



CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-FOUR

SPONSORED BY: Kassandra Gove, Mayor BILL No. 2024 -098

Pamela Gilday, Councilor, District 1

At the meeting of the Amesbury City Council held on October 8, 2024, the following action was taken:

An Ordinance to amend the Amesbury Zoning Ordinance and Zoning Overlay District Map to add zoning regulations in compliance with Section 3A of MGL c. 40A also known as the “MBTA Communities Act,” and to establish an Overlay District where multi-family housing development projects pursuant to these regulations shall be allowed within the City.

Summary: Section 3A of MGL c. 40A requires an MBTA community to have a zoning ordinance that provides for at least one (1) district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing is without age restrictions and is suitable for families with children. Such district is required to meet requirements set forth in this statute, including but not limited to the following: (i) have a minimum gross density of fifteen(15) units per acre, subject to any further limitations imposed by Section 40 of Chapter 131 and title 5 of the state environmental code established pursuant to Section 13 of Chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

“MBTA community” is defined by reference to Section 1 of MGL c. 161A. Pursuant to the provisions of Section 3A of MGL c. 40A, City of Amesbury is an Adjacent Community and is required to comply with this statute by December 31, 2024. District Compliance is achieved when Amesbury has adopted a multi-family zoning district that meets all the requirements of the compliance guidelines and is certified by the Executive Office of Housing and Livable Communities (EOHLC).

This zoning amendment proposes to establish an overlay district over a portion of the Office Park (OP) zoning district in an area along Elm Street to comply with the requirements of Section 3A of MGL c. 40A and to add a new section in the Amesbury Zoning Ordinance outlining the requirements for review and approval of multi-family projects within the boundaries of this overlay district.

Be it Ordained by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:

1. Add new Section XI.V – MBTA Communities Multi-family Overlay District (MFOD)

Amend the existing Amesbury Zoning Ordinance by adding new Section XI.N entitled Multi Family Overlay District (MFOD)” that establishes an Overlay District to allow multi-family residential development under Section 3A of MGL c. 40A. The provisions of this new section are attached hereto in document entitled “**MBTA Zoning Ordinance – Amesbury dated 5.18.2024.**”

2. Amend Section III

Amend table in Section 3.1.2 Overlay Districts by adding in alphabetical order the following overlay districts:

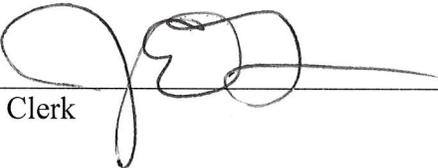
<u>Full Name</u>	<u>Section of Bylaw</u>	<u>Short Name</u>
Rocky Hill Multi-family Overlay District	Section XI.V	RH-MFOD
East End Smart Growth Overlay District	Section XI.Q	EE-SGOD

3. Amend the Zoning Overlay District Map

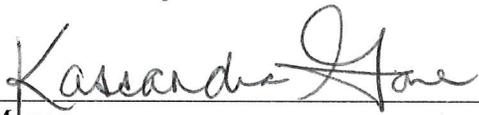
Amend the Zoning Overlay District Map by adding the **Rocky Hill Multi-family Overlay District (RH- MFOD)** and the sub-districts as shown on **Exhibit MBTA-01, RH-MFOD showing Sub-Districts** of the proposed new Section XI.V attached hereto.

Councilor Pamela Gilday moved to approve bill 2024-098 as revised. She was seconded by Councilor Steven Stanganelli. A roll call vote was taken, and said motion passed unanimously 7-0, Councilor Nicholas Wheeler was absent.

Witness my hand and seal for the City of Amesbury this 9th day of October, 2024.



City Clerk



Mayor

October 31, 2024

Date

Section XI.V: MBTA Communities Multi-family Overlay District

1.0 Purpose

The purpose of the MBTA Communities 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), and to foster a range of housing opportunities to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:

- 1.1 Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities;
- 1.2 Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving Amesbury unique community character;
- 1.3 Increase the production of a range of housing units to meet existing and anticipated housing needs;
- 1.4 Provide a streamlined mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;
- 1.5 Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;
- 1.6 Establish flexible development standards to allow context-sensitive design and creative site planning that protect neighborhood property values and enhance its unique natural, cultural and historic resources;
- 1.7 To encourage the permanent preservation of contiguous open space, scenic vistas, forested land, wildlife and rare species habitat, other natural resources and features, including aquifers, waterbodies, wetlands, and archeological resources, in a manner that is consistent with the current Master Plan and Open Space Plan;
- 1.8 To encourage a more efficient and compact form of development that consumes less open land and natural materials and conforms to existing topography and natural features in a manner more effective than a conventional development;
- 1.9 To implement requirements as an MBTA Community whereby the City is identified as an “Adjacent Community” pursuant to the “Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act” (as amended) (“Compliance Guidelines”), and in a manner consistent with the City of Amesbury’s Action Plan for MBTA Communities, all as required under Section 3A of MGL c. 40A; and,
- 1.10 To create as of right zoning for multi-family housing, which in turn, will enable the City to be eligible for funds from grant and other assistance programs offered by the Commonwealth of Massachusetts.

2.0 DEFINITIONS.

For purposes of this Section XI.V, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Governing Laws or Section 2.0 of the Amesbury Zoning Ordinance, as amended, or as set forth in the Planning Board (PB) Regulations. To the extent that there is any conflict between the definitions set forth in Section 2.0, the PB Regulations, or other provisions within the Zoning Ordinance, and the Governing Laws, the terms of the Governing Laws and this Section XI.V shall govern.

For purposes of this Section XI.V, the following definitions shall apply:

- 2.1 **Affirmative Fair Housing Marketing Plan (AFHMP)** – A plan as defined under Section XI.Q.2.
- 2.2 **Affordable Homeownership Unit or Affordable Rental Unit** - as defined under Section XI.Q.2.
- 2.3 **Affordable Housing** – housing that is as defined under Section XI.Q.2.
- 2.4 **Affordable Housing Restriction** – a deed restriction as defined under Section XI.Q.2.
- 2.5 **Affordable Rental Unit** - an Affordable Housing unit as defined under Section XI.Q.2.
- 2.6 **Area Median Income (AMI)** –The median family income for the metropolitan statistical region that includes the City of Amesbury, as defined by the U.S. Department of Housing and Urban Development (HUD).
- 2.7 **Applicant** – A person, business, organization or other entity that applies for Site Plan Review, or Amended Site Plan Review, under this Section XI.V.
- 2.8 **As of right** – Development that can be allowed under this Section XI.V without the need for a special permit, variance, zoning amendment, waiver or other discretionary zoning approval.
- 2.9 **Building Area** – The aggregate of the maximum horizontal cross-section area of all buildings on a Lot exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies, and terraces expressed as a percentage of total Lot area. Building Area does not include surface parking or other impervious surfaces.
- 2.10 **Civic Buildings** - One to two-story buildings or structures located within formal open space areas such as a pool house, clubhouse, meeting house, leasing office, or similar use.
- 2.11 **Common or Green** - A space for active and passive recreation and gathering purposes. A common or green is a free-standing site with thoroughfares on all sides and landscape consisting of naturally disposed lawns, paths, and trees.
- 2.12 **Community Garden or Farm** - A space designed as individual garden plots available to residents for urban agriculture purposes, including storage facilities for necessary equipment. Community gardens may be freestanding or incorporated as a subordinate feature of a community park, neighborhood park, or pocket park.
- 2.13 **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.
- 2.14 **Department or DHCD** - the Massachusetts Department of Housing and Community Development, which, as of May 30, 2023, has been superseded by a new housing secretariat and organization known as the EOHLC which was created by Chapter 7 of the Acts of 2023, “An Act to Create The Executive Office of Housing and Livable Communities and to Rename the Executive Office of Economic Development,” and which became effective on May 4, 2023. For purposes of this Zoning Ordinance, the DHCD shall be known as the EOHLC.
- 2.15 **Design Standards** –The Design and Development Standards listed in Section 9.0 under this Section XI.V.
- 2.16 **Developable Land Area** – The land area upon which multi-family buildings can be permitted and constructed. Developable land consists of: 1) all privately-owned land except lots, or portions of lots, that meet the definition of excluded land, and 2) developable public land.

- 2.17 Eligible Household** - an individual or household as defined under Section XI.Q.2.
- 2.18 EOHLC** – the Executive Office of Housing and Livable Communities, the housing secretariat and organization within the Commonwealth of Massachusetts which was created by Chapter 7 of the Acts of 2023, “An Act to Create The Executive Office of Housing and Livable Communities and to Rename the Executive Office of Economic Development,” and which became effective on May 4, 2023, or any successor agency.
- 2.19 Excluded land** – Land that is not possible or practical to construct multi-family housing including the following: 1) all publicly-owned land, except for lots, or portions of lots, determined to be developable public land; 2) all rivers, streams, lakes, ponds, and other surface waterbodies; 3) all wetland resources areas, together with a 50 foot buffer zone around wetlands and waterbodies; 4) protected open space and recreational land that is legally protected in perpetuity; 5) all public or private rights-of-ways; 6) privately-owned land on which development is prohibited to protect private or public water supplies; and, 7) privately-owned land used for educational or institutional uses.
- 2.20 Governing Laws** – G.L. Chapter 40A, the State Zoning Act, as amended.
- 2.21 Greenway** - A linear open space that may follow natural corridors providing unstructured and limited amounts of structured recreation. A greenway may be spatially defined by landscaping rather than buildings. Its landscape shall consist of paths and trails, waterbodies, and trees, naturalistically disposed.
- 2.22 Gross density** – a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.
- 2.23 RH-MFOD** – the Rocky Hill Multi-Family Overlay District established in accordance with this Section XI.V.
- 2.24 Housing Suitable For Families** -- housing comprised of multi-family residential dwelling units as defined in MGL c. 40A, Section 3A, shall take supersede any other definition as described in the Zoning Ordinance which is inconsistent with the Governing Laws.
- 2.25 Large Neighborhood Park** - An area of natural, semi-natural, or planted space set aside for human enjoyment and recreation or for the protection of wildlife or natural habitats. A park may consist of grassy areas, trees and other natural or planted landscape features, and may also contain walking paths and trails, monuments, fountains, playground equipment, benches, picnic tables and similar amenities.
- 2.26 Linear Park** - A linear open space that is defined by buildings. Its landscape shall consist of grass, gardens, paths and trails, and trees, symmetrically spaced.
- 2.27 Lot** – An area of land with definite boundaries that is used or available for use as the site of a building or buildings or other uses allowed under this Section XI.V.
- 2.28 MBTA** – Massachusetts Bay Transportation Authority.
- 2.29 Multi-family housing** – a building with 3 or more residential dwelling units or 2 or more buildings on the same Lot with more than 1 residential dwelling unit in each building which is allowed as of right, and shall be Housing Suitable for Families as described in the Compliance Guidelines.
- 2.30 Multi-Family Unit Capacity** – The total number of multi-family housing units that can be developed as-of-right within a multifamily zoning district.
- 2.31 Open Space, Community** - As applicable to the MBTA-MFOD, an open space area that is privately-or publicly owned, permanently protected, and dedicated for shared use as a formal or informal open space area. For greenways and other large informal

park areas permanent deeded public access may be required where appropriate, to the City of Amesbury. Such areas must conform to the community open space types defined as formal or informal open space areas. Community open space may contain necessary surface stormwater management system improvements.

- 2.32 Open Space, Formal** – Community open space areas designed and designated for active recreational purposes or formal planted space edged with buildings or streets. Such uses include, but are not limited to, a linear park, squares, pocket park, playground, recreational field or court, civic building, or common or green.
- 2.33 Open Space, Informal** – Community open space areas designed and designated for passive recreational purposes or natural, semi-natural, or planted space set aside for human enjoyment and recreation or for the protection of wildlife or natural habitats including rain gardens, bioretention areas and other vegetated stormwater management facilities as provided in the latest edition of the Massachusetts Stormwater Handbook. Such uses include, but are not limited to, a large neighborhood park, greenway, or community garden or farm.
- 2.34 PB Regulations** – the rules and regulations of the Planning Board adopted pursuant to Section XI.V.
- 2.35 Planning Board** – See Site plan review authority.
- 2.36 Playground** - A community space designed and equipped for the recreation of children. A playground should be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens. The minimum size shall be 500 sq. ft.
- 2.37 Pocket Park** - A community space available for informal activities in close proximity to neighborhood residences. A pocket park is spatially defined by buildings. Its landscape shall consist of paths, lawns and trees, formally disposed. The minimum size shall be 500 sq. ft.
- 2.38 Project** - a development proposal undertaken in the MFOD in accordance with the requirements of this Section XI.V that consists solely of multi-family residential, and/or other uses and associated structures, including accessory uses such as parking, and other accessory uses, as further defined in Section 5.0.
- 2.39 Recreational Field or Court** - A publicly accessible open space designed and equipped for active recreation and organized sports. Playing fields and courts may include grass, artificial turf, clay, dirt, stone dust, concrete, asphalt, ice or other pervious or impervious materials to support various sporting events.
- 2.40 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.
- 2.41 Section 3A** – Section 3A of the Zoning Act, G.L. c. 40A.
- 2.42 Site Plan Approval** - standards and procedures which are applied by the Planning Board to approve or disapprove Projects in the MFOD pursuant to Sections 11.1 below, and the Governing Laws.
- 2.43 Site Plan Review** - standards and procedures through which Projects in the MFOD must be reviewed by the Planning Board pursuant to Sections 7.0 through 11.0 and Section XI.V.
- 2.44 Site Plan Review Authority – or the Planning Board**, as the local permit granting authority responsible for reviewing Project applications and issuing Site Plan Approval decisions within the MFOD pursuant to this Section XI.V.

- 2.45 Square** - A community space available for unstructured recreation and community purposes. A square is spatially defined by buildings. Its landscape shall consist of paths, ground cover and trees, formally disposed. Squares shall be located at the intersection of important streets. The minimum size shall be 1/8 acre.
- 2.46 Subsidized Housing Inventory (SHI)** – a list of qualified Affordable Housing Units maintained by the 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.
- 2.47 Zoning Act** – G.L. Chapter 40A, §§ 1-17, as amended, or the State Zoning Act.
- 2.48 Zoning Ordinance** - the Zoning Ordinance of the City of Amesbury, as amended.

3.0 OVERLAY DISTRICT

3.1 Establishment: The City of Amesbury shall establish a Multi-Family Overlay District to allow multi-family housing pursuant to Section 3A of the Zoning Act, G.L. c. 40A, also known as the MBTA Communities Act. The Overlay District(s) is shown on the Overlay District Zoning Map and shall be further described below.

3.1.1 Rocky Hill: The Rocky Hill Multi-Family Overlay District, hereinafter referred to as the RH-MFOD and having a land area of approximately 64 acres in size is superimposed over the underlying zoning district(s) and is shown on the Overlay District Zoning Map entitled “Rocky Hill MBTA Communities Multi-family Overlay District,” prepared by the Office of Community and Economic Development (attached as Exhibit 1). This map is hereby made a part of the Zoning Ordinance and is on file in the Office of the City Clerk. The RH-MFOD contains two (2) subdistricts as follows:

- A. - Southern Multi-Family Neighborhood; and,
- B. - Northern Multi-Family Neighborhood.

4.0 APPLICABILITY OF MFOD.

4.1 Applicability of MFOD. An Applicant may seek development of a Project located within the MFOD in accordance with the provisions of the Governing Laws and this Section XI.V, including a request for Site Plan Approval by the Planning Board. In such case, notwithstanding anything to the contrary in the Zoning Ordinance, such application shall not be subject to any other provisions of the Zoning Ordinance unless otherwise provided in this Section XI.V.

4.2 Underlying Zoning and Other Provisions. The MFOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section XI.V. Within the boundaries of the MFOD, a developer may elect either to develop a Project in accordance with the requirements of the MFOD under this Section XI.V in which case, the provisions of the MFOD shall govern, or to develop a project in accordance with requirements of the underlying zoning districts, but not both. Moreover, a Project undergoing development pursuant to this Section XI.V. shall not be subject to

any other overlay districts described in the Zoning Ordinance except for the following provisions: (a) expressly incorporated by reference under Section XI.Q into this Section XI.V; (b) Section XI.G. Environmental Performance Standards; and, (c) Section XII. Wetlands and Floodplain Protection District.

4.3 Administration, Enforcement, and Appeals. The provisions of this Section XI.V shall be administered by the Building Commissioner, except as otherwise provided herein. Any appeal or other rights asserted and arising out of a Site Plan Approval decision by the Planning Board issued pursuant to this Section XI.V shall be governed by the applicable provisions of G. L. Chapter 40A.

4.4 Applicability and Other Zoning Districts. To the extent that a Project undergoing review pursuant to this Section XI.V is also required to be reviewed under Zoning Ordinance provisions other than Section XI.V, which would otherwise require a special permit, those other Zoning Ordinance provisions are hereby modified and/or waived such that no special permit shall be required under such provisions, but instead, the provisions shall be deemed performance standards whereby the Project would be permitted by right or waivable by the Planning Board.

5.0. Permitted Uses

5.1 Uses Permitted As of Right. The following uses are permitted as of right within the RH-MFOD.

5.1.1. Principal Uses -- The following uses are considered allowed as of right, subject to compliance with other provisions of this Section XI.V.

- (a) Multi-family housing provided that the minimum allowable as-of-right density requirements for multi-family residential use specified in Section 6.0 shall apply;

5.1.2 Accessory Uses -- The following uses are considered accessory as of right to any of the permitted uses in Section 5.1.a. within the MFOD:

- (a) parking, including surface parking, garage-under, and structured (i.e., parking garage);
- (b) marketing/rental office designed to serve residents and prospective residents;
- (c) exercise facility, pool or other recreational uses to be used exclusively for residents and their guests, such as a private Active Recreational Facility;
- (d) individual or shared remote work-space exclusively for residents;
- (e) maintenance facilities to store equipment used to maintain the Project;
- (f) clubhouse, pool house, multipurpose facilities, or other similar civic or recreational space designed to exclusively serve residents and their guests; and,
- (g) other accessory uses customarily incidental to any of the permitted uses in Section 5.0.

5.2 Uses Allowed by Special Permit. The following uses and accessory uses require a Special Permit from the Planning Board, acting as the designated Special Permit Granting Authority:

5.2.1. Reserved.

5.3 Prohibited Restrictions and Uses.

5.3.1 The following restrictions on multi-family development are prohibited: restrictions on the minimum age of residents, limitations on the size of the dwelling units or the number of bedrooms, the size of bedrooms, and the number of occupants; limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits or to other building permit or dwelling unit limitations, and, any other restriction prohibited by the Governing Laws; and,

5.3.2 Any use not otherwise authorized under this Section 5.0.

6.0 Dimensional and Density Requirements

6.1 Table of Dimensional Requirements for RH-MFOD. Notwithstanding anything to the contrary in this Zoning Ordinance, the dimensional requirements applicable in the RH-MFOD are as follows¹:

Sub-District ⁴	Min Lot Size (s.f.)	Min. Lot Frontage (feet)	Maximum Yards: Front (feet)	Min. Side (feet)	Min. Rear (Feet)	Maximum Height (feet)	Maximum Stories (# of stories) ⁵	Maximum Building Area	Minimum Community Open Space ²³
Northern Multi-Family Neighborhood	NA	NA	10	0	0	48	4	80	20
Southern Multi-Family Neighborhood	NA	NA	10	0	0	38	3	80	20

1. In the RH-MFOD, lots may have more than one principal building and more or less than one accessory structure.
2. For purposes of this Section secondary vehicular emergency access is permitted within an community open space area and it shall also be served by suitable pedestrian access for such purposes listed above, to the extent allowed under applicable laws. Utility easements and stormwater management systems serving the Project may be located within the minimum open space areas but in no case shall open detention or retention stormwater management areas exceed 30% of the required formal open space areas. The Minimum Community Open Space area required under this Section 6.1 shall be subject to MGL 184, a recorded conservation restriction, or such other form of restriction or covenant reasonably acceptable to the Planning Board and enforceable by the City. Such restriction shall provide that such land shall be kept in an open state, preserved exclusively for the purposes set forth herein, and maintained in a manner which will ensure its suitability for its intended purposes.

3. Within each Sub-District, the total Community Open Space shall conform to the following Table – Minimum Community Open Space:

Minimum Community Open Space

Sub-District	Minimum Community Open Space <u>within</u> the Developable Land Area (%)	Minimum Formal Open Space <u>within</u> the Developable Land Area (%)	Maximum Informal Open Space <u>within</u> the Developable Land Area (%)	Minimum Community Open Space <u>outside</u> the Developable Land Area (%)
Northern Multifamily Neighborhood	20	65	35	90
Southern Multifamily Neighborhood	20	30	70	90

4. For purposes of this Section XI.V., primary or secondary vehicular and/ or pedestrian access shall be allowed to, from, through the Sub-Districts within the RH-MFOD, as described in Section 3.1.1. Such access shall be allowed to, from, and through properties located outside the RH-MFOD.
5. Under no circumstance shall multi-family buildings be less than two (2) stories.

6.2 Density requirements. Notwithstanding anything to the contrary in this Zoning Ordinance, the density requirements applicable in the RH-MFOD are as follows:

6.2.1 Multi-family residential dwelling units shall be permitted at a average gross density of fifteen (15) units per acre within the developable land area (excluding the required open space), within the RH-MFOD, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A, and as further described as follows. The following maximum overall gross density requirements within the two sub-districts shall be:

- a. Northern Multi-Family Neighborhood: 24 units per acre
- b. Southern Multi-Family Neighborhood: 6.5 units per acre

6.3 Total dwelling units per district and subdistrict. Notwithstanding anything to the contrary in this Zoning Ordinance, the total number of dwelling units permitted within the RH-MFOD shall be 400 units with the maximum total number of dwelling units per sub-district as follows:

- 6.3.1. Northern Multifamily Neighborhood: 333 units; and,
- 6.3.2. Southern Multifamily Neighborhood: 100 units

7.0. SITE PLAN REVIEW OF PROJECTS: GENERAL PROVISIONS

7.1 Site Plan Review. An Application for Site Plan Review shall be an As-of-right review and approval process as required by and in accordance with the Governing Laws and shall be reviewed by the Planning Board for consistency with the purpose and intent of Sections 7.0 through 11.0.

7.2 Site Plan Review Authority. The Amesbury Planning Board shall be the Site Plan Review Authority and shall conduct the Site Plan Review process for purposes of reviewing Project applications and issuing Site Plan Approval decisions within the MFOD. Any reference to the Planning Board in or pursuant to this Section XI.V or in, or pursuant to, the PB Regulations shall mean in the Planning Board’s capacity as the Site Plan Review Authority.

7.3 PB Regulations. The Planning Board may adopt administrative rules and regulations relative to Site Plan Review and Site Plan Approval.

7.4 Project Phasing. An Applicant may propose, in a Site Plan Review submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project in the subdistrict and all associated impacts as of the completion of the final phase, and subject to the approval of the Planning Board. Such submission shall include a preliminary site plan depicting all roadways, sidewalks, drainage and utility improvements required to support both the phased Project as well as the full buildout of the RH-MFOD.

7.5 Design Standards. To ensure that proposed development shall be of high quality and that the Project shall meet the standards listed in Section 9.0. The Planning Board shall follow the Design Standards governing Projects for Site Plan Review within the MFOD pursuant to Section XI.Q.10.e, except as otherwise provided in Section 9.0.

8.0 SITE PLAN REVIEW AND APPROVAL PROCEDURES

8.1 Pre-application. Prior to the submittal of a Site Plan Review application, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

- 8.1.1. Overall building envelope areas;
- 8.1.2. Open space and natural resource areas; and
- 8.1.3. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the Applicant and the Planning Board to ensure that the proposed Project design will be consistent with the Design Standards.

8.2 Required Submittals. An application for Site Plan Review shall be submitted to the Planning Board on the form provided by the Planning Board, along with application fee(s) which shall be as set forth in the PB Regulations. For any Project that is subject to the Affordability requirements of Section 10.0, the application shall be accompanied

by all materials required under Section 10.0.

8.3 Filing. An Applicant for Site Plan Review shall file the required number of copies of the application form and the other required submittals as set forth in the PB Regulations with the City Clerk and a copy of the application including the date of filing certified by the City Clerk shall be filed forthwith with the Planning Board.

8.4 Public Hearing and Circulation to Other Boards. The Planning Board shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. Upon receipt of the Application, the Planning Board shall immediately provide a copy of the application materials to the Municipal Council, Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, the Monitoring Agent (for any Project subject to the Affordability requirements of Section 10.0), and other municipal officers, agencies or boards as determined by the Planning Board for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for Site Plan Review.

8.5 Peer Review. The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Site Plan Review application. Such fees shall be held by the City of Amesbury in a separate account and used only for expenses associated with the review of the Application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus of funds remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.

8.6 Infrastructure Improvements. In no event shall the City of Amesbury be responsible for any expenses related to off-site infrastructure improvements (including but not limited to roads, pedestrian walkways, drainage, flood control, sewer, water, gas, and electric) due to the impact from the proposed Project and the Applicant shall be required to address these improvements as a condition of approval. All projects shall be designed so that stormwater runoff from the project site does not enter the municipal separate storm sewer (MS4) system. Notwithstanding the foregoing, the requirements herein do not preclude the City from voluntarily working with the Applicant and others to secure state, federal or other funding and/or other incentive programs designed to support Project and other infrastructure improvements.

8.7 Performance Bond. The Board shall require a performance bond or surety to assure that the proposed improvements including, but not limited to, utilities, public amenities, landscaping and the site plan improvements are constructed as approved.

8.8 Inspections during Construction. The Board may require the inspection of improvements as per approved site plan and shall require the Applicant to reimburse the Board for the reasonable costs for the services of the consultant.

9.0 DESIGN AND DEVELOPMENT STANDARDS

9.1 Adoption of Design and Development Standards. Any Project undergoing the Site Plan Review and Approval process shall be subject to the Design Standards for the MFOD as set

forth below in this Section, unless a waiver is granted by the Planning Board. The Design and Development Standards are intended to be applied in a flexible manner in order to meet the goals and objectives of the MFOD as described under Section 1.0.

9.2 Purpose. The Design and Development Standards shall ensure that the physical character of Projects within the MFOD shall meet the following goals:

- 9.2.1. The Project will be generally consistent with the Comprehensive Housing Plan, 2004 Master Plan, Developable Land Plan, Conceptual Smart Growth Residential Density Plan, and any area specific plan(s), or any other plan document(s) adopted by the City of Amesbury;
- 9.2.2. The Project will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in traditionally settled areas of the City of Amesbury;
- 9.2.3. The Project will be developed in a manner that is consistent with the environmental setting and protective of the natural resources within and around the Project, and
- 9.2.4. Within the RH-MFOD, the Project shall conform to the “Residential Pattern Book, The Rocky Hill, Amesbury,” dated April 30th, 2024, prepared by Union Studio Architecture & Community Design, Inc.”

9.3 Materials for Review. For purposes of Section XI.V, the terms: “Site Plan Review” and “Site Plan Approval” shall be substituted for “Plan Approval”; the term “Planning Board” shall be substituted for “PAA”; “PB Regulations” shall be substituted for “PAA Regulations”; and “M.G.L. c. 40A” shall be substituted for M.G.L. c. 40R” when the provisions of Section XI.Q. are incorporated by reference herein so as to be consistent with the Governing Laws. Unless stated otherwise, Applicants shall submit materials for review pursuant to Sections XI.Q.10.3. and XI.Q.10.4.

9.4 Development and Performance Standards. Building design shall be reviewed, unless stated otherwise, in accordance with the development and performance standards as outlined under Section XI.Q.10.5., to the extent applicable, by the Planning Board with input from City officials, including the Design Review Committee and any review consultant(s) employed by the Planning Board, and others as appropriate. Unless stated otherwise, the following design elements listed in this subsection are to be interpreted as building design standards to be applied by the Planning Board as appropriate to the situation under review, including factors such as foundation and soil characteristics, scenic views, and other extraordinary site constraints. To the extent the building design standards under Section XI.Q.10.5. conflict with the more specific design guidelines prescribed in the specific subdistrict below, the terms of the specific design guidelines shall govern.

9.4.1. Notwithstanding the foregoing:

- (a) Projects proposed within the AGV-SGOD and EE-SGOD shall be subject to the provisions of Section XI.Q.10.5.e;
- (b) Projects proposed within the RH-MFOD shall conform to the “Residential Pattern Book, The Rocky Hill, Amesbury,” dated April 30th 2024, prepared by Union Studio Architecture & Community Design, Inc.,” as may be amended by the Amesbury Planning Board from time to time (collectively, the “RH-MFOD Residential Neighborhood Design”), but shall not be subject to Section XI.Q.10.a.4.b. and Section XI.Q.10.5.e.
- (c) Projects proposed within the RH-MFOD shall conform to the sign requirements of Section VII, but shall not be subject to the sign provisions of Section XI.Q.10.5.n. In lieu

of the foregoing, the Applicant may propose a sign master plan which provides for alternative signage for the Project, provided that such signage is consistent with the purposes of Section VII.1 (Purposes) and Section XI.V.

10.0 AFFORDABLE HOUSING REQUIREMENTS

10.1. General Requirements. Projects subject to the provisions of Section XI.V shall not be subject to the Affordable Housing Regulations under Section V.E. of the Zoning Ordinance but shall be required to provide Affordable Housing units within the Project pursuant to the provisions of Section XI.Q.6 unless otherwise provided in this Section 10.0.

10.1.1. Projects located within the RH-MFOD shall only be subject to the provisions of Sections XI.Q.6.2, XI.Q.6.4 through XI.Q.6.7 in addition to the other provisions described below; and,

10.1.2. Projects located within the AGV-SGOD or EE-SGOD, shall be subject to the provisions of XI.Q.6 and all other applicable provisions of G. L. Chapter 40R, 760 CMR 59.06;

10.2 Number of Affordable Housing Units. Except for Projects located in the AGV-SGOD or EE-SGOD, all other Projects within the MFOD shall require not less than ten percent (10%) of total housing units to be Affordable Housing units. For purposes of calculating the number of Affordable Housing units required within a Project, any fractional unit shall be rounded up to the next whole unit.

10.3 Submission Requirements: An application for Site Plan Review for a Project within the MFOD submitted under Section XI.V, shall be required to submit the following documents to the Planning Board and the Monitoring Agent:

10.3.1. An Affirmative Fair Housing Marketing Plan which compliance with the requirements of the EOHLC policies and applicable state and federal laws;

10.3.2. Evidence that the Project complies with the cost and eligibility requirements of Section XI.Q.6.6.4;

10.3.3. Project plans that demonstrate compliance with the requirements of Section XI.Q.6.6.3 and Section XI.Q.6.6.5;

10.3.4. A form of Affordable Housing Restriction that satisfies the requirements of Section XI.Q.6.6.6; and,

10.3.5. Floor Plans that shall include details including, but not limited to, location, quantity and unit size related to units provided within the Project that are accessible to the disabled.

10.4 Age Restrictions. Nothing in this Section XI.V shall permit the imposition of restrictions on age upon a Project.

10.5 Phasing. For any Project that is approved and developed in phases in accordance with Section 11.4, the percentage of Affordable Housing units in each phase shall not be less than the minimum percentage of Affordable Housing required under Sections 10.2, as applicable. Unless otherwise explicitly approved in writing by EOHLC or required as a condition of an applicable state or federal housing subsidy program, where the percentage of Affordable Housing is not uniform across all phases, the unit dispersal and

bedroom proportionality requirements under Section 10.5 shall be applied proportionately to the Affordable Housing provided for in each respective phase.

10.6 Monitoring Agent. For the purpose of reviewing and implementing the Affordability requirements affecting Projects under Section 10.0, the Office of Community and Economic Development, or other qualified housing entity designated by the Mayor, shall serve as the Monitoring Agent.

10.7 Waivers and Consistency with EOHLC Requirements. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 10 shall not be waived unless expressly approved in writing by the Planning Board and the EOHLC. To the extent any of the affordability provisions of this Section XI.V are inconsistent with the program requirements of the EOHLC, the provisions of the EOHLC shall govern.

11.0 SITE PLAN APPROVAL DECISIONS

11.1 Site Plan Approval. Site Plan Approval shall be granted where the Planning Board finds that:

- 11.1.1. The Applicant has submitted the required fees and information as set forth in the PB Regulations;
- 11.1.2. The Project as described in the application meets all of the requirements, criteria and standards set forth in Section XI.V., and the PB Regulations, or a waiver has been granted therefrom; and,
- 11.1.3. For a Project subject to the Affordability requirements of Section 10.0, compliance with condition 11.1.2 above shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied or that the Planning Board shall attach certain conditions to its approval to satisfy certain provisions of Section 10.

The Planning Board may attach conditions to the Site Plan Approval decision that are necessary to ensure substantial compliance with this Section XI.V.

11.2 Site Plan Review Disapproval. A Site Plan Review application may be disapproved only where the Planning Board finds that:

- 11.2.1. The Applicant has not submitted the required fees and information as set forth in the PB Regulations; or,
- 11.2.2. The Project as described in the application does not meet all of the requirements, criteria and standards set forth in Section 9.0, Design Standards for the specific MFOD.

11.3 Waivers. Upon the request of the Applicant, the Planning Board may waive dimensional and other requirements of Sections XI.V.6 through XI.V.10, 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, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section XI.V, and such waiver is consistent with the purposes of Section XI.V.1. and would not otherwise be in contravention of the Governing Laws.

11.4 Project Phasing. The Planning Board, as a condition of any Site Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased to mitigate any extraordinary adverse Project impacts on nearby properties.

11.5 Form of Decision. The Planning Board shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the City Clerk and that all plans referred to in the decision are on file with the Planning Board. If twenty (20) days have elapsed after the decision has been filed in the office of the City Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the Planning Board to timely act, the City Clerk shall make such certification on a copy of the application. A copy of the final decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

11.6 Validity of Decision. A Site Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within three years after the decision is issued, which time shall be automatically extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Site Plan Approval for a multi-phase Project.

12.0 CHANGE IN PLANS AFTER APPROVAL BY PLANNING BOARD

12.1 Minor Change. After Site Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the Planning Board on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the Planning Board. The Planning Board may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Planning Board shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the City Clerk.

12.2 Major Change. Those changes deemed by the Planning Board to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Planning Board as a new Application for Site Plan Review pursuant to Sections 7.0 through 9.0.

13.0 SEVERABILITY.

If any provision of this Section XI.V is found to be invalid by a court of competent jurisdiction, the remainder of Section XI.V shall not be affected but shall remain in full force. The invalidity of any provision of this Section XI.V shall not affect the validity of the remaining provisions of this Section XI.V.

Exhibit – MBTA-01
RH-MFOD showing Sub-District

