

## **Foxborough Multifamily Overlay District Bylaw**

*Amend the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, by adding the following new section thereto:*

### **9.8. Foxborough Station Overlay District**

**9.8.1. Purpose.** The purpose of this Section 9.8. is to:

1. Allow multifamily residential development as of right in accordance with MGL c.40A, §3A, and the “Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act” promulgated pursuant thereto, as may be revised or amended from time to time.
2. Provide multi-family housing options that emphasize pedestrian-oriented and walkable neighborhoods, and that reduce dependency on motor vehicles by means of proximity to the commuter rail station located in Foxborough.
3. Address the local and regional need for affordable housing by providing housing opportunities for low- and moderate-income households.

**9.8.2. Overlay district.** The Foxborough Multifamily Overlay District (FMOD) is established as an overlay district encompassing the area more particularly delineated on a plan entitled “Foxborough Multifamily Overlay District (FMOD) Plan in Foxborough, MA” prepared by \_\_\_\_\_ and dated \_\_\_\_\_. This plan shall be deemed to be superimposed over portions of the R-40 Residential and Agricultural District, the Special Use (S-1) District and the Economic Development Area Overlay District (EDAOD), which such districts have been established in accordance with these bylaws. The plan as it may be amended from time to time is on file with the respective offices of the Town Clerk and the Building Commissioner, and, together with any explanatory material thereon, is incorporated in and made part of these bylaws.

**9.8.3. Relationship to existing zoning.** All requirements and provisions of these bylaws that are applicable to the underlying district or overlay district shall remain in force and effect except where such provisions and requirements conflict with the provisions of this Section 9.8., in which event the provisions and requirements of the underlying district or overlay are superseded hereby.

1. The provisions of this Section 9.8. shall not affect the rights of any owner of property within the FMOD who seeks to develop or redevelop such property in accordance with the provisions of these bylaws that are applicable to the underlying district or overlay district. Any such owner of property who seeks to develop or redevelop such property in accordance with the provisions of this Section 9.8. shall comply with the provisions and requirements hereof.
2. Terms that are used in this Section 9.8. shall have the respective meanings that are

provided in Section 11.1. of these bylaws unless a specific definition of any such term is set forth in this section.

**9.8.4. Permissible uses.** The following uses are permitted in the FMOD:

1. Multifamily dwellings of 15 dwelling units per acre are allowed by right.
2. Accessory structures to multifamily dwellings are allowed by special permit from the Planning Board.
3. Uses that are permitted in the R-40 Residential and Agricultural District in accordance with Table 3-1 of these bylaws, uses that are permitted in the Special Use (S-1) District in accordance with Table 3-1 and Section 9.1. of these bylaws, and uses that are permitted in the EDAOD in accordance with Section 9.5.4. of these bylaws, are allowed in the FMOD in accordance with those provisions and requirements of these bylaws that are applicable to such uses.

**9.8.5. Dimensional requirements.** The following dimensional requirements shall apply to multifamily dwellings in the FMOD:

<b>Table 9-3</b>						
<b>Dimensional Regulations For Foxborough Multifamily Overlay District</b>						
	Minimum Lot Size (square feet)	Yards (feet)			Maximum Height of Dwelling Units (feet)	Maximum Height of Accessory Structures (feet)
		Front	Side	Rear		
First 3 dwelling units	32,250	50	25	75	35	21
Additional dwelling units (per unit)	2,000					

Table 9-3  
Multifamily Dimensional Regulations for Foxborough Multifamily Overlay District

Minimum Lot Size: 32,250 square feet for first three dwelling units  
 Additional Dwelling Units: 2,000 square feet per dwelling unit  
 Minimum Yards: 50 feet front, 25 feet sides, 75 feet rear  
 Maximum Height of Multifamily Dwellings: 35 feet  
 Maximum Height of Accessory Structures: 21 feet

**9.8.6. Notes to Table 9-3.**

1. The Planning Board by grant of a special permit may vary any of the referenced dimensional requirements where it determines that the clustering of multifamily dwellings furthers the purposes of this Section 9.8., provided that the height of a

multifamily dwelling or accessory structure to a multifamily dwelling shall not exceed 48 feet.

2. Lots in the FMOD may contain more than one multifamily dwelling.
3. The number of stories that a multifamily dwelling may have is restricted only by the height of any such structure as provided in Table 9-3.

**9.8.7. Parking requirements.** Off-street parking for multifamily dwellings in the FMOD shall comply with the following requirements:

1. The provisions of Section 6.1. and Tables 6-1 and 6-2 of these bylaws shall not apply to the parking requirements for multifamily dwellings except otherwise as specifically may be provided in this Section 9.8.7.
2. Each multifamily dwelling development shall provide a maximum of 1.5 parking spaces per dwelling unit.
3. The Planning Board by special permit may reduce the number of parking spaces that are required for a multifamily dwelling development where it determines that the parking spaces that are proposed are sufficient to meet the needs of such development.
4. Except with respect to a shared parking facility that is permitted by the Planning Board in accordance with Sections 9.8.7.6. and 9.8.7.7., all parking spaces that are required for a multifamily dwelling shall be located on the same lot as such dwelling.
5. Parking spaces are permitted in the front and side yards of multifamily dwellings if so authorized by the Planning Board in accordance with its site plan review, provided that such spaces are not allowed within the front and side yard setbacks required pursuant to Table 9-3 and are not allowed within a multilevel parking structure.
6. Parking spaces that are required for two or more multifamily dwellings that are under common or affiliated ownership and that are on adjoining lots may be provided in a shared parking facility pursuant to a special permit granted by the Planning Board.
7. Parking spaces that are required for two or more multifamily dwellings that are not under common or affiliated ownership and that are on adjoining lots may be provided in a shared parking facility pursuant to a special permit granted by the Planning Board, provided that each such use complies with the parking requirements that are set forth in Section 9.8.7.1.
8. Shared parking facilities authorized in accordance with the provisions of Sections 9.8.7.3. and 9.8.7.4. may be accessed by a shared driveway and may be provided in a shared multilevel parking structure that complies with the dimensional requirements for structures in the Special Use (S-1) District. The Planning Board in considering an application for a special permit for a shared parking arrangement shall apply the

criteria and requirements of Section 6.1.2.4. to multifamily dwellings under common or affiliated ownership, and shall apply the criteria and requirements of Section 6.1.2.5. to multifamily dwellings that are not under common or affiliated ownership, to the extent that the same are applicable to this Section 9.8.7.

9. Parking facilities provided under this Section 9.8.7. shall provide electric vehicle charging stations in accordance with the most recent edition of the International Energy Conservation Code (IECC) Base Code.
10. Multifamily dwellings that contain 25 or more dwelling units shall provide one bicycle storage space per dwelling unit within a covered area that is within or attached to each applicable dwelling.

**9.8.8. Performance standards.** All multifamily dwelling developments in the FMOD shall be subject to the performance standards of Section 6.5. of these bylaws.

1. The Planning Board may waive those standards that it determines to not be applicable to a proposed multifamily development or that would be inconsistent with the purposes of this Section 9.8.
2. Multifamily dwellings shall have common outdoor space that can be accessed by each of the residents thereof. Such space may be in any combination of ground floor, courtyard, rooftop or terrace.

**9.8.9. Mandatory provision of affordable dwelling units.** All multifamily dwelling developments in the FMOD that contain 10 or more dwelling units shall include affordable dwelling units that comprise 10% of the total number of dwelling units constructed or developed in each such development.

1. For purposes of this Section 9.8.9., the following terms shall have the respective meanings indicated:
  - a. Affordable dwelling 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.
  - b. Area Median Income (AMI). The median family income for the metropolitan statistical region that includes the Town of Foxborough, as defined by the U.S. Department of Housing and Urban Development (HUD).
  - c. Subsidized Housing Inventory (SHI). A list of qualified Affordable Housing Units maintained by the Massachusetts Executive Office of Housing and Livable Communities used to measure a community's stock of low- or moderate-income housing for the purposes of MGL c. 40B, §§20-23.
2. Affordable dwelling units for purposes of this Section 9.8.9. shall be restricted to households with income at or below 80% of the Area Median Income, as adjusted for household size, as published by the United States Department of Housing and Urban Development for the Boston-Cambridge-Quincy, MA-NH Metro FMR Area, and

eligible for inclusion on the Subsidized Housing Inventory maintained by the Massachusetts Executive Office of Housing and Livable Communities.

3. Developments that are subject to this Section 9.8.9. shall comply with the following development standards and criteria:
  - a. No development project may be divided or phased to avoid the requirements of this Section 9.8.9.
  - b. Affordable dwelling units shall be proportionately dispersed throughout the development with respect to location, unit type, quality and character, room size, and number and distribution of bedrooms, and in all respects shall be indistinguishable from the development's comparable market-rate dwelling units in external appearance.
  - c. Affordable dwelling units shall be equivalent to the development's market-rate dwelling units in terms of the design, quality of construction, workmanship, mechanical, plumbing, heating and cooling systems, roofing, insulation, windows and energy efficiency, flooring, lighting and plumbing fixtures, appliances, interior finishes and features, and landscaping.
  - d. Affordable dwelling units shall be as conveniently located to any of the development's common amenities as are the development's market-rate dwelling units. The residents of affordable dwelling units shall have the same rights and privileges to the use of any such common amenities as do the residents of the development's market-rate dwelling units.
  - e. The dimensional requirements that are set forth in Section 9.8.5. of these bylaws shall apply both to the development's affordable dwelling units and its market-rate dwelling units.
  - f. Affordable dwelling units that are developed in accordance with this Section 9.8.9. shall remain affordable for the maximum period that is permitted by law.
4. The Director of Land Use and Economic Development or the designee thereof shall be responsible for administering this Section 9.8.9., and may promulgate such rules, regulations and guidelines that may include, without limitation, submission requirements and procedures, methods for establishing maximum affordable rental amount, and documentation necessary to qualify affordable dwelling units for listing under the Massachusetts Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory.
5. The selection of qualified renters shall be effected under a marketing plan that shall be reviewed and approved by the Director of Land Use and Economic Development or the designee thereof. Such marketing plan may accommodate rental preference requirements for Town of Foxborough residents and employees to the maximum extent permissible.

**9.8.10. Site plan review.** All multifamily dwelling developments in the FMOD shall be subject to site plan review by the Planning Board in accordance with the provisions of Section 10.5. of these bylaws. The Planning Board in granting site plan approval may impose such

reasonable terms and conditions as it deems to be appropriate to serve the purposes of this Section 9.8, including reasonable regulations and requirements as to vehicular access and circulation of motor vehicles within a multifamily dwelling development, architectural design of buildings, site design, and screening from adjacent properties.

- 9.8.11. Severability.** If any provision of this Section 9.8. is determined to be invalid by a court of competent jurisdiction, the remainder hereof shall not be affected but shall remain in full force and effect. The invalidity of any provision of this Section 9.8. shall not affect the validity of the remainder of these bylaws.

### **Related Zoning Bylaw Revisions**

*Amend the Code of the Town of Foxborough, Massachusetts, Chapter 275: Zoning, as follows:*

1. Amend Section 2.2. by adding the following:

Foxborough Multifamily Overlay District    FMOD

2. Amend Section 2.3.1. by adding the following:

Foxborough Multifamily Overlay District (FMOD) Plan in Foxborough, MA.

3. Amend Section 3.1.7. Notes to Table of Use Regulations by adding the following new note:

9. Multifamily dwellings shall be permitted in the R-40 Residential and Agricultural District and in the Special Use (S-1) District in accordance with the provisions of Section 9.8. of these bylaws.

4. Amend Section 4.1.2. Notes to Table 4-1 by adding the following new note:

5. Dimensional regulations for multifamily dwellings in the Foxborough Multifamily Overlay District are set forth in Table 9-3. Notes 1 and 2 of this Section 4.1.2. do not apply to multifamily dwellings in the Foxborough Multifamily Overlay District.

5. Amend Section 4.1.3. Notes to Table 4-2 by deleting the first sentence of note 5 in its entirety and replacing it with the following new sentence:

Except for lots that are in the Foxborough Multifamily Overlay District, the minimum lot size within the S-1 District is 80,000 square feet.

6. Amend Section 4.1.3. Notes to Table 4-2 by deleting the first sentence of note 6 in its entirety and replacing it with the following new sentence:

Except for lots that are in the Foxborough Multifamily Overlay District, lots located in the S-1 District with frontage on streets other than Route 1 shall have a minimum of 200 feet of frontage.

7. Amend Section 4.4.2. by adding the following wording after the words “the S-1 District”:

“other than a structure that is in the Foxborough Multifamily Overlay District”

8. Amend Section 4.2.3 by deleting such section in its entirety and replacing it with the following new Section 4.2.3.:

4.2.3. Accessory structures to multifamily structures. Except otherwise as provided in Section 9.8.4.2. with respect to accessory structures in the Foxborough Multifamily Overlay District, accessory structures to existing multifamily structures shall only be allowed by special permit from the Board of Appeals; provided that if a structure is shown on a special permit application that is submitted to the Planning Board to construct a multifamily structure, the accessory structure may be approved as part of that application.

9. Amend Section 4.4.3. by deleting such section in its entirety and replacing it with the following new Section 4.4.3.:

4.4.3. Controlling Provision. Insofar as the provisions of this Section 4.4. are in conflict with or are inconsistent with the provisions either of Section 9.5. or Section 9.8. of these bylaws, the provisions of such Section 9.5. or Section 9.8., as the case may be, shall govern.

10. Amend Section 6.5.3. by deleting the first sentence of such section and replacing it with the following new sentence:

Except for multifamily dwelling developments in the Foxborough Multifamily Overlay District, the plan shall comply with Section 6.1. of these bylaws.

11. Amend Section 9.5.7. by deleting the second sentence of such section in its entirety and replacing it with the following new sentence:

Except for buildings or structures that are in the Foxborough Multifamily Overlay District, the height limitations applicable to buildings or structures in the EDAOD shall be as follows:

12. Amend Section 10.5.3.1. by deleting the first sentence thereof and replacing it with the following new sentence:

Any new building, any multifamily dwelling development in the Foxborough Multifamily Overlay District, and any addition to or any change of use of a predominantly nonresidential building in any zoning district.

13. Amend Section 11.1. by adding the following definition thereto:

COMMUTER RAIL STATION – Any commuter rail station operated by the Massachusetts Bay Transportation Authority with year-round, rather than intermittent, seasonal or event-based, service.

14. Amend Section 11.1. by moving the definitions of PARKING LOT and TEMPORARY PARKING LOT under the heading “PARKING” and adding a new definition for MULTILEVEL PARKING STRUCTURE under the same heading, so that it reads:

PARKING –

MULTILEVEL PARKING STRUCTURE – 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. Multilevel parking structures do not include surface parking, parking lots or carports, including solar carports.

PARKING LOT – A paved area, designed and constructed to the standards set forth in Section 6.0 of these bylaws, the purpose of which is to provide off-street, vehicular parking. Parking lots may be a primary or accessory use of a parcel pursuant to Section 4.0, Table of Use Regulations.

TEMPORARY PARKING LOT – An area, whether paved or unpaved, which in the opinion of the special permit granting authority is suitable for providing off-street, vehicular parking. Temporary parking lots may be a primary or accessory use of a parcel pursuant to Table 3-1.