

## ZONING ARTICLES

### ARTICLE NUMBER -

ARTICLE NAME – Amend Article VIII, Section 8.6.0 MBTA Communities Multi-Family Overlay District

AMOUNT - \$0 – N/A

To see if the Town will vote to amend the Zoning Bylaws, Article VIII, Section 8.6.0 “MBTA Communities Multi-Family Overlay District” by adding a new Subdistrict C as identified in black, underlines and bold type as follows:

## SECTION 8.6.0 MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT

### 8.6.1 Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow Multi-Family Dwellings as of right in accordance with G.L. c. 40A sec. 3A. This zoning consists of ~~two~~three subdistricts, Subdistrict A ~~and~~, Subdistrict B and Subdistrict C, which provide for as of right multi-family dwellings to accomplish the following purposes:

The purpose of Subdistrict A is to:

1. Encourage the as of right production of Multi-Family Dwellings within residential neighborhoods;
2. 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;

The purpose of Subdistrict B and Subdistrict C is to:

1. Encourage the as-of-right production of Multi-Family Dwellings in commercial areas;
2. 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;
3. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services.
4. Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.
5. Support public investment in public transit and pedestrian- and bike-friendly

infrastructure.

6. Increase the municipal tax base through private investment in new residential developments in established neighborhoods and commercial areas.

#### 8.6.2 Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately 61.4 acres in size, consisting of Subdistricts A ~~and~~, Subdistrict B ~~and~~ Subdistrict C, that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map.

##### 1. Applicability of MCMOD.

An applicant may develop Multi-Family Dwellings located within a MCMOD in accordance with the provisions of this Section 8.6.0.

##### 2. Overlay District.

The MCMOD is an overlay district superimposed on the underlying zoning district(s) and any overlay district(s). The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district shall remain in full force, except for uses allowed as of right in the MCMOD. Uses that are not identified in Section 8.6.0 are governed by the requirements of the underlying zoning district(s).

Subdistrict A of the MCMOD shall consist of the following parcels of land:

26 Beacon Street, Parcel 37-52-0	1 Dover Drive, Parcel 37C-4-0
2 Dover Drive, Parcel 37C-5-0	3 Dover Drive, Parcel 37C-3-0
4 Dover Drive, Parcel 37C-6-0	5 Dover Drive, Parcel 37C-2-0
6 Dover Drive, Parcel 37C-7-0	7 Dover Drive, Parcel 37C-1-0
8 Dover Drive, Parcel 37C-8-0	10 Dover Drive, Parcel 37C-9-0
12 Dover Drive, Parcel 37C-10-0	14 Dover Drive, Parcel 37C-11-0
16 Dover Drive, Parcel 37C-12-0	1 Georgia Drive, Parcel 37C-22-0
2 Georgia Drive, parcel 37C-21-0	3 Georgia Drive, Parcel 37C-23-0
4 Georgia Drive, Parcel 37C-20-0	5 Georgia Drive, Parcel 37C-24-0
6 Georgia Drive, Parcel 37C-19-0	7 Georgia Drive, Parcel 37C-25-0
8 Georgia Drive, Parcel 37C-18-0	9 Georgia Drive, Parcel 37C-26-0
10 Georgia Drive, Parcel 37C-17-0	12 Georgia Drive, Parcel 37C-16-0
14 Georgia Drive, Parcel 37C-15-0	16 Georgia Drive, Parcel 37C-14-0
18 Georgia Drive, Parcel 37C-13-0	1 Little Brook Court, Parcel 42-99-0
103 Westgate Drive, Parcel 37-56-0	105 Westgate Drive, Parcel 37-55-0

Subdistrict B of the MCMOD shall consist of the following parcels of land:

20 Second Ave, Parcel 45-23-0	32 Second Ave, Parcel 45-27-0
20 Fourth Ave, Parcel 39-11-0	0 Middlesex Turnpike, Parcel 39-11-1
111 Middlesex Turnpike, Parcel 45-32-0	121 Middlesex Turnpike, Parcel 45-33-0
<del>129 Middlesex Turnpike, Parcel 45-34-0</del>	<del>131 Middlesex Turnpike, Parcel 45-34-1</del>
0 Middlesex Turnpike, Parcel 45-35-0	141 Middlesex Turnpike, Parcel 45-36-0

Subdistrict C of the MCMOD shall consist of the following parcels of land:

<u>129 Middlesex Turnpike, Parcel 45-34-0</u>	<u>131 Middlesex Turnpike, Parcel 45-34-1</u>
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#### 8.6.3 Definitions

For the purpose of the MCMOD only the following definitions shall apply.

##### Family

Any number of persons living together as a single economic unit and using a single cooking facility.

##### Multi-Family Dwellings

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

#### 8.6.4 Permitted Land Uses

The MCMOD District is established as an overlay district.

##### 1. Uses Permitted as of Right.

The following uses are permitted as of right within Subdistrict A of the MCMOD:

- a. Multi-Family Dwellings up to 20 dwelling units per acre.

The following uses are permitted as of right within Subdistrict B of the MCMOD:

- a. Multi-Family Dwellings up to 20 dwelling units per acre.
- b. Mixed-use development with up to 15% of the development including commercial uses as follows:

#### Ground Floor

Community space.

Educational uses.

Personal services.

Retail.

Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.

Restaurant, cafe, and other eating establishments without a drive-through. Office, professional office, and co-working space

Artists' studios, maker space, and small-scale food production no more than 5,000 SF, and retail associated with each use.

#### Any Floor

Residential (required component).

The following uses are permitted as of right within Subdistrict C of the MCMOD:

- a. Multi-Family Dwellings - up to 57 dwelling units per acre with a maximum height of 70 feet.

#### 2. Permitted by Special Permit.

The following uses are permitted with a Special Permit from the Planning Board in Subdistrict B of the MCMOD:

- a. Mixed-use development with over 15% of the development designated for commercial uses as listed in Section 8.6.4. 1.b
  - i. Density Bonus: Mixed-use developments in Subdistrict B with over 15% of the development designated for commercial uses are eligible for a residential density bonus, which allows for:
    - 1. Up to 30 dwelling units per acre
    - 2. Max building height of 45 feet

#### 3. Accessory Uses. The following uses are considered accessory as of right to any of the permitted uses in subsection 1, notwithstanding anything to the contrary noted elsewhere in the Zoning Bylaws.

- a. Parking, including surface and structured parking such as an above ground or underground parking garage on the same lot as the principal use.

- b. [Ancillary uses commonly associated with Multi-Family Dwellings, including, but not limited to community amenities \(business center, indoor/outdoor recreational uses, fitness studio, or the like.\).](#)

#### 8.6.5 Dimensional Standards

Dimensional Standards for the MCMOD district are as listed in the Dimensional Table in Section 5.2.0 "Density Regulation Schedule".

1. Multi-Building Lots. In the MCMOD, lots may have more than one principal building.
2. 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.
3. Exceptions: Renewable Energy Installations. The Planning Board may waive the height and setbacks in Section 8.6.6.1 for the installation of renewable energy facilities.
4. [Exceptions: Impervious Surface Areas: Notwithstanding any other provisions in the Zoning By-laws, including the provisions of Section 8.3.8.4, development under the MCMOD bylaw in Subdistrict C only, shall be subject to a maximum impervious surface area of 70%. For purposes of calculating impervious surface areas and/or landscaping within any multifamily or mixed use development, all areas dedicated to public or private recreational space which may include a combination of natural and landscaped areas, as well as impervious surface areas and sidewalks as well as pavers, crushed stone or stone dust which are used to promote a diversification of activities and uses on or around the subject premises shall not count towards impervious surface areas and shall be considered green space/open space.](#)

#### 8.6.6 Off Street Parking

These parking requirements are applicable to development in the MCMOD.

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:

<u>Use</u>	<u>Required Spaces</u>
Multi-family <a href="#"><u>Dwellings</u></a>	1.5 spaces per dwelling unit. <a href="#"><u>Required Spaces are subject to Section 7.2.0 "Parking Requirements and Standards".</u></a>
Non-residential uses	See Section 7.2.0 " <del>General</del> Parking

## Requirements [and Standards](#)"

2. Number of bicycle parking spaces. The following minimum numbers of covered bicycle storage spaces shall be provided by use, [unless a lesser number of spaces are deemed appropriate by the Planning Board](#):

<u>Use</u>	<u>Required Spaces</u>
Multi-family <a href="#">Dwellings</a>	1 bicycle parking space per dwelling unit
Non-residential uses	1 bicycle parking space for every 10 parking spaces

3. Bicycle storage. For a multi-family development of 25 units or more, or a mixed-use development of 25,000 square feet or more, covered parking bicycle parking spaces shall be integrated into the structure of the building(s).
4. Shared Parking within a Mixed-Use Development. Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.
5. EV charging stations. For all uses within the MCMOD, electric charging stations are required with one EV space required for every twenty (20) parking spaces, rounded up to the next highest number of EV stations.

### 8.6.7 General Development Standards

1. Development standards in the MCMOD are applicable to all multi-family development (including mixed use buildings) within the MCMOD. These standards are components of the Site Plan Review process in Section 8.6.9. 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.
  - 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, and, if applicable, additional requirements under the Burlington MS4 Permit for projects that disturb more than one acre and discharge to the Burlington 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 facade 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. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
- b. 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.

- c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building facade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

5. Buildings: Mixed-use development.

- a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
- b. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
- c. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
- d. Parking and circulation on the site shall be organized so 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.

6. Buildings: Shared Outdoor Space. Multi-Family Dwellings and mixed-use development 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.

7. Buildings: Corner Lots. A building on a corner lot shall indicate a primary entrance either along one of the street-facing facades 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 facades 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 facades.

8. 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 ~~8.6.6~~8.6.5 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.
9. Buildings: Principal Facade and Parking. Parking shall be subordinate in design and location to the principal building facade.
  - a. Surface parking. Surface parking shall be predominately located to the rear or side of the principal building. Parking shall not be located in the building setback between the building and any lot line adjacent to the public right-of-way used for purposes of frontage.
  - 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.
10. Waivers. Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Planning Board may waive the requirements of this Section ~~8.6.8~~8.6.7. 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 MCMOD.

#### 8.6.8 Site Plan Review

1. Applicability. Site Plan Review is required for all projects within the MCMOD. An application for Site Plan Review shall be reviewed by the Planning Board for consistency with the purpose and intent of Section 8.6.
2. Submission Requirements. As part of any application for Site Plan Review for a project within the MCMOD, the Applicant must submit the following documents to the Town:
  - 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.

- 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 General Development Standards of Section 8.6.7.

All submission materials must comply with the Burlington Planning Board Site Plan Rules and Regulations which are available at the Planning Department office or on the town's website.

- 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 within 90 days of submission. The Planning Board may, when appropriate, seek the input of other municipal boards or officials.
- 4. Site Plan Approval. Site Plan approval for uses listed in Section ~~8.6.5.1~~8.6.4. Permitted Land Uses shall be granted upon determination by the Site Plan Review Authority that the following conditions have been satisfied. The Planning Board 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 Burlington'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 8.6.7. 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.

#### 8.6.9 Severability

If any provision of this Section 8.6 is found to be invalid by a court of competent jurisdiction, the remainder of Section 8.6 shall not be affected but shall remain in full

force. The invalidity of any provision of this Section 8.6 shall not affect the validity of the remainder of the Burlington's Zoning.

- 1) Amend the Town of Burlington Zoning Map to add the following areas shown on maps on file with the Town Clerk to the MBTA Communities Multifamily Overlay District (MCMOD)
  - a. Beacon Village Apartments located at 26 Beacon Street said land is further identified as being the parcel as shown generally on the Town of Burlington Assessor's Map 37 Parcel 52-0.
  - b. Beacon Woods Condominiums located at Georgia Drive and Dover Drive. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 37C Parcels 1-0 through 26-0.
  - c. Westgate Apartments located at 103 and 105 Westgate Drive. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 37C Parcels 56-0 and 55-0
  - d. Heritage at Stoneridge Apartments located at 1 Little's Brook Court. Said land is further identified as being the parcel as shown generally on the Town of Burlington Assessor's Map 42 Parcel 99-0. The portion of the property deeded as age restricted is not included in the MCMOD.
  - e. The Tremont and Huntington Apartments located at 20 Second Ave. and 32 Second Ave. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 45 Parcels 23-0 and 27-0.
  - f. Lifetime Living Apartments located at 20 Fourth Ave and an unimproved adjacent parcel known as O Middlesex Turnpike. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 39 Parcels 11-0 and 11-1.
  - g. The following properties located between Middlesex Turnpike and Great Meadow Road. These properties consist of 111 Middlesex Turnpike, 121 Middlesex Turnpike, 131 Middlesex Turnpike, 0 Middlesex Turnpike, and 141 Middlesex Turnpike. Said land is further identified as being the parcels as shown generally on the Town of Burlington Assessor's Map 45 Parcels 32-0, 33-0, 34-0, 34-1, 35-0, 36-0.

All as shown on the Proposed Amended Map on file with the Town Clerk and dated February 13, 2024.

, or to act in any other manner in relation thereto.

~~4248690.1~~

Submitted by the Select Board

Requested by the Nordblom Development Company

4248690.4

<b>Summary report:</b> <b>Litera Compare for Word 11.10.1.2 Document comparison done on</b> <b>8/14/2025 4:07:03 PM</b>	
<b>Style name:</b> Default Style	
<b>Intelligent Table Comparison:</b> Active	
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Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	54