

Grafton Zoning Bylaw Section 14 – MBTA Communities Multi-Family Overlay District

August 21, 2023

This update is proposed for the purpose of adding a Section 14 – MBTA Communities Multi-Family Overlay District, and all associated requirements under Section 3A of MGL c. 40A.

Proposed changes include:

- Adding a Section 14 – MBTA Communities Multi-Family Overlay District. Please see below for a detailed outline of changes.

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Section 14: MBTA Communities Multi-Family Overlay District

14.1 Purpose

The purpose of the MBTA Communities Multi-family Overlay District (herein “MCMOD”) is to allow multifamily housing by right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for by-right multi-family housing to accomplish the following purposes:

1. The Town of Grafton is using the underlying zoning of four existing districts, in addition to an overlay in one district, to establish compliance with Section 3A.

14.2 Establishment and Applicability

This MCMOD is an overlay district with a land area of approximately 105 acres that is superimposed over all underlying zoning districts and is shown on the Zoning Map. This section establishes these five zones for MBTA compliance. The provisions of Sections 14.3 through 14.6 apply solely to MCMOD Sub-District 2.

14.2.1 Applicability of MCMOD. An applicant may develop multi-family housing located within an MCMOD in accordance with the provisions of this Section 14.

14.2.2 Underlying Zoning. The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimensions, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force. Uses that are not identified in Section 14 are governed by the requirements of the underlying zoning districts.

14.2.3 Sub-districts. The MCMOD contains the following sub-districts, all of which are shown on the MCMOD Boundary Map:

- a. MCMOD 1 (District 1)
- b. MCMOD 2 (District 2)
- c. MCMOD 3 (District 3)
- d. MCMOD 4 (District 4)
- e. MCMOD 5 (District 5)

14.2.4 The underlying zoning for MCMOD Sub-districts 1, 3, 4, and 5 are fully compliant with Section 3A and will not change. MCMOD Sub-district 2 is modified to adjust affordability levels for Section 3A compliance. Please see the Zoning Map for Overlay designations.

14.3 Definitions.

For purposes of this Section 14, the following definitions shall apply.

1. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Grafton as defined by the U.S. Department of Housing and Urban Development (HUD).
2. **As-of-right.** Development that may proceed under the Zoning in place at the time of application without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.
3. **Compliance Guidelines.** Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended occasionally.
4. **EOHLC.** The Executive Office of Housing and Livable Communities of the Commonwealth of Massachusetts or any successor agency (formerly DHCD).
5. **MBTA.** Massachusetts Bay Transportation Authority.
6. **Section 3A.** Section 3A of the Zoning Act, Chapter 40A.
7. **Site Plan Review Authority.** The Site Plan Review Authority shall be the Planning Board, as designated by the Town of Grafton Zoning Bylaw for the issuance of Site Plan Approval.
8. **Special Permit Granting Authority.** The Special Permit Granting Authority shall be the Planning Board, as designated by the Town of Grafton Zoning Bylaw for the issuance of Special Permits (see Section 1 – Administration and Interpretation).
9. **Sub-district.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the MCMOD district by use, dimensional standards, or development standards.
10. **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.

14.4. Permitted Uses

1. **Uses Permitted.** Permitted uses are all allowed uses in the underlying zoning district.
2. **Other Uses.** The MCMOD is an overlay district superimposed on underlying zoning districts and overlay districts. Except as specified herein, the underlying zoning shall remain in full force and effect. Notwithstanding anything to the contrary in this Zoning Bylaw, the approval of a multi-family use other than by special permit shall not be subject to limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations, including but not limited to any rate of development limitations provided in the Zoning Bylaw.

14.5. Dimensional Standards

1. Except as may be specified otherwise in this section, all dimensional standards of the underlying zoning shall apply.
2. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in the underlying zoning 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.

14.6. Affordability Requirements

1. **Applicability.** This requirement applies to all residential and mixed-use developments with ten (10) [eight (8) if we're going with 20% affordable] 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.
2. **Affordability requirements.** All units affordable to households earning 80% or less of the AMI created in MCMOD Sub-district 2 must be eligible for listing on EOHLIC's Subsidized Housing Inventory.
3. **Provision of Affordable Housing.** In Applicable Projects, the minimum number of Affordable Units shall be the largest whole number that is not greater than 20% of the total number of units. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.
4. **Administration.** The Building Inspector shall be responsible for administering and enforcing the requirements in this section.

14.7. Severability.

If any provision of this Section 14 is found to be invalid by a court of competent jurisdiction, the remainder of Section 14 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 14 shall not affect the validity of the remainder of the Town of Grafton Zoning bylaws.