

MOTION: I move that the Town amend the Zoning By-laws Section 2.0 Districts, Section 11.0 Definitions, 9.0 Special Districts by amending 9.1 Floodplain Protection Overlay District (FPOD) and adding Section 9.7 MBTA Overlay District. (MBTAOD)

2.3 SPECIAL DISTRICTS. In addition to the Residence, Business and Industrial Districts, the following special districts have been established and are set forth in Section 9.0:

Floodplain Protection Overlay District	FPOD
Medical Marijuana Overlay District	MMOD
Town Center Overlay District	TCOD
Adult Entertainment Overlay District	AEOD
Non-Medical Marijuana Overlay District	NMMOD
South School Overlay District	SSOD
MBTA Overlay District	MBTAOD

9.1.2 Use Regulations

10. Multi-family housing within the 3A MBTA Communities Multi-family Overlay District is exempt from sections 9.1.2.1, 9.1.2.2, and 9.1.7 for land that is included within the Floodplain Protection Overlay District.

*Changes to existing zoning bylaws above highlighted in **BOLD**.

9.7.1 Purpose:

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multifamily 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. To comply with the multi-family housing requirements pursuant to M.G.L. 40A Section 3A applicable to MBTA Communities.
2. To promote economic investment and development within the town of Holbrook.
3. Preserve open space by locating new housing within existing developed areas.
4. To increase municipal tax base by incentivizing mix-use development.
5. Support public transit and local infrastructure incentivizing a pedestrian friendly zone within a half mile of the Holbrook train station and bus routes.

The MBTA Overlay District includes several changes to the table of Dimensional Regulations and to the table of Use Regulations.

9.7.2 OVERLAY DISTRICT: The MBTAOD is an overlay district superimposed on all underlying zoning districts, the map of the MBTAOD, entitled "MBTA Overlay District", dated ~~XX/XX/2024~~, is hereby made part of the Zoning By-Law. The Zoning By-Law governing the underlying zoning district shall remain in full force and effect except for projects undergoing development pursuant to this section of the Zoning By-laws and M.G.L. 40A section 3A. Within the boundaries of the MBTAOD a developer may elect to develop a project in accordance with this section, or to develop a Project in accordance with requirements of regulations for use, dimension and all other provisions of the Zoning By-Laws governing the underlying Zoning District(s). When a Building Permit is issued for any Project approved in accordance with this section, the provisions of the underlying district(s) shall no longer be applicable to the land shown on the plan which was submitted pursuant to this section for such project.

Commented [BD1]: To be updated when district map is finalized.

MBTAOD Consist of the following maps and lots and contains approximately XX acres:

Map XX, Lots XX;

Map XX, Lots XX

Commented [BD2]: To be updated when district map is finalized.

Commented [BD3]: To be updated when district map is finalized.

9.7.3 Site Plan Approval/Special Permits Required: In the MBTAOD, a Multi-Family Development Project shall be allowed after site plan approval pursuant to Section 10.6, subject to the additional design standards set forth herein. Any other project shall require a Special Permit from the Planning Board pursuant to Section 10.5 and the additional criteria set forth herein. Development of land within the MBTAOD is not permitted until January 1, 2025.

9.7.4 Dimensional Regulations: In the MBTAOD, the following dimensional regulations shall apply as set forth in the MBTAOD Dimensional Table Below.

REQUIREMENT

Minimum Lot Size (sq. ft.)	20,000
Maximum Lot Coverage by Building	
By Residential Only	45%
By Mixed Use	50%
Maximum Total Lot Coverage	
By Residential Only	65%
By Mixed Use	75%
Minimum Open Space	
By Residential Only	35%
By Mixed Use	30%
Minimum Lot Frontage (ft)	
By Residential Only	125ft
By mixed Use	125ft
Minimum Front Yard Depth (ft)	
Union St	15ft
Other Streets	20ft
Maximum Front Yard Depth (ft)	
Union St	N/A
Other Streets	N/A
Minimum Side Yard With (ft)	10*
Minimum Rear Yard Depth (ft)	15**
Maximum Height (stories)	3***
Minimum Parking Spaces Per Unit (Multi-Family Only)	1.5
Minimum Parking Spaces Per Unit (Mixed Use)	1.0
Minimum Parking Spaces Per Commercial Space	4 per 500 Sq. Ft. of commercial space
Minimum Parking Spaces Per Unit (Bicycles)	.75

(*) Except where the subject property shares a lot line with a residential home or adjacent to an underlying Residential District. In which case the minimum is 20 ft

(**) Except where the subject property shares a lot line with a residential home or adjacent to an underlying Residential District. In which case the minimum is 30 ft

(***) Four by Planning Board Special Permit

(****) For any developments 10 residential dwelling units or greater per lot, minimum spaces per unit for bicycles required. Requirement is waived for developments less than 10 units on 1 lot.

1. Open space is intended to be common use and must be designed to ensure use for all pedestrians and residents. All open space shall serve a function, including preservation of natural features, provision of habitat, improving the scenic quality of site, stormwater management, recreation, or gathering. This should include, but not limited to, walking trails, sitting areas, bicycle storage, playgrounds, and/or landscaping.
2. If the requirement for bicycle spaces is met, up to a maximum of 5% of open space can be used to develop parking spaces for bicycles. The spaces are required to fit into the architecture of the building and open space including ability to firmly lock and/or anchor the bicycle to a permanent structure.
3. All MBTAOD projects greater than 10 units shall provide a minimum of 10% of their units as Affordable Units for Affordable Housing.
4. Affordable Units shall be constructed on the same site as market rate units and indistinguishably interspersed throughout the MBTAOD project. The Affordable Units shall be equal in quality, materials, and character to the base level market rate units in the development.
5. The number of parking spaces for commercial spaces will be determined during the review by the Planning Board as part of the Special Permit review.

9.7.5 Use Regulations: Uses shall be governed by the MBTAOD Use Table, set forth below:

Y Designates a use permitted as of right
PB Designates a use that may be permitted by Planning Board Special Permit only.
 If a use is not mentioned, it is not allowed unless a waiver is granted by the Planning Board.

PRINCIPLE USES	MBTAOD
Multifamily dwelling or multiple unit development	Y
Mixed Use Project	PB

Institutional, Recreational, and Educational Uses

Use of land or structure for Religious purposes	PB
Use of land for Educational purposes	PB
Public Park or Playground	PB
Community Center	PB
Childcare center or school aged programs	PB

Offices

Business, financial, or professional offices	PB
Medical	PB

Retail Business and Consumer Service Establishments

Store of retail sales of merchandise provided all display, storage, and sales of materials are conducted within the building. Manufacturing and/or assembly is permissible if limited to a maximum of 25% of total square footage and if 50% of sales occur onsite. Applicant is required to provide in writing the objective of business, expected hours of operations, and relevant details related to business operations for the Planning Board to evaluate as part of application. Approval for retail sales of merchandise, manufacturing, and/or assembly at the discretion and approval by the Planning Board.	PB
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Personal Services Establishments are permissible at the discretion of the Planning Board. Applicant is required to provide in writing the objective of business, expected hours of operations, and relevant details related to business operations for the Planning Board to evaluate as part of application.	PB
Business or professional office.	PB
Studio for arts and handcrafts at the discretion and approval by the Planning Board.	PB
Indoor places solely for eating and drinking at the discretion and approval by the Planning Board. Applicant is required to provide in writing the objective of business, expected hours of operations, and relevant details related to business operations for the Planning Board to evaluate as part of application. Live entertainment is permissible if parameters for acceptable entertainment is established within the order of conditions that is approved by the Planning Board. (*****)	PB
Outdoor seating for food establishments at the discretion and approval by the Planning Board. (*****)	PB

(*****) One- and two-day live entertainment permits can be granted at the approval of the Town Administrator for a fee of \$50 per day.

(*****) Temporary permits for outdoor seating for food establishment up to 30 days can be granted by the Town Administrator including a fee of \$250 (prorated based on # of days per month which month(s) permit is granted).

1. Any changes to retail business or consumer service establishments, including change of ownership, business operations, or any change to the existing order of conditions, requires review and approval by the Planning Board.
2. For land that is within the Floodplain Protection Overlay District (FPOD), requirement to adhere to the requirements within Section 9.1 except where permitted under 9.1.2.10.

9.7.6 Roadways, Sidewalks, Parking and Loading Design Standards: Adequate off-street parking and loading shall be provided in all new projects in accordance with section 6.2.2 Table of Parking and Loading Requirements.

1. Parking and loading design shall promote pedestrian flow within the development, maximize the efficient use of existing and proposed parking facilities, and minimize the area of land to be paved for parking and loading.
2. Structured parking is not permitted unless approved by the Planning Board as part of a Special Permit.
3. To foster a pedestrian-friendly environment and to create safer traffic flow, parking spaces shall be located behind or beside buildings wherever possible. In any case, parking shall not be located directly between the building and the street.
4. For all projects, developments, or lots with greater than 10 residential dwelling units, electric vehicle charging stations are required at a minimum of 25% of the units to be built (i.e. 20 units would require 5 charging stations). For commercial space, requirement is 1 electric vehicle charging station for every 2,500 square feet of total space.
5. The Planning Board may require arrangements for rideshare and electric vehicle parking.
6. For all projects, developments, or lots with greater than 10 residential dwelling units, bicycle parking is required at the rate established in subsection 9.7.4.
7. Roadways must be constructed to accommodate biking lanes at a minimum width of 6 feet and clearly marked on roadways. Bike lanes smaller than 6 feet in width are permissible if a waiver

is granted by the Planning Board and safety dividers between the road and bike lanes are included within the plan design.

8. Sidewalks are required to be a minimum width of 6 feet to promote pedestrian flow and usability.
9. Pedestrian connections are required to maintain a continuous network of sidewalks that provide direct connection to existing sidewalks. All sidewalks within the MBTAOD must provide a safe pathway to the Holbrook/Randolph Commuter Rail transit station.

9.7.7 Building Design Standards: The following standards shall apply to new construction in the MBTAOD:

1. Facades shall create a visually appealing environment. Building materials should be compatible with, but not necessarily mimic, the older character of architectural styles found in the adjacent area.
2. Buildings should be attractive, yet not dominate the streetscape or surrounding landscape.
3. Multiple levels of buildings shall be distinguishable on all exterior elevations, delineated by architectural elements, such as cornices, change in materials, coining or other brickwork, balconies or other features.
4. Opaque, tinted or frosted glass is discouraged on public-facing facades. Windows, doors or other glazing shall be transparent.
5. Buildings must have a main entrance facing the street. All retail establishments in a multi-business development shall have separate entrances to the street.
6. All facades longer than fifty feet should be divided into shorter visual segments by architectural elements such as patterns, materials, or a variation in building height or roof lines.
7. New buildings should create streetscape that provide public amenities such as landscaping, seating, and art, in addition to shade.
8. Buildings shall relate well to the pedestrian scale by incorporating architectural details that provide aesthetic interest at the ground level, not allowing continuous facades of blank or impenetrable walls.
9. Landscaping should be applied to buffer parking areas from the street, neighboring lots, walls, and fences.
10. Building facades shall have protrusions, recesses, and a blend of materials to produce an interesting and playful elevation as opposed to a flat surface.
11. For all projects, developments, or lots with greater than 10 units, solar panels or other renewable energy installations are required to be installed to cover 30% of the projected electricity use for the entirety of the site (includes vehicle charging stations, commercial operations, etc.). Any renewable energy installations shall not create a significant detriment to abutters in terms of noise, shadow, etc., and must be appropriately integrated into the architecture of the building and the layout of the site.

9.7.8 General Development Standards: The following standards shall apply to new construction in the MBTAOD:

1. Sidewalks shall provide direct connections among building entrances, the public sidewalk, bicycle storage, and parking.
2. Open space is required to be developed for the enjoyment of all residents and must incorporate seating for 1 person for every 5 residential dwelling units within the site development. This includes but is not limited to benches or picnic tables. All structures must be considered permanent and restricted from movement or relocation, if possible.
3. 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.

4. 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.

9.7.9 Renovations or Conversions of Existing Buildings: When a project is proposed involving the renovations or conversion of an existing building in the MBTAOD, the Planning Board may authorize by Special Permit a deviation from any of the dimensional or design standards set forth in 9.7.7 subsections 6 and 7 above. No variance shall be required.

9.7.10 Preservation of Existing Vegetation: When possible, the preservation of healthy existing native and non-native vegetation should be preserved where possible and incorporated into the project and site plan. The site plan must include identification of existing native and non-native vegetation and plan to preserve where possible. The plan may include plantings of new vegetation when a minimum of 50% of healthy vegetation within open space minimum cannot be preserved.

9.7.11 Decision Making Criteria: In addition to those criteria set forth in Section 10.6 governing Site Plan Approval and Section 10.5 governing Special Permits, the Planning Board shall consider the following criteria in order to approve a project:

1. Adequacy of the site in terms of size of proposed use(s).
2. Impact on neighborhood traffic flow, particularly during peak periods.
3. Impact on traffic on side streets.
4. Effect on pedestrian safety, including access to crosswalks and parking.
5. Potential negative impact to the visual character of the adjacent neighborhoods.
6. Promotion of mixed uses within the district.

The Planning Board is required to review all site plans within the MBTAOD to ensure compliance with the Town of Holbrook zoning by-laws and rules and regulations to validate a special permit or waiver(s) are not required prior to construction permits being issued.

Once 662 new residential dwelling units have been established within the MBTAOD, any additional units beyond 662 require by Section 3A MBTA Communities Multi-family Overlay District will require application of a special permit with the Planning Board or the Board of Appeals if within the FPOD.

Failure to meet all applicable rules within the Town of Holbrook's zoning by-laws and rules and regulations will result in the site developer being required to replace and/or remove any structures that are found to be non-compliant at the discretion of the Planning Board. Occupation of dwellings is not permitted until all inspections are completed as described within Section 6.4 of the Holbrook Rules & Regulations.

9.7.12 Special Permit Relief: By Special Permit, the Planning Board may deviate from any standard including parking, roadways, loading, setbacks, open space, signage, landscaping, the building design standards, and commercial business operations set forth in this Section in order to promote better project design, provided that such deviation does not result in a substantial detriment to the neighborhood or the Town of Holbrook.

1. Waivers

- a. The Planning Board may waive strict compliance with the above open space standards and reduce the open space requirement to a minimum of 20% when such a reduction would result as a project that better implements one or more of the purposes within this zoning by-law for the MBTAOD.

- b. The Planning Board may, by waiver, allow some or all of the required open space to be located on an adjacent lot when the adjacent lot is under a common ownership within the site development site and when such a reduction would result in a project that implements one or more of the purposes within this zoning by-law for the MBTAOD. The adjacent lot may be outside the MBTAOD.

11.0 Definitions: These definitions are to be added that are currently not included in the Definition section within Holbrook's Zoning By-laws.

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.

EOHLC. The Massachusetts Executive Office of Housing and Livable Communities, DHCD's successor agency.

MBTA. Massachusetts Bay Transportation Authority.

Mixed-use development. Development containing a mix of residential uses and nonresidential uses, including, commercial, institutional, industrial, or other uses.

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.

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.

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.

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.