

THIS IS AN OUTLINE THAT THE MBTA COMMUNITIES SUBCOMMITTEE BEGAN USING AT THEIR MTNG ON JUNE 25TH SIMPLY AS A STARTING POINT FOR THINKING THROUGH WHAT ZONING PARAMETERS MIGHT LOOK LIKE. NOTHING IN HERE IS FINAL, DETERMINED, OR FULLY BAKED. THE ZONING NEEDS MUCH MORE DETAIL & CONSIDERATION. VISUALS WILL BE PREPARED TO HELP CONVEY THE INTENT. WHEN THE MBTA COMMUNITIES SUBCOMMITTEE IS READY, THEY WILL PRESENT IDEAS & OPTIONS TO THE PLANNING BOARD FOR CONSIDERATION FOR AN UPCOMING WARRANT ARTICLE – THE PLANNING BOARD IS TARGETING TOWN MEETING IN SPRING 2025. A SIMPLE MAJORITY VOTE OF TOWN MEETING IS REQUIRED TO PASS HOUSING-RELATED ZONING BYLAW AMENDMENTS.

IF YOU HAVE THOUGHTS OR IDEAS TO CONTRIBUTE TO THIS EFFORT, PLEASE EITHER EMAIL THEM TO JULIE MERCIER, TOWN PLANNER (JMERCIER@CARLISLEMA.GOV) OR ATTEND AN UPCOMING SUBCOMMITTEE MEETING. THE SUBCOMMITTEE TYPICALLY MEETS ON TUESDAYS AT 1:00 OR 2:00 PM. AGENDAS ARE POSTED ON THE TOWN WEBSITE, AND THE MEETINGS ARE HELD IN-PERSON AND ON ZOOM.

THE SUBCOMMITTEE WELCOMES (AND YEARNS FOR) PUBLIC PARTICIPATION.

Insert Section 5.13, as follows:

5.13 Multi-Family Conservation Cluster

Tracts of land within the Residence B District may be considered eligible for a Multi-Family Conservation Cluster upon Site Plan Approval by the Planning Board, subject to the reasonable regulations outlined herein.

5.13.1 Purpose

The purpose of the Multi-Family Conservation Cluster is to allow multi-family housing as of right in accordance with Massachusetts General Law Chapter 40A Section 3A ("MBTA Communities"), by clustering housing on a portion of a development tract while also preserving land critical to protecting private and public drinking water supplies. This zoning provides for as of right multi-family housing to accomplish the following purposes:

- 5.13.1.1 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, including but not limited to young families, public safety officials, town and school employees, single-person households, and downsizing seniors;
- 5.13.1.2 Encourage the production of housing that is sensitive to community priorities, that maintains the natural and recreational specialness of Carlisle, that protects drinking water safety, and that mitigates typical externalities associated with development (i.e., traffic impacts, tree clearing, stormwater runoff);

Commented [JM1]: Based on organization of Cons Cluster bylaw, which is section 5.5.

Commented [JM2]: This is to start - actual areas within Res B need to be determined. Bohler is running an analysis of the entire Res B district to give us a starting point.

5.13.1.3 Promote the preservation of open space in Carlisle by allowing for new housing to be more compactly clustered in exchange for permanent protection of ~90% of a development tract;

5.13.1.4 Maintain the rural or historic character of the Town by preserving the most significant woods, fields and streams, by protecting selected views, vistas and buffer areas, and by protecting points of historic interest.

5.13.1.5 Protect natural resources, especially water supplies, by protecting individual well water supplies, preserving natural habitats, encouraging linkage of conservation land, providing for conservation management, and protecting watershed areas.

5.13.1.6 Encourage the preservation of agriculture by protecting farmland from development and encouraging active farming.

5.13.2 Definitions

As of right: Development that may proceed under the Zoning in place at the time of the application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

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.

Development Standards: Provisions of Section 3. General Development Standards made applicable to Multi-Family Conservation Cluster projects.

EOHLC: The Massachusetts Executive Office of Housing and Livable Communities, DHCD's successor agency.

Gross Density:

Housing for Families:

MBTA: Massachusetts Bay Transit Authority

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.

Open Space: Contiguous undeveloped land within a parcel boundary.

Public Water System:

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.

Site Plan Review Authority: The Planning Board is responsible for Site Plan Review.

Survey Acre: 43,560 square feet

Commented [JM3]: These are condensed versions of purpose statements in the current conservation cluster bylaw.

Commented [JM4]: These definitions were taken from a list prepared by the State in their MBTA sample zoning. I didn't include them all, just the ones I think are relevant to what we are doing here.

There are definitions related to affordable housing, if we decide to include a % AH.

Commented [JM5]: I need to figure out what this is referring to.

Commented [JM6]: Might be good to include how the State is calculating this in our definitions.

Commented [JM7]: Probably good to state what can and can't count towards this requirement.

Commented [JM8]: We should make sure this definition aligns with our parameters below.

Commented [JM9R8]: Feedback: explore linear dimensions to avoid long narrow unusable parcels, focus on contiguity and avoid narrow strips that are meaningless for wildlife habitat and corridors.

Title 5: Refers to Title 5 of the State Environmental Code, 310 CMR 15.000, which regulates the siting, construction, inspection, upgrade, and expansion of on-site sewage treatment and for the transport and disposal of septage.

Conventional Title 5 Septic System:

Nitrogen Sensitive Area:

Public and Private Water Supply Protection Areas:

Title 5 Acre: 40,000 square feet

5.13.3 General Requirements

Each application for a Site Plan Review hereunder shall be accompanied by a plan of the land, showing division thereof pursuant to the Approval Not Required procedures promulgated by the Planning Board under M.G.L. c. 41 Sections 81 L and 81 P, which plan shall demonstrate how division of the land would be accomplished in accordance with the requirements of Sections # 4.1.1, # 4.1.2, and # 4.1.3 of these Zoning Bylaws and without resort to this Section. The applicant shall identify on the plan the open space areas that will be preserved with Site Plan Approval for a Multi-Family Conservation Cluster.

5.13.3.1 Total Minimum Tract Area: the total minimum tract area required for a Multi-Family Conservation Cluster shall be either:

- a. Nine (9) acres, which shall be subdivided into 3-acre lots, each of which would contain a separate Multi-Family Conservation Cluster; or
- b. Ten (10) acres, which shall be subdivided into 2-acre lots, each of which would contain a separate Multi-Family Conservation Cluster;

5.13.3.2 Maximum Number of Housing Units: the maximum number of housing units per lot shall be either:

- a. 6 units per 3-acre lot; or
- b. 4 units per 2-acre lot

5.13.3.3 Development Area and Open Space Area: based on the nitrogen loading limitations in Title 5 of the State Environmental Code, 40,000 square feet of each 43,560 square foot survey acre shall be set aside for protection of the drinking water supply. This area shall be known as the Open Space Area. Multi-family housing would be clustered on the remaining 3,560 square feet of each survey acre, which shall be known as the Development Area.

- a. 3-acre lot:
 - o Open Space Area: 120,000 square feet
 - o Development Area: 10,680 square feet

Commented [JM10]: I'm still working out how to include this information. I'm thinking it might be best to just reference sections of 310 CMR 15.000.

Commented [JM11]: I need to think this through. Either an ANR plan (if frontage exists) or a Subdivision Plan will be needed to confirm the requirement below, but we maybe want to define lot requirements differently than we currently do.

Commented [JM12R11]: Feedback: Here, again, we don't want to discourage these types of development. Do we care about ANR capacity as long as the parcel is >10acres? This should help develop otherwise "undevelopable" large parcels into more affordable housing typologies.

Commented [JM13]: It occurred to me that 2-acre parcels (8 BR, so 4 2BR homes) could work for this without bumping so close to the 25 person PWS requirement. And if we require 10 acres to be able to do this, it's just like the Cons Cluster gating acreage we have currently.

Commented [JM14]: According to Bohler, we ARE allowed to specify a maximum # of units per lot - which may be the best way we have to limit this to a standard Title 5 septic system # of bedrooms. In the zoning, we CANNOT limit the size of units, cap # of bedrooms, or limit # of occupants.

Commented [JM15]: We may want to define these above.

- b. 2-acre lot:
 - o Open Space Area: 80,000 square feet
 - o Development Area: 7,120 square feet

5.13.3.4 Minimum Gross Density: the housing units shall be clustered on the Development Area portion of the lot, such that a minimum gross density of 15 units per acre can be achieved on the Development Area portion of the lot. The septic system and private well necessary to support the development may be located partially or wholly within the Open Space Area.

Commented [JM16]: Feedback: Need to be more prescriptive about this. Too much wiggle room. Language not clear enough.

Commented [JM17]: Is this true?

5.13.3.5 Maximum Gross Density: in no cases shall a Multi-Family Conservation Cluster on either a 2-acre or 3-acre lot exceed a maximum gross density of 25 units per acre.

Commented [JM18R17]: Feedback: We need to check again with Linda, but I believe that this is indeed true. Cf Benfield.

5.13.3.6 Open Space Contiguity: the Open Space Area on each 3-acre lot of a 9-acre tract area shall be fully contiguous or connected by a natural wooded path or trail. The Open Space Area on each 2-acre lot of a 10-acre tract shall be fully contiguous or connected by a natural wooded path or trail.

Commented [JM19]: According to Bohler, we CAN specify a maximum gross density. 6 units on 10,680 SF = 24.5 units per acre. 4 units on 7,120 SF = 24.47 units per acre.

So, we could specify a max of 25 units per acre?

5.13.4 Tract Setback Requirements

Commented [JM20]: Feedback: focus on contiguity of OS, not trails between them, be more prescriptive. Too much wiggle room.

5.13.4.1 Side Yard Setback: a minimum width of forty (40) feet between any side boundary of the development tract and the site of any housing units, driveways, or parking thereon.

Need to make sure overall language focuses on already-developed areas more than undeveloped areas.

5.13.4.2 Rear Yard Setback: a minimum width of forty (40) feet between the rear boundary of the development tract and the site of any housing units, driveways, or parking thereon.

Commented [JM21]: Lets talk about overall tract requirements. It's important to have setbacks from abutters, but most if not all setback area will be part of the Open Space Area - so we should think/talk this through.

5.13.4.3 Front Yard Setback: a minimum width of forty (40) feet between the street which provides frontage for the development tract and the site of any housing units thereon.

Also...legal limitations on existing lots that are part of subdivisions or conservation clusters. We may have a lot of land that gets excluded from applicability due to these things. Need to think this through.

5.13.5 Lot Dimensional & Setback Requirements

Commented [JM22R21]: Feedback: Especially setback for driveways. Don't think flag lots have this kind of setback requirement. If anything, would increase front yard setback.

5.13.5.1 Within a nine (9) acre Multi-Family Conservation Cluster tract, 3-acre lots must have a street frontage of feet. Interior side, rear, and front setbacks may be zero (0) feet, given that exterior tract setbacks, as specified in Section 5.13.4, shall be met.

Commented [JM23]: We need visuals to demonstrate what we're thinking. Will ask Bohler.

5.13.5.2 Within a ten (10) acre Multi-Family Conservation Cluster tract, 2-acre lots must have a street frontage of feet. Interior side, rear, and front setbacks may be zero (0) feet, given that exterior tract setbacks, as specified in Section 5.13.4, shall be met.

Commented [JM24]: Current zoning requires street frontage of 250' for 2-acre lots.

Commented [JM25R24]: Feedback: This, IMHO, is too great for MBTA. A flag lot requires 40' (unless that changed since I was on PB) Why should any of the lots require frontage, maybe only the tract should be considered?

5.13.6 Multi-Family Housing Requirements

5.13.6.1 Permitted Housing Typologies: townhomes, duplexes, triplexes, quadplexes, garden style flats, small-scale multi-family buildings, tiny homes

Commented [JM26]: This was suggested in the survey feedback, however, I'm concerned with two things: (1) bedroom size might not meet Title 5, and (2) tiny homes might not technically comply with requirement for "housing for families"

Commented [JM27R26]: Feedback: Should check w/State?

5.13.6.2 Building Height: building height for buildings within a Multi-Family Conservation Cluster shall be in accordance with Sections 4.6 and 4.7.

5.13.6.3 Parking: parking for each residential unit in a Multi-Family Conservation Cluster shall be provided in accordance with Section 5.3.2.

5.13.6.4 Driveways: housing units within the same lot of a Multi-Family Conservation Cluster shall be served by as few driveways as possible.

5.13.7 Open Space Requirements

In addition to the Open Space Area requirement outlined in Section 5.13.3.3 and the Open Space Contiguity requirement outlined in Section 5.13.3.6, the following requirements shall apply to the Open Space Area of a Multi-Family Conservation Cluster:

5.13.7.1 All open space shall be either:

5.13.7.1.1 conveyed to the Town of Carlisle and accepted by it for park or open space use or

5.13.7.1.2 conveyed to a non-profit organization the principal purpose of which is the conservation of open space or

5.13.7.1.3 held in corporate or trust ownership by the owners of building lots within the Multi-Family Conservation Cluster (or adjacent thereto, if admitted to the corporation).

5.13.7.2 In the case of corporate or trust ownership, beneficial rights in said open space shall be deeded to the owners and a restriction enforceable by the Town pursuant to M.G.L. Ch. 184, Section 32 providing that such land shall be kept in open or natural state shall be recorded at the Middlesex North District Registry of Deeds. All deed restrictions with respect to ownership, use and maintenance of open space shall be subject to approval by the Planning Board and thereafter referenced on, and recorded with, the Site Plan Approval and the plan;

5.13.8 The developer shall, by appropriate restrictions or covenants which shall run in favor of the town and the owners of the open space, prohibit further division of the land within the Multi-Family Conservation Cluster.

5.13.9 Planning Board Action

The Planning Board shall notify the Conservation Commission, the Board of Health, the Historical Commission and the Select Board of the application for a Site Plan Review hereunder and allow them a reasonable time to inspect and comment upon said application. The Planning Board may grant a Site Plan Approval, including reasonable conditions of approval if necessary, under this Section upon written findings that the request is compatible with the purpose of this Section and meets the minimum requirements hereunder. The Planning Board may approve Multi-Family Conservation

Commented [JM28]: We allow 2.5 stories up to 40' (highest point), OR 3 stories up to 45' IF setbacks are exceeded by at least 10'. I think this is workable for the typologies we're allowing?

Commented [JM29R28]: Feedback: Maybe could be relaxed for MBTA to not require extra 10'?

Commented [JM30]: Do we want to think about parking differently for these types of development?

Commented [JM31]: We should think about this in relation to common driveway special permits. If each lot within a MF cons cluster has it's own private driveway to serve the units, then it should be fine. But if we want one driveway to serve all 3 3-acre lots, or all 5 2-acre lots, then the common driveway special permit requirement will kick in.

Commented [JM32R31]: Feedback: Does it? Or could we require a common drive? We need to discuss concepts here.

Commented [JM33]: These options match the options in the current conservation cluster bylaw. We should discuss if/how conveyance would work - and if septic and well are located on the Open Space Area, is conveyance even allowed?

Commented [JM34]: Assuming this relates to CRs and/or other types of land restrictions...?

Commented [JM35]: I don't believe Site Plan approvals are typically recorded, so we'll need some different wording here. Town Counsel could help with this.

Clusters throughout the Residence B District until the Town of Carlisle meets the unit capacity requirement of 95 new units, which is set forth in the Compliance Guidelines.

Commented [JM36]: A few comments:
1. I know people do not think Town Mtng will go for this, if it can go anywhere. I wonder if the increase in tract area to 9 or 10 acres will change that?
2. We may not be able to specify a cap, especially since we are supposed to allow MF by-right.

DRAFT