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## MEMORANDUM – DRAFT FOR REVIEW AND DISCUSSION

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To Eric Halvorsen, AICP, Vice President and Principal, RKG Associates  
Alison Christensen, Market Analyst, RKG Associates

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From Emily Keys Innes, AICP, LEED AP ND, President

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Date September 9, 2024

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Project 24132 – Winthrop

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Subject Draft Zoning for Compliance with Section 3A

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Cc:

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Please see attached the revised draft of the zoning text for Winthrop. This draft incorporates the zoning parameters from the compliance model using the two-subdistrict compliance scenario. I have also added the modification to the fee-in-lieu option for the CB District.

Please let me know if you have any questions.

## 1. ADD Chapter 17.54: Multi-family Overlay District

### Chapter 17.54: Multi-family Overlay District

#### 17.54.010 Purpose

The purpose of the Multi-family Overlay District (MFOD) 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. 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; and
2. Conly with Section 3A of Massachusetts General Laws Chapter 40A.

#### 17.54.020 Establishment and Applicability

This MFOD is an overlay district with an area of approximately 27.6 acres that is superimposed over the underlying zoning district (s) and shown on the Zoning Map.

1. **Applicability of MFOD.** An applicant may develop multi-family housing located within an MFOD in accordance with the provisions of this Chapter 17.54
2. **Underlying Zoning.** The MFOD 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 MFOD. Uses that are not identified in Chapter 17.54 are governed by the requirements of the underlying zoning district(s).
3. **Sub-districts.** The MFOD contains the following sub-districts, all of which are shown on the MFOD Boundary Map:
  - a. Seal Harbor Road Subdistrict
  - b. Governors Park Subdistrict

#### 17.54.030 Definitions.

For purposes of this Chapter 17.54, 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 Chapter 17.54.
3. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Winthrop, as defined by the U.S. Department of Housing and Urban Development (HUD).

4. **Site Plan Review Authority.** The Town of Winthrop Planning Board.
5. **Sub-district.** An area within the MFOD that is geographically smaller than the MFOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.
6. **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.

**17.54.040 Permitted Uses**

1. **Uses Permitted As of Right.** The following uses are permitted as of right within the MFOD.
  - a. Multi-family housing.
2. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section D.1.
  - b. 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.

**17.54.050 Dimensional Standards**

1. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the MFOD are as follows:

	<b>Seal Harbor Road Subdistrict</b>	<b>Governors Park Subdistrict</b>
Minimum Lot Area (square feet)	100,000	20,000
Maximum Density	1,600 SF of lot area per dwelling unit	1,900 SF of lot area per dwelling unit
Minimum Frontage (feet)	100	100
Minimum Lot Width (feet)	100	100
Maximum Lot Coverage	20%	30%
Minimum Open Space	30%	30%
Minimum Yard Setback (feet)		
Front	50	25
Side	50	25
Rear	50	40
Maximum Number of Stories	6	3
Maximum Height (feet)	65	35

2. **Multi-Building Lots.** In the MFOD, lots may have more than one principal building.
3. **Exceptions.** The limitation on the 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. The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in this Chapter 17.54 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.

### 17.54.060 Off-Street Parking

These parking requirements are applicable to development in the MFOD.

1. **Number of parking spaces.** Two (2) parking spaces per dwelling unit are required for multi-family use in this Chapter 17.54. The required number of parking spaces shall be permitted either in surface parking or within garages or other structures.
2. **Number of bicycle parking spaces.** 0.4 bicycle parking spaces per dwelling unit are required for multi-family use in this Chapter 17.54. The required number of parking spaces shall be permitted either in surface parking or within garages or other structures:

### 17.54.070 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; and
  - c. Increase the production of affordable housing units to meet existing and anticipated housing needs.
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 requirement: Subsidized Housing Inventory.** All units affordable to households earning 80% or less of AMI created in the MFOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory.
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. **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.
6. **Administration.** The Zoning Enforcement Officer shall be responsible for administering and enforcing the requirements in this section.

#### 17.54.080 Development Standards

1. Development standards in the MFOD are applicable to all multi-family development within the MFOD. These standards are components of the Site Plan Review process in Section 17.54.090 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.
  - b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
  - c. **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 six (6) feet. The buffer may include a fence or wall of no more than three (3) feet in height unless there is a significant grade change between the parking and the sidewalk.
  - d. **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.
  - e. **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.
  - f. **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.

- g. **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.
  - h. **Dumpsters.** Dumpsters shall be screened by fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
  - i. **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 Town of Winthrop's 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 the principal street.** The primary building shall have its principal façade and entrance facing the principal street.
  - 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. Parking and circulation on the site shall be organized 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.** Multi-family housing shall have common outdoor space that all residents can access. Such space may be on the ground floor, courtyard, rooftop, or terrace.
- 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: 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 17.54.050 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.
  8. **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 shall be subordinate in design and placement to the multi-family building(s) on the lot.
  9. **Waivers.** Upon the request of the Applicant, the Site Plan Review Authority may waive the requirements of this Section 17.54.080 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 MFOD.

#### 17.54.090 Site Plan Review

1. **Applicability.** All projects within the MFOD are subject to Site Plan Review. An application for Site Plan Review shall be reviewed by the Permitting Authority for consistency with the purpose and intent of Sections 17.54.040 through 17.54.080.
2. **Other Zoning Sections.** The following shall also apply to projects within the MFOD:
  - a. **17.40.020 Flood hazard zones.** Under Section 17.040.070 New subdivisions and development, the requirement for adequate drainage and protection of utilities from floodwater damage are incorporated into this Site Plan Review.
  - b. **17.24.020 Environmental performance.** The review procedures in this section, which are applicable to projects requiring a special permit, do not apply to projects within the MFOD.
3. **Submission Requirements.** As part of any application for Site Plan Review for a project within the MCMOD submitted under Sections 17.54.050 through 17.54.080, 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 development standards of Section 17.54.080.
4. **Timeline.** Site Plan Review should commence no later than 30 days after 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.
5. **Site Plan Approval.** Site Plan approval for uses listed in Section 17.54.040 Permitted Uses shall be granted upon a 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 the Town of Winthrop's requirements for a Building Permit and Site Plan Review; and
  - b. the project as described in the application meets the development standards set forth in Section 17.54.080 Development Standards.
6. **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 17.54.070 Affordability Requirements.

#### **17.54.100 Severability.**

If any provision of this Chapter 17.54 is found to be invalid by a court of competent jurisdiction, the remainder of Chapter 17.54 shall not be affected but shall remain in full force. The invalidity of any provision of this Chapter 17.54 shall not affect the validity of the remainder of the Town of Winthrop's Zoning.

**2. MODIFY 17.50.210.D**

**D. Fees in Lieu of Parking.** In the Center Business district, any commercial or mixed-use structure that is required to provide parking spaces may make payments to the town in lieu of providing for all or part of the on-site required parking. Payment made to the town in-lieu of providing up to fifty (50) percent of the required on-site parking spaces for a project in the central business district (CBD) shall be allowed ~~by special permit~~ from the planning board **as part of its Major Site Plan and Design Review Process described under Chapter 17.50**, consistent with standards to be adopted by, and published in advance by the planning board. These standards must be kept on file with the Winthrop Town Clerk.

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