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**Amend Zoning Bylaw & Town Zoning Overlay Map – MBTA Communities Multi-Family Housing**

To see if the Town will vote to amend Chapter 198 of the Code of the Town of Wayland to:

- 1) Add a new Article 27 Multi-Family Housing Overlay Zoning District, in substantially the following form;
- 2) Add 198-302.1.11. A Multi-Family Housing Overlay District that includes land in four sub-districts as follows:

302.1.11.1. “Route 20 West” that includes the land shown as Lots 1, 2, and 3 on Plan 1807 of 1985, insofar as they are within the limits of the Town of Wayland, on file at the Middlesex South Registry of Deeds;

302.1.11.2. “River’s Edge West” that includes [a portion of] the land shown as Lot X on a plan entitled [insert name of plan], Town of Wayland Survey Department, dated March XX, 2024, a copy of which is on file at the Office of the Town Clerk;

302.1.11.3. “Town Center Development Area” that includes the land shown as Lot X on a plan entitled [insert name of plan], Town of Wayland Survey Department, dated March XX, 2024, a copy of which is on file at the Office of the Town Clerk;

302.1.11.4. “Planned Development District – Central” that includes the land shown as Lot 17 on the Middlesex South Land Registration Office Plan 16568L, Sheet 5, dated August 2, 1979.

- 3) Add to 198 Attachment 1 Table of Dimensional Requirements the words “Multi-Family Housing Overlay District – Requirements of Article 27 apply”;  
and
- 4) Amend the Town Zoning Overlay Districts Map to add the Multi-Family Housing Overlay District.

**Article 27. Multi-Family Housing Overlay District**

**198-2701. Purposes**

2701.1. The purpose of the Multi-Family Housing Overlay District (MFHD) is to

2701.1.1 Provide for multi-family housing development in accordance with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (EOHLC), as may be amended from time to time;

2701.1.2. Implement the Wayland Housing Production Plan;

- 2701.1.3. Encourage the production of a variety of housing sizes and types to provide access to new and redeveloped housing for people with a variety of needs and income levels;
- 2701.1.4. Locate housing in areas to promote public health and meet the community's environmental goals, including maintaining open space, reducing greenhouse gases and improving air quality;
- 2701.1.5. Locate housing in or near existing developed areas and roadways;
- 2701.1.6. Provide multi-family housing that is well integrated into Wayland's land use patterns; and
- 2701.1.7. Increase the tax base through private investment in new housing development.

198-2702. **Definitions**

2702.1. As used in this article, the following terms shall have the meanings indicated:

**Affordable dwelling unit** – A residential unit that is restricted in perpetuity for sale, lease or rental to a qualified income-eligible household at specific price limits that qualify such residential unit for inclusion in the Chapter 40B Subsidized Housing Inventory maintained by the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities.

**Building** – A structure with a roof supported by walls and intended to shelter people or goods.

**Building height** – The distance, measured vertically from the average grade to the highest roof element. However, limitations in height shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses or similar enclosures for mechanical equipment and stairways, nor to solar panels and other necessary features usually carried above roofs so long as such features are not used for living purposes and, to the extent practical, are screened from view. Wireless communications facilities may not be erected except in compliance with Article 15 or Article 15A.

**Development and Use Plan** – A comprehensive plan depicting an entire development scheme on a lot and/or lots to ensure that site layout, building design, and outdoor amenity spaces meet the Design Standards for Site Layout and Development as established by the Planning Board.

**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; but no trailer, trailer coach or mobile home, whether or not self-propelled, and whether or not the wheels thereof may have been removed, shall be construed to be a dwelling.

**Grade** -- A reference plane representing the average of finished ground adjoining the building at all exterior walls, established by the lowest points within the area between the building and a point six feet from the building.

**Lot** – An area of land with definite boundaries that is used or available for use as the site of a building or buildings.

**Lot coverage** – The percentage of a lot that may be covered by the footprint of buildings and the footprint and roofs of other structures.

**MFHD** -- Multi-Family Housing Overlay District

**Mixed-use** – A combination of residential and commercial uses including retail, office, municipal, or service establishments.

**Multi-family housing** -- A building with three or more residential dwelling units or two or more buildings on the same lot, each of which has more than one residential dwelling unit in each building.

**Resident** – For purposes of determining applicability of the local preference option for an initial offering of an affordable dwelling unit, a “Resident” is a person who has been registered as a Wayland resident with the Wayland Town Clerk pursuant to G.L. c. 51, § 4 and would be considered a resident under the United States Census Bureau’s residency guidelines.

**Setback** – The shortest distance from the lot line to the wall of a building or structure.

**Structure** – A combination of materials assembled at a fixed location to provide support or shelter.

**Townhouses** – A form of multi-family housing comprised of three or more attached vertical multi-floor dwelling units that share one to two walls with adjacent dwelling units but each unit has its own entrances.

#### 198-2703. **Establishment of Multi-Family Housing Overlay District**

2703.1. The MFHD is an overlay district shown on the Town of Wayland Zoning Overlay Districts map dated March 18, 2024 on file with the Town Clerk and is comprised of the following sub-districts, all of which are shown on the map:

2703.1.1. Route 20 West – Parcel Nos. 21-006, 21-006A, and 21-CM1;

2703.1.2. River’s Edge West – the western portion of Parcel No. 22-006 ;

2703.1.3. Town Center Development Area – Parcel No. 25-052E and portions of Parcel Nos. 23-052 and 23-052C;

2703.1.4. Planned Development District - Central – Parcel No. 45-CM3.

#### 198-2704. **Applicability**

2704.1. The MFHD shall not replace existing zoning districts or zoning overlay districts, but shall be superimposed over them. At the option of the property owner, development and use of land within the MFHD may be undertaken subject to compliance with the requirements of this Article 27 or by complying with the standards or procedures of the underlying district or another applicable overlay district.

2704.2. Developments proceeding under this Article 27 shall be governed by the provisions of Article 27 and the standards and procedures of the underlying district, another applicable overlay district, and other sections of the zoning bylaw shall not apply unless specifically

MBTA COMMUNITIES ZONING  
PLANNING BOARD'S PROPOSED BYLAW (3.19.24)

referenced. Where the MFHD authorizes uses not otherwise allowed in the underlying district, the provisions of the MFHD shall control.

2704.3 Per G.L. ch.40A, Sec. 6, any building, structure or use lawfully in existence prior to the February 27, 2024 first publication of notice of a public hearing on this Article 27 may be continued in existence even though such building, structure or use does not conform to the requirements of Article 27.

198-2705. **Administration**

2705.1. The Planning Board shall be the site plan review authority under this Article.

2705.2. Where the MFHD requires a special permit, the Planning Board shall be the special permit granting authority pursuant to the standards established in G.L. c. 40A, § 9.

2705.3. The Planning Board shall adopt, maintain and file with the Town Clerk a set of regulations to facilitate site layout, site and building design, and outdoor amenity spaces and that contain the necessary policies, definitions, fee structures, procedures, and requirements to implement the provisions of this article including procedures for the Board to engage outside consultants pursuant to G.L. c. 44, § 53G.

198-2706. **Permitted Uses**

2706.1. All developments under this Article shall include multi-family housing and all residential uses under this Article shall be multi-family housing.

2706.2. Subject to an Article 27 approved Development and Use Plan, depicted below as site plan review (SPR), the principal use set forth below are permitted as of right in the MFHD:

<b>Permitted Use As of Right</b>	<b>Route 20 West</b>	<b>River's Edge West</b>	<b>Town Center Develop. Area</b>	<b>Planned Development District - Central</b>
<b>Principal Use:</b>				
Multi-family housing	SPR	SPR	SPR	SPR

2706.3. Subject to special permit (SP) and an Article 27 approved Development and Use Plan, the uses set forth below are permitted in the MFHD:

<b>Permitted Uses – Special Permit &amp; Site Plan Review</b>	<b>Route 20 West</b>	<b>River's Edge West</b>	<b>Town Center Develop. Area</b>	<b>Planned Development District - Central</b>
Mixed-use	SP & SPR	SP & SPR	SP & SPR	NO

## 198-2707. Site Development Standards

### 2707.1. Dimensional Requirements and Aggregate Limits

<b>Dimensional Requirements &amp; Aggregate Limits</b>	<b>Route 20 West</b>	<b>River's Edge West</b>	<b>Town Center Develop. Area</b>	<b>Planned Development District - Central</b>
<b>Basic Requirements:</b>				
Minimum lot size	2 acres	5.5 acres	4 acres	25 acres
Minimum frontage	50 ft.	50 ft.	50 ft.	50 ft.
Minimum setbacks:				
Front	30 ft.	30 ft.	20 ft. (30 ft.*)	30 ft.
Rear	15 ft.	15 ft.	15 ft. (30 ft.*)	15 ft.
Side	15 ft.	15 ft.	15 ft. (30 ft.*)	15 ft.
Maximum building height	35 ft.	45 ft.	35 ft.**	35 ft.
Maximum lot coverage	25%	20%	28%	20%
Maximum units per acre	20	32	27	10

\*30 ft. only at the eastern boundary of Parcel 23-052C adjacent to Parcel 23-CM2.

\*\* The height limitation may be increased to 40 feet in order to accommodate purely architectural features such as gables and parapets.

### 2707.2. Off Street Parking Spaces

A minimum number of off-street parking spaces shall be provided for residential uses in the MFHD:

<b>Off-Street Parking Spaces</b>	<b>Route 20 West</b>	<b>River's Edge West</b>	<b>Town Center Develop. Area</b>	<b>Planned Development District - Central</b>
Minimum number per dwelling unit	1.5	1.5	1.25	2

### 2707.3. Design Standards for Site Layout and Development

- 2707.3.1. In conducting its review, the Planning Board shall apply the design standards expressed in the regulations adopted to implement the provisions of this Article 27 including site layout, building design, outdoor lighting, signage, site amenities, landscaping, screening, buffers, stormwater management, open space, as well as parking requirements for non-residential uses.
- 2707.3.2. Landscaping within the MFHD shall be designed to promote the establishment, protection and enhancement of the natural landscape; ensure the appropriate use of plant materials; preserve natural tree cover; and promote inclusion of new tree plantings in order to reduce visual blight, noise and glare, prevent soil erosion, reduce stormwater runoff, increase groundwater discharge, create shade, and reduce solar overheating.
- 2707.3.3. Screening and buffering should create visual barriers between features of the development from public streets and abutting properties, including dumpsters and trash handling areas, mechanical equipment at ground level and on rooftop, service entrances and utility facilities for building operation, loading docks and spaces, and aboveground backflow preventers.

**2707.4. Inclusion of Affordable Dwelling Units**

- 2707.4.1. In lieu of the requirements of Article 22 of the Town's Zoning Bylaw (the "Inclusion of Affordable Housing"), the provisions of this Article 27 shall apply.
- 2707.4.2. A minimum of 10% of the dwelling units on any lot in the MFHD shall be affordable units, subject to a cap on household income eligibility of not less than 80% of area median income.
- 2707.4.3. If, when applying the percentage to the total number of units to determine the number of required affordable units, the number of affordable dwelling units results in a fraction, the number shall be rounded down to the nearest whole number.
- 2707.4.4. No project may be divided or phased to nullify or reduce the number of required affordable dwelling units.
- 2707.4.5. Affordable dwelling units shall be similar in size and indistinguishable from market-rate units with regard to quality of interior and exterior materials and finishes, shall be distributed proportionately among unit sizes and throughout the development, and shall have use of all common areas including parking areas and amenities.
- 2707.4.6. Affordable dwelling units shall be rented or sold subject to deed restrictions, restrictive covenants, contractual agreements, and/or other mechanisms restricting the use and occupancy, rent levels, and sales prices of such units to assure their affordability over time. Restrictive instruments shall be subject to review and

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PLANNING BOARD'S PROPOSED BYLAW (3.19.24)

approval by Town Counsel and shall be recorded with the Middlesex South Registry of Deeds prior to the commencement of any construction. Any condominium documents and fees shall be subject to review and approval by the Planning Board prior to issuance of a building permit.

2707.4.7. At the request of the Town, a monitoring agreement for oversight of affordability restrictions shall be entered into and shall be recorded with the Middlesex South Registry of Deeds prior to the issuance of the first building permit for any dwelling unit in the project.

2707.4.8. To the maximum extent permitted by law and, if applicable, any federal or state financing or subsidy program supporting the development, first preference for the initial offering of an affordable dwelling unit shall be given to households that meet one or more of the following criteria:

2707.4.8.1. At least one member of the household is a Resident of the Town of Wayland at the time of an affordable unit lottery application deadline;

2707.4.8.2. At least one member of the household is either a daughter, son, parent or sibling of a Wayland Resident;

2707.4.8.3. At least one member of the household is a municipal employee of the Town of Wayland.

**198-2708. Decision and Appeals**

2708.1. The Planning Board shall issue a Decision on the Development and Use Plan in accordance with the regulations adopted to implement the provisions of this Article 27 and shall file the decision with the Town Clerk.

2708.2. Any person aggrieved by the Planning Board's decision may appeal per G.L. c. 40A, § 17 within 20 days after the MFHD Development Plan Approval decision has been filed with the Town Clerk.