

**FALL ANNUAL TOWN MEETING WARRANT & ARTICLE MOTIONS  
TOWN OF DRACUT  
NOVEMBER 18, 2024**

**ARTICLE 9  
ZONING BYLAW AMENDMENTS  
MBTA COMMUNITIES OVERLAY DISTRICT (MBTA)**

To see if the Town will vote to amend ‘Section 3.1 Establishment of Districts’ of the Dracut Zoning Bylaw to add the MBTA Communities Overlay District (MBTA) to the existing list of Special Overlay Districts; and

To see if the Town will vote to amend ‘Section 3.2.2 Uses Not Listed’ of the Dracut Zoning Bylaw to read

**“3.2.2 Uses Not Listed.**

If a particular use or activity is not listed in Section 3.3 Table of Uses and further identified in Section 9, Definitions such use is prohibited, **except that Principal Use Regulations pertaining to Special Overlay Districts are contained in Section 5 Overlay Districts.** If an activity might be classified under more than one of the Principal Use Definitions, the more specific definition shall determine whether the use is permitted. If the activity might be classified under equally specific definitions, it shall not be permitted unless both Principal Uses are permitted in the district. ~~**Principal Use Regulations pertaining to Special Overlay Districts are contained in Section 5 Overlay Districts.**~~ Uses accessory to the principal use by zone are listed in Section 3.4.”; and

To see if the Town will vote to add the MBTA Communities Overlay District to the Town of Dracut Zoning Map as shown in the plan at the end of this Article; and

To see if the Town will vote to add ‘Section 5.5 MBTA Communities Overlay District (MBTA)’ following the existing sections within Chapter 5 of the Town of Dracut Zoning Bylaw as follows:

**5.5. MBTA Communities Overlay District**

**5.5.1 Purposes. The purpose of the MBTA Communities Overlay District (MBTA) is to provide for multifamily housing development in accordance with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (EOHLC), as may be amended from time to time. In addition, Section 5.5 is intended to achieve the following purposes:**

- A. Implement the Dracut Housing Production Plan;**
- B. Encourage a variety of housing sizes and types to provide access to new housing for people with a variety of needs, ages, household types, and income levels;**
- C. To increase the supply of housing in Dracut that is permanently available to and affordable for low- and moderate-income households; and**
- D. Increase the tax base through private investment in new housing development.**

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**5.5.2 Establishment of District. The MBTA is shown on the map entitled, MBTA Communities Overlay District, dated [DATE], which is hereby made part of the Zoning Map of the Town of Dracut**

**5.5.3 Applicability**

- A. The MBTA does not replace the existing underlying zoning district(s) but is superimposed over them. At the option of the Applicant, development of land within the MBTA may be undertaken subject to the requirements of this Section 5.5 or by complying with the requirements of the underlying district. Developments proceeding under this Section 5.5 shall be governed solely by the provisions herein, and the standards or procedures of the underlying districts shall not apply unless otherwise specifically incorporated within this Section 5.5. Where the MBTA authorizes uses not otherwise allowed in the underlying district, the provisions of the MBTA shall control. Where the MBTA authorizes uses and dimensional controls not otherwise allowed in any other applicable overlay districts, the provisions of the MBTA shall control.**
- B. Multifamily housing in the MBTA shall not be subject to Section 7.2 of this Bylaw.**
- C. Uses and dimensional controls of the MBTA shall not be subject to any special permit requirements of the underlying district or applicable overlay districts except for certain nonresidential uses as provided in Section 5.5.4.**
- D. The MBTA shall include the following subdistricts as shown on the MBTA Communities Overlay District Map:**
- 1. Tennis Plaza**
  - 2. Broadway/Loon Hill**

**5.5.4 Use Regulations.**

- A. The following uses are permitted as of right in the MBTA Tennis Plaza and Broadway/Loon Subdistricts:**
- 1. Multifamily Housing. For purposes of this Section 5.5, "multifamily" shall include a building with three or more dwelling units or two or more residential buildings on a lot, each with two or more dwelling units.**
  - 2. Accessory residential uses permitted as of right in the underlying district(s) as provided in Section 3.4.1(A).**
- B. In the Loon Hill/Broadway Subdistrict, mixed-use development is allowed subject to the provisions of this Section 5.5.4:**
- 1. Any of the following nonresidential uses permitted shall be permitted on the ground floor of a mixed-use building:**
    - a. Agriculture, Conservation, or Recreation**
    - b. Municipal**

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- c. Museums
- d. Non-Profit Educational
- e. For-Profit Educational Use
- f. Nursing Home
- g. Retail Store < 5,000 sq. ft.
- h. Professional Office
- i. Financial Service
- j. Restaurant
- k. Hotel, Inn or Motel
- l. Personal Services
- m. General Services
- n. Studio

2. Any of the following nonresidential uses may be allowed on the ground floor of a mixed-use building subject to the grant of a special permit from the Planning Board:

- a. Retail Store > 5,000 sq. ft.
- b. Commercial and Trade School
- c. Commercial Broadcast Facility (not including studio)
- d. Day Care Facility
- e. Domestic Pet Services
- f. Assisted Living Facility
- g. Restaurant-Fast Food

3. Any of the following nonresidential uses may be allowed on the ground floor of a mixed-use building subject to the grant of a special permit from the Select Board:

- a. Commercial Recreation
- b. Amusement Facility, Indoor or Outdoor
- c. Body Art Establishment

4. Nonresidential uses shall occupy the front façade facing the street; and

5. Multifamily housing shall be located only on floors above the ground floor.

**5.5.5 Density and Dimensional Regulations.**

**A. Development in the MBTA shall comply with the density and dimensional regulations in Section 4, except that the table below shall replace Table 4.4, Table of Standard Dimensional Requirements.**

<u>Minimum lot area (sq. ft.)</u>	<u>10,000 sq. ft.</u>
<u>Maximum lot coverage (% lot)</u>	<u>50%</u>
<u>Minimum open space:</u>	<u>30%</u>
<u>Maximum height</u>	
<u>Stories (maximum)</u>	<u>3</u>

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<u>Feet (maximum)</u>	<u>40'</u>
<u>For mixed-use building:</u>	
<u>Minimum height, ground floor (feet)</u>	<u>11'</u>
<u>Maximum height, ground floor (feet)</u>	<u>14'</u>
<u>For accessory structure:</u>	
<u>Maximum height:</u>	<u>12'</u>
<u>Maximum height with gabled, pitched, or sloped</u>	<u>18'</u>
<u>Minimum frontage:</u>	<u>70'</u>
<u>Minimum setbacks:</u>	
<u>Front</u>	<u>30'</u>
<u>Side</u>	<u>15'</u>
<u>Rear</u>	<u>20'</u>
<u>Maximum units per acre:</u>	<u>15</u>

- B. More than one residential or accessory building or structure shall be allowed on a lot in the MBTA. All structures must conform to the Massachusetts Building Code with respect to building separation and firewalls.**
- C. The front yard setback in Residential Districts may be reduced to a prevailing setback for a new structure on a lot. The prevailing setback shall be computed by calculating the average of the front yard setbacks of the adjacent buildings on the same side of the street, within a two hundred (200) foot distance from each side yard of the subject property. If the two hundred (200) feet is interrupted by an intersection, only the front setbacks up to that intersection shall be used in calculating the average. For vacant lots or existing buildings having a greater front setback than the required front yard setback, the required front yard setback shall be used in the calculation.**

**5.5.6 Affordable Housing. Development in the MBTA shall provide affordable dwelling units in accordance with this Section 5.5.**

- A. In any multifamily development under Section 5.5 resulting in a net increase of 10 or more dwelling units on any parcel or contiguous parcels comprising a proposed development site, at least 10 percent shall be affordable dwelling units as defined in Section 9 of this Bylaw. Fractions shall be rounded down to the next whole number.**
- B. Developments shall not be segmented to avoid compliance with this Section 5.5. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of 10 or more lots or dwelling units above the number existing 36 months earlier on any parcel or set of contiguous parcels held in common ownership on or after the effective date of this Section 5.5.**
- C. All the affordable units shall be located within the development site.**

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- D. All affordable units created under this Section 5.5 shall be subject to an affordable housing restriction approved by the Planning Board, Town Counsel, and the Executive Office of Housing and Livable Communities (EOHLC). The restriction shall run with the land in perpetuity and shall be recorded with the Middlesex County Registry of Deeds or Registry District of the Land Court. All affordable units shall be approved for inclusion in EOHLC's Subsidized Housing Inventory for the Town of Dracut.
- E. Comparability. All on-site affordable housing units shall be dispersed throughout the development site, indistinguishable from market-rate units, and constructed in proportion to market-rate units in the development. The number of bedrooms in affordable units shall be comparable to the bedroom mix in market-rate units in the development.
- F. The selection of qualified purchasers or qualified renters shall be carried out under an Affirmative Fair Housing Marketing Plan (AFHMP) submitted by the Applicant for review by the Planning Board and approval by the Executive Office of Housing and Livable Communities (EOHLC) under the Local Initiative Program (LIP) Guidelines.

**5.5.7 Site Development Standards.**

- A. Developments in the MBTA shall conform to the Section 2.4, Site Plan Review, except as modified by Section 5.5.8
- B. Developments in the MBTA shall comply with the following General Requirements under Section 6 of this Bylaw:
1. Section 6.1, Off-Street Parking and Loading, except as modified by Subsection C below.
  2. Section 6.2, Sign Regulations.
  3. Section 6.4, Environmental Performance Standards
- C. The following design standards shall apply to off-street parking facilities in the MBTA in addition to the standards in Section 6.1. These standards are intended to supplement the standards in Section 6.1. Any conflict between this Section 5.5 and Section 6.1 shall be resolved in favor of this Section 5.5.
1. Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the street or internal access drive.
  2. For a parking structure with three or more parking spaces, integrated within or under a multifamily building, the principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
  3. A separate, free-standing parking garage of no more than one story at grade, on the same lot as one or more multi-family buildings shall be located behind or

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beside the multi-family building(s). No parking structure shall be located forward of the front building line of the multifamily building closest to the street.

4. Parking and circulation shall be organized to reduce impervious surfaces on the site. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

D. Lighting. Light levels shall provide illumination necessary for safety and convenience, prevent glare and light trespass or overspill onto adjoining properties, reduce the amount of skyglow, and conform to Dark Sky standards.

E. Mechanicals. Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened from view from public vantage points.

F. Dumpsters. Dumpsters shall be screened by a combination of fencing and plantings.

G. Buildings.

1. In developments with multiple buildings, a paved pedestrian network shall connect parking to the entrances to all buildings and the buildings to each other, and the buildings to sidewalks. The minimum sidewalk width shall be five feet.

2. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention regarding entries, fenestration, and materials.

3. For building(s) adjacent to a public street or way, the principal entrance shall face the public street or way and should be visually prominent. Similarly, building(s) adjacent to the principal access drive in the development shall have a pedestrian entry facing the access drive.

4. Mixed-Use Buildings.

a. The front façade and entrance of a mixed-use building shall be parallel to a street right-of-way line or to the tangent of a curved street right of way line. On a corner lot, the building façade may be retracted at a 45-degree angle between the curb radii to allow for outdoor amenity space, such as landscaped open space or a pedestrian plaza, and for clear site distance at the corner.

b. In buildings with multiple ground-floor tenants, entries should provide a coordinated design theme such as a common frieze or sign band, architectural projection, or awning design.

H. Shared outdoor space. Multifamily housing shall have common outdoor space that all residents can access and use.

I. All development within the MBTA shall comply with Section 5.1, Flood Plain and Floodway District, and Section 5.2, the Wellhead Protection District to the maximum extent practicable. The Planning Board shall review for compliance through Site Plan

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*Review. Development projects in the MBTA are exempt from any special permitting requirements in Sections 5.1, and 5.2.*

- J. Waivers. The Planning Board may waive by majority vote the requirements of this Section 5.5.7 in the interests of design flexibility and overall project quality, and upon a finding that the proposed variation is consistent with the overall purpose and objectives of the MBTA.*

*5.5.8 Development within the MBTA shall be subject to Section 2.4, Site Plan Review, except as provided below.*

- A. Within 60 days of the date of filing of the complete Site Plan application with the Town Clerk, the Planning Board shall by majority vote approve the Site Plan, together with any reasonable terms and condition, and shall file its decision in writing with the Town Clerk no later than 14 days following the date of the vote.*
- B. If the Board does not approve or approve with conditions the site plan within the 60-day period provided above or fails to file its written decision with the Town Clerk within 14 days thereafter, the site plan shall be deemed approved.*
- C. The decision and filing deadlines in this section may be extended by mutual agreement of the applicant and Planning Board. Such agreement shall be in writing and shall be filed with the Town Clerk.*
- D. Any person aggrieved by the Planning Board's decision may appeal to the Superior Court, the Land Court, or other court of competent jurisdiction within 20 days after the MBTA Development Plan Approval decision has been filed with the Town Clerk.*

*5.5.9 Design Guidelines*

*The Planning Board may adopt Design Guidelines for Development in the MBTA and shall file a copy with the Town Clerk. The purpose of the Design Guidelines is to communicate, through text and graphics, the Board's preferences for developments in the MBTA and any of its subdistricts. During its review of a proposed Development in the MBTA, the Planning Board may request but not require building and site design modifications to incorporate the Design Guidelines.*

or act in any other way relative thereto.

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**MOTION**

I move that the Town vote to amend 'Section 3.1 Establishment of Districts' of the Dracut Zoning Bylaw to add the MBTA Communities Overlay District (MBTA) to the existing list of Special Overlay Districts; vote to amend 'Section 3.2.2 Uses Not Listed' of the Dracut Zoning Bylaw as printed in the Warrant, to add the MBTA Communities Overlay District to the Town of Dracut Zoning Map as shown in the plan at the end of this Article; and to add 'Section 5.5 MBTA Communities Overlay District (MBTA)' following the existing sections within Chapter 5 of the Town of Dracut Zoning Bylaw as printed in the Warrant.

Submitted by:           Alison Manugian, Community Development Director  
Recommendations:

***Majority Vote Required***