

Proposed
Zoning Amendments
Planning Board
Public Hearing
February 20, 2024

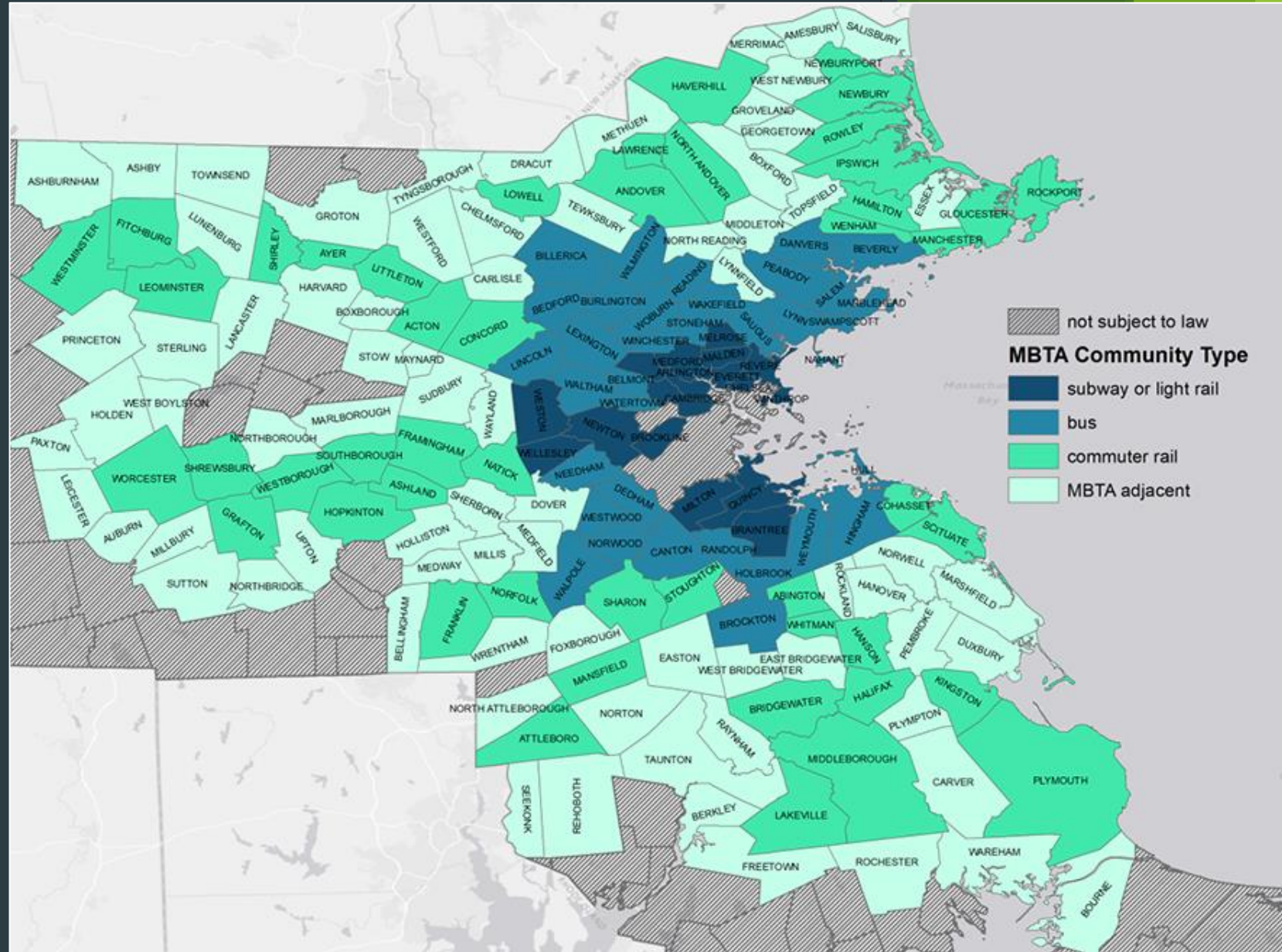
Background on Chapter 40A, Section 3A

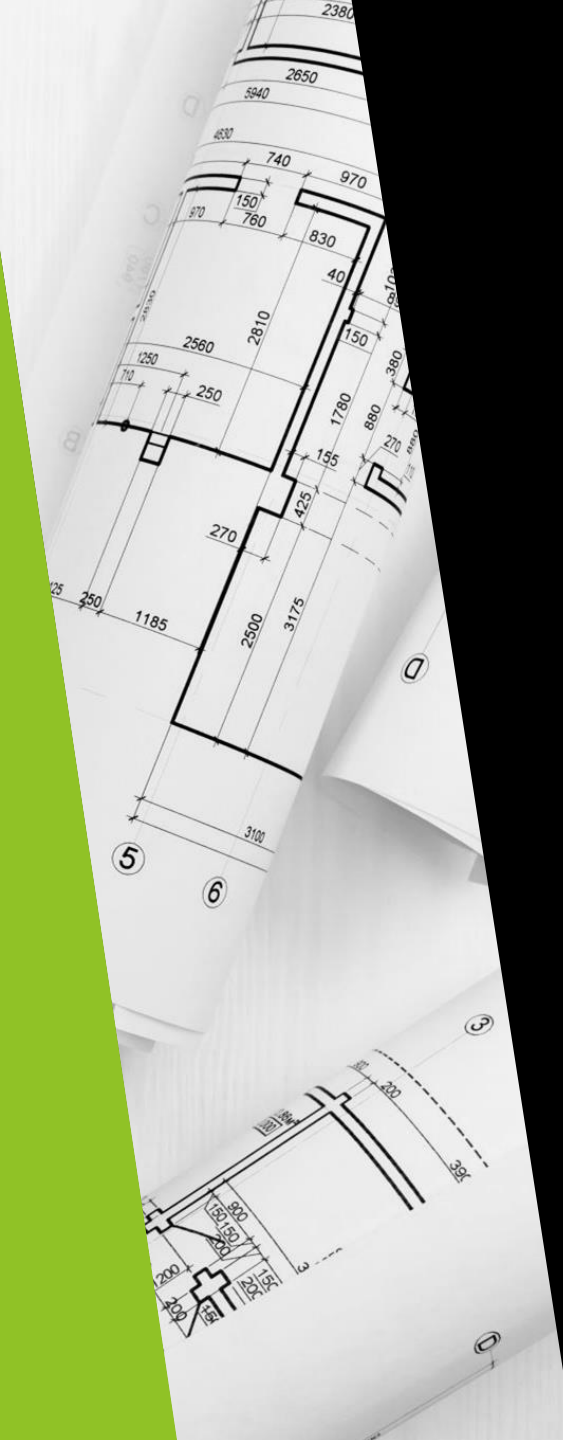
- ▶ *House No. 5250, An Act Enabling Partnerships for Growth* (also known as the Economic Development Bill) passed Massachusetts Legislature in December 2020 and was signed by Governor Baker in January 2021
- ▶ Bill included a range of housing provisions including lowering the threshold for Town Meeting vote for certain zoning provisions
- ▶ Section 18 of the Economic Development Bill includes section 3A which encourages designated MBTA communities to adopt zoning districts where multi-family zoning is permitted by-right, plus meet other requirements set forth in the statute



175 municipalities are subject to this new law

- A “commuter rail community” has a commuter rail station within its borders or within 0.5 miles of its border
- An “MBTA adjacent community” abuts a rapid transit community, bus service community, or commuter rail community





M.G.L. c 40A, Section 3A (a)(1): requires “MBTA adjacent communities” to have at least one zoning district where multifamily housing is permitted “As of Right” subject to the following criteria:

- ▶ Minimum gross density of 15 units per acre;
- ▶ Units must be suitable for families with children. No limits on unit size, number & size of bedrooms, or number & age of occupants;
- ▶ District must contain at least 50 acres of land. If multiple sub-districts are created, one must have at least 25 contiguous acres of land and none can be less than 5 contiguous acres of land;
- ▶ Site plan approval may be required, but it cannot be used to deny a project or impose conditions that make a project infeasible or impractical to build.

NORTHBOROUGH DENSITY & HEIGHT EXAMPLES

Residence at the Falls

200 Hudson Street

40 units on 1.85 acres

Building Height: 2 stories

Density: 21 units/acre



NORTHBOROUGH'S DENSITY & HEIGHT EXAMPLES



31 Blake Street

12 units on .23 acres

Building Height: 3 stories

Density: 52 units/acre

NORTHBOROUGH DENSITY & HEIGHT EXAMPLES

Heritage Village

1-19 Centre Drive

33 1-bedroom units on 1.93
acres

Building Height: 1-2 stories,

Density: 17 units/acre



NORTHBOROUGH DENSITY & HEIGHT EXAMPLES

Avalon Northborough

1000-15999 Avalon Way

382 units on 42 acres

Building Height: 3-4 stories,

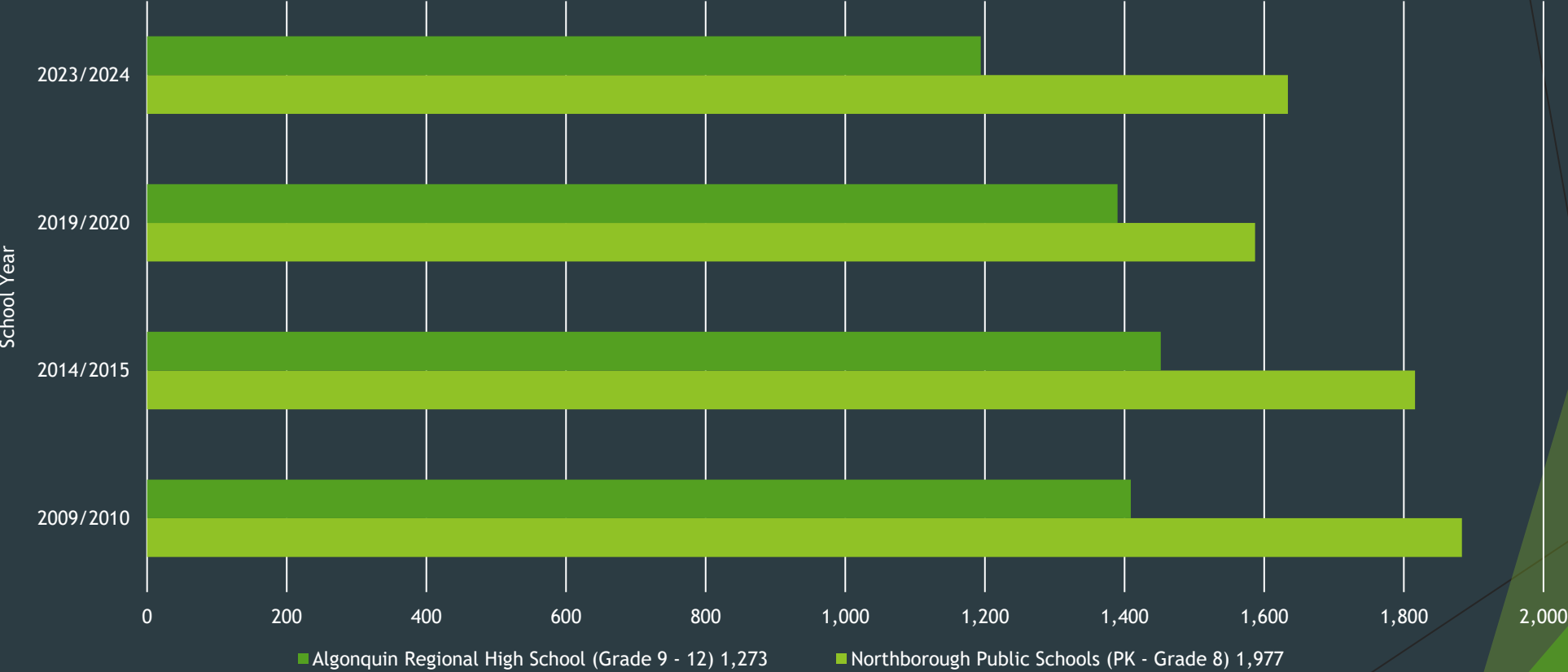
38 - 58 feet, varying

Density/acre: 9 units

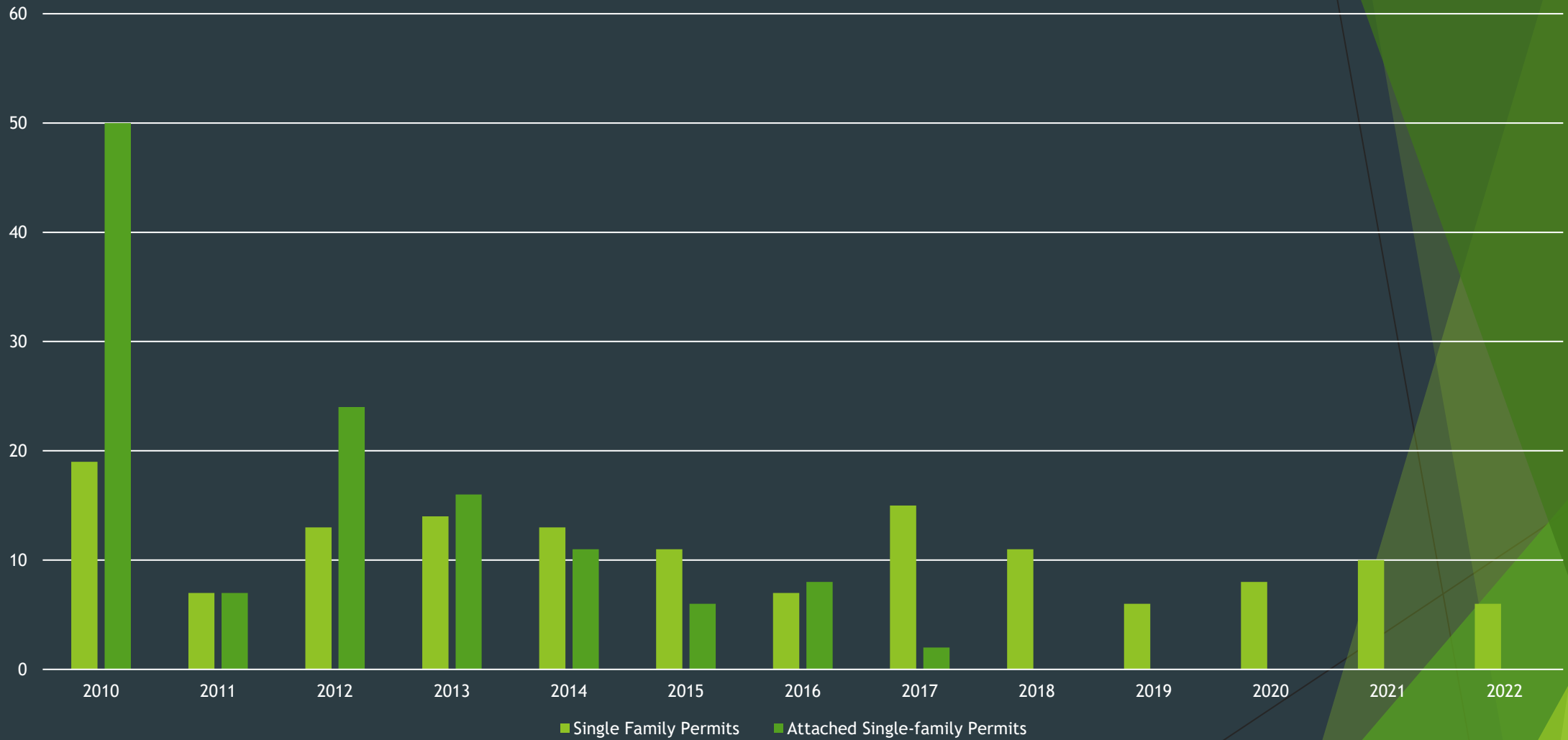


Northborough School Enrollment Data

Number of Students



Number of New Construction Residential Building Permits by Year



The Multifamily Development Overlay District

is NOT:

- A production mandate, requirement to build new units, or production target. There is no requirement nor expectation that a multi-family district will be built out to its full capacity;
- Related to Chapter 40B which allows developers to bypass local zoning in communities with less than 10% affordable housing;
- Requirement for communities to pay for infrastructure upgrades to support new development;
- Override of the Massachusetts Wetlands Protection Act of Title V of the Massachusetts Environmental Code.

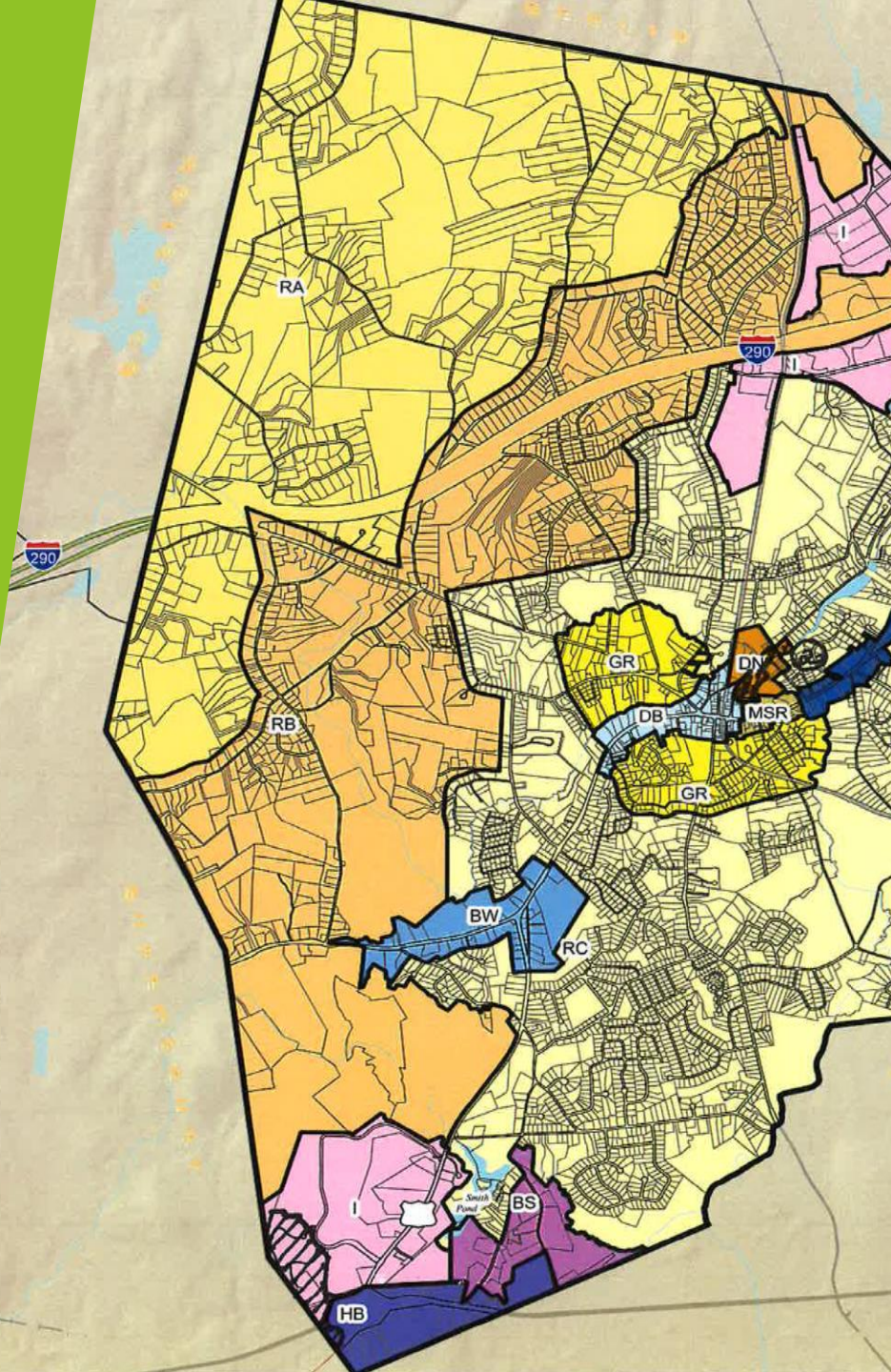


What are the consequences if Northborough does not comply with the new legislation?

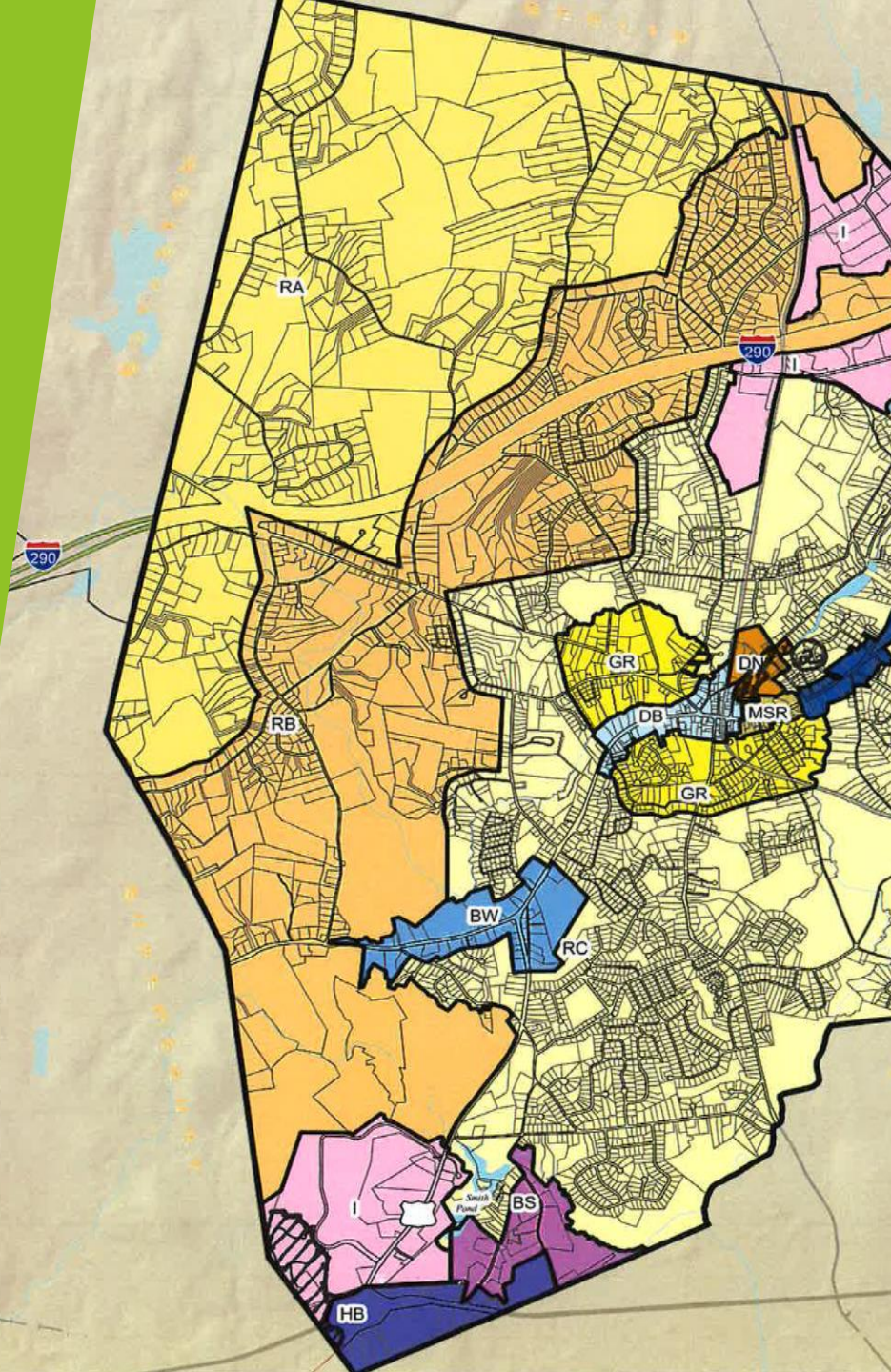
Communities that do not meet compliance deadlines will face potential enforcement action by the Attorney General's Office and will either not be eligible or penalized when applying for grants offered by MassDevelopment, Executive Office of Economic Development, Executive Office of Housing & Livable Communities & Executive Office of Energy and Environmental Affairs including:

- ▶ MassWorks Infrastructure Program
- ▶ MA Downtown Initiative
- ▶ MVP Planning & Projects Grants
- ▶ Underutilized Properties Program
- ▶ LAND Grants
- ▶ Commonwealth Places Programs

Article: Zoning Map Change
Multifamily Development Overlay District
1) Southwest Connector Sub-District ~
47.94 Acres



Article: Zoning Map Change Multifamily Development Overlay District 2) Downtown Sub-District ~ 11.29 Acres



ARTICLE: Zoning Bylaw Section 7- 07-050

Multi-family Development Overlay District consisting of Southwest Connector & Downtown Subdistricts

- ▶ Sets Standards for Development:
 - ▶ Town houses, multi-family homes and mixed-use developments are allowed by-right subject to Site Plan Review by the Planning Board. Business uses that trigger special permit in underlying zoning district trigger special permit in Overlay;
 - ▶ Most dimensional requirements (i.e. minimum lot size, frontage, height & setback requirements) are consistent with underlying zoning districts;
 - ▶ Sets maximum residential density at 8 dwellings/acre for townhouses and 15 dwellings/acre for multi-family and mixed-use developments. Greater density allowed when reusing existing buildings (i.e. Town Offices, Econo Lodge);
 - ▶ Sets additional design standards for buildings, walkways, curbing, off-street parking, outdoor lighting, landscaping, & common open space areas; Large developments (40 or more units) must provide at least one outdoor amenity for residents;
 - ▶ 10% of all dwelling units within developments containing a minimum of 10 dwelling units must be permanently restricted for households qualifying as low income; 90% of units will be market rate.

ARTICLE: Zoning Bylaw Section 7- 07-050

Multi-family Development Overlay District consisting of Southwest Connector & Downtown Subdistricts

- ▶ Aggregate District Size : 59.23 Acres
- ▶ Total Number of Parcels Included: 9
- ▶ Opportunity to help solve regional and state-wide housing crisis while encouraging adaptive reuse of underutilized buildings and properties
- ▶ Advances goals and objectives articulated in *2020 Master Plan* and *2023 Downtown Revitalization Plan Report*
 - ▶ “Review the Town’s Zoning Bylaw for opportunities to consider mixed-uses in Downtown that can promote and support walkability.
 - ▶ “Continue to maintain and encourage a diversity of housing options to increase housing affordability and choice for all ages and to ensure that at least 10% of the Town’s housing inventory continues to be deemed affordable under state guidelines.”
 - ▶ “Promote housing types that accommodate future growth in the community while maintaining and enhancing the existing character of residential neighborhoods.”
 - ▶ “Review the Town’s Zoning Regulations to allow for higher density mixed-use development in the Greater Downtown area.”

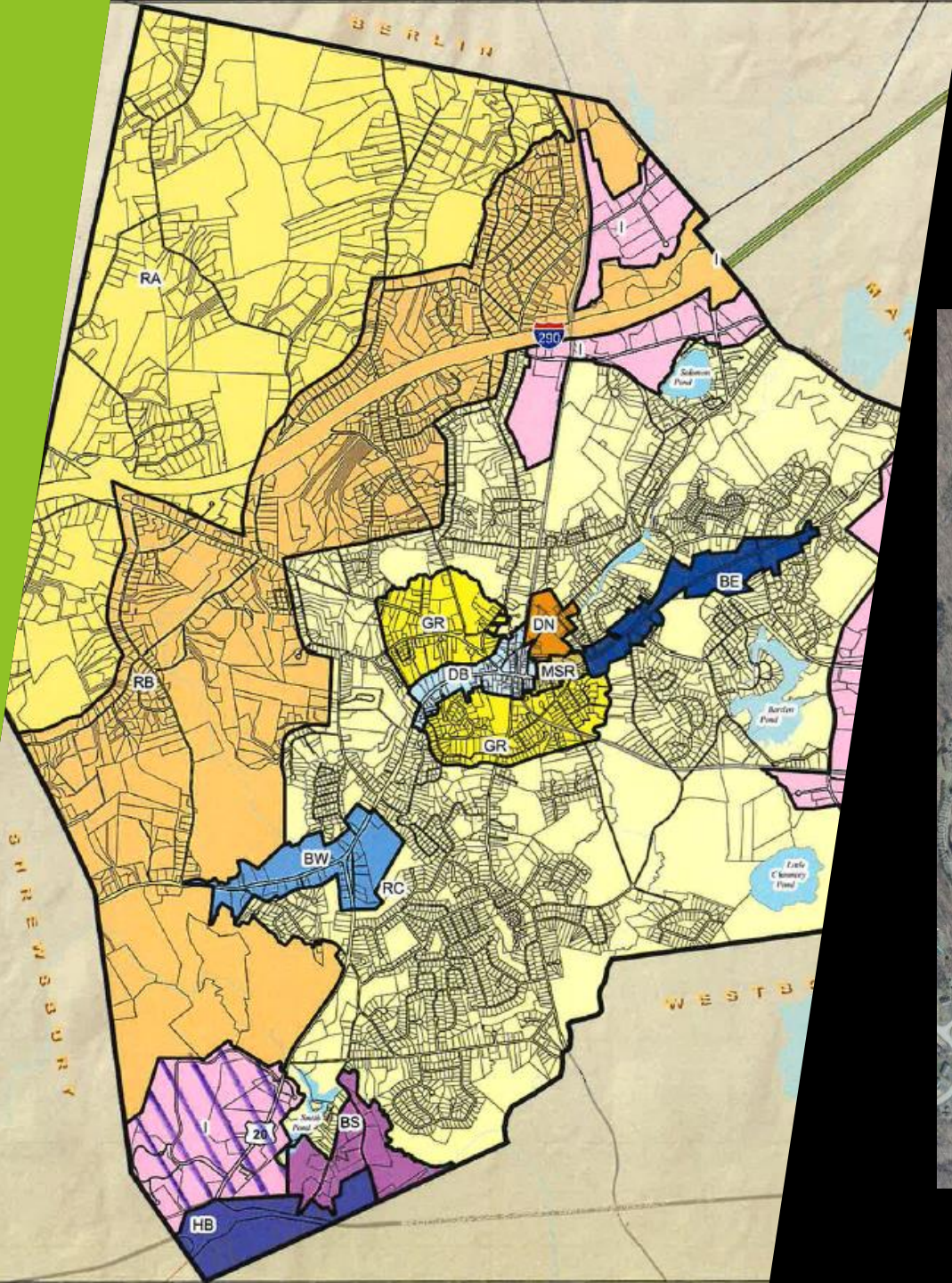
ARTICLE: Zoning Bylaw, Sections 7-03-030 and 7-050-010.A Use Variances

- ▶ Eliminates the Zoning Board of Appeals' power to issue use variances
 - ▶ This refers to an action by the ZBA to allow a use not otherwise allowed by our bylaws
- ▶ “Granting (a use variance) will likely conflict with the community’s comprehensive plan or master plan”
- ▶ “Use variances circumvent the statutory procedure for changing zoning (G.L. c. 40A, §)”
- ▶ “The zoning adoption and amendment process at Annual Town Meeting is considered thorough and procedurally fair”
 - ▶ By contrast, when granted by a five-member ZBA - “neither legislative action (2/3 vote at ATM) nor Attorney General review is required. The intentionally deliberative process for changing zoning is absent in the variance process”.

Source; CPTC Guidebook on Special Permits and Use Variances

Citizen Planner Training Collaborative (Dept of Housing and Community Development and Mass Association of Regional Planning Agencies)

Article: Zoning Map Change Creating New Highway Business Southwest District



ARTICLE: Zoning Bylaw Sections 7- 03-060, 7-04-010, 7-05-030, 7-06- 020, 7-09-020, 7- 09-030, 7-09-040, 7-07-030

- ▶ Creates new Highway Business Southwest District, which replaces current zoning scheme for this location on Southwest Cutoff. The current zoning for the area is Industrial District and Major Commercial Overlay District, which allows large-scale commercial development.
- ▶ Encompassing Avalon of Northborough and Northborough Crossing, the new zoning scheme is more compatible with the existing residential and commercial uses that inhabit the area.
- ▶ Amendments show district boundaries, identifies allowed uses & density and dimensional requirements, and specifies that site design standards, off-street parking and loading requirements, and sign requirements apply to both the Highway Business and Highway Business Southwest Districts.
- ▶ Most business and industrial uses existing at this location permitted within the new Highway Business Southwest District, except gravel pit, commercial self-storage and auto filling station. These uses would be classified as legal nonconforming uses, which can continue until the use is abandoned for a period of two years or the subject property is changed to a conforming use.
- ▶ Advances *2020 Master Plan* Goal to “continue to support and manage commercial development outside of the Downtown, particularly along Route 20 (Southwest Cutoff) and Route 9, considering adjacent land use compatibility and the Town’s preservation priorities.”

ARTICLE: Zoning Bylaw, Section 7-03-060, Design Review

- ▶ Amendment aims to address issue identified in *2023 Downtown Revitalization Plan Report* that “business signage in the Downtown is inconsistent in its age, quality, design, location, and size”.
- ▶ Provides Design Review Committee with advisory authority to review Electronic Message Center (EMC), wall, projecting, freestanding, awning, or permanent window signs within the Downtown Business District and provide written recommendations to the Building Inspector as part of the sign permit process.
- ▶ Loosens the residency requirement for Design Review Committee members to help fill persistent vacancies while ensuring that members have professional expertise in design and/or development-related disciplines.

ARTICLE: Zoning
Bylaw,
Section 7-05-
020, Classification
of uses and
Section 7-05-030
Table 1. Table of
Uses. Part B.
Commercial and
Industrial
Districts

- ▶ Provides definitions for “Co-working space” and “Maker space” as well as appropriate places in Town where they will be allowed. “Co-working space” will be allowed by-right in all districts and “Maker space” will be allowed by special permit in the Business South & Industrial Districts.

2 ARTICLES: Zoning Bylaw Section 7-07-010, Groundwater Protection Overlay District, paragraph D.(1)(c)[2&3] and D.(3)(c)[3&6]

- ▶ Amendment addresses a major impediment to downtown revitalization efforts identified in the *2023 Downtown Revitalization Plan Report*;
- ▶ Makes all commercial uses that DO NOT use or result in toxic & hazardous wastes, two family dwellings, & multi-family dwellings by-right uses in Area 3 of the Overlay District;
- ▶ New construction/significant additions must adhere to same performance requirements as if they WERE special permit uses;
- ▶ Eliminates mandatory increase in minimum lot size to 20,000 sq ft when lots are served by public sewer; lots served by private sewerage disposal facilities (i.e. septic systems, cess pools) must still adhere to 20,000 sq ft minimum lot size requirement. This change will impact up to 58 lots in Northborough Center by making them conforming lots.

ARTICLE: Zoning Bylaw Section 7-09-020, Site design standards

- Updates design standard for exterior lighting by reflecting today's trends and the Planning Board's desire to promote energy efficiency and "Dark Skies" guidelines.



ARTICLE: Zoning Bylaw Section 7-09-020, Site design standards

- ▶ Updates design standards for the construction of new nonresidential buildings or substantial alteration of existing nonresidential buildings within business districts.
- ▶ Building finish materials shall be appropriate to traditional New England architecture (i.e. brick, brick face, stone, stone face, wood, cement-fiber siding).
- ▶ Flat roofs with decorative cornice or parapet allowed.



ARTICLE: Zoning Bylaw Section 7-09-030, Off-street parking and loading

- Clarifies where off-street parking spaces can be located relative to the front lot line and building (behind or beside the nearest point of the building). Takes into account that buildings are not always located parallel to the street providing frontage to the lot.





ARTICLE 48: Zoning Bylaw Section 7-09- 040, Signs

- Provides definitions for flags and sandwich board, gasoline canopy & monument signs, and sets standards for the location, number, type, material, lighting, & dimensions of signs in residence, business & industrial districts.



Thank You for Your
Attention!