density and aesthetic that are compatible with existing surrounding uses, and minimize impacts to sensitive land.
- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family zoning district that is “reasonable” in one city or town may not be reasonable in another city or town.
- When possible, multi-family zoning districts should be in areas that have safe, accessible, and convenient access to transit stations for pedestrians and bicyclists.

4. **Allowing Multi-Family Housing “As of Right”**

To comply with Section 3A, a multi-family zoning district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval. EOHLC will determine whether zoning provisions allow for multi-family housing as of right consistent with the following guidelines.

a. *Site plan review*

The Zoning Act does not establish nor recognize site plan review as an independent method of regulating land use. However, the Massachusetts courts have recognized site plan review as a permissible regulatory tool, including for uses that are permitted as of right. The court decisions establish that when site plan review is required for a use permitted as of right, site plan review involves the regulation of a use and not its outright prohibition. The scope of review is therefore limited to imposing reasonable terms and conditions on the proposed use, consistent with applicable case law.¹ These guidelines similarly recognize that site plan review may be required for multi-family housing projects that are allowed as of right, within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed as of right and complies with applicable dimensional regulations.

b. *Affordability requirements*

Section 3A does not include any express requirement or authorization for an MBTA community to require affordable units in a multi-family housing project that is allowed as of right. It is a common practice in many cities and towns to require affordable units in a multi-family project that requires a special permit, or as a condition for building at greater densities than the zoning otherwise would allow. These inclusionary zoning requirements serve the policy goal of increasing affordable housing production. If affordability requirements are excessive, however, they can make it economically infeasible to construct new multi-family housing.

For purposes of making compliance determinations with Section 3A, EOHLC will consider an affordability requirement to be consistent with as of right zoning as long as the zoning requires not more than 10 percent of the units in a project to be affordable units, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income. Notwithstanding the foregoing, EOHLC may, in its discretion, approve a greater percentage of affordable units, or deeper affordability for some or all of the affordable units, in either of the following circumstances:

- (i) The affordability requirements applicable in the multi-family zoning district are reviewed and approved by EOHLC as part of a smart growth district under chapter 40R, or under another zoning incentive program administered by EOHLC; or
- (ii) The affordability requirements applicable in the multi-family zoning district are supported by an economic feasibility analysis, prepared for the municipality by a qualified and independent third party acceptable to EOHLC, and using a methodology and format acceptable to EOHLC. The analysis must demonstrate that a reasonable

¹ See, e.g., *Y.D. Dugout, Inc. v. Board of Appeals of Canton*, 357 Mass. 25 (1970); *Prudential Insurance Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278 (1986); *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 59 (1997) (Planning Board “may impose reasonable terms and conditions on the proposed use, but it does not have discretionary power to deny the use”).

variety of multi-family housing types can be feasibly developed at the proposed affordability levels, taking into account the densities allowed as of right in the district, the dimensional requirements applicable within the district, and the minimum number of parking spaces required.

In no case will EOHLC approve alternative affordability requirements that require more than 20 percent of the units in a project to be affordable units, except in a smart growth zoning district under chapter 40R with a 25 percent affordability requirement approved and adopted prior to the issuance of these guidelines, including any such existing district that is expanded or amended to comply with these guidelines.

c. *Other requirements that do not apply uniformly in the multi-family zoning district*

Zoning will not be deemed compliant with Section 3A's requirement that multi-family housing be allowed as of right if the zoning imposes requirements on multi-family housing that are not generally applicable to other uses. The following are examples of requirements that would be deemed to be inconsistent with "as of right" use: (i) a requirement that multi-family housing meet higher energy efficiency standards than other uses; (ii) a requirement that a multi-family use achieve a third party certification that is not required for other uses in the district; and (iii) a requirement that multi-family use must be combined with commercial or other uses on the same lot or as part of a single project. Mixed use projects may be allowed as of right in a multi-family zoning district, as long as multi-family housing is separately allowed as of right.

5. Determining "Reasonable Size"

In making determinations of "reasonable size," EOHLC will take into consideration both the land area of the multi-family zoning district, and the multi-family zoning district's multi-family unit capacity.

a. *Minimum land area*

A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. For purposes of compliance with Section 3A, a multi-family zoning district should be a neighborhood-scale district, not a single development site on which the municipality is willing to permit a particular multi-family project. EOHLC will certify compliance with Section 3A only if an MBTA community's multi-family zoning district meets the minimum land area applicable to that MBTA community, if any, as set forth in Appendix 1. The minimum land area for each MBTA community has been determined as follows:

- (i) In rapid transit communities, commuter rail communities, and adjacent communities, the minimum land area of the multi-family zoning district is 50 acres, or 1.5% of the developable land in an MBTA community, whichever is *less*. In certain cases, noted in Appendix 1, a smaller minimum land area applies.
- (ii) In adjacent small towns, there is no minimum land area. In these communities, the multi-family zoning district may comprise as many or as few acres as the community

determines is appropriate, as long as the district meets the applicable minimum multi-family unit capacity and the minimum gross density requirements.

In all cases, at least half of the multi-family zoning district land areas must comprise contiguous lots of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement. If the multi-family unit capacity and gross density requirements can be achieved in a district of fewer than 5 acres, then the district must consist entirely of contiguous lots.

b. *Minimum multi-family unit capacity*

A reasonably sized multi-family zoning district must also be able to accommodate a reasonable number of multi-family housing units as of right. For purposes of determinations of compliance with Section 3A, EOHLC will consider a reasonable multi-family unit capacity for each MBTA community to be a specified percentage of the total number of housing units within the community, with the applicable percentage based on the type of transit service in the community, as shown on Table 1:

Table 1.

Category	Percentage of total housing units
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%

To be deemed in compliance with Section 3A, each MBTA community must have a multi-family zoning district with a multi-family unit capacity equal to or greater than the minimum unit capacity shown for it in Appendix 1. The minimum multi-family unit capacity for each MBTA community has been determined as follows:

- (i) First, by multiplying the number of housing units in that community by 0.25, 0.15, 0.10, or .05 depending on the MBTA community category. For example, a rapid transit community with 7,500 housing units is required to have a multi-family zoning district with a multi-family unit capacity of $7,500 \times 0.25 = 1,875$ multi-family units. For purposes of these guidelines, the number of total housing units in each MBTA community has been established by reference to the most recently published United States Decennial Census of Population and Housing.
- (ii) Second, when there is a minimum land area applicable to an MBTA community, by multiplying that minimum land area (up to 50 acres) by Section 3A's minimum gross density requirement of 15 units per acre. The product of that multiplication creates a floor on multi-family unit capacity. For example, an MBTA community with a minimum land area of 40 acres must have a district with a multi-family unit capacity of at least 600 (40×15) units.
- (iii) The minimum unit capacity applicable to each MBTA community is *the greater of* the numbers resulting from steps (i) and (ii) above, but subject to the following limitation: In no case does the minimum multi-family unit capacity exceed 25% of the total housing

units in that MBTA community.

Example: The minimum multi-family unit capacity for an adjacent community with 1,000 housing units and a minimum land area of 50 acres is determined as follows: (i) first, by multiplying $1,000 \times .1 = 100$ units; (ii) second, by multiplying $50 \times 15 = 750$ units; (iii) by taking the larger number, but adjusting that number down, if necessary, so that unit capacity is no more than 25% of 1,000 = 250 units. In this case, the adjustment in step (iii) results in a minimum unit capacity of 250 units.

c. Reasonable Size – Consideration Given to Unit Capacity in Mixed-Use Development Districts

In making determinations of whether an MBTA Community has a multi-family zoning district of “reasonable size” under this section, EOHLC shall also take into consideration the existence and impact of mixed-use development zoning districts, subject to the requirements below.

EOHLC shall take these mixed-use development districts into consideration as reducing the unit capacity needed for a multi-family zoning district to be “reasonable” (as listed in Appendix I) where:

- (i) the mixed-use development zoning district is in an eligible location where existing village-style or downtown development is essential to preserve pedestrian access to amenities;
- (ii) there are no age restrictions or limits on unit size, number of bedrooms, bedroom size or number of occupants and the residential units permitted are suitable for families with children;
- (iii) mixed-used development in the district is allowed “as of right” as that phrase has been interpreted by EOHLC (for example, in section 4(c) with respect to affordability requirements);
- (iv) the requirement for non-residential uses is limited to the ground floor of buildings, and in no case represents a requirement that more than thirty-three percent of the floor area of a building, lot, or project must be for non-residential uses;
- (v) the requirement for non-residential uses does not preclude a minimum of three residential dwelling units per lot;
- (vi) the requirement for non-residential uses allows a broad mix of non-residential uses as-of-right in keeping with the nature of the area; and
- (vii) there are no minimum parking requirements associated with the non-residential uses allowed as of right.

An MBTA community asking to reduce the unit capacity requirement for its multi-family zoning district(s) based on the unit capacity for one or more mixed-use development districts shall submit to EOHLC, on a form to be provided by EOHLC, a request for a determination that the mixed-use development district is in an eligible location meeting the requirements of subparagraph (i). This request must be submitted at least 90 days prior to the vote of the MBTA community’s legislative body.

An MBTA community also may submit a broader inquiry as to Section 3A compliance in accordance with section 9(b). EOHLC shall respond prior to the vote of the MBTA community's legislative body if the request is timely submitted.

In any community with both a multi-family zoning district and a mixed-use development district that meets these considerations, the unit capacity requirement for the multi-family zoning district listed in Appendix I shall be reduced by the lesser of

- (i) the unit capacity of residential dwelling units in the mixed-use development district or subdistrict (as calculated by EOHLC using a methodology similar to that in section 5(d) which takes into account the impact of non-residential uses), or
 - (ii) twenty five percent of the unit capacity requirement listed in Appendix I. This consideration shall not affect the minimum land area acreage or contiguity requirements for a multi-family zoning district otherwise required by these Guidelines.
- d. *Methodology for determining a multi-family zoning district's multi-family unit capacity*

MBTA communities seeking a determination of compliance must use the EOHLC compliance model to provide an estimate of the number of multi-family housing units that can be developed as of right within the multi-family zoning district. The multi-family unit capacity of an existing or proposed district shall be calculated using the unit capacity worksheet described in Appendix 2. This worksheet produces an estimate of a district's multi-family unit capacity using inputs such as the amount of developable land in the district, the dimensional requirements applicable to lots and buildings (including, for example, height limitations, lot coverage limitations, and maximum floor area ratio), and the parking space requirements applicable to multi-family uses.

Minimum unit capacity is a measure of whether a multi-family zoning district is of a reasonable size, not a requirement to produce housing units. Nothing in Section 3A or these guidelines should be interpreted as a mandate to construct a specified number of housing units, nor as a housing production target. Demonstrating compliance with the minimum multi-family unit capacity requires only that an MBTA community show that the zoning allows multi-family housing as of right and that a sufficient number of multi-family housing units could be added to or replace existing uses and structures over time—even though such additions or replacements may be unlikely to occur soon.

If an MBTA community has two or more zoning districts in which multi-family housing is allowed as of right, then two or more districts may be considered cumulatively to meet the minimum land area and minimum multi-family unit capacity requirements, as long as each district independently complies with Section 3A's other requirements.

- e. *Water and wastewater infrastructure within the multi-family zoning district*

MBTA communities are encouraged to consider the availability of water and wastewater infrastructure when selecting the location of a new multi-family zoning district. But compliance with Section 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future multi-family housing production within

the multi-family zoning district. In most cases, multi-family housing can be created using private septic and wastewater treatment systems that meet state environmental standards. Where public systems currently exist, but capacity is limited, private developers may be able to support the cost of necessary water and sewer extensions. While the zoning must allow for gross average density of at least 15 units per acre, there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity, that result in actual housing production at lower density than the zoning allows.

The multi-family unit capacity analysis does not need to take into consideration limitations on development resulting from existing water or wastewater infrastructure within the multi-family zoning district, or, in areas not served by public sewer, any applicable limitations under title 5 of the state environmental code. For purposes of the unit capacity analysis, it is assumed that housing developers will design projects that work within existing water and wastewater constraints, and that developers, the municipality, or the Commonwealth will provide funding for infrastructure upgrades as needed for individual projects.

6. Minimum Gross Density

Section 3A expressly requires that a multi-family zoning district—not just the individual lots of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

a. *District-wide gross density*

To meet the district-wide gross density requirement, the dimensional restrictions and parking requirements for the multi-family zoning district must allow for a gross density of 15 units per acre of land within the district. By way of example, to meet that requirement for a 40-acre multi-family zoning district, the zoning must allow for at least 15 multi-family units per acre, or a total of at least 600 multi-family units.

For purposes of determining compliance with Section 3A’s gross density requirement, the EOHLIC compliance model will not count in the denominator any excluded land located within the multi-family zoning district, except public rights-of-way, private rights-of-way, and publicly-owned land used for recreational, civic, commercial, and other nonresidential uses. This method of calculating minimum gross density respects the Zoning Act’s definition of gross density—“a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses”—while making it unnecessary to draw patchwork multi-family zoning districts that carve out wetlands and other types of excluded land that are not developed or developable.

b. *Achieving district-wide gross density by sub-districts*

Zoning ordinances and by-laws typically limit the unit density on individual lots. To comply with Section 3A’s gross density requirement, an MBTA community may establish reasonable sub-

districts within a multi-family zoning district, with different density limits for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre. EOHLC will review sub-districts to ensure that the density allowed as of right in each sub-district is reasonable and not intended to frustrate the purpose of Section 3A by allowing projects of a such high density that they are not likely to be constructed.

c. *Wetland and septic considerations relating to density*

Section 3A provides that a district of reasonable size shall have a minimum gross density of 15 units per acre, “subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A.” This directive means that even though the zoning district must permit 15 units per acre as of right, any multi-family housing produced within the district is subject to, and must comply with, the state wetlands protection act and title 5 of the state environmental code—even if such compliance means a proposed project will be less dense than 15 units per acre.

7. **Determining Suitability for Families with Children**

Section 3A states that a compliant multi-family zoning district must allow multi-family housing as of right, and that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.” EOHLC will deem a multi-family zoning district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions, and does not limit or restrict the size of the units, cap the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants. Limits, if any, on the size of units or number of bedrooms established by state law or regulation are not relevant to Section 3A or to determinations of compliance made pursuant to these guidelines.

8. **Location of Districts**

a. *General rule for determining the applicability of Section 3A’s location requirement*

Section 3A states that a compliant multi-family zoning district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” When an MBTA community has only a small amount of transit station area within its boundaries, it may not be possible or practical to locate all of the multi-family zoning district within 0.5 miles of a transit station. Transit station area may not be a practical location for a multi-family zoning district if it does not include developable land where multi-family housing can actually be constructed. Therefore, for purposes of determining compliance with Section 3A, EOHLC will consider the statute’s location requirement to be “applicable” to a particular MBTA community only if that community has within its borders at least 100 acres of developable station area. EOHLC will require more or less of the multi-family zoning district to be located within transit station areas depending on how much total developable station area is in that community, as shown on Table 2:

Table 2.

<u>Total developable station area within the MBTA community (acres)</u>	<u>Portion of the multi-family zoning district that must be within a transit station area</u>
0-100	0%
101-250	20%
251-400	40%
401-600	50%
601-800	75%
801+	90%

The percentages specified in this table apply to both the minimum land area and the minimum multi-family unit capacity. For example, in an MBTA community that has a total of 500 acres of transit station area within its boundaries, a multi-family zoning district will comply with Section 3A’s location requirement if at least 50 percent of the district’s minimum land area is located within the transit station area, *and* at least 50 percent of the district’s minimum multi-family unit capacity is located within the transit station area.

A community with transit station areas associated with more than one transit station may locate the multi-family zoning district in any of the transit station areas. For example, a rapid transit community with transit station area around a subway station in one part of town, and transit station area around a commuter rail station in another part of town, may locate its multi-family zoning district in either or both transit station areas.

b. MBTA communities with limited or no transit station area

When an MBTA community has less than 100 acres of developable station area within its boundaries, the MBTA community may locate the multi-family zoning district anywhere within its boundaries. To encourage transit-oriented multi-family housing consistent with the general intent of Section 3A, MBTA communities are encouraged to consider locating the multi-family zoning district in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that qualifies as an “eligible location” as defined in Chapter 40A—for example, near an existing downtown or village center, near a regional transit authority bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

c. General guidance on district location applicable to all MBTA communities

When choosing the location of a new multi-family zoning district, every MBTA community should consider how much of a proposed district is sensitive land on which permitting requirements and other considerations could make it challenging or inadvisable to construct multi-family housing. For example, an MBTA community may want to avoid including in a multi-family zoning district areas that are subject to flooding, or are known habitat for rare or threatened species, or have prime agricultural soils in active agricultural use.

9. **Determinations of Compliance**

Section 3A provides that any MBTA community that fails to comply with Section 3A’s requirements will be ineligible for funding from any of the listed funding sources. EOHLC will make determinations of compliance with Section 3A in accordance with these guidelines to inform state agency decisions on which MBTA communities are eligible to receive funding from the listed funding sources. The following discretionary grant programs will take compliance with Section 3A into consideration when making grant award recommendations:

- i. Community Planning Grants, EOHLC,
- ii. Massachusetts Downtown Initiative, EOED,
- iii. Urban Agenda, EOED,
- iv. Rural and Small Town Development Fund, EOED,
- v. Brownfields Redevelopment Fund, MassDevelopment,
- vi. Site Readiness Program, MassDevelopment,
- vii. Underutilized Properties Program, MassDevelopment,
- viii. Collaborative Workspace Program, MassDevelopment,
- ix. Real Estate Services Technical Assistance, MassDevelopment,
- x. Commonwealth Places Programs, MassDevelopment,
- xi. Land Use Planning Grants, EOEEA,
- xii. Local Acquisitions for Natural Diversity (LAND) Grants, EOEEA, and
- xiii. Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, EOEEA

Determinations of compliance also may inform other funding decisions by EOED, EOHLC, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs or making other discretionary funding decisions.

EOHLC interprets Section 3A as allowing every MBTA community a reasonable opportunity to enact zoning amendments as needed to come into compliance. Accordingly, EOHLC will recognize both *interim* compliance, which means an MBTA community is taking active steps to enact a multi-family zoning district that complies with Section 3A, and *district* compliance, which is achieved when EOHLC determines that an MBTA community has a multi-family zoning district that complies with Section 3A. The requirements for interim and district compliance are described in more detail below.

Table 3.

Transit Category (# of municipalities)	Deadline to Submit Action Plan	Deadline to Submit District Compliance Application
Rapid transit community (12)	January 31, 2023	December 31, 2023
Commuter rail community (71)	January 31, 2023	December 31, 2024
Adjacent community (58)	January 31, 2023	December 31, 2024
Adjacent small town (34)	January 31, 2023	December 31, 2025

a. *Process to achieve interim compliance*

Many MBTA communities do not currently have a multi-family zoning district of reasonable size that complies with the requirements of Section 3A. Prior to achieving district compliance (but no later than the deadlines set forth in Table 3), these MBTA communities can achieve interim compliance by taking the following affirmative steps towards the creation of a compliant multi-family zoning district.

- i. *Creation and submission of an action plan.* An MBTA community seeking to achieve interim compliance must first submit an action plan on a form to be provided by EOHLC. An MBTA community action plan must provide information about current zoning, past planning for multi-family housing, if any, and potential locations for a multi-family zoning district. The action plan also will require the MBTA community to establish a timeline for various actions needed to create a compliant multi-family zoning district.
 - ii. *EOHLC approval of an action plan.* EOHLC will review each submitted action plan for consistency with these guidelines, including but not limited to the timelines in Table 3. If EOHLC determines that the MBTA community's action plan is reasonable and will lead to district compliance in a timely manner, EOHLC will issue a determination of interim compliance. EOHLC may require modifications to a proposed action plan prior to approval.
 - iii. *Implementation of the action plan.* After EOHLC approves an action plan and issues a determination of interim compliance, an MBTA community must diligently implement the action plan. EOHLC may revoke a determination of interim compliance if an MBTA community has not made sufficient progress in implementing an approved action plan. EOHLC and EOED will review an MBTA community's progress in implementing its action plan prior to making an award of funds under the Housing Choice Initiative and Massworks infrastructure program.
 - iv. *Deadlines for submitting action plans.* To achieve interim compliance for grants made through the 2023 One Stop Application, action plans must be submitted by no later than January 31, 2023. An MBTA community that does not submit an action plan by that date may not receive a EOHLC determination of interim compliance in time to receive an award of funds from the listed funding sources in 2023. An MBTA community that does not achieve interim compliance in time for the 2023 One Stop Application may submit an action plan to become eligible for a subsequent round of the One Stop Application, provided that an action plan must be submitted by no later than January 31 of the year in which the MBTA community seeks to establish grant eligibility; and provided further that no action plan may be submitted or approved after the applicable district compliance application deadline set forth in Table 3.
- b. *Assistance for communities implementing an action plan.*

MBTA communities are encouraged to communicate as needed with EOHLC staff throughout the process of implementing an action plan, and may inquire about whether a proposed multi-family zoning district complies with Section 3A prior to a vote by the municipal legislative body to create or

modify such a district. Such requests shall be made on a form to be provided by EOHLC. If a request is submitted at least 90 days prior to the vote of the legislative body, EOHLC shall respond prior to the vote.

c. Requests for determination of district compliance

When an MBTA community believes it has a multi-family zoning district that complies with Section 3A, it may request a determination of district compliance from EOHLC. Such a request may be made for a multi-family zoning district that was in existence on the date that Section 3A became law, or for a multi-family zoning district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on an application form required by EOHLC and shall include, at a minimum, the following information. Municipalities will need to submit:

- (i) A certified copy of the municipal zoning ordinance or by-law and zoning map, including all provisions that relate to uses and structures in the multi-family zoning district.
- (ii) An estimate of multi-family unit capacity using the compliance model.
- (iii) GIS shapefile for the multi-family zoning district.
- (iv) In the case of a by-law enacted by a town, evidence that the clerk has submitted a copy of the adopted multi-family zoning district to the office of the Attorney General for approval as required by state law, or evidence of the Attorney General's approval.

After receipt of a request for determination of district compliance, EOHLC will notify the requesting MBTA community within 30 days if additional information is required to process the request. Upon reviewing a complete application, EOHLC will provide the MBTA community a written determination either stating that the existing multi-family zoning district complies with Section 3A, or identifying the reasons why the multi-family zoning district fails to comply with Section 3A and the steps that must be taken to achieve compliance. An MBTA community that has achieved interim compliance prior to requesting a determination of district compliance shall remain in interim compliance for the period during which a request for determination of district compliance, with all required information, is pending at EOHLC.

10. Ongoing Obligations; Rescission of a Determination of Compliance

After receiving a determination of compliance, an MBTA community must notify EOHLC in writing of any zoning amendment or proposed zoning amendment that affects the compliant multi-family zoning district, or any other by-law, ordinance, rule or regulation that limits the development of multi-family housing in the multi-family zoning district. EOHLC may rescind a determination of district compliance, or require changes to a multi-family zoning district to remain in compliance, if EOHLC determines that:

- (i) The MBTA community submitted inaccurate information in its application for a determination of compliance;
- (ii) The MBTA community failed to notify EOHLC of a zoning amendment that affects the multi-family zoning district;

- (iii) The MBTA community enacts or amends any by-law or ordinance, or other rule or regulation, that materially alters the minimum land area and/or the multi-family unit capacity in the multi-family zoning district;
- (iv) A board, authority or official in the MBTA community does not issue permits, or otherwise acts or fails to act, to allow construction of a multi-family housing project that is allowed as of right in the multi-family zoning district (or any mixed-use zoning development district taken into account in determining the required multi-family unit capacity in the multi-family zoning district);
- (v) The MBTA community takes other action that causes the multi-family zoning district to no longer comply with Section 3A; or
- (vi) An MBTA community with an approved multi-family zoning district has changed transit category as a result of a newly opened or decommissioned transit station, or the establishment of permanent, regular service at a transit station where there was formerly intermittent or event-based service.

11. Changes to MBTA Service

Section 3A applies to the 177 MBTA communities identified in section 1A of the Zoning Act and section 1 of chapter 161A of the General Laws. When MBTA service changes, the list of MBTA communities and/or the transit category assignments of those MBTA communities in Appendix 1 may change as well.

The transit category assignments identified in Appendix 1 of these guidelines reflect certain MBTA service changes that will result from new infrastructure now under construction in connection with the South Coast Rail and Green Line Extension projects. These service changes include the opening of new Green Line stations and commuter rail stations, as well as the elimination of regular commuter rail service at the Lakeville station. These changes are scheduled to take effect in all cases a year or more before any municipal district compliance deadline. Affected MBTA communities are noted in Appendix 1.

Municipalities that are not now identified as MBTA communities and may be identified as such in the future are not addressed in these guidelines or included in Appendix 1. New MBTA communities will be addressed with revisions to Appendix 1, and separate compliance timelines, in the future.

Future changes to Silver Line routes or stations may change district location requirements when expanded high-capacity service combined with new facilities creates a bus station where there was not one before. Changes to other bus routes, including the addition or elimination of bus stops or reductions or expansions of bus service levels, do not affect the transit categories assigned to MBTA communities and will not affect location requirements for multi-family zoning districts. Any future changes to MBTA transit service, transit routes and transit service levels are determined by the MBTA Board of Directors consistent with the MBTA's Service Delivery Policy.

List of Appendices:

- Appendix 1: MBTA Community Categories and Requirements
- Appendix 2: Compliance Methodology/Model

Action Plan for MBTA Communities

Description Area

Please read the Section 3A Guidelines before attempting to complete this form. Please note: Action Plan Forms must be submitted by a municipal official with authority to act on behalf of the municipality on matters of zoning, such as the municipal CEO or planning director.

Section 1: Identification

Description Area

The Section 3A Guidelines establish zoning metrics that apply uniquely to each MBTA community based on its local transit stations, existing housing stock, population, and developable land. This section of the Action Plan helps to identify the transit stations that determined each community's category. Appendix 1 of the Section 3A Guidelines lists each community's category and minimum multi-family unit capacity requirement.

1.1 MBTA Community Name

Sudbury

1.2. Community Category

Adjacent community

1.3. Multifamily Unit Capacity Requirement

750

1.4. Does this municipality have any MBTA rapid transit stations within its boundaries?

No

1.5. Does this municipality have any MBTA commuter rail stations within its boundaries?

No

1.6. Does this municipality have any other MBTA transit stations that are located outside of its municipal boundaries that may have "developable station area" within them?

No

1.7. Please provide the name of the person filling out this form

Adam Duchesneau

1.7a. Title

Director of Planning & Community Development

1.7b. Email Address

DuchesneauA@Sudbury.MA.us

1.7c. Phone Number

(978) 639-3398

1.8 Please provide the name of the municipal CEO

Maryanne Bilodeau

1.8b Mailing address of municipal CEO Town of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776

1.8c Email address of municipal CEO townmanager@sudbury.ma.us

1.9. Please briefly describe other members of the core team developing the multi-family zoning district. Municipal staff and Planning Board members.

Section 2: Housing Overview

2.1. Does this municipality have any established housing related goals or strategies from municipal planning documents, such as a Housing Production Plan, Master Plan, or Economic Development Plan? Yes

2.1a. Please briefly describe any relevant strategies, goals, or objectives, and the work that has been done to date. In 2021, the Town approved an updated Master Plan which included a number of short, mid, and long term housing initiatives the Town will be pursuing. The Town has a Housing Production Plan from 2016, which it is currently working to update. The Town is also currently designated as a Housing Choice Community, has an Inclusion of Affordable Housing Zoning Bylaw, and has a Chapter 40R Smart Growth Overlay District.

2.2. Is this municipality currently working on any other planning for housing? Yes

2.2a. Please briefly describe the housing work underway. Working to update 2016 Housing Production Plan.

Section 3: Preliminary Zoning Strategies

3.1. To the best of your knowledge, which of the following zoning strategies is this community most likely to use for compliance? (Select all that apply)

a. An existing zoning district or districts that might already comply with the Section 3A Guidelines
b. An existing zoning district or districts that must be amended to comply with the Section 3A Guidelines

3.1a. Please identify and briefly describe the possibly-compliant district(s), including any characteristics of existing development or transit options that make it suitable for use as this community's 3A-compliant district. Optional: Attach any supporting documents. Mixed Use Overlay District and Melone Smart Growth Overlay District (Chapter 40R).

3.1b. Please select the changes that may be necessary for the existing district to comply. Optional: Attach any supporting documents that describe this district.

Dimensional regulations
Other: Amend dwelling unit density limitations.

Explanation:

The permissible number of dwelling units in each of these overlay zoning districts will likely need to be increased to meet the minimum density requirements for the 3A zoning district. In order to do this, it may also be necessary to adjust some of the dimensional requirements in each of these overlay zoning districts.

3.2. What non-housing characteristics are important for this community to consider in its 3A zoning district?

Transportation and municipal services.

Section 4: Action Plan Timeline

Description Area

This section creates a framework to input preliminary plans for a zoning adoption process. On the table below, please use Column 1 (from the left) to describe a task, Column 2 to input a start date, and Column 3 to input a finish date. Every community must provide a timeline for the below-listed tasks. Additional space is provided for any other tasks that a community wishes to list. DHCD will review proposed timelines for feasibility before approving an Action Plan. Public outreach
Developing zoning
Applying DHCD's compliance model to test for density and unit capacity
Holding planning board hearings
Holding legislative sessions and adopt compliant zoning
Submit District Compliance application to DHCD

Description Area

Task

Description Area

Start

Description Area

Finish

Short Answer

Public Outreach

Feb 01, 2023

Jan 31, 2024

Short Answer

Developing Zoning

Feb 01, 2023

Nov 30, 2023

Short Answer

Apply Compliance Model

May 15, 2023

Nov 30, 2023

Short Answer

Planning Board Hearings

Dec 01, 2023

Jan 31, 2024

Short Answer

Adopt Compliant Zoning

May 01, 2024

Oct 31, 2024

Short Answer

Submit Compliance to DHCD

Nov 01, 2024

Dec 31, 2024



SUDBURY SELECT BOARD
Monday, November 20, 2023

MISCELLANEOUS (UNTIMED)

2: Progress on Master Plan discussion

REQUESTOR SECTION

Date of request:

Requestor: Chair Dretler

Formal Title: Continue joint meeting with Planning Board for discussion and review on progress of Master Plan.

Recommendations/Suggested Motion/Vote: Continue joint meeting with Planning Board for discussion and review on progress of Master Plan.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

11/20/2023 7:30 PM

Livable Sudbury: Links to Master Plan

Item	Master Plan	Select Board Proposed Initiative (Scenario 3)
Rt 20 Corridor	<p>A.7 Continue to identify transportation improvement opportunities (policies, amenities, or new infrastructure) that connect Route 20 to other areas of Sudbury by means other than a car, such the proposed rail trails, walkway improvements, or shuttle services for commuters, seniors, and youth (See Transportation and Connectivity Policy B).</p>	<p><i>SHUTTLE AND OTHER SERVICES (near, medium, long term):</i></p> <ul style="list-style-type: none"> • In-town, through town, regional short fixed routes • Destination fixed routes • Multi-passenger microtransit spoke-to-hubs <p>Community Transit Grant submitted for MWRTA Catch-Connect route 20 microtransit service w/in Sudbury</p>
	<p>B.1 Provide incentives for private commercial property owners on the Route 20 Corridor to incorporate site elements conducive to transit ridership. These could include interior circulation routes for shuttles and some dedicated parking spaces for shuttle riders.</p>	<p><i>INTEGRATION OF EMPLOYERs AND OTHER PARTNERS IN TRANSPORTATION IMPLEMENTATION (medium, long term):</i></p> <ul style="list-style-type: none"> • Workforce development routes include day (child, adult) care, education, training, etc.
	<p>B.4 Revisit the Route 20 commuter shuttle and other regional transit programs to determine if it is meeting commuter needs.</p>	<p><i>TECHNICAL ASSISTANCE REQUEST TO MPO (near, medium term):</i></p> <ul style="list-style-type: none"> • Regional fixed routes (rt 20?) • Regional microtransit spoke-to-hubs (rt 20?)
Tran'n & Connectivity	<p>A.2 Coordinate with the state, MassDOT, Metropolitan Area Planning Council (MAPC), Massachusetts Bay Transportation Authority (MBTA), MetroWest Regional Transit Authority (MWRTA), and adjacent towns to establish and enhance connections between key destinations.</p> <p>MAPC and Sudbury: meeting with Newton and Salem, to discuss Via microtransit services, 10/23</p>	<p><i>TECHNICAL ASSISTANCE REQUEST TO MPO (near, medium, long term):</i></p> <ul style="list-style-type: none"> • In-town and destination fixed routes to RTA, MBTA, commuter rail connections • Microtransit spoke-to-fixed route hubs to RTA, MBTA, commuter rail connections <p>Community Connections Grant in process: Sudbury, Wayland and MWRTA Boston Hospital shuttle service</p>
	<p>A.3 Solicit support from legislators as needed to prioritize and implement regional connectivity projects.</p>	<p><i>TECHNICAL ASSISTANCE REQUEST TO MPO (near, medium term):</i></p> <ul style="list-style-type: none"> • RTA policies, incentives, performance measures
	<p>E.1 Identify specific measures to address gaps in transportation services for persons with disabilities and identify funding sources required to ensure access.</p>	<p><i>MASS DOT CONTACT (medium, long term)</i></p> <ul style="list-style-type: none"> • Transportation system infrastructure designed, planned, spec'd

	E.4 Continue to work with Community Compact through its Making the Connections micro transit pilot project to identify and fill gaps in connectivity between modes and destinations.	<i>TECHNICAL ASSISTANCE REQUEST TO MPO (near term):</i> <ul style="list-style-type: none"> • MPO route planning taxi, Uber services to date • Nelson/Nygaard regional survey
	E.5 Continue to coordinate with Sudbury Senior Center and Commission on Disability in the evaluation of its transportation services to ensure that needs of the entire community are being met and identify gaps in services. Identify opportunities to expand existing services for older residents and persons with disabilities and investigate new types of services such as ride-share programs. Identify funding sources required to ensure access.	<i>INFRASTRUCTURE PLANNING (near, medium term):</i> <ul style="list-style-type: none"> • Incorporation of (multiple) social service org. partners • Transportation system infrastructure determined
	E.6 Coordinate with MetroWest Regional Transit Authority (MWRTA) to expand accessible service along major roadways in Sudbury wherever possible.	<i>MWRTA OPTIONS FOR SUDBURY (near, medium, long term):</i> <ul style="list-style-type: none"> • In-town fixed routes to RTA connections • In-town and destination fixed routes to RTA, MBTA, commuter rail connections • Microtransit spoke-to-fixed route hubs to RTA, MBTA, commuter rail connections <p>Community Transit and Community Connections grants; see above</p>
Town Facilities, Services, Infrastructure	A.1 Convene a Livable Sudbury Working Group with leadership from the Council on Aging, Senior Center, and Livable Sudbury Ambassador, and representation from public safety (Police, Fire, EMA), Planning & Community Development, the Library, and the Commission on Disability among other municipal departments, to prioritize and implement the potential action items in Livable Sudbury.	<i>LIVABLE SUDBURY AMBASSADOR:</i> <ul style="list-style-type: none"> • Member Transportation Committee • Lead on MAPC and Community Compact grants, MassDev proposal, and Community Transit and Community Connections grants • Author of Scenario 3/Business Plan • Lead on MPO technical request
	D.5 Develop sustainability goals for Town facilities, infrastructure, and operations.	<i>SCENARIO 3:</i> <ul style="list-style-type: none"> • Services must address environmental concerns, including increase in electric vehicles and reduction of single-occupancy vehicles (SOV). Rt 20 CatchConnect and Boston Hospital shuttle; see above • The primary goal is mobility as a service—this means primary emphasis on coverage (including social goals, such as equity and environmental stewardship).
Resiliency	C.3 Continue to upgrade Town facilities and buildings to improve their energy efficiency.	<i>AS ABOVE</i>

<p>Public Health, Social Well-Being</p>	<p>D.1 Continue to support the Council on Aging/ Senior Center to enhance transportation services such as Sudbury Connect and FISH (see Transportation and Connectivity).</p> <p>See grants, above</p>	<p><i>SCENARIO 3:</i></p> <ul style="list-style-type: none"> • <u>Special populations</u> (seniors, people with disabilities, veterans, financially vulnerable): reliable, efficient, and attractive on-demand, door-to-door service with subsidies for those meeting affordability criteria; this also assumes appropriate training of drivers to meet the needs of special populations
	<p>D.2 Include access to public health resources in the “Making the Connections” pilot study (see Transportation and Connectivity).</p>	<p><i>SCENARIO 3 (proof of concept):</i></p> <ul style="list-style-type: none"> • Targeted transportation pilots (health care, reducing social isolation, developing workforce, smartphone education, etc.)

The image shows the cover of the Sudbury Master Plan. On the left is a blue vertical banner with the Sudbury Planning Board logo at the top, which features a circular emblem with a building and the text 'SUDBURY PLANNING BOARD'. Below the logo, the text 'SUDBURY MASTER PLAN' is written in white. At the bottom of the banner, it says 'Adopted by the Sudbury Planning Board April 28, 2021'. To the right of the banner is a photograph of a white building with a steeple and a statue on a pedestal in front of it. The entire cover is framed by a thin black border.

Master Plan Implementation Update for Select Board

November 20, 2023

Master Plan Action Items: Ongoing Work

- Action Item status updates itemized in Column G of Action Item Matrix (provided Excel sheet)

Attachment 2.b: Master Plan Implementation Update for Select Board 231120 (6024 : Progress on Master Plan discussion)

High Priority Items in Master Plan

“HIGH IMPACT” ACTION ITEMS

These actions or projects will have a major positive impact on the community as a whole and should remain a high priority for implementation.

- **Bruce Freeman Rail Trail Construction**
 - Construction well underway with anticipated completion of Phase 2 in Summer 2024
 - Phase 3 design is progressing and 25% design is expected to be complete by Summer 2024

- **Comprehensive Wastewater Management Plan**
 - Completed and MEPA SEIR Certificate issued in December 2022
 - Housing Choice Grant awarded to continue public education and outlook, hydrogeological and groundwater work as well as investigations relative to Mass Historical sites along the routes.
 - A Design Article is anticipated for the Annual Town Meeting in May.

High Priority Items in Master Plan

“CRITICAL PATH” ACTION ITEMS

These serve as keystone projects. Without addressing these particular Action Items early in the implementation phase, other Action Items cannot be pursued or would suffer in some way.

- **Route 20 Corridor Visioning Study** ←
- **Historic Preservation Plan**
- **Facilities Assessment and Maintenance Plan**
- **Housing Strategy**
- **Comprehensive Wastewater Management Plan**

Critical Path Action Item required to address Route 20 actions

Attachment 2.b: Master Plan Implementation Update for Select Board 231120 (6024 : Progress on Master Plan discussion)

Planning Board High Priorities (1 of 3)

TOWN FACILITIES, SERVICES, AND INFRASTRUCTURE

- D.1. Develop a comprehensive Facilities Assessment and Maintenance Plan that includes a Capital Needs Assessment for every municipal building/property.
 - Identified as a Critical Path Action Item in Master Plan related to funding, ADA compliance, Livable Sudbury goals, and energy conservation

HISTORIC AND CULTURAL IDENTITY

- A.1. Create a Historic and Archaeological Working Group comprised of preservation organizations, Town boards, committees, and commissions, Town officials, and citizens whose mission is to advance the protection, preservation, and development of historical archaeological resources and town character.
 - Identified and reinforced by Historic Preservation Plan
 - CPA funds have been dedicated to furthering the collection of data on historic resources and cultural landscapes in Sudbury.

Planning Board High Priorities (2 of 3)

HISTORIC AND CULTURAL IDENTITY

- A.3.a. Examine existing historic district policies: Determine the need to expand or reduce boundaries based on historic resources and the effect of these changes on area character. Define how historic district boundaries are drawn and if the 300-foot setback from the public right of way is an effective determinant of a boundary. Add provisions for landscape regulations.
- A.3.b. Examine the effectiveness of the Demolition Delay Bylaw to protect properties outside historic districts and lessen its impact on properties that have no historic value. Consider ways to update it.
- A.3.c. Consider establishing a Minimum Maintenance Bylaw or a Demolition by Neglect Bylaw to maintain historic properties and protect them from demolition.
 - All items are addressed within the Historic Preservation Plan
 - Next step is to examine revised bylaws for a future Town Meeting

Planning Board High Priorities (3 of 3)

ECONOMIC DEVELOPMENT

- A.1. (Find resources to) Hire an economic development planner tasked with managing projects specific to economic development and working on business retention, expansion, and outreach/relationship building. The economic development planner, through the Planning and Community Development Department, will lead the remaining actions under this goal.
 - \$35,000 of ARPA funds allocated to hire economic development consultant to accomplish several of the tasks identified in Master Plan, including assessing value of permanent economic development position

TRANSPORTATION & CONNECTIVITY

- B.4.a. Identify opportunities for shared driveways and other connections between adjacent commercial properties.
 - Key item related to goals of reducing congestion on Route 20
 - Planning Board continues to examine on case by case basis, but would like to explore at more macro level

Priorities Needing Select Board Assistance

TOWN FACILITIES, SERVICES, AND INFRASTRUCTURE

- D.1. Develop a comprehensive Facilities Assessment and Maintenance Plan that includes a Capital Needs Assessment for every municipal building.
- Contracts are being finalized with Alpha and Brightly Software to complete the assessment and populate the Brightly Software.
 - CAD drawings/narratives, Facilities Condition Index, and cost estimates are the deliverables.

Potential Opportunities

MULTI-FAMILY ZONING REQUIREMENT FOR MBTA COMMUNITIES

- Studying potential compliance with this ordinance could address several Action Items and priorities in the Master Plan related to diversifying housing stock, affordable housing, and mixed-use development in specific locations *(example: Housing Items A & B, Economic Development Items C)*

TOWN MEETING APPROVED HIRING A SUSTAINABILITY DIRECTOR

- This aligns with Action Items related to Resiliency and other areas of focus. This position can spearhead actions focused on resiliency, carbon reduction, climate action plan, and sustainability *(example: Resiliency Items A-C, Town Facilities Items D)*
- The Planning Board will work with the Sustainability Director on scheduling a presentation and discussion of the Board's sustainability goals and actions for 2024.

Select Board Priorities

- Priorities identified at October 24, 2022 Select Board meeting.....

MP Chapter	Prioritization	Chapter Link	Action Item	Advocate	Timeframe	Action Updates
			ROUTE 20 CORRIDOR			
			A. Sudbury will work to develop a strong vision for Route 20 redevelopment and remove barriers to achieve that vision.			
Route 20 Corridor	Critical Path Action & High Impact Project		A.1 Complete a Comprehensive Wastewater Management Study that includes recommendations.	DPW	Short-Term (within 5 years)	DPW completed the CWWMP and was issued an SEIR Certificate from MEPA on 1 Deceme 2022. Work on public education, hydrogeology, groundwater, and Mass Historic sites alor route continues with a Housing Choice Grant.
Route 20 Corridor			A.2 Fund and commission wastewater solution(s) for the Route 20 Corridor identified in the Comprehensive Wastewater Management Study (See above Action A.1).	DPW	Short-Term (within 5 years)	
Route 20 Corridor	Critical Path		A.3 Fund and commission a Visioning Study for the Route 20 Corridor that will provide detailed buildout visualizations of future development scenarios. Identify preferred elements from each scenario.	Planning & Community Development	Short-Term (within 5 years)	
Route 20 Corridor			A.4 Develop and adopt zoning for target areas on Route 20 that will allow developers to build environmentally sustainable, accessible, and attractive projects.	Planning & Community Development	Mid-Term (5-10 years)	
Route 20 Corridor			A.5 Revisit the Water Resource Protection Overlay District to determine whether this zoning tool is still functioning as intended. Revise the Zoning Bylaw as appropriate.	Planning & Community Development	Mid-Term (5-10 years)	
Route 20 Corridor		Housing	A.6 Ensure housing proposed within the Route 20 Corridor, either as standalone developments or part of a mix-used project, follow policies outlined in Housing .	Planning & Community Development	Ongoing	
Route 20 Corridor		Transportation and Connectivity	A.7 Continue to identify transportation improvement opportunities (policies, amenities, or new infrastructure) that connect Route 20 to other areas of Sudbury by means other than a car, such the proposed rail trails, walkway improvements, or shuttle services for commuters, seniors, and youth (See Transportation and Connectivity Policy B).	Planning & Community Development	Ongoing	The Bruce Freeman Rail Trail (BFR Trail) and Mass Central Rail Trail (MCRT) projects continue to advance and are now under construction in 2023 and 2024. Topic is a discussed at Transportation Committee meetings.
Route 20 Corridor		Transportation and Connectivity	A.8 Use streetscape improvements to create a positive walking experience in the Route 20 Corridor, including sidewalk connections, banners, street trees, and burying utilities (See Transportation and Connectivity Policy B).	Planning & Community Development	Ongoing	
Route 20 Corridor			B. Identify ways to reduce congestion along Route 20 in order to connect the corridor with other key nodes in the community.			
Route 20 Corridor			B.1 Provide incentives for private commercial property owners on the Route 20 Corridor to incorporate site elements conducive to transit ridership. These could include interior circulation routes for shuttles and some dedicated parking spaces for shuttle riders.	Planning & Community Development	Short-Term (within 5 years)	
Route 20 Corridor			B.2 Evaluate the potential for using "back road," "access road," or other connectivity strategies to keep automobiles from re-entering Route 20 when unnecessary.	Planning & Community Development	Mid-Term (5-10 years)	
Route 20 Corridor			B.3 Use incentives or requirements for new development along the Route 20 Corridor that connect Route 20 to future rail trails in Sudbury in a way that enhances local and regional access. This may include leveraging public and private investments for new infrastructure.	Planning & Community Development	Ongoing	
Route 20 Corridor			B.4 Revisit the Route 20 commuter shuttle and other regional transit programs to determine if it is meeting commuter needs.	Transportation Committee	Ongoing	Topic is discussed and explored at Transportation Committee meetings. Senior Ce Director stays in touch with the MWRTA regarding this topic.
Route 20 Corridor			B.5 Work with neighboring communities to manage and coordinate future development along Route 20 to minimize the impact of traffic on mobility.	Planning & Community Development	Mid-Term (5-10 years)	
			ECONOMIC DEVELOPMENT			
Economic Development			A. Sudbury will develop capacity to support economic development efforts, including taking an active approach to business attraction, retention, and expansion.			
Economic Development			A.1 Hire an economic development planner tasked with managing projects specific to economic development and working on business retention, expansion, and outreach/relationship building. The economic development planner, through the Planning and Community Development Department, will lead the remaining actions under this goal.	Town Manager	Short-Term (within 5 years)	PCD has been allocated \$35,000 of ARPA funding to hire an Economic Developme Consultant. Discussions with the Planning Board indicate the best way to use the funding is to obtain a better handle on what the consultant sees as the potential economic impact of a permanent position. PCD staff is working to execute the use this funding. Significant work will likely begin after the Planning Board has address the Town needs for compliance with MBTA Communities Zoning.
Economic Development			A.2 Develop a comprehensive economic development strategy for the town.	Planning & Community Development	Short-Term (within 5 years)	
Economic Development			A.3 Develop incentives to attract the types of businesses that Sudbury residents currently leave town to patronize, particularly food service, entertainment, private recreation, and recreation-oriented retail.	Planning & Community Development	Short-Term (within 5 years)	
Economic Development			A.4 Survey existing businesses to understand issues and promote retention.	Planning & Community Development	Short-Term (within 5 years)	
Economic Development			A.5 Partner with private property owners, businesses, and other economic development stakeholders to develop modern flexible office and meeting space that supports existing and new professionals within the Town who may currently work from home.	Planning & Community Development	Mid-Term (5-10 years)	
Economic Development			A.6 Partner with private property owners, businesses, and other economic development stakeholders to develop a small-scale entrepreneurial/maker space to support light manufacturing/assembly businesses.	Planning & Community Development	Mid-Term (5-10 years)	
Economic Development			A.7 Work with local commercial real estate agents to assist existing businesses seeking to expand by helping locate appropriate space in Town.	Planning & Community Development	Ongoing	
Economic Development			A.8 Strengthen relationships with economic development stakeholders, such as the Sudbury Chamber of Commerce, to assist with capacity building for economic development efforts.	Planning & Community Development	Ongoing	
Economic Development			B. Sudbury will work with property owners and other stakeholders to ready sites for development or redevelopment.			
Economic Development		Route 20 Corridor	B.1 Work with local commercial real estate agents to promote sites in Sudbury for commercial development, especially redevelopment sites along the Route 20 corridor.	Planning & Community Development	Short-Term (within 5 years)	
Economic Development			B.2 Work with commercial property owners to modernize existing commercial spaces through façade programs, revolving loan funds, etc.	Planning & Community Development	Mid-Term (5-10 years)	

Attachment 2.c: Master Plan - Action Item Matrix for SB Update 231120 (6024) : Progress on Master Plan

MP Chapter	Prioritization	Chapter Link	Action Item	Advocate	Timeframe	Action Updates
Economic Development			C. Sudbury will develop a strategy for its ongoing fiscal health.			
Economic Development			C.1 Develop strong fiscal strategies and policies that prioritize short- and long-term expenditures and balance costs against revenues.	Select Board	Short-Term (within 5 years)	
Economic Development		Route 20 Corridor	C.2 Modify zoning to promote the type and scale of development aligning with current retail and office market trends, including mixed-use buildings, walkability, connectivity, integration with housing options, etc. Consider using an overlay district to implement this regulatory change (See Route 20 Corridor).	Planning & Community Development	Mid-Term (5-10 years)	
TRANSPORTATION & CONNECTIVITY						
Transportation and Connectivity			A. Sudbury will remain active in regional efforts to coordinate transportation planning across multiple municipalities.			
Transportation and Connectivity			A.1 Study the need for and establish park and ride locations.	Planning & Community Development	Short-Term (within 5 years)	Some analysis of this by the Transportation Committee and PCD's involvement in Making the Connections initiative.
Transportation and Connectivity			A.2 Coordinate with the state, MassDOT, Metropolitan Area Planning Council (MAPC), Massachusetts Bay Transportation Authority (MBTA), MetroWest Regional Transit Authority (MWRTA), and adjacent towns to establish and enhance connections between key destinations.	Planning & Community Development	Ongoing	Transportation Committee and PCD are involved in these discussions when they a
Transportation and Connectivity			A.3 Solicit support from legislators as needed to prioritize and implement regional connectivity projects.	Select Board	Ongoing	
Transportation and Connectivity			B. Sudbury will continue to identify, design, and install physical improvements to its roadway system in a way that increases public safety and pedestrian/bicycle mobility and ensures compliance with state and federal accessibility regulations.			
Transportation and Connectivity			B.1 Implement the projects in the Complete Streets (Phase II) Prioritization Plan. Coordinate and prioritize improvements that support other economic development and housing initiatives.	DPW	Short-Term (within 5 years)	DPW has obtained funding and is in the process of updating the Concord Road/Old Avenue/Old Lancaster Road intersection.
Transportation and Connectivity		Route 20 Corridor	B.2 Study traffic signal coordination opportunities along Route 20.	DPW	Short-Term (within 5 years)	
Transportation and Connectivity			B.3 Evaluate appropriate strategies that can reduce vehicular traffic volumes (transportation demand management) in preparation for future larger development proposals.	Planning & Community Development	Short-Term (within 5 years)	
Transportation and Connectivity			B.4 Explore access management strategies to reduce congestion and improve safety along major roadways, particularly commercial areas along Route 20, including, but not limited to:	Planning & Community Development		
Transportation and Connectivity			B.4.a Identify opportunities for shared driveways and other connections between adjacent commercial properties.	Planning & Community Development	Short-Term (within 5 years)	
Transportation and Connectivity			B.4.b Evaluate frontage or rear roads between multiple properties to create connectivity between adjacent commercial properties to better serve businesses with reduced driveways and road access points.	Planning & Community Development	Short-Term (within 5 years)	
Transportation and Connectivity			B.4.c Work with MassDOT to determine if syncing signalized intersections can improve traffic flow.	Planning & Community Development	Short-Term (within 5 years)	
Transportation and Connectivity			B.5 Prioritize streets for burying overhead utility lines and research state and federal funding opportunities.	Planning & Community Development	Mid-Term (5-10 years)	
Transportation and Connectivity			C. Sudbury will foster the continued creation of the Bruce Freeman Rail Trail (BFRT) and other walking and biking networks throughout Town.			
Transportation and Connectivity	High Impact Project		C.1 Complete the construction of Phase I of the BFRT.	Planning & Community Development	Short-Term (within 5 years)	Construction bids were opened in Fall 2022 with the project breaking ground in January 2023. This phase is anticipated to be complete in Summer/Fall 2024.
Transportation and Connectivity	High Impact Project		C.2 Conduct environmental studies, acquire required permits and approvals, prepare engineering designs and construction drawings, and construct the extension of the BFRT on the CSX corridor.	Planning & Community Development	Short-Term (within 5 years)	Additional CPA funds were allocated at the May 2023 Annual Town Meeting and t Town received a MassTrails Grant for the 25% design. Fuss & O'Neill completed a feasibility study of the last 1.4 miles in June 2023 and has begun 25% design. Construction can be scheduled once the 25% design is complete and funding is available.
Transportation and Connectivity	High Impact Project		C.3 Work with Friends of the BFRT on signage and wayfinding, safe roadway crossings, features, and amenities for those with disabilities, and trail maintenance policies.	Planning & Community Development	Short-Term (within 5 years)	Additional CPA funds were allocated at the May 2023 Annual Town Meeting and t Town received a MassTrails Grant for the 25% design. Fuss & O'Neill completed a feasibility study of the last 1.4 miles in June 2023 and has begun 25% design.
Transportation and Connectivity	High Impact Project		C.4 Pursue grants to fund trail connections.	Planning & Community Development	Ongoing	
Transportation and Connectivity			D. Sudbury will map key destination points within the community and will work to close gaps in the pedestrian and bicycle network accessing these destinations and creating and improving access for those with disabilities.			
Transportation and Connectivity			D.1 Work with community businesses and organizations to create marketing plans to attract rail trail users to visit local shops and amenities.	Planning & Community Development	Short-Term (within 5 years)	
Transportation and Connectivity		Route 20 Corridor	D.2 Create an inventory of destination points, including but not limited to civic institutions such as schools and libraries, commercial areas, recreational assets, and historical and cultural places in the community. Identify opportunities to connect destination points with an expanded walkway and bicycle network (See also Route 20 Corridor A.7).	Planning & Community Development	Short-Term (within 5 years)	
Transportation and Connectivity			D.3 Update the walkway inventory conducted in 2000 by the Sudbury Walkway Committee to include completed walkways. Identify locations of the existing network that are not accessible for those with disabilities. Along with outcomes from D.2, prioritize future walkway segments.	Planning & Community Development	Mid-Term (5-10 years)	
Transportation and Connectivity			D.4 Create an open dialogue with property owners with key frontage areas as a means of educating and engaging owners about benefits of closing gaps within the pedestrian and bicycle network.	Planning & Community Development	Mid-Term (5-10 years)	
Transportation and Connectivity			D.5 Explore the possibility of creating a toolkit that can be given to property owners located in frontage areas so that they may better understand some of the benefits of pedestrian infrastructure such as increased property values. Develop and implement an educational campaign with key stakeholders.	Planning & Community Development	Long-Term (more than 10 Years)	

MP Chapter	Prioritization	Chapter Link	Action Item	Advocate	Timeframe	Action Updates
Transportation and Connectivity			D.6 Pursue grant opportunities and funding available for the creation of walkways. Grant programs to pursue include but are not limited to Complete Streets Funding, Transportation Alternatives Program (TAP), Safe Routes to School, and others.	Planning & Community Development	Ongoing	
Transportation and Connectivity			E. Sudbury commits to be a community where people of all ages and abilities and financial means are able to get where they need to go locally and regionally without the use of personal automobiles.			
Transportation and Connectivity			E.1 Identify specific measures to address gaps in transportation services for persons with disabilities and identify funding sources required to ensure access.	Council on Aging & Commission on Disability	Short-Term (within 5 years)	Transportation Committee undertakes discussions about this as part of their over initiative.
Transportation and Connectivity			E.2 Rethink the existing school busing cost structure to encourage bus use and discourage car drop-off/pick-up of students at Ephraim Curtis Middle School and local elementary schools. Also see Actions D.2 and D.3.	Sudbury Public Schools	Short-Term (within 5 years)	
Transportation and Connectivity			E.3 Manage parking resources and explore options for shared parking near trails.	Planning & Community Development	Mid-Term (5-10 years)	
Transportation and Connectivity			E.4 Continue to work with MAPC through its Making the Connections micro transit pilot project to identify and fill gaps in connectivity between modes and destinations.	Planning & Community Development	Ongoing	The Making the Connections initiative will be wrapping up by the end of 2022 with analysis report provided Nelson Nygaard.
Transportation and Connectivity			E.5 Continue to coordinate with Sudbury Senior Center and Commission on Disability in the evaluation of its transportation services to ensure that needs of the entire community are being met and identify gaps in services. Identify opportunities to expand existing services for older residents and persons with disabilities and investigate new types of services such as ride-share programs. Identify funding sources required to ensure access.	Council on Aging	Ongoing	Work on this continues with the Senior Center and Commission on Disability being closely involved in Transportation Committee discussions.
Transportation and Connectivity			E.6 Coordinate with MWRTA and to expand service in Sudbury wherever possible.	Transportation Committee	Ongoing	Senior Center Director continues to stay in contact with the MWRTA to understand their different initiatives and relay Sudbury concerns.
Transportation and Connectivity		Housing	E.7 Ensure future housing development, particularly those with SHI units, include resources and access to existing local shuttle services, walking and bicycling amenities, and connections to regional transportation networks. Partner with the Sudbury Housing Authority and Sudbury Housing Trust in this effort.	Planning & Community Development	Ongoing	
HISTORIC AND CULTURAL IDENTITY						
Historic and Cultural Identify			A. Sudbury will address historic preservation needs and emphasize collaboration among its local historic preservation groups and coordinate their efforts town-wide.			
Historic and Cultural Identify			A.1 Create a Historic and Archaeological Working Group comprised of preservation organizations, Town boards, committees, and commissions, Town officials, and citizens whose mission is to advance the protection, preservation, and development of historical archaeological resources and town character.	Planning & Community Development	Short-Term (within 5 years)	The SHC and HDC have had a joint meeting to begin preliminary discussions on the creation of the Stewardship Committee. Now that the Town has hired a Planning & Community Development Director they will work with that individual to move this forward.
Historic and Cultural Identify	Critical Path Action		A.2 Appropriate funding for and develop a town-wide Historic Preservation Plan with the involvement of stakeholders. Items addressed in the plan could include, but will not be limited to:	Historical Commission		Townwide Historic Preservation Plan was completed in September of 2022. Work continues to implement the recommendations included therein.
Historic and Cultural Identify	Critical Path Action		A.2.a Ongoing survey and study of non-documented and under-documented historic and archaeological resources and/or those not fully understood.	Historical Commission	Short-Term (within 5 years)	The Historic Commission has signed a contract to complete Phase V of the Town's historic property inventory. Work will begin on this before the new year. Addition and RFP has been advertised for work at the Hosmer House to review the structure and landscape as a historic resource. Piggy backing on that RFP an RDQ will be re-advertised for a curative review of the Hosmer House Art Collection. Finally, the Historic Commission is working on soliciting contractors to perform a review of culturally significant Indigenous landscapes Townwide.
Historic and Cultural Identify	Critical Path Action		A.1.b. A clear description of the responsibilities of each historic resource stakeholder in the community, including the Town boards, committees, and commissions, historic property owners (homeowners and businesses), and the Town.	Historical Commission	Short-Term (within 5 years)	
Historic and Cultural Identify	Critical Path Action		A.2.c. An assessment of needs and gaps in Sudbury's historic preservation administrative capacity, funding, and infrastructure.	Historical Commission	Short-Term (within 5 years)	
Historic and Cultural Identify	Critical Path Action		A.2.d. An audit of existing historic preservation regulatory tools, how their effectiveness can be strengthened, and adopting new tools for preservation protections.	Historical Commission	Short-Term (within 5 years)	There is discussion/analysis of this in the Historic Preservation Plan
Historic and Cultural Identify	Critical Path Action		A.2.e. Identifying the appropriate situations for purchasing property, regulating property, and educating property owners to achieve historic preservation.	Historical Commission	Short-Term (within 5 years)	
Historic and Cultural Identify	Critical Path Action		A.2.f. Developing a Town Center Master Plan.	Historical Commission	Short-Term (within 5 years)	
Historic and Cultural Identify			A.3 Re-evaluate the purpose, scope, and adequacy of regulatory tools to protect Sudbury's historical and cultural resources.	Historic Districts Commission		There is discussion/analysis of this in the Historic Preservation Plan
Historic and Cultural Identify			A.3.a Examine existing historic district policies: Determine the need to expand or reduce boundaries based on historic resources and the effect of these changes on area character. Define how historic district boundaries are drawn and if the 300-foot setback from the public right of way is an effective determinant of a boundary. Add provisions for landscape regulations.	Historic Districts Commission	Short-Term (within 5 years)	There is discussion/analysis of this in the Historic Preservation Plan
Historic and Cultural Identify			A.3.b Examine the effectiveness of the Demolition Delay Bylaw to protect properties outside historic districts and lessen its impact on properties that have no historic value. Consider ways to update it.	Historical Commission	Short-Term (within 5 years)	There is discussion/analysis of this in the Historic Preservation Plan
Historic and Cultural Identify			A.3.c Consider establishing a Minimum Maintenance Bylaw or a Demolition by Neglect Bylaw to maintain historic properties and protect them from demolition.	Historical Commission	Short-Term (within 5 years)	There is discussion/analysis of this in the Historic Preservation Plan
Historic and Cultural Identify			A.4 Develop a sophisticated and accessible platform for the Town's historic and archaeological resources inventory that can be used to support local permit review and educate residents and property owners.	Planning & Community Development		
Historic and Cultural Identify			4.a. Create a complete digital inventory of historic structures, sites, landscapes, roads, and significant features (e.g. stone walls) throughout Sudbury.	Planning & Community Development	Long-Term (more than 10 Years)	
Historic and Cultural Identify			4.b. Identify and inventory historic structures, buildings, sites, and landmarks that have not been inventoried or those inventories which are out of date.	Planning & Community Development	Long-Term (more than 10 Years)	CPA funds were awarded for FY24 and a contract has been executed for the completion of Phase V of the Historic Properties Inventory.
Historic and Cultural Identify			4.c. Work with the Sudbury Historical Society and the Goodnow Library to include links historic photos of Sudbury with property addresses as part of the platform.	Planning & Community Development	Long-Term (more than 10 Years)	

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MP Chapter	Prioritization	Chapter Link	Action Item	Advocate	Timeframe	Action Updates
Historic and Cultural Identify			4.d. Link with GIS data to better inform and shape the effectiveness of preservation and planning policies.	Planning & Community Development	Long-Term (more than 10 Years)	
Historic and Cultural Identify			B. Sudbury will continue to develop educational resources and materials related to historical and archaeological resources in the community.			
Historic and Cultural Identify			B.1 Develop a Historic Preservation Primer for all local boards, commissions, and committees that clearly describes the variety of historic preservation regulatory tools in the community, powers and limitations, and how they function together.	Historical Commission	Short-Term (within 5 years)	
Historic and Cultural Identify			B.2 Increase awareness and support among residents about the value and benefits of Historic Preservation tools protections. Consider an education campaign for local realtors, Chamber of Commerce, community leaders, and other stakeholders.	Historical Commission	Short-Term (within 5 years)	Some of this was accomplished through the two public forums that were held during the development of the Historic Preservation Plan.
Historic and Cultural Identify			B.3 Develop more robust resources for historic homeowners on what they can do with their homes/properties to maintain historic features and attributes, including a Historic Preservation Primer. Other resources may include a historic design library, better online resources on the the Town's webpage, and public seminars on how to preserve historic homes (how to restore historic windows, historic property maintenance, etc.), to encourage more proactive maintenance and restoration of properties.	Historical Commission	Short-Term (within 5 years)	
Historic and Cultural Identify			B.4 Working in collaboration with the Historical Society, the Historical Commission, the Wayside Inn, the Sudbury Cultural Council, and other interested parties, develop materials focused on Sudbury's historical resources to support the local tourist economy. This would include connections to the rail trails, incorporating historical railroad elements, and capitalizing on bicycle and pedestrian use to attract tourism.	Historical Commission	Short-Term (within 5 years)	This would be a function under the Stewardship Working Group and is fully discussed in the Historic Preservation Plan.
Historic and Cultural Identify			B.5 Create more descriptive and informative Historic Districts Design Guidelines. Review guidelines from other Massachusetts communities as a first step.	Historic Districts Commission	Short-Term (within 5 years)	CPA funds were allocated for this project at the May 2022 Annual Town Meeting and the HDC. Commission has had preliminary discussions as to how to advance this project.
Historic and Cultural Identify			C. Sudbury will continue to foster a vibrant local arts and culture network.			
Historic and Cultural Identify			C.1 Coordinate efforts between the Cultural Council, Sudbury Arts, and the Commission on Disability to increase access and offerings related to the arts for people with disabilities.	Commission on Disability	Short-Term (within 5 years)	
Historic and Cultural Identify			C.2 Encourage collaboration between local arts, cultural, historic organizations, and the local business community to create community-wide events and programming.	Town Manager	Short-Term (within 5 years)	
Historic and Cultural Identify			C.3 Continue to provide local artists and arts organizations with access to municipal facilities as appropriate to display art, hold classes, and publicize events.	Town Manager	Ongoing	
Historic and Cultural Identify			C.4 Work with Sudbury Public Schools and Lincoln-Sudbury Regional High School on special projects that engage students with local historic resources and cultural entities.	Cultural Council	Ongoing	
			NATURAL ENVIRONMENT			
Natural Environment			A. Sudbury will take proactive measures to protect the Town's drinking water supply.			
Natural Environment		Route 20 Corridor	A.1 Revisit the Water Resource Protection Overlay District to determine whether this zoning tool is still functioning as intended. Revise the Zoning Bylaw as appropriate (see Route 20 Corridor).	Planning & Community Development	Mid-Term (5-10 years)	
Natural Environment			A.2 Review all local regulations that govern development above the aquifer (e.g., Zoning, Board of Health, Conservation, Subdivision) to ensure provisions protect water quality and allow for groundwater recharge to the greatest extent practicable.	Planning & Community Development	Long-Term (more than 10 Years)	
Natural Environment		Conservation and Recreation Land	A.3 Monitor lands within the aquifer for opportunities to implement conservation strategies, such as property acquisition and conservation restrictions. See Conservation and Recreation Land .	Conservation Commission	Ongoing	Conservation Coordinator continues to work towards completing outstanding Conservation Restrictions required by past Orders to permanently protect lands within aquifers. The Conservation Coordinator has completed one, has four under state review, and has two more under development in the past year. This effort has been substantially been encumbered by lack of staffing at the State level. Monitoring of existing Conservation Restrictions has been advanced with the on-boarding of the Land Manager to ensure the integrity of CR lands in maintained.
Natural Environment			A.4 Continue coordination with the Sudbury Water District as it plans for future investments.	Planning & Community Development	Ongoing	Periodic discussions between PCD and the Sudbury Water District continue to take place.
Natural Environment			B. Sudbury commits to implementing best management practices for stormwater management.			
Natural Environment			B.1 Identify opportunities to install green infrastructure on town properties in existing or planned infrastructure.	DPW	Short-Term (within 5 years)	
Natural Environment			B.2 Where appropriate, incorporate language into the Zoning Bylaws and Subdivision Rules and Regulations that limits the area of alteration on a site, protects steep slopes, and limits the removal of existing native vegetation or trees on a site. Encourage these best practices in cluster developments.	Planning & Community Development	Mid-Term (5-10 years)	
Natural Environment			B.3 Revise all local regulations (e.g., Zoning, Board of Health, Conservation, Subdivision) to allow the use of porous/permeable materials to take the place of traditional impervious cover <u>where appropriate</u> .	Planning & Community Development	Long-Term (more than 10 Years)	Definition of "impervious surface" was updated in the Stormwater Management Plan at the May 2022 Annual Town Meeting.
Natural Environment		Town Facilities, Services, and Infrastructure	B.4 Continue to support the implementation of the Town's Stormwater Water Management Program Plan with adequate staffing, equipment, and financial resources (See Town Services, Facilities, and Infrastructure).	DPW	Ongoing	
Natural Environment			B.5 Prioritize green infrastructure to manage stormwater as part of future public and private projects and investments. Add language to Sudbury's Stormwater Bylaw.	DPW	Ongoing	
Natural Environment			C. Sudbury commits to enhancing and maintaining the quality of surface water resources.			
Natural Environment		Conservation and Recreation Land	C.1 Monitor lands around ponds and waterways for opportunities to implement conservation strategies, such as property acquisition, conservation restrictions, and public education about the water quality impacts of fertilizer use, among other strategies (see Action E.2 below and Conservation and Recreation).	Ponds & Waterways Committee	Ongoing	

MP Chapter	Prioritization	Chapter Link	Action Item	Advocate	Timeframe	Action Updates
Natural Environment			C.2 Continue to implement strategies in the Ponds and Waterways Master Plan.	Ponds & Waterways Committee	Ongoing	
Natural Environment			C.3 Continue participation in regional planning and management efforts in the SuAsCo River watershed.	Planning & Community Development	Ongoing	
Natural Environment			D. Sudbury encourages polices and development standards that protect and improve the Town's natural resources.			
Natural Environment			D.1 Require the use of low impact design standards for projects near sensitive environmental resources and encourage town wide as appropriate.	Planning & Community Development	Short-Term (within 5 years)	
Natural Environment			D.2 Evaluate the effectiveness of Sudbury's Wetlands Bylaw and Regulations and revise as needed to best protect wetlands.	Conservation Commission	Mid-Term (5-10 years)	With the Bylaw modifications approved at Fall Town Meeting, 2023, we will be making necessary revisions to the Regulations. Our Bylaw and Regulations have been a model for other communities so they are very effective, but we will be modifying to include invasive species management and climate resiliency.
Natural Environment		Resiliency	D.4 Identify opportunities to restore the Town's floodplain areas to natural states wherever possible (see Resiliency).	Planning & Community Development	Mid-Term (5-10 years)	
Natural Environment			D.5 Develop a forestry management plan to address publicly owned forested areas.	Conservation Commission	Mid-Term (5-10 years)	
Natural Environment			D.6. Develop a tree preservation bylaw that defines tree preservation standards and mitigation for public and private properties and establishes a tree warden or tree commission with enforcement powers and master planning responsibilities. Consider mitigation requirements such as a tree fund or tree bank.	Planning & Community Development	Mid-Term (5-10 years)	
Natural Environment		Conservation and Recreation Land	D.6 Monitor lands that support important wildlife habitat for opportunities to implement conservation strategies, such as property acquisition and conservation restrictions (See Conservation and Recreation).	Conservation Commission	Ongoing	With the assistance of an Eagle Scout, substantial introduction of native species to diversify the species assembly in the Davis Farm Pollinator Garden was greatly enhanced. Coordination with the Recreation Department and Public Works Department has successfully protected the nesting Bobolink population at Davis Field by modifying mowing regime.
Natural Environment			E. Sudbury will educate private property owners about the community-wide benefits of healthy natural resources on their land.			
Natural Environment			E.1 Promote land management programs for private property owners, including Chapter 61 programs.	Conservation Commission	Short-Term (within 5 years)	
Natural Environment			E.2 Continue to educate the public about how they can implement best practices for stormwater management on their properties. Examples include rain gardens, rain barrels, and reduced impervious surfaces.	Planning & Community Development	Short-Term (within 5 years)	
Natural Environment			E.3 Educate residents about the impacts of fertilizers and lawn chemicals on local waterways and promote the use of alternative environment-friendly options.	Conservation Commission	Short-Term (within 5 years)	
Natural Environment			E.4 Educate residents about the importance of tree cover and selective clearing of forested areas.	Conservation Commission	Short-Term (within 5 years)	
CONSERVATION AND RECREATION LAND						
Conservation and Recreation Land			A. Sudbury will use existing plans to help address the conservation and recreation needs of the community.			
Conservation and Recreation Land			A.1 Support the implementation of the Open Space & Recreation Plan Action Plan. Ensure the plan takes a big-picture approach to the design and programming of the Town's parks and open space resources.	Planning & Community Development	Ongoing	The PCD office is working with the Park & Recreation Director to outline a scope of work and craft and RFQ/P for the completion of the OSRP.
Conservation and Recreation Land		Natural Environment	A.2 Encourage and support on-going updates of conservation plans like Ponds and Waterways Master Plan and Land Management Plan for the Watersheds of the Sudbury Reservoirs.	Ponds & Waterways Committee	Ongoing	
Conservation and Recreation Land			A.3 Be proactive to ensure that outdoor areas, such as athletic fields and trails, are accessible to all residents and that accommodations are in place to make this possible, using federal and state ADA standards and universal design principles.	Park & Recreation Department	Ongoing	Phase I of the Feeley Field improvements (CPA funding) will be completed by the end of 2023 with punch list items and some minor plantings to be completed in the Spring of 2024. This includes accessibility improvements to the lower fields.
Conservation and Recreation Land			B. Sudbury will continue to be proactive about identifying and prioritizing lands of interest for conservation.			
Conservation and Recreation Land			B.1 Continue the work of the Community Preservation Committee, the Sudbury Land Acquisition Review Committee, and regional partners like the Sudbury Valley Trustees.	Planning & Community Development	Ongoing	
Conservation and Recreation Land			B.2 Promote opportunities for public use as part of property acquisition to ensure community benefits and continued support of land acquisition initiatives.	Planning & Community Development	Ongoing	
Conservation and Recreation Land			B.3 Continue planning efforts to increase public conservation and recreational benefits of Sewataro and Broadacre properties.	Conservation Commission & Park and Recreation Dept	Ongoing	The pond management at Sewataro is providing great water quality through aeration without the use of any chemicals. The program was modified this year to allow the sediment from the swimming pond to periodically be removed to further improve water quality and clarity. A CPA Application has been filed for funding of the Broadacres Community Garden. The wetlands replication area for the Bruce Freeman Rail Trail has been installed in Broadacres. Public education signs will be installed to inform people about wetland protection.
Conservation and Recreation Land			C. Sudbury will work to increase programming to meet needs for organized activities.			

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MP Chapter	Prioritization	Chapter Link	Action Item	Advocate	Timeframe	Action Updates
Conservation and Recreation Land			C.1 Make grading improvements to existing fields, such as Davis and Feeley Fields.	Park & Recreation Department	Short-Term (within 5 years)	Phase II of Feeley field improvements with grading and drainage will be addressed this round. CPA funding for this project is in place. Bid documents are being worked with an anticipated contract award in the Spring of 2024 and work is projected to begin in the Summer of 2024.
Conservation and Recreation Land			C.2 Consider lighting to artificial turf fields to allow usage at night.	Park & Recreation Department	Short-Term (within 5 years)	The only Turf field under Park & Rec control is Cutting Turf. At this time we have no plans to light that field. We are in the process of doing a field assessment plan. The plan will allow for discussion with the user groups for planning for the future.
Conservation and Recreation Land			C.3 Ensure indoor and outdoor activities and programs for residents that are accessible and support the participation of those individuals living with disabilities.	Park & Recreation Department	Ongoing	The new Community Center will be online this year, which will allow for more programs. The funding of these programs needs to be solved before a large plan be implemented.
Conservation and Recreation Land			C.4 Continue implementation of the Athletic Fields Needs Assessment and Master Plan.	Park & Recreation Department	Ongoing	CPA funds were secured for the completion of this plan. The Park & Recreation Department is working the PCD staff to develop and RFP for the Athletic Fields Assessment, Master Plan, and Open Space and Recreation Plan. These 3 items are interconnected and having the processes occur simultaneously will be best.
Conservation and Recreation Land			D. Sudbury recognizes the importance of communication between the Town and residents and will enhance the effort to inform people of conservation efforts.			
Conservation and Recreation Land			D.1 Develop public education materials that explain the local acquisition process and promote conservation efforts.	Planning & Community Development	Short-Term (within 5 years)	
Conservation and Recreation Land			D.2 Collaborate with the Land Acquisition Review Committee to improve acquisition process education in Sudbury.	Planning & Community Development	Short-Term (within 5 years)	
Conservation and Recreation Land			E. Sudbury will commit to enhancing connections between open space areas, parks, schools, and historic resources with residential areas for walking/biking, which will increase recreational opportunities and access to these resources.			
Conservation and Recreation Land	High Impact Project	Transportation and Connectivity	E.1 Support the completion of the BFRT and ensure accessibility in compliance with ADA regulations.	Bruce Freeman Rail Trail Design Task Force	Short-Term (within 5 years)	Construction bids were opened in Fall 2022 with the project breaking ground in January 2023. The design plans comply with ADA requirements; benches and sitting areas are provided every 1/2 mile (+/-).
Conservation and Recreation Land	High Impact Project	Transportation and Connectivity	E.2 Continue the expansion of the BFRT through the Town-owned CSX Corridor property (See Transportation and Connectivity Action C.2)	Planning & Community Development	Short-Term (within 5 years)	Additional CPA funds were allocated at the May 2023 Annual Town Meeting and the Town received a MassTrails Grant for the 25% design. Fuss & O'Neill completed a feasibility study of the last 1.4 miles in June 2023 and has begun 25% design.
Conservation and Recreation Land		Transportation and Connectivity	E.3 Identify gaps and opportunities to link conservation and recreation resources, residential areas, schools, historic places, etc. by strategically expanding the existing network of walkways. (See Transportation and Connectivity).	Planning & Community Development	Mid-Term (5-10 years)	
Conservation and Recreation Land		Transportation and Connectivity	E.4 Continue to discuss the design of the proposed Mass Central Rail Trail with regional and state partners.	Select Board	Ongoing	Bi-Weekly meetings were being held with the project development team and the project is now under construction.
Conservation and Recreation Land			F. Sudbury will work with local organizations like the Sudbury Senior Center and other town departments to connect residents with conservation areas in the community.			
Conservation and Recreation Land			F.1 Increase programming in conservation areas for all residents, particularly seniors, youth, and those living with disabilities.	Conservation Commission	Short-Term (within 5 years)	The Conservation Coordinator sponsored and led educational walks in conjunction with the Lincoln-Sudbury Adult Education Program.
Conservation and Recreation Land			F.2 Create more community gardens or similar amenities that are accessible to people of all abilities, include seating and gathering areas for the multi-generational experience.	Conservation Commission	Short-Term (within 5 years)	The Conservation Coordinator has worked to make improvements at the existing Lincoln Meadows Community Garden and is working on developing a second community garden at Broadacres.
Conservation and Recreation Land			F.3 Work with Sudbury Public Schools and Lincoln-Sudbury Regional High School to incorporate awareness and direct experience of conservation areas into arts, science, and history curricula.	Conservation Commission	Mid-Term (5-10 years)	
			TOWN FACILITIES, SERVICES, AND INFRASTRUCTURE			
Town Facilities, Services, and Infrastructure			A. Sudbury will plan for and implement changes to its services and facilities that anticipate the needs of an aging population consistent with <i>Livable Sudbury: A Community Needs Assessment</i> and the Americans with Disabilities Act.			
Town Facilities, Services, and Infrastructure			A.1 Convene a Livable Sudbury Working Group with leadership from the Council on Aging, Senior Center, and Livable Sudbury Ambassador, and representation from public safety (Police, Fire, EMA), Planning and Community Development, the Library, and the Commission on Disability among other municipal departments, to prioritize and implement the potential action items in <i>Livable Sudbury</i> . (Short term then Ongoing)	Council on Aging	Ongoing	
Town Facilities, Services, and Infrastructure			B. Sudbury will commit to research and, where appropriate, invest in technology that will enhance municipal services.			
Town Facilities, Services, and Infrastructure			B.1 Invest in upgrades to GIS data that will help visualize and, where applicable, analyze data for the Assessor's Office, Planning and Community Development, the Department of Public Works, public safety, the Historical Commission, and others.	Select Board	Short-Term (within 5 years)	
Town Facilities, Services, and Infrastructure			B.2 Dedicate resources to exploring the coordination and implementation of new technology across multiple departments. Produce reports for each department on possible investments and returns.	Select Board	Mid-Term (5-10 years)	

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MP Chapter	Prioritization	Chapter Link	Action Item	Advocate	Timeframe	Action Updates
Town Facilities, Services, and Infrastructure			B.3 Explore the possibility of using Asset Management software as part of planning for facilities maintenance and capital expenditures.	Facilities Department	Mid-Term (5-10 years)	
Town Facilities, Services, and Infrastructure			B.4 Continue to study the ongoing evolution of wireless technology and supporting infrastructure and dedicate funds to this type of study if needed. Revisit the Wireless Service Overlay District as necessary.	Planning Board	Mid-Term (5-10 years)	Planning Board and Select Board have engaged Isotrope LLC to work on wireless services analysis and regulations. The Select Board forwarded a small cell bylaw to Town meetin which was approved. The Planning Board continues to work with Isotrope LLC to make proposed amendments to the Wireless Bylaw.
Town Facilities, Services, and Infrastructure			C. Sudbury will commit resources to increasing revenue to the Town.			
Town Facilities, Services, and Infrastructure		Economic Development	C.1 Hire an economic development planner tasked with managing projects specific to economic development and working on business retention, expansion, and outreach/relationship building (See Economic Development).	Select Board	Short-Term (within 5 years)	PCD has been allocated \$35,000 of ARPA funding to hire an Economic Development Consultant. Discussions with the Planning Board indicate the best way to use the funding is to obtain a better handle on what the consultant sees as the potential economic impact of a permanent position. PCD staff is working to execute the use this funding.
Town Facilities, Services, and Infrastructure			C.2 Evaluate the most effective way to increase grant writing capacity for the Town and commit resources accordingly. This may or may not include additional staffing.	Select Board	Short-Term (within 5 years)	
Town Facilities, Services, and Infrastructure			D. Sudbury recognizes the value of well-planned maintenance and asset management programs and will weave these practices into the everyday provision of municipal services			
Town Facilities, Services, and Infrastructure	Critical Path Action		D.1 Develop a comprehensive Facilities Assessment and Maintenance Plan that includes a Capital Needs Assessment for every municipal building.	Facilities Department	Short-Term (within 5 years)	The Facilities Director is working on final stages of contracting with Alpha and Brig Software. Alpha will undertake the facility condition and use assessment and will take the data and populate the Brightly software. In addition to excel spreadsheet CAD drawings and narratives, a Facility Condition Index as well as cost estimates v be deliverables.
Town Facilities, Services, and Infrastructure			D.2 Consider the development of a more formal Asset Management Program that emerges from the Facilities Assessment and Maintenance Plan.	Town Manager	Short-Term (within 5 years)	
Town Facilities, Services, and Infrastructure			D.3 Ensure the Facilities Assessment and Maintenance Plan addresses any state or federal compliance requirements (e.g., MS4 stormwater program).	Town Manager	Short-Term (within 5 years)	
Town Facilities, Services, and Infrastructure			D.4 Develop educational materials for the public that raise awareness of the need for maintenance related to municipal facilities.	Facilities Department	Short-Term (within 5 years)	
Town Facilities, Services, and Infrastructure			D.5 Develop sustainability goals for Town facilities, infrastructure, and operations.	All Departments, Town Manager	Short-Term (within 5 years)	
Town Facilities, Services, and Infrastructure			E. Sudbury is committed to be a community where people of all ages and abilities enjoy access to municipal services, facilities, and public discussion.			
Town Facilities, Services, and Infrastructure		Public Health and Social Wellbeing	E.1 Ensure all digital material developed by the Town and posted on its website is accessible to people with disabilities (See Public Health and Social Wellbeing Policy C).	Town Manager	Short-Term (within 5 years)	
Town Facilities, Services, and Infrastructure			E.2 As part of the Self Evaluation of Town facilities, properties, and services, develop a Transition Plan to meet the regulatory requirements outlined in ADA. Coordinate the Transition Plan with the State Historic Preservation Office and the State Architectural Review Board for all facilities located in the Town.	Facilities Department	Short-Term (within 5 years)	
Town Facilities, Services, and Infrastructure			E.3 Ensure the Town achieves and maintains compliance with Title II of ADA.	Town Manager	Ongoing	
			HOUSING			
Housing			A. Sudbury will actively pursue housing strategies that will diversify its housing stock in ways that are consistent with the character of existing districts.			
Housing			A.1 Prepare for future development proposals by identifying areas where middle housing (market-rate options that meet the demand for housing types other than single-family homes or larger multi-family complexes) could serve as a transition between mixed-use/multi-family developments and surrounding residential neighborhoods.	Planning & Community Development	Short-Term (within 5 years)	
Housing			A.2 Prepare for future development proposals by identifying larger developable parcels where middle housing types may be appropriate as part of a town-wide Housing Strategy to provide both home ownership and rental opportunities.	Planning & Community Development	Short-Term (within 5 years)	
Housing			A.3 Adopt new or revised zoning bylaws to enable development consistent with A.2 above.	Planning & Community Development	Mid-Term (5-10 years)	
Housing		Route 20 Corridor	A.4 Pursue regulatory changes (potentially an overlay district) and infrastructure investments that will allow for higher density housing within the Route 20 Corridor area (see Route 20 Corridor).	Planning & Community Development	Mid-Term (5-10 years)	
Housing			A.5 Ensure zoning allows or requires the inclusion of housing types that will be much more affordable than typical single-family homes in Sudbury. Where a new Housing Production Plan or Housing Strategy is developed, new development should be consistent with the strategies in that plan. Partner with the Sudbury Housing Authority and Sudbury Housing Trust in this effort.	Planning & Community Development	Mid-Term (5-10 years)	

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MP Chapter	Prioritization	Chapter Link	Action Item	Advocate	Timeframe	Action Updates
Housing			B. Sudbury will continue to support a sophisticated local network of organizations committed to meeting local housing needs.			
Housing	Critical Path Action		B.1 Develop a town-wide Housing Strategy that will enable the Town to meet local needs and maintain its SHI stock above 10%. Ensure that the needs of those who require accommodations and accessible housing are addressed. Develop a Housing Strategy which would include active engagement of the Housing Trust, Sudbury Housing Authority, and Regional Housing Services Organization (RHSO).	Planning & Community Development	Short-Term (within 5 years)	
Housing			B.2 Provide resources for the continued training and education of municipal staff and board members on issues related to housing.	Planning & Community Development	Short-Term (within 5 years)	
Housing			B.3 Continue active support for and participation in the RHSO.	Planning & Community Development	Ongoing	PCD recently brought on a Community Preservation Coordinator who is staffing the Housing Trust and assisting the RHSO with various housing tasks.
RESILIENCY						
Resiliency			A. Sudbury recognizes it is vulnerable to the impacts of natural hazards and climate change and will build capacity to be more resilient.			
Resiliency			A.1 Hire municipal resiliency staff that can work with multiple departments, boards, and committees to plan for and implement strategies that will build the Town's resiliency to the impacts of natural hazards and climate change.	Town Manager	Short-Term (within 5 years)	Town Manager's Office hired a Sustainability Coordinator in the Spring of 2023.
Resiliency			A.2 Maintain the network of stakeholders that participated in the Municipal Vulnerability Preparedness (MVP) process to continue implementation of the workshop outcomes. Consider periodic update meetings to evaluate progress and revisit priorities as needed.	Planning & Community Development	Short-Term (within 5 years)	The Sustainability Coordinator has applied for a received planning funding from the MVP Program to complete an MVP 2.0 Report. This will review and update the priorities from the previous MVP Report and will continue to engage the previous new stakeholders.
Resiliency			A.3 Develop outreach programs and materials to educate residents and businesses about the efforts the Town is doing to be more resilient and how they can contribute and be a part of the process (see Natural Environment).	MVP Committee	Short-Term (within 5 years)	
Resiliency			A.4 Continue to pursue implementation funding from the MVP program to implement the MVP workshop outcomes. Research additional federal, state, and regional funding sources that can support these initiatives.	Planning & Community Development	Ongoing	
Resiliency			A.5 Continue to stay current on climate change data as it becomes available. Incorporate changes to address these new issues into local policies and regulations as appropriate, including the Hazard Mitigation Plan (HMP).	Planning & Community Development	Ongoing	
Resiliency		Conservation and Recreation Land	A.6 Monitor lands with natural resources, such as wetlands and others with flood storage capacity, for opportunities to implement conservation strategies, such as property acquisition and conservation restrictions (see Conservation and Recreation).	Conservation Commission	Ongoing	Monitoring of existing Conservation Restrictions has been advanced with the onboarding of the Land Manager to ensure the integrity of CR lands is maintained. We are also now able to take a more active role in land management of the Conservation lands, including invasive species management and installing beaver deceivers at Hop Brook to prevent flooding and educating the public on this option relation to beaver management.
Resiliency			B. Sudbury understands that the HMP is an important document to help it prepare for and recover from natural hazard events.			
Resiliency			B.1 Update the Sudbury HMP every five years to measure progress of its plan's goals, to update new goals into the plan and thereby remain eligible for Federal Emergency Management Agency (FEMA) funding.	Fire Chief	Ongoing	
Resiliency			B.2 Coordinate annual updates from the HMP Committee with annual updates from the Master Plan Implementation Committee.	Fire Chief	Ongoing	
Resiliency			C. Sudbury is committed to conserving energy and using renewable energy sources to reduce costs as well as its carbon footprint.			
Resiliency			C.1 Research and develop carbon and climate related goals and create a carbon reduction plan.	Planning & Community Development	Short-Term (within 5 years)	
Resiliency			C.2 Create informational mechanism(s) to connect businesses and residents with renewable energy resources. Examples include: a page on the Town's website and developing and/or distributing pamphlets and informational materials available through regional and state entities, such as the Massachusetts Clean Energy Center.	Planning & Community Development	Mid-Term (5-10 years)	
Resiliency			C.3 Continue to upgrade Town facilities and buildings to improve the energy efficiency.	Facilities Department	Ongoing	
Resiliency			C.4 Continue to identify opportunities to install solar electric systems on Town properties.	Facilities Department	Ongoing	
Resiliency			D. While the impacts of the COVID-19 pandemic are still unknown, Sudbury recognizes the need to understand the current snapshot of the Town's social and economic situation as a result, and plan for future public health events that impact its ability to deliver town services and will have social and economic effects on the community.			
Resiliency			D.1 Identify data that can help understand the impacts of the COVID-19 pandemic, including data the Town already collects and new data points needed.	Town Manager	Short-Term (within 5 years)	
Resiliency			D.2 Identify where the Town was successful in delivering Town services and functions and where gaps existed during the COVID-19 pandemic, and design plans to address these short falls.	Town Manager	Short-Term (within 5 years)	
Resiliency			D.3 Collaborate with neighboring communities and state and regional partners to collect and analyze data that will help measure the impacts of COVID-19 and develop policies to address future pandemics.	Town Manager	Short-Term (within 5 years)	
PUBLIC HEALTH AND SOCIAL WELLBEING						
Public Health and Social Wellbeing			A. Sudbury will work to build capacity and support existing networks of municipal departments like the Department of Health and Board of Health that are working on public health issues, including opioid addiction, mental health, social isolation, dementia, etc.			

Attachment 2.c: Master Plan - Action Item Matrix for SB Update 231120 (6024) : Progress on Master Plan

MP Chapter	Prioritization	Chapter Link	Action Item	Advocate	Timeframe	Action Updates
Public Health and Social Wellbeing			A.1 Increase staffing to support public health work and utilize volunteers in the community to assist with educating and serving residents.	Town Manager	Short-Term (within 5 years)	
Public Health and Social Wellbeing			A.2 Identify opportunities to work with neighboring communities and regional networks to share resources and information to address common public health issues.	Board of Health	Short-Term (within 5 years)	
Public Health and Social Wellbeing			B. Sudbury will consider social determinants and integrate health policies into other aspects of municipal planning decisions.			
Public Health and Social Wellbeing			B.1 Conduct community needs assessments to identify gaps in health and social services for current and future residents, particularly seniors, residents with disabilities, and low-income families and individuals. Use <i>Living Sudbury</i> as a starting point to expand an assessment to other populations in the community.	Board of Health	Short-Term (within 5 years)	
Public Health and Social Wellbeing			B.2 From the outcomes of the community needs assessment, engage the community to prioritize strategies to address gaps and strengthen opportunities.	Board of Health	Short-Term (within 5 years)	
Public Health and Social Wellbeing			C. Sudbury will work to diversify and expand communication tools and strategies about public health issues and locally available services.			
Public Health and Social Wellbeing		Town Facilities, Services, and Infrastructure	C.1 Create integrated communication channels and ensure that municipal digital materials are accessible to people with disabilities (See Town Facilities, Services, and Infrastructure Policy E).	Town Manager	Short-Term (within 5 years)	
Public Health and Social Wellbeing			C.2 Collaborate with local organizations such as the Senior Center, the Commission on Disability, and the Town Social Worker to share/disseminate information with their constituents as well as the community in general.	Town Manager	Short-Term (within 5 years)	
Public Health and Social Wellbeing			D. Sudbury will work to connect public health resources with transportation options			
Public Health and Social Wellbeing		Transportation and Connectivity	D.1 Continue to support the Council on Aging/ Senior Center to enhance transportation services such as Sudbury Connect and FISH (see Transportation and Connectivity).	Council on Aging	Short-Term (within 5 years)	
Public Health and Social Wellbeing		Transportation and Connectivity	D.2 Include access to public health resources in the "Making the Connections" pilot study (see Transportation and Connectivity).	Planning & Community Development	Short-Term (within 5 years)	The Go Sudbury! Transportation Program offers free taxi rides for medical appointments for those who qualify for the program.
Public Health and Social Wellbeing			E. Sudbury will work to strengthen social and civic engagement to bring residents together.			
Public Health and Social Wellbeing			E.1 Evaluate such opportunities based on participation costs and consider including free events or costs based on a sliding scale.	Park & Recreation Department	Short-Term (within 5 years)	Funding of the Park and Recreation Department would need to be addressed as a the programing is self funding so to offer free or lower cost could not be done at t time. A Free event was done this the Fall Fest was handle at Haskell Fields on 9/18 with over 1,000 folks came our for fun, music and booths. This project was funder the "Sudbury Foundation Grant" thanks to them and volunteers this event could happen.
Public Health and Social Wellbeing			E.2 Explore ways to create an outdoor accessible community common space for residents to utilize for activities like outdoor picnic and summer concerts and events.	Park & Recreation Department	Mid-Term (5-10 years)	The New Community building may address a few of these issues but a Pavilion etc events space needs to be explored. A Haskell redo of bathrooms/and adding a pa may be an option.
Public Health and Social Wellbeing			E.3 Ensure civic participation, such as participation in Town Meeting and other Town-sponsored events for public input and engagement, continues to be accessible, inclusive, and equitable.	Select Board	Ongoing	
Public Health and Social Wellbeing			E.4 Continue to find opportunities through the Park and Recreation Department, Library, Senior Center, and local organizations to create family-friendly, all-ages, and all abilities community events year-round.	Relevant Departments	Ongoing	



SUDBURY SELECT BOARD
Monday, November 20, 2023

MISCELLANEOUS (UNTIMED)

3: Close joint meeting with PB

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to close joint meeting with Planning Board and resume Select Board meeting.

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Select Board Office	Pending
Town Manager's Office	Pending
Town Counsel	Pending
Select Board	Pending
Select Board	Pending

11/20/2023 7:30 PM