

MBTA Communities
Section 3A MGL c40A

Sample Zoning

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Department of Housing and Community Development
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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 DHCD 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 DHCD 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 Department of Housing and Community Development (DHCD) 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, EOHEd 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. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
11. **MBTA.** Massachusetts Bay Transportation Authority.
12. **Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including, commercial, institutional, industrial, or other uses.
13. **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.
14. **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.
15. **Open space.** Contiguous undeveloped land within a parcel boundary.

16. **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.
17. **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.
18. **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.
19. **Section 3A.** Section 3A of the Zoning Act.
20. **Site plan review authority.** [Identify the municipal board, council, or committee responsible for Site plan review.]
21. **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.
22. **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.
23. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by DHCD 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.
24. **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 DHCD's Subsidized Housing Inventory.]
- b. **[Non-SHI Affordable Units.** Affordable Units do not have to qualify for listing on DHCD'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 DHCD approval of an Economic Feasibility Analysis (EFA). Guidance related to submission of an EFA can be found on the [mass.gov/mbtacommunities](https://www.mass.gov/mbtacommunities) 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 DHCD'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 DHCD's LIP program, such regulatory agreement shall be executed by the developer/project sponsor, the municipality, and DHCD in accordance with Local Initiative Program regulations and guidelines.

Communities using the Local Initiative Program/Local Action Unit Program should coordinate with DHCD 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 DHCD).

Resources

For detailed information about SHI eligibility and a list of Eligible Subsidy Programs, please review DHCD'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 DHCD'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



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.)

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.