Section XXIII Multi-family Overlay District (MOD)

A. Purpose

The purpose of the Multi-family Overlay District (MOD) 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:

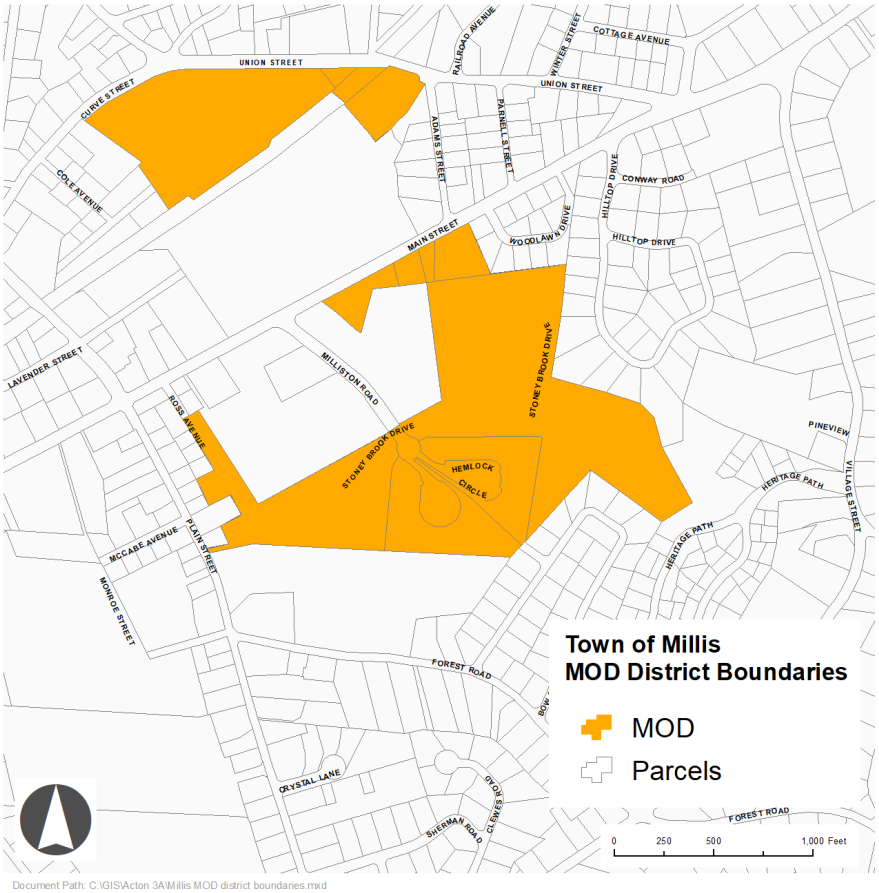
1. To provide additional housing options for the Town of Millis.

2. To create a more robust town center with strong commercial and residential components.

B. Establishments and Applicability

This MOD is an overlay district having a land area of approximately 55.33 acres in size that is superimposed over the underlying zoning district (s) and is shown on the Town of Millis Zoning Map.

MOD Overlay District Map



1. **Applicability of MOD.** An applicant may develop multi-family housing located within the MOD in accordance with the provisions of this Section XXIII.

2. **Underlying Zoning.** The MOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw 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 MOD. Uses that are not identified in Section XXIII are governed by the requirements of the underlying zoning district(s).

3. **Districts.** The MOD contains the following district, which is shown on the MOD Boundary Map, comprised of two non-contiguous areas. It is approximately 55.33 acres in size and consists of the following parcels:

   Map 24 parcels: 021, 023, 066, 106, 107, 108, 109.

   Map 29 parcels: 007, 135, 136, 137.

C. **Definitions**

For purposes of this Section XXIII, the following definitions shall apply. Definitions used but not included herein shall have the meaning given to them under M.G.L. c. 40A or elsewhere in the Town of Millis Zoning Bylaw.

1. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Millis, Massachusetts, as defined by the U.S. Department of Housing and Urban Development (HUD).

2. **As of right (also referred to as by-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. Development may still be subject to site-plan review.

3. **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.

4. **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.

5. **Community space:** A supervised designated area on a lot or within a building set aside for shared use by residents or the broader public for gathering, recreation, childcare, and other community needs.

6. **Development standards.** Provisions of **Section XXIII G. General Development Standards** made applicable to projects within the MOD.

7. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities, or any successor agency.

8. **MBTA.** Massachusetts Bay Transportation Authority.

9. **Multi-family housing.** See "Multi-family Development" under Section II of the Zoning Bylaws.

10. **Parking, structured.** One or more parking spaces within a structure, including: (i) a structure in which vehicle parking is accommodated on multiple stories; (ii) a vehicle parking area that is underneath all or part of any story of a structure; or (iii) 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.

11. **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.

12. **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.

13. **Section 3A.** Section 3A of the Zoning Act.

14. **Site Plan Review Authority.** The Millis Planning Board serves as the Site Plan Review Authority for the Town of Millis.

15. **Special Permit Granting Authority.** The Millis Planning Board serves as the Special Permit Granting Authority for the Town of Millis.

16. **Sub-district.** An area within the MOD that is geographically smaller than the MOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

17. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

D. **Permitted Uses**

1. **Uses Permitted As of Right:** The following uses are permitted as of right within the MOD.

    a. **Multi-family housing.**

        1. Multi-family buildings of 3 or more units each.

        2. Dwelling, Multi-Family – Multi Dwelling Unit (as defined in Section II).

2. **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 structured parking.

b. Home occupation (see Section XIII.H.)

E. Dimensional Standards

1. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning bylaw, the dimensional requirements applicable in the MOD are as follows[1]:

Standard	
Lot Size	
Minimum(1) (SF)	10,000
Height	
Stories (Maximum)	3
Feet (Maximum)	40
Minimum Open Space	20%

2. Additional Standards

Standard	
Maximum Lot Coverage Building(s) + Parking	80%
Floor Area Ratio	2.0

3. Additional Standards

Standard	
Minimum Frontage (ft)	40
Front Yard Setback	
Min. (ft.)	14
Side Yard Setback	
Corner Min. (ft)	10
Interior Min. (ft)	10
Rear Yard Setback	
Min. (ft.)	20

[1] For any part of the MCMOD falling within a Zone II Groundwater Protection District, those dimensional standards supersede any regulations in this section.

4. **Multi-Building Lots.** In the MOD, lots may have more than one principal building. Detached buildings must adhere to front and side setback requirements in table 3 in relation to each other except as may be determined appropriate by the Site Plan Review Authority.

5. **Exceptions.** The Site Plan Review Authority may grant a waiver of the height requirements to accommodate chimneys, parapet walls, ventilators or other mechanical systems, 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 grant a waiver for the height and setbacks in **Section XXIII 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.

F. **Off-Street Parking**

These parking requirements are applicable to development in the MOD.

1. **Number of parking spaces.** The following **minimum** numbers of off-street parking spaces per dwelling unit for residential uses shall be permitted by use, either in surface parking or structured parking.

Use	Minimum Parking Spaces per Unit
Multi-family	One per one bedroom unit and two per two bedroom unit or greater.
Visitor parking	One space per every eight dwelling units in developments with eight units or more.

2. **Bicycle storage and number of bicycle parking spaces.** For a multi-family development of 25 units or more, no fewer than five covered bicycle parking spaces shall be integrated into the structure of the building(s).

G. **General Development Standards**

1. All developments in the MOD are subject to the following development standards, regardless of size, building count or subdistrict. These standards shall be considered components of the Site Plan Review Process in Section XIII (C) – Site Plan Review.

2. **Site Design**

   a. **Connections.** Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking. Connections shall be designed to ensure the safety and convenience of

persons traveling within or through the parking area, and between the parking areas, the buildings and the street.

b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.

c. **Open Space.** See Section G[5].

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 5 (five) 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, 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.** Driveways, parking areas and sidewalks shall be illuminated for safety. 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. **Rubbish Disposal.** Rubbish and garbage disposal facilities shall be screened by a combination of 6' fencing and plantings, and shall be protected against scattering of contents, rodents or other unhealthy infestation or conditions, and odor transmission. Dumpsters shall be located in an area with acceptable truck access, not within 40' of any building, and shall be on a 6" reinforced concrete pad. Where possible, rubbish and recycling collection points shall be located within the building.

j. **Sewage and Solid Waste Disposal Facilities.** Sewage and solid waste disposal facilities shall be screened by a combination of fencing and planting.

k. **Signs.** Signs shall meet the requirements of Section VII. Any sign which is to be illuminated shall be illuminated only with white light by indirect method. No internally lit signs shall be allowed.

l. **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 Millis MS4 Permit for projects that disturb more than one acre and discharge to the 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.6. Buildings: Corner Lots.

   b. **Entries.** Entries shall be clearly defined. Entries shall be linked to a paved pedestrian network that includes access to parking areas and to the public sidewalk, if applicable.

   c. **Aesthetics.** Buildings shall be constructed with an exterior façade and form that is consistent with traditional New England architecture.

4. **Buildings: Multiple buildings on a lot**

   a. Parking and circulation on the site shall be organized 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.

   b. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.

   c. 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.

   d. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

5. **Buildings: Shared Outdoor Space.** All ground floor outdoor space shall count towards the project's minimum Open Space requirement.

6. **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.

7. **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 front setback.

    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.

8. **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 XXIII 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 MOD.

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 Millis to be a community of opportunity in which low- and moderate-income households have the ability to advance economically.

2. **Applicability.** This requirement is applicable to all residential 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**. All units affordable to households earning 80% or

less of AMI created in the MOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory.

4. **Provision of Affordable Housing.** In Applicable Projects, **fifteen percent (15%)** of housing units constructed shall be deed-restricted Affordable Housing Units, provided the Town receives approval from EOHLC for the 15% requirement. If the Town does not receive said approval, the requirement shall be reduced to ten (10%). For purposes of calculating the number of units of Affordable Housing required within a development project, any 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**. Affordable housing provisions in this section may not be bypassed with any fee in lieu contribution.

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 Inspector of Buildings shall be responsible for administering and enforcing the requirements in this section.

8. **Affordable Housing Deed Rider**.

    a. All Affordable Housing Units shall have an Affordable Housing Deed Rider which regulates the future resale of the unit. This Deed Rider is to ensure that the unit is not converted to a market value unit in the future. The applicant is required to prepare a Deed Rider for each Affordable Housing unit that is consistent with that used in the LIP and the Regulatory Agreement approved by EOHLC for

recording with the appropriate Registry of Deeds or Registry District of the Land Court. Said Deed Rider shall be approved by Millis Town Counsel prior to the sale of the first Housing Unit.

I. **Severability**

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

Modifications to relevant sections of the Millis Zoning bylaws

NOTE: Text to add is underlined. Text to remove ~~is crossed out.~~

Section VI, Table 2. Area Regulations

District	Use	Area (sq. ft.)	Base Density[2] (units per acre or FAR) (10)	Lot (2) Frontage (ft.)	Lot Depth (ft.)	Yards (3-7) Front (ft.)	Side (ft.)	Rear[11] (ft.)
MOD	Any permitted principal structure or use	10,000	18 units / acre	40	100	14	10	20

Section VI, Table 3. Height and Bulk Regulations

[2] Base density refers to the allowable density before any density bonus.

District	Maximum Permitted Height (1) (ft.)	Maximum Permitted Height (stories)	Maximum Building Coverage of Lot[4](covered area as percent of total lot area)	Minimum net floor area per unit for multi-family use or residential unit in mixed use (sq. ft.)
MOD	40	3	80	500

Section XV Groundwater Protection District 4,d.

d. Permitted in Zone II

(1) All uses permitted in Zone A.

(2) Residential Development of single-family dwellings on the following conditions:

(a) minimum lot size shall be 40,000 square feet,

(b) no more than 15 percent of the building lot shall be rendered impervious,

(c) on-site domestic sewerage disposal shall not exceed 110 gallons per day per 1/4 acre of lot area or 440 gallons per day per acre.

(3) Multi-family residential in accordance with the MOD and MCEOD overlay regulations.

(~~3~~ 4) Commercial and Industrial Development shall be allowed to the extent otherwise allowed in the Millis Zoning By-Law on the following conditions:

(a) commercial development shall be limited to retail shopping and business or professional offices,

(b) commercial and industrial development shall be limited to the storage of non-toxic and non-hazardous materials, except for above ground storage of heating oil with adequate approved secondary containment with special permit,

(c) minimum lot size shall be 40,000 square feet,

(d) no more than 40 percent of the building lot shall be rendered impervious,

(e) run-off from roofs, parking lots and other paved areas shall be recharged on site (see Section 2.k.),

(f) run-off from parking lots and driveways shall be discharged to oil/gas catch basins with appropriate sumps prior to recharge (see Section 2.k.),

(g) on-site sewerage disposal shall not exceed 110 gallons per day per 1/4 acre of lot area or 440 gallons per day per acre.

Amend Section V Use Regulations, Table 1, Use Regulations

Add a footnote at the bottom of the table to state:

"6. See Section XXIII. D. for uses permitted under the Multi-family Overlay District. "

Amend Section V.E. "Site Plans" to read as follows:

In addition to permitted and conditional uses as indicated in the Table of Use Regulations (Table 1 herein), and Uses Subject to Other Regulations under Section V.C. , site plans for proposed commercial, industrial and MOD uses shall be submitted to the Planning Board for review and approval subject to the provisions of Section XIII.C. of this By-Law.

Site plans for proposed commercial, industrial and MOD uses, which are subject to review and approval of the Planning board, shall include but not necessarily be limited to any new structure or development, including expansion and/or modification of any existing commercial, industrial or MOD structure or development.

Amend Section XIII.C. "Site Plan Review and Approval for Commercial and Industrial Structure and Development" to read as follows:

C. Site Plan Review and Approval for Commercial, Industrial and MOD Structure and Development

Amend the Official Zoning Map of the Town of Millis, Massachusetts to show the MOD as proposed on the attached illustration.