

TRANSIT ORIENTED DEVELOPMENT (as an OVERLAY DISTRICT)

DRAFT

Please note the set up and text of the by-law will need to be changed for each individual community.

Article 1: To be added to Section _____

___.10 Transit Oriented Development (TOD)

The purpose of this bylaw is to allow for the development of a mixed-use pedestrian/transit village around the MBTA commuter rail station. The intent of the TOD overlay district is to promote a lively, prosperous village that serves as an attractive place to live, work, shop and recreate with less reliance on the automobile.

In addition when used in conjunction with the Transfer of Development Rights, Section _____ TOD will allow the maintenance of low-density land uses, open spaces, historical features, critical environmental resources, and other sensitive features of the sending parcel while transferring development rights into the TOD.

The TOD program is consistent with the goals of the __(Community Name)___ Master Plan to "... further the conservation and preservation of natural and undeveloped areas, wildlife, flora, and habitats for endangered species; to protect ground water, surface water, as well as, other natural resources; to balance economic growth; to provide adequate capital facilities, including transportation, water supply, and solid, sanitary, and hazardous waste disposal facilities; to coordinate the provision of adequate capital facilities with the achievement of other goals; to develop an adequate supply of affordable housing; and to preserve historical, cultural, archaeological, architectural, and recreational values."

___.10.1 Powers and Administrative Procedures:

The Name of Board (*Choose between: Planning Board, Board of Appeals or Board of Selectmen/City Council*) is hereby designated the Special Permit Granting Authority (SPGA) for an applicant seeking a Transit Oriented Development beyond the base density. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and or departments, the SPGA may grant a higher density than allowed by-right. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such conditions as the SPGA finds reasonably appropriate to improve the site design and address concerns including but not limited to: water and air quality, other environmental resources, traffic, safety and/or other concerns related to the purpose of this section. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.

___10.2. Applicability:

The provisions of Section 7.10 shall apply to land identified as the Transit Oriented Development (TOD) as designated as an overlay district on the zoning map once approved by _____ (Town Meeting/City Council).

___10.3 Definitions:

Transit Oriented Development: A mixed-use district (including retail, office, attached multifamily and single family residential) designed specifically for pedestrian, transit and bike use containing both core and transitional areas, identified as the Transit Oriented Development and designated as an overlay district on the zoning map once approved by Town Meeting.

Transit Oriented Development, Core Area: The core area is the mixed-use portion of the TOD district which contains all allowed commercial and higher density residential uses within a ¼ mile of the MBTA Commuter Rail Station platform. Core area will have a minimum base density allowed by right with the option for a higher density to be granted by special permit as provided within this by-law.

Transit Oriented Development, Transition Area: The transition area is the moderate to lower density residential portion of the TOD district between the ¼ mile to ½ mile radius from the MBTA Commuter Rail Station platform. The transition area will have a minimum base density allowed by right with the option for a higher density to be granted by special permit as provided within this by-law.

Right Of Way (ROW): A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, railroad, water line, sanitary sewer, and/or other public utilities or facilities.

___10.4 Density and Dimensional Requirements:

Within the Transit Oriented Development Overlay District the following Density and Dimensional Requirements shall apply:

___10.4.1 Transit Oriented Development Density and Dimensional Requirements		
	Core Area (1/4 mile)	Transition Area (1/2 mile)
Minimum lot area (sq. ft.)	70,000	70,000
Minimum frontage (ft.)	150	150
Minimum front setback (ft.) a	6	10
Minimum side setback (ft.) b	0/15	10
Minimum rear setback (ft.)	10	20
Maximum height (ft.) c	35/45	35
Maximum number of stories d	3	2

- a. Corner lots must provide minimum front setback on all sides fronting a ROW.
- b. The side setback on one side of the lot or between multiple principal buildings may be reduced to zero.
- c. The maximum height of principal building(s) in the core area shall be 35 ft. unless increased through the granting of the special permit to forty-five feet.
- d. The maximum number of stories may be increased through the granting of a special permit if the third floor is set back from the building line an additional eight feet.

___ 10.4.2 Lots within the core area of the Transit Oriented Development Overlay District may contain more than one principal building.

___ 10.4.3 In the core area the applicant shall provide a minimum 10,000 gross floor area of commercial/parking space on the ground floor. Parking is limited to a maximum of 60% of the gross floor area of the ground floor.

___ 10.4.3 A base density of four (4) residential units per lot is allowed in the core area. The SPGA may through the special permit process increase the residential density to a maximum of sixteen (16) units per lot.

___ 10.4.4 A base density of four (4) units per lot is allowed in the transition area. The SPGA may through the special permit process increase the residential density to a maximum of ten (10) units per lot.

___ 10.5 Other Design Requirements:

___ 10.5.1 Developments within the core area will provide a minimum six (6) foot wide sidewalk along both sides of ROW.

___ 10.5.2 All cross walks shall be constructed to provide both a change in color and texture from the regular roadway surface. Such changes shall be ADA complaint.

___ 10.5.3 Lighting for street shall be limited to 12 feet in height and have shields directing light downward with a total cutoff of all light at less than ninety (90) degrees from vertical.

___ 10.5.4 Parking standards for commercial uses may be reduced by 15% when applicant provides SPGA information on peak times by use.

___ 10.5.5 Parking should be placed to the rear of the building. Residential units shall have a minimum of two parking spaces. Residential parking should be clearly marked or separated from the commercial or public parking.

___ 10.5.6 Architectural details of all buildings including the texture of wall and roof materials should reflect historical southern New England architecture.

___ 10.5.7 Buildings shall be oriented parallel or perpendicular to the street.

___ 10.5.8 Buildings shall be placed close to the street.

___ 10.5.9 Long horizontal facades should be avoided by the incorporating of recesses and projections. Said recesses and projections shall be a minimum of ten (10) feet in width and two (2) feet in depth.

___ 10.5.10 The mass, proportion and scale of the building, roof pitch and the proportions and the relationship between doors and windows should be harmonious and the surrounding buildings.

___ 10.5.11 Signs shall be simple geometric shapes a maximum size of two (2) feet by three (3) feet. Colors should be limited to two (2) or three (3) colors that complement the colors of the building.

___ 10.5.12 A minimum of 50% of the building's street side façade(s) shall contain windows.

___ 10.5.13 Complex roofs are encouraged with secondary roofs smaller and lower than the main roofline.

___ 10.5.14 When an applicant is creating 5 or more dwelling units, the applicant shall provide a detailed affordable housing report to the SPGA on the current status of the number and the percent of affordable units listed under G.L. c 40B sec. 20-23 and the Commonwealth's Local Initiative Program. If the Planning Board determines number of affordable units is below the percentage required under G.L. c 40B the applicant shall provide a minimum of 20% of the total number of units as affordable. Affordable dwelling units is a dwelling unit available at a cost of no more than 30% of gross household income of households at or below 80% of the (Name of County) County median income as reported by the U.S. Department of Housing and Urban Development, including units listed under G.L. c 40B sec. 20-23 and the Commonwealth's Local Initiative Program. It is intended that the affordable housing units that result from this Bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Community Affairs, Division of Housing and Community Development and that said units count toward the Town's requirements under G.L. c. 40B, sec. 20-23. A deed restriction on the future resale or maximum leasing or renting charged shall be required by the SPGA.

___ **10.6 Density Bonus:**

Within the Transit Oriented Development Overlay District the following Density Bonus provisions may apply:

- a. Use of the Transfer of Development Rights: For each residential unit (1) transferred into the TODOD, the SPGA may grant an increase to the base density by a maximum of three (3) units.
- b. An increase in the size of the village green or public common: For each additional ¼ acre increase in the size of the core area village green or public common or the provision of an additional ¼ acre of village green or

public common within the transition area, the SPGA may increase the base density by ten (10) units.

- c. Enhancements On or Off Site: The following table provides the potential maximum increase of units the SPGA may grant to the development for specific public amenities:

Bandstand	(Minimum of 900 sq.ft. in size)	2 units
Water feature/fountain	(Minimum of 1,200 sq.ft. in size)	5 units
Playground	(Minimum of 2,000 sq.ft. in size)	6 units
Public Art		2 units
½ mile of off site pedestrian/bike trail		10 units
Pedestrian phasing to traffic signal		10 units
Contribution to Regional Transit Authority		10 units
Boat/canoe ramp		8 units

As an alternative, and as allowed by law, an applicant may contribute to the (Community Name) Community Preservation Trust and/or the (Community Name) Housing Trust Fund (as approved at Town Meeting) to be used for the development of affordable housing in lieu of constructing units within the locus of the proposed development or offsite. The SPGA shall determine the fee in lieu of construction.

___10.7 Criteria:

TODOD special permits may be granted by the SPGA upon its written determination that benefits of the proposed development outweigh the detrimental impacts on the neighborhood and the town. The SPGA shall review and make all determinations on the application. In order to approve the special permit, the SPGA shall also make a positive finding on each of the following criteria:

___10.7.1 The development complies with the town’s currently approved Master Plan, Affordable Housing Plan, and the Open Space & Recreation Plan; and/or any other relevant plan or report.

___ 10.7.2 That the development specifically provides a combination of the following actions or benefits:

- a. The applicant provided valuable open space to the town by the transferring of development rights into this district as determined by the SPGA after consultation with the Conservation Commission;
- b. The applicant provided a larger village green or public common;
- c. The applicant provided suitable public art for display within the public space of the core area;

- d. The applicant enhanced the village green or public common through the addition of a bandstand, water feature/fountain, or playground equipment;
- e. The applicant enhanced the pedestrian/bike infrastructure of the (City/ Town) with off-site contributions which link into the development;
- f. The applicant has enhanced public transit through a contribution to the regional transit authority;
- g. The applicant provided a payment to a dedicated account addressing a documented public need.
- h. An applicant contributes to the (Community Name) Housing Trust Fund (as approved at Town Meeting) and/or the (Community Name) Community Preservation Trust.

___10.7.3 The development provides water and wastewater systems that meet DEP standards, Title V and Board of Health requirements;

___10.7.4 The development provides a well-designed and constructed village green or public common, a minimum of one acre in size within the core area. Said village green shall contain benches, walkways, lighting, landscaping and a community gathering/function area as deemed necessary by the SPGA.

___10.7.5 The development transitions smoothly into the existing residential and commercial areas by way of design, landscaping, and the stepping down of density and use;

___10.7.6 The SPGA may require the applicant to do a Traffic Impact Study providing projected traffic generation from the development onto local roads and intersections and that it is within the capacity of the road network and does not create any safety concerns or is mitigated with improvements provided by the applicant/developer;

___10.7.7 The design and layout of streets promotes a network of multiple routes for vehicles, bikes, and pedestrians and the parking and loading of the development is acceptable to the SPGA.

___10.8. **Governance:** Special permit applications and decisions shall be governed by the filing and public hearing requirements set forth in M.G.L.c. 40A,s.9. The S.P.G.A. shall have the ability to adopt rules and regulations governing the granting of special permits following the procedures set forth in M.G.L.c.40A.