

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 DURING THE DAY ON TUESDAYS OR WEDNESDAYS. 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 - specific areas within Res B are still being analyzed by the Subcommittee.

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 protection of ~90% of a development tract;

Commented [JM3]: TBD

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.

Commented [JM4]: These are condensed versions of purpose statements in the current conservation cluster bylaw.

5.13.2 Definitions

Commented [JM5]: 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.

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.

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

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 General Development Standards made applicable to Multi-Family Conservation Cluster projects.

Commented [JM6]: I need to figure out what this is referring to.

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

Excluded Land: Means land areas on which it is not possible or practical to construct multi-family housing. For purposes of the MBTA Communities guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

- (i) All publicly-owned land, except for lots or portions of lots determined to be developable public land.
- (ii) All rivers, streams, lakes, ponds and other surface waterbodies.
- (iii) All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
- (iv) Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
- (v) All public rights-of-way and private rights-of-way.
- (vi) Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.

- (vii) Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

Commented [JM7]: From the MBTA Communities Guidelines

Gross Density: Means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses. For purposes of determining compliance with MGL Ch. 40A Section 3A’s gross density requirement, the EOHLC compliance model will not count in the denominator any excluded land located within the multi-family zoning district, except public rights-of-way, private rights-of-way, and publicly-owned land used for recreational, civic, commercial, and other nonresidential uses. [Carlisle: See Excluded Land (vi) above, and Nitrogen Sensitive Area below]

Commented [JM8]: From the MBTA Communities Guidelines. Emphasis and parens added.

Housing for Families with Children: Section 3A states that a compliant multi-family zoning district must allow multi-family housing as-of-right, and that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.” EOHLC deems a multi-family zoning district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions, and does not limit or restrict the size of the units, cap the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants. Limits, if any, on the size of units or number of bedrooms established by state law or regulation [i.e. Title 5] are not relevant to Section 3A or to determinations of compliance made pursuant to these guidelines.

Commented [JM9]: From the MBTA Communities Guidelines. Parens added. This is saying that zoning cannot restrict age, size, bedrooms, etc. BUT Title 5 can.

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.

Commented [JM10]: We should make sure this definition aligns with our parameters below.

Public Water System:

Commented [JM11R10]: 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.

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

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 demonstrating compliance with the criteria herein for a Multi-Family Conservation Cluster or for a Multi-Family Conservation Cluster Subdivision. The applicant shall identify on the plan the Development Area where the housing units will be clustered, and the Open Space Area that will be preserved with Site Plan Approval for a Multi-Family Conservation Cluster or Multi-Family Conservation Cluster Subdivision.

5.13.3.1 Lot Area: a 2-acre lot is required for each Multi-Family Conservation Cluster development. Larger tracts of land or lots may be carved up into a series of 2-acre lots, each with its own Multi-Family Conservation Cluster pursuant to the Multi-Family Conservation Cluster Subdivision parameters for development tracts, lots, clustering, open space, and access, set forth herein.

5.13.3.2 Restriction on ‘No Further Subdivision’: an applicant interested in carving up a tract of land or lot for the creation of a Multi-Family Conservation Cluster Subdivision must provide proof that the tract of land or lot is not subject to a ‘No Further Subdivision’ restriction from a prior Definitive Subdivision approval or other prior official Town action.

5.13.3.3 Number of Housing Units per 2-acre Lot:

- a. Minimum: 3 units
- b. Maximum: 6 units

5.13.3.4 Open Space Area and Development 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 designated as the Open Space Area. The Multi-Family housing units shall be clustered on the remaining 3,560 square feet of each survey acre, which shall be designated as the Development Area. For a 2-acre lot, this means the following:

- a. Open Space Area: 80,000 square feet
- b. Development Area: 7,120 square feet

5.13.3.4 Minimum Gross Density: the housing units shall be clustered on the designated Development Area of the lot, such that a minimum gross density of 15 units per acre can be achieved on the Development Area 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.

5.13.3.5 Maximum Gross Density: in no cases shall a Multi-Family Conservation Cluster on a 2-acre lot exceed a maximum gross density of 37 units per acre.

5.13.3.6 Access: access to a Multi-Family Conservation Cluster shall be gained via a single common driveway. The common driveway shall be shown on the Plan and permitted as-of-right via the Site Plan Approval.

Commented [JM12]: 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 [JM13]: I chose 6 units b/c we need to prevent against 8 1-bedroom units if the intent is “housing for families.” We do still want some 1-bedroom units though, and there are other ways to require and describe a unit mix.

Also, in thinking of actual density, 6 units/2 acres is easy math for people = 3 units/acre.

Commented [JM14]: We may want to define these above.

Commented [JM15]: Feedback: Need to be more prescriptive about this. Too much wiggle room. Language not clear enough.

Commented [JM16]: Minimum Gross Density: 3 units on 7,120 SF = 18.35 units per acre

Commented [JM17]: We need to understand for which types of OS protection this is true. Is it true for CRs? Town Counsel was not sure. Need to ask around.

Commented [JM18]: According to Bohler, we CAN specify a maximum gross density. 6 units on 7,120 SF = 36.7 units per acre. But do we need to specify this if we cap the total # of units per lot?

Commented [JM19]: The reason behind this: our current Common Driveway bylaw allows it to serve up to 6 lots. Each lot can have 1 single-family unit plus 1 AA unit - so, 12 units. The difference is that is allowed by Special Permit, and this is Site Plan Approval. But we want to incentivize common driveways to minimize land disturbance.

5.13.4 Multi-Family Conservation Cluster Subdivision 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, or showing division thereof pursuant to the Subdivision Regulations promulgated by the Planning Board under M.G.L. c. 41 Sections 81... demonstrating compliance with the development tract, lot, clustering, open space, and access requirements specified herein for a Multi-Family Conservation Cluster Subdivision. 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 Subdivision.

Commented [JM20]: Need to look this up.

5.13.4.1 Development Tract – Dimensional & Exterior Boundary Setback Requirements

- a. Maximum Tract Area: there is no maximum development tract area for a Multi-Family Conservation Cluster Subdivision.
- b. Side Yard Setback: a minimum width of forty (40) feet shall be required between any exterior side boundary of the overall development tract and the site of any housing units, driveways, or parking thereon.
- c. Rear Yard Setback: a minimum width of forty (40) feet shall be required between the exterior rear boundary of the development tract and the site of any housing units, driveways, or parking thereon.
- d. Front Yard Setback: there is no minimum front yard setback requirement between the street frontage of the development tract and the site of any housing units, driveways, or parking in order to allow and encourage the siting of housing units, driveways and parking on existing disturbed, denuded, or cleared areas of the site.

5.13.4.2 Lot – Dimensional & Interior Setback Requirements

- a. Each lot in a Multi-Family Conservation Cluster Subdivision must be 2-acres and have a minimum frontage of 40 feet.
- b. Interior side, rear, and front setbacks may be zero (0) feet, given that exterior boundary tract setbacks, as specified in Section 5.13.4.1, shall be met.

Commented [JM21]: This matches our minimum frontage requirement currently, so may make sense to people. It also offers flexibility regarding where on the site the development happens (in a case where there are wetlands near the front but an open disturbed lawn in the rear) and what shape the lots take.

5.13.4.3 Clustering

Within a Multi-Family Conservation Cluster Subdivision, the designated Development Area for each lot shall be contiguous across lots, and the housing units shall be clustered within this contiguous Development Area. In no case shall a housing unit or building straddle a lot line. To the greatest extent practicable, housing units, and their associated parking and utilities, shall be located on areas of a site that are already disturbed by human activity or development.

5.13.4.4 Open Space

Within a Multi-Family Conservation Cluster Subdivision, the designated Open Space Area for each lot shall be contiguous across lots. The Open Space Area shall comprise areas that are wetland, wetland buffer, floodplain, wildlife habitat, mature forest, of significant agricultural, scenic or historic value, or pristine, and shall strive to extend or enhance existing wildlife corridors.

Commented [JM22]: Christina - help!

5.13.4.5 Access

Access to the housing units within a Multi-Family Conservation Cluster Subdivision shall be gained via as few common driveways as possible. Each common driveway serving no more than 12 units within a Multi-Family Conservation Cluster Subdivision shall be shown on the Plan and permitted as-of-right via the Site Plan Approval.

Commented [JM23]: The reason behind this: our current Common Driveway bylaw allows it to serve up to 6 lots. Each lot can have 1 single-family unit plus 1 AA unit - so, 12 units. The difference is that is allowed by Special Permit, and this is Site Plan Approval. But we want to incentivize common driveways to minimize land disturbance.

5.13.5 Multi-Family Housing Requirements

5.13.5.1 Permitted Housing Typologies:

- a. Townhomes, duplexes, triplexes, quadplexes, garden style flats, small-scale multi-family buildings, tiny homes
- b. Existing single-family homes on 2-acre lots may be carved up into 3 or more units

Commented [JM24]: 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"

5.13.5.2 Unit Mix: Each Multi-Family Conservation Cluster or Multi-Family Conservation Cluster Subdivision shall strive for a mix of 1, 2 and 3 bedroom units, but shall have not less than one 2-bedroom unit.

Commented [JM25R24]: Feedback: Should check w/State?

5.13.5.3 Housing for Families with Children: Multi-Family Conservation Cluster and Multi-Family Conservation Cluster Subdivision housing units shall not be age-restricted, shall not be restricted in size, and shall not have a cap on the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants.

5.13.5.4 Building Height: The maximum building height for buildings within a Multi-Family Conservation Cluster or Multi-Family Conservation Cluster Subdivision shall be 3 stories or up to 45 feet.

Commented [JM26]: We allow 2.5 stories up to 40' (highest point), OR 3 stories up to 45' IF setbacks are exceeded by at least 10'. Should we relax this and just allow up to 45' regardless of setbacks? My only caution would be the size of project that could occur with 45' - but there would be other limits, such as Development Area, not allowing a unit or building to span a lot line, etc.

5.13.5.5 Parking: Parking for each residential unit in a Multi-Family Conservation Cluster or Multi-Family Conservation Cluster Subdivision shall be provided in accordance with Carlisle Zoning Bylaw Section 5.3.2.

5.13.6 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:

5.13.6.1 All open space shall be either:

5.13.6.1.1 Held in corporate or trust ownership by the owners of building lots within the Multi-Family Conservation Cluster or Multi-Family Conservation Cluster Subdivision.

5.13.6.1.2 Put into a Conservation Restriction, pursuant to _____.

5.13.6.2 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;

5.13.7 Planning Board Waivers: after demonstration of good cause by the applicant, and where the literal enforcement would result in a less favorable project for the Town, the Planning Board shall retain the right to waive the strict adherence to any of the above requirements except for the following: Minimum and Maximum Number of Housing Units per 2-acre Lot.

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 Clusters or Multi-Family Conservation Cluster Subdivisions until the Town of Carlisle meets the unit capacity requirement of 95 new units, which is set forth in the Compliance Guidelines.

Commented [JM27]: What other options should we consider? I think we need to avoid the conveyance options in the current Cons Cluster bylaw, otherwise we'll end up with non-conforming lots.

Commented [JM28]: Assuming this relates to CRs and/or other types of land restrictions...?

Commented [JM29]: I don't believe Site Plan approvals are typically recorded, so we'll need some different wording here. Town Counsel could help with this.

Commented [JM30]: TBD. I always recommend a 'waiver clause' b/c the Board and Town are not developers and every lot has unique circumstances that may warrant creative solutions that do not exactly meet the letter of the bylaw but could result in better outcomes than foreseen.

Commented [JM31]: We may not be able to specify a cap, especially since we are supposed to allow MF by-right. I am working to get an official opinion from HLC on this.