

MEMORANDUM

To	Maren Toohill, Town Planner, Littleton
From	Emily Keys Innes, AICP, LEED AP ND, President
Date	August 10, 2023
Project	22108 – Littleton: MBTA Communities Act – Technical Assistance
Subject	Draft Zoning for Review and Discussion
Cc:	Eric Halvorsen, AICP, RKG Associates Chris Herlich, AICP, RKG Associates

The initial draft of the Littleton Station zoning is provided below. I have highlighted areas for discussion or where we are waiting for additional information. This draft is not yet in the Town's format for inclusion in the Zoning Bylaw. This draft also does not include any other changes to the current zoning bylaws that may be required for compliance.

Section [x]: Littleton Station MBTA Communities Multi-family District

A. Purpose

The purpose of the Littleton Station MBTA Communities Multi-family District (LSMFD) 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 types to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
2. Locate housing within walking distance of public transit to promote general public health, reduce the number of vehicular miles travelled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality;
3. Preserve open space by locating a cluster development that preserves open space adjacent to the existing commuter rail station;
4. Encourage connections between the commuter rail station and a community multi-use (pedestrian and bicycle) path; and
5. Increase the municipal tax base through private investment in new residential developments.

B. Establishment and Applicability

This LSMFD is a district having a land area of approximately 10-12 [Note: Discuss with property owner] acres in size and is shown on the September 14, 2023 LSMFD map. An applicant may develop multi-family housing located within a LSMFD in accordance with the provisions of this Section [x].

C. Definitions.

For purposes of this Section[x], the following definitions shall apply.

1. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
2. **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.
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. **DHCD.** The Massachusetts Department of Housing and Community Development, or any successor agency.
6. **Development standards.** Provisions of Section [x] G. General Development Standards made applicable to projects within the LSMFD.
7. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities, DHCD's successor agency.
8. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings. [Note: This definition differs from the one in Article II. Definitions.]
9. **MBTA.** Massachusetts Bay Transportation Authority.
10. **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.
11. **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.
12. **Open space.** Contiguous undeveloped land within a parcel boundary.

13. **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.
14. **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.
15. **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.
16. **Section 3A.** Section 3A of the Zoning Act.
17. **Site plan review authority.** The Littleton Planning Board is the site plan review authority.
18. **Special permit granting authority.** The Special Permit Granting Authority shall be the Littleton Planning Board.

D. Permitted Uses

1. **Uses Permitted As of Right.** The following uses are permitted as of right within the LSMFD.
 - a. Multi-family housing. [Note: The Planning Board may wish to define building types; this should be discussed with the property owner in terms of intent. A flexible zoning structure could include the standards for 4-unit, 10-unit, 20-unit, and 50-unit buildings based on the conceptual illustrations shown at earlier meetings.]
 - b. The maximum residential density is limited to 15 dwelling units per acre. [Note: This needs to be discussed as part of the conversation about the number of acres in the district.]
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 parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

E. Dimensional Standards

1. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the LSMFD are as follows: [Note: Waiting to confirm the setback dimensions based on plans from the property owner's team. The current lot area, frontage, setbacks, and

coverage are based on the I-A district as **placeholders**. The height and height bonus are based on the fit studies.]

Intensity of Use Schedule

District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Street Setback (feet)	Minimum Side, Rear Setbacks (feet)		Maximum Building Height (feet)	Maximum Lot Coverage (percent)	
				Principal Building or Structure	Accessory Building or Structure		By Buildings	By Buildings plus Paving
Littleton Station (LS)	None	None	80 Setback from residential district 150	50	50	55	30	80

2. **Multi-Building Lots.** In the LSMFD, lots may have more than one principal building.
3. **Distances between principal buildings.** Principal buildings must be separated at the closest point between buildings based on the Wall Condition, which is defined as follows:
 - a. **Wall to Wall.** Two walls of buildings face each other, and neither contains a window required by the Massachusetts Building Code applicable at the time of construction (“legally required window”).
 - b. **Wall to Window.** Two walls of buildings face each other, and one contains a legally required window and the other does not.
 - c. **Window to Window.** Two walls of buildings face each other, and both contain a legally required window.
 - d. **Table of distances between buildings.** [Note: This may change based on building type – see D.1.a.]

	Building Height			
Wall Condition	Up to 35'	45'	55'	65'
Wall to Wall	25'	30'	35'	40'
Wall to Window	35'	40'	45'	50'
Window to Window	45'	50'	55'	60'

- e. To encourage clustering of buildings and preservation of open space, no building may be more than 80 feet from the nearest adjacent building.

4. **Height Bonus.** The Planning Board may grant a special permit for a maximum building height of 65 feet in exchange for the construction of a multi-use path as part of the development. The multi-use path shall have a surface that is suitable for pedestrians and bicyclists and a width that is no less than 10 feet. The path shall connect the MBTA property to any path constructed by the Town that is adjacent to the development property. [Note: There are other options for a height bonus. This is a placeholder to start the discussion.]
5. **Exceptions.** The limitation on 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.
6. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in Section [x] 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

Except for the parking requirements below, which are applicable to development in the LSMFD, all other provisions of Article VII Parking Requirements apply.

1. **Number of parking spaces.** The following **maximum** numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	1.5 spaces per unit

2. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per unit

3. **Bicycle storage.** For a multi-family development of 25 units or more, covered parking bicycle parking spaces shall be integrated into the structure of the building(s).

G. General Development Standards

[Note: This section is not required but provides additional development standards to consider for this district.]

1. Development standards in the LSMFD are applicable to all multi-family development with more than 25 units within the LSMFD. These standards are components of the Site Plan Review process in **Section [x] I. Site Plan Review**.
2. Site Design.
 - a. **Connections.** Sidewalks shall provide a direct connection 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. **Open Space.** [Note: Discuss how to address open space/ wastewater treatment areas with property owner.]
 - 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 [6 (six)] 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, decomposed granite, 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.** 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. **Dumpsters.** 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.

- j. **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, the Littleton Planning Board Stormwater Management and Erosion Control Regulations, 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.7. Buildings: Corner Lots.
- 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 located in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.

- 6. **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 or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.
7. **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 [x] 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 LSMFD.

H. Affordability Requirements.

- 1. **Applicability.** The provisions of Article XXIX: Inclusionary Housing shall apply with the exception listed below.
- 2. **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 at eighty percent (80%) of the AMI.
- 3. **Note:** Does the Planning Board wish to consider a density bonus for deeper affordability?

I. Site Plan Review

[Note: §173-16 et. seq. Site Plan Review is not required for non-residential and non-agricultural structures but is required for a parking area having eight or more spaces – does the Planning Board want to modify the existing stie plan review or add this one with reference to §173-19?]

- 1. **Applicability.** Site Plan Review is required for a project that proposes [25] dwelling units or more. An application for Site Plan Review shall be reviewed by the Permitting Authority for consistency with the purpose and intent of Sections [x] D through [x] H.
- 2. **Submission Requirements.** As part of any application for Site Plan Review for a project within the LSMFD submitted under Sections [x] E through [x] I (or, for projects not requiring Site Plan Review, prior to submission of any application for a building permit), 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 design standards of this Section[x].
3. **Timeline.** Site Plan Review should be commenced no later than 30 days of 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.
4. **Site Plan Review and Approval.** Site Plan approval for uses listed in Section [x] D Permitted Uses shall be granted upon 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 Municipality's requirements for a Building Permit and Site Plan Review; and
 - a. **[Use only if there are no development standards within the local zoning or included in this LSMFD district.]** Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage that demonstrates 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, the Littleton Planning Board Stormwater Management and Erosion Control Regulations, and an Operations and Management Plan for both the

construction activities and ongoing post-construction maintenance and reporting requirements.

OR

- b. b. **[Use if the municipality used Section G., above]** the project as described in the application meets the development standards set forth in Section [x] G. General Development Standards.]

- 5. **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 [x] H. Affordability Requirements.**]

J. Severability.

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