

MBTA Communities Mixed-Use Development District Amendments

Article # TBD

Will the Town vote to amend, Rockland Town Code, Division 3: Zoning Bylaws, Article III, § 415-3 Establishment of Districts, by adding the following:

Q. MBTA Communities Mixed-Use Development District

or take any other action relative thereto.

Requested by: Planning Board

Article # TBD

Will the Town vote to amend Rockland Town Code, Division 3: Zoning Bylaws, Article III, § 415-6, Intent of Classifications, by adding the following new paragraph:

G. MBTA Communities Mixed-Use Development District: The purposes of this district are to comply with G.L. c. 40A, § 3A, known as the “MBTA Communities Law,” to encourage developments with a mix of uses, and to achieve other purposes as described under § 415-21.6 of this Bylaw.

or take any other action relative thereto.

Requested by: Planning Board

Article # TBD

Will the Town vote to amend Rockland Town Code, Division 3: Zoning Bylaws, Article III, §415-4, Zoning Map, to rezone a portion of the parcels in the Industrial-Hotel District to MBTA Communities Mixed-Use Development District as shown on a proposed Zoning Map on file the Town Clerk.

or take any other action relative thereto.

Requested by: Planning Board

Article # TBD

Will the Town vote amend **Rockland Town Code, Division 3: Zoning Bylaws, Article XI, Enforcement**, § 415-89, Special Permits, Subsection B(3), by inserting “and § 415-21.6, MBTA Communities Mixed-Use Development District after Article IX, Planned Residential Development for Seniors.

or take any other action relative thereto.

Requested by: Planning Board

Article # TBD

Will the Town vote to amend the Rockland Town Code, Division 3, Zoning Bylaw, Article IV, Permitted Uses, by adding the following new § 415-21.6.:

§ 415-21.6 MBTA Communities Mixed-Use Development District

A. Purposes

The purpose of the MBTA Communities Mixed-Use Development District (MUDD) is to allow a mix of compatible residential and commercial uses in North Rockland with adequate facilities and services to support growth, and to address the following objectives:

- (1) Comply with the MBTA Communities Law, G.L. c. 40A, § 3A, and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (EOHLC);
- (2) Encourage new investment in residential and nonresidential development in Rockland;
- (3) Provide for a mix of housing sizes and types and a mix of uses along Hingham Street to create walkable, safe environment for living and working, and to provide amenities for residents of the district and the Town as a whole;
- (4) Encourage high-quality land planning and building and site design to enhance the Town's visual character and identity;
- (5) Create affordable housing through means other than Chapter 40B comprehensive permits; and
- (6) Increase the Town's tax base.

B. Applicability

- (1) The MUDD shall be as shown on the map entitled, "MBTA Communities Mixed-Use Development District," dated [DATE] on file with the Town Clerk, which is hereby made part of the Town of Rockland Zoning Map.
- (2) Development in the MUDD shall comply with the use and dimensional regulations herein and shall not be subject to Article IV or Article V of the Zoning Bylaw except as provided in Subsection J below.

C. Definitions. As used in this § 415-21.6, the following definitions shall apply. To the extent that there is any conflict between the definitions set forth herein or Article II, this §

415-21.6 shall control.

BREW PUB

A restaurant selling beverages brewed on the premises in conjunction with food services.

CULTURAL CENTER

A private non-profit facility providing for display, performance, or enjoyment of heritage, history, or the arts, including but not limited to a museum, an art gallery, an arts performance venue, or interpretive site.

EOHLC

The Massachusetts Executive Office of Housing and Livable Communities.

MIXED-USE DEVELOPMENT

A building containing a mix of residential uses and nonresidential uses, subject to the provisions of Subsection I below.

MULTI-FAMILY HOUSING

For purposes of this § 415-21.6, multi-family housing shall mean a dwelling with three or more unit or two or more buildings on the same lot, each having two or more units.

Multi-family housing developed under this section shall not be subject to § 415-22(F).

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.

SMALL-SCALE GROCER

As defined in 415-21.2(B), except in the MMOD, the maximum floor area shall be 15,000 sq. ft.

D. Permitted Principal Uses

(1) Residential Uses

- (a) Assisted living residence
- (b) Independent living residence
- (c) Live/workspace
- (d) Multi-family housing

(2) Commercial Uses

- (a) Artisanal market, artisan/makers hall, or market/food hall
- (b) Arts and crafts studio or workshop
- (c) Bank
- (d) Business or professional office
- (e) Childcare center
- (f) Community facility
- (g) Cultural center
- (h) Farmers' market
- (i) Medical, dental, or veterinary office
- (j) Municipal use
- (k) Personal service establishment
- (l) Pet service including pet daycare or grooming, but not including overnight lodging
- (m) Restaurant, with or without service of alcoholic beverages; or café, coffee shop, or walk-in fast food service such as a deli
- (n) Retail store
- (o) Supermarket, specialty food store, small-scale grocery store
- (3) Institutional, Educational, Cultural Uses
 - (a) Arts and crafts studio or workshop
 - (b) Cultural center
 - (c) Public or private school
- (4) Mixed-use development, subject to Subsection I below.

E. Permitted Accessory Uses

- (1) Residential Accessory Use
 - (a) Home occupation
 - (b) Family home day care

- (c) Outdoor recreation uses, such as but not limited to swimming pool, tennis court, other game court
 - (d) Adult day care center accessory to assisted living residence or other senior residential use
 - (2) Commercial Accessory Uses
 - (a) Any permitted commercial use shall also be permitted as an accessory use
 - (3) Off-street parking, including surface parking and parking within an above-ground or underground parking garage or other building on the same lot as the principal use
- F. Uses Allowed by Special Permit. The Planning Board may grant a special permit for any of the following uses.
- (1) Commercial Uses
 - (a) Body art establishment- including but not limited to tattoo and body piercing parlors.
 - (b) Brew pub, brewery, winery, distillery, which may include beer garden, indoor and outdoor tasting areas, food and beverage
 - (c) Car sharing service, provided the development includes a shared pick-up and drop-off location
 - (d) Commercial kitchen
 - (e) Commercial recreational facility (indoor or outdoor), such as specialty fitness facility, health club, bowling establishment, skating rink, sports arena, dance hall, and similar place of amusement and assembly
 - (f) Community facility
 - (g) Hotel or motel
 - (h) Movie theater
 - (i) Nursery, greenhouse, garden center not otherwise exempt under G.L. c. 40A, § 3
 - (j) Open air theater
 - (k) Shopping center
 - (l) Sports center or athletic facility
- G. Prohibited Uses. Any use not permitted or allowed by special permit in this § 415-21.6 is

expressly prohibited.

- H. Density and Dimensional Regulations. Notwithstanding anything to the contrary in this Bylaw, development in the MUDD shall comply with the following density and dimensional requirements.

Requirement	
Minimum lot area (sq. ft.)	20,000
Minimum required upland (sq. ft.)	10,000
Maximum building average % of lot	50
Maximum building height*	
Stories (maximum)	4
Feet (maximum) (lin. feet)	48
Minimum building height	
Stories of habitable space	2
Feet (lin. feet)	30
Minimum frontage (lin. feet)	110
Minimum lot width (lin. feet)	110
Minimum required setbacks: (lin. feet)	
Front	25
Side	15
Rear	10
Maximum units per acre	18

- (1) Exceptions.
- (a) Vertical projections or roof structures that house elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, or to fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless, radio or television masts, silos, energy generation and conservation apparatus, or roof decks, or similar unoccupied features, may be erected above the height limits in this § 415-21.6 provided the structures are in no way used for living purposes are effectively shielded from view, do not constitute more than 25% of the ground floor area of the building and do not exceed 12ft.
 - (b) The Planning Board may waive the minimum side setback for a project in which residential, mixed-use, or nonresidential buildings are divided by a zero lot line.
- (2) More than one residential or accessory building or structure shall be allowed on a lot in the MUDD. The minimum separation between buildings on a lot shall comply with the State Building Code and Massachusetts Fire Code. In the absence of a specific code requirement, the minimum separation shall be as determined by the Fire Chief.
- I. Affordable Housing. Any residential or mixed-use development in the MUDD shall provide affordable units in accordance § 415-21.2(F) except as follows.

- (1) In any multi-family development resulting in a net increase of 10 or more dwelling units on any parcel or contiguous parcels comprising a proposed development site, at least 10 percent of the dwelling units shall be affordable units. Fractions shall be rounded down to the next whole number.
- (2) Developments shall not be segmented to avoid compliance with this § 415-21.6. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of ten or more lots or dwelling units above the number existing 36 months earlier on any parcel or set of contiguous parcels held in common ownership on or after the effective date of this § 415-21.6.
- (3) All the affordable units required in a proposed development shall be located within the development site (“on-site units”).
- (4) All affordable units created under this § 415-21.6 shall be subject to an affordable housing restriction approved by the Planning Board, Town Counsel, and the Executive Office of Housing and Livable Communities (EOHLC). The restriction shall run with the land in perpetuity under G.L. c. 184, §§ 31-33 and shall be recorded with the Plymouth County Registry of Deeds or Registry District of the Land Court prior to issuance of a building permit.
- (5) The affordable housing restriction shall be a condition of zoning compliance and shall be incorporated within the Planning Board’s MUDD Site Plan Approval decision.

J. Mixed-Use Development. An as-of-right Mixed-Use Development in the MUDD may include multi-family housing together with any of the following nonresidential uses:

- (1) Arts and crafts studios and workshops
- (2) Bank
- (3) Business or professional office
- (4) Community facility
- (5) Medical or dental office
- (6) Personal service establishment
- (7) Restaurant, with service of alcoholic beverages, or with no service of alcoholic beverages, or a café or walk-in fast-food service
- (8) Retail
- (9) Small-scale grocer or specialty food store

K. MUDD Procedures

- (1) Development of permitted uses within the MUDD shall be subject to MUDD Site Plan Approval by the Planning Board and shall not be subject to Site Plan Review under Article VIII. Where a special permit is required, the Planning Board shall be the special permit granting authority.
- (2) Submission requirements and procedures for MUDD Site Plan Approval shall be in accordance with the Planning Board's MUDD Rules and Regulations. Application for a special permit shall be in accordance with § 415-89.
- (3) The MUDD review and approval process shall follow the procedures under § 415-21.2, Subsections J and K, except as may be modified under this § 415-21.6. The provisions of § 415-21.2 J(3) shall not apply in the MMUD.
- (4) Decision Criteria. The Planning Board shall approve a proposed development in the MUDD where it finds that:
 - (a) The Applicant has submitted the required fees and filing information as set forth in the Planning Board's MUDD Rules and Regulations;
 - (b) The proposed Development addresses the purposes and meets the requirements of this § 415-21.6, considering:
 - (i) The proposed placement of buildings;
 - (ii) Surface and ground water drainage and erosion control;
 - (iii) Protection against flooding and inundation;
 - (iv) Prevention of water and pollution and environmental damage;
 - (v) Provision for adequate utility services;
 - (vi) Provisions of off-street parking and loading;
 - (vii) Location of intersections of driveways and streets;
 - (viii) The effect of additional traffic created by the development on intersections and streets likely to be affected by the proposed development;
 - (ix) Provision for pedestrian/bicycle accessways connecting to adjacent open space, neighborhoods, schools, recreation areas or transportation facilities and for alternative transit programs;
 - (x) Provisions for landscaping and adequate screening and buffering; and
 - (c) Any potential adverse impacts of the Development on nearby properties, as determined by the Planning Board, can be adequately mitigated.

- (5) Criteria for Conditional Approval. The Planning Board may impose reasonable conditions on a development in the MUDD as necessary to ensure compliance with the requirements of this § 415-21.6, or to mitigate any extraordinary adverse impacts of the Development on nearby properties, provided that the Board's conditions do not unduly restrict opportunities for housing development by adding unreasonable costs or by unreasonably impairing the economic feasibility of a proposed Development.
- (6) Time Limit. MUDD Site Plan Approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within three years after the Planning Board issues the decision, excluding time required to adjudicate any appeal from the Planning Board's decision. The time for commencing construction shall also be extended if the Applicant is actively pursuing other required permits for the project, or if there is good cause for the Applicant's failure to commence construction, or as may be provided in an approval for a multi-phase Development under this § 415-21.6.

L. Site Development Standards

- (1) Developments in the MUDD shall conform to the standards in this § 415-21.6 and the following:
 - (a) Article VI, Signs
 - (b) § 415-35, Off-Street Parking, except as modified below
 - (c) § 415-375, Home Occupations
- (2) Setbacks and Buffering. No use other than landscaping, sidewalks, multiuse paths, street furniture, seating, or amenities such as a courtyard, square, raised terrace, recessed entrance, sidewalk, multi-use path, or façade offsets, or outdoor dining and permitted signs shall be permitted in the front yard of any lot unless waived by the Planning Board
 - (a) Rooftop mechanicals
- (3) Sidewalks, Internal Walkways, and Landscaping.
 - (a) Sidewalks shall be separated from the road with a 3 foot wide landscaped buffer to protect pedestrians and create a pleasing environment unless pre-existing conditions make it infeasible or where state jurisdiction supersedes local control. The landscaped buffer shall consist of shade trees placed at appropriate intervals and other landscaping, and street design elements such as benches, shrub, or grass. Landscaping shall be organized in clusters of plantings rather than in a rigid line along the front of the lot.
 - (b) All developments shall provide accessible walkways connecting building entrances to building entrances, buildings to streets, and buildings to sidewalks

and adjacent public features, such as parks and playgrounds, with minimal interruption by driveways.

- (c) Parking lot aisles and access and interior driveways shall not count as walkways. The Planning Board may require benches, waiting areas, bicycle racks, stroller bays, and other sheltered spaces near building entrances.
 - (d) To the maximum extent possible, walkways should have some degree of shelter achieved through the use of building fronts, trees, low hedges, arcades, trellised walks, or other means to delimit the pedestrian space.
 - (e) Site landscaping shall not block a driver's view of oncoming traffic.
 - (f) Compliance with these standards shall be demonstrated in Site Circulation and Landscaping Plans submitted with the MUDD Site Plan Approval Application.
- (4) Off-Street Parking. Development in the MUDD shall comply with § 415-35 and the following additional provisions. Any conflict between § 415-35 and this § 415-21.6 shall be resolved in favor of this § 415-21.6.
- (a) The minimum number of off-street parking spaces for residential uses shall be as follows:
 - (i) Multi-family housing, 1 space per studio, 1.5 spaces per one-bedroom, 2 spaces per 2 bedroom, 3 spaces per 3 bedroom, etc.
 - (ii) Assisted living residence: 1 space per two units
 - (iii) Other residential use: 1 space per unit
 - (b) The minimum number of off-street parking spaces for nonresidential uses shall be as follows:
 - (i) Retail, bank, professional or business office: three spaces per 1,000 sq. ft. Total retail parking may not exceed 120 percent of the minimum.
 - (ii) Medical office: five spaces per 1,000 sq. ft.
 - (iii) Restaurant, other food service use: six spaces per 1,000 sq ft.
 - (iv) All other uses: three spaces per 1,000 sq. ft. or as determined by the Building Inspector.
 - (c) Shared Parking. The Planning Board may approve an Applicant's request to reduce the total number of required parking spaces within a development by authorizing shared parking by uses whose peak demand occurs at different times of day, as determined by the Board. Required spaces shall be within 400 feet in actual travel distance of the main entrance to the principal buildings served by

shared parking.

- (d) Surface parking shall be located to the rear or side of the principal building and shall not be located not within the minimum setback between the building and any lot line adjacent to the street or internal access drive. No surface parking shall be located between the front building line of a residential building and the front lot line.
 - (e) Structured parking in a separate parking garage shall be located at least 20 feet behind the front building line of multi-family dwelling on the lot.
 - (f) For structured parking that is located partially or entirely under a residential or mixed-use building, the vehicular entry to the parking area shall be subordinate in design and placement to the principal pedestrian entry into the building. For example, vehicle parking that is not underneath the building but is covered by it shall be effectively shielded from view from the street and sidewalks by any combination of the following methods: fence, trees, or building wall sufficiently articulated to avoid the appearance of a blank wall at the street level.
- (5) Bicycle racks shall be installed as part of each development. For Multi-family developments with 10 or more units, the required number of rack spaces shall be at least 15% of the total number of residential units.
- (6) Buildings.
- (a) The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) (front, side, and rear) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
 - (b) Building(s) adjacent to a principal access drive shall have a pedestrian entry facing that access drive. Blank walls adjacent to streets, alleys, or areas open to public view are prohibited.
 - (c) Building forms shall be broken down or subdivided visually to reduce the sense of mass.
 - (d) The functions within a building shall be evident from exterior architectural features. No building within a development may be more than 80 feet from the nearest adjacent building unless approved by the Planning Board or as may be required by the Fire Department.
 - (e) Building entrances shall bring human scale to the façade through the use of such as canopies, storefronts, awnings, porches, stoops, or connectivity to sidewalks through landscaping, lighting, and other site design elements.
- (7) Shared outdoor space. Multi-family housing shall have common outdoor space that all residents can access. The outdoor space may be located in any combination of

ground floor, courtyard, rooftop, or terrace.

- (8) Exterior Lighting. Throughout the MUDD district, the goal of an exterior lighting plan shall be to light sidewalks and walkways, building entrances, and parking areas in a consistent, attractive, safe, and unobtrusive manner that minimizes off-site impacts. To this end, exterior lighting in the MUDD shall conform to the following standards and shall be in accordance with a lighting plan approved by the Planning Board.

(a) Pedestrian Lighting

- (i) Pedestrian lighting shall complement the character, aesthetic appeal, and safety of a development and promote greater pedestrian activity.
- (ii) Pedestrian lighting shall use consistent fixtures, source colors, and illumination levels. To prevent glare and light pollution, developments shall be equipped with downcast or full-cutoff fixtures.
- (iii) When pedestrian lighting is used in conjunction with street lighting, the illumination provided by the former shall be distinguishable from the illumination provided by the latter to clearly define the pedestrian path of travel.
- (iv) Placement of fixtures shall facilitate uniform light levels and work with the placement of sidewalks, landscaping, signage, building entries, and other features to contribute to the continuity of the streetscape. Where possible, the Planning Board prefers the use of a greater number of low fixtures in a well-organized pattern rather than fewer, taller fixtures.

(b) Parking Areas

- (i) Within parking areas, there shall be a unified system that provides attractive lighting throughout the lot.
 - (ii) Fixtures shall minimize spill light and glare onto adjacent properties. Fixtures adjacent to residential districts shall direct the light away from residential properties and limit off-site light levels.
 - (iii) Lighting shall complement the lighting of adjacent streets and properties and shall use consistent fixtures, source colors, and illumination levels. When adjacent to walkways, parking area lighting shall not overpower the quality of pedestrian area lighting.
- (9) Waivers. Upon the request of the Applicant, the Planning Board may waive by majority vote the requirements of this Subsection K in the interests of design flexibility and overall project quality, and upon a finding that the proposed variation is consistent with the overall purpose and objectives of the MUDD.

M. Planning Board MUDD Rules and Regulation.

The Planning Board shall adopt reasonable administrative MUDD Rules and Regulations to implement this § 415-21.6. The Rules and Regulations shall prescribe the form and contents of a complete Application for MUDD Site Plan Approval, including filing fees and technical review fees under G.L. c. 44, § 53G, as well as any plans, specifications, and reports required for the Applicant to demonstrate § 415-21.6 compliance and compliance with any other applicable provisions of this Bylaw. The Rules and Regulations shall be on file with the Town Clerk and Director of Planning and Development.

N. Appeals. Any person aggrieved by the Planning Board's decision may appeal to the Superior Court, the Land Court, or other court of competent jurisdiction within 20 days after the MUDD Site Plan Approval decision has been filed with the Town Clerk.

O. Modifications to Approved Site Plans

- (1) Minor Change. After MUDD Site Plan Approval, an Applicant may apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout of the site, or provision of open space, number of housing units, or affordable housing. A change of 5 percent or less in the number of housing units in a Development shall constitute a minor change. Minor changes must be submitted to the Planning Board in accordance with the Planning Board's MUDD Rules and Regulations and shall include redlined prints of the Approved Plan. The Planning Board may authorize the proposed changes at any regularly scheduled meeting without the need to hold a public hearing. The Planning Board issue a written decision to approve or deny the minor changes and provide a copy to the Applicant for filing with the Town Clerk.
- (2) Major Change. Changes deemed by the Planning Board to constitute a major change in an Approved Development because of the nature of the change or because the change cannot be appropriately characterized as a minor change under Subsection N(1) above shall be processed by the Planning Board as a new Application for MUDD Site Plan Approval under § 415-21.6.

P. Design Guidelines

The Planning Board may adopt Advisory Design Guidelines for Development in the Mixed-Use Development District and shall file a copy with the Town Clerk. The Guidelines are not mandatory, but the Planning Board may consider them in reviewing an application under this § 415-21.6 and may ask the Applicant for plan modifications to better incorporate one or more components of the Guidelines. In the event of any conflict between § 415-21.6 and the Design Guidelines, § 415-21.6 shall control.

And, further, to authorize the Town Clerk and/or Town/Land Use Counsel to make any clerical, numerical, or other non-substantive changes to the final text in order to incorporate this new bylaw section into the Rockland Town Code in an orderly and appropriate manner, or take any other action relative thereto.

Requested by: Planning Board

Explanation: The Planning Board is proposing an update to the Town's Zoning Code, to create a new mixed-use zoning district, to be compliant with the MBTA Communities Law, G.L. c. 40A, § 3A, and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (EOHLC);