

Background Materials for June 21, 2021

Agenda Items #1 through #8

Persons may join the meeting and/or public hearing using the log in information on the posted agenda.

Channel 15 Streaming:

The Cable Studio staff have indicated that this meeting will be viewable on Channel 15.

During the meeting, persons who are not joining the meeting, but watching via the online streaming may submit questions or comments via the Google Form or the dedicated email address: SHPlanBoard@southhadleyma.gov

Agenda Item #1: Open Comment Period

This 10-minute period is set aside for the public to offer comments on items not on the May 24th agenda – in accordance with the adopted policy which is posted on the Planning & Conservation Department page of the Town’s website at the following link:

<https://southhadley.org/DocumentCenter/View/8160/Policy-on-Open-Comment-Period---As-Adopted-2021-03-08>

ACTION NEEDED: Allow members of the public to offer comments.

Agenda Item #2 – Minutes

The Planning & Conservation staff emailed the minutes of the April 22, 2021 Planning Board Special Meeting to review the Master Plan. The Board did not have time to review them prior to the June 14, 2021 meeting.

The Planning & Conservation staff anticipates having minutes of the May 6, 2021 and May 18, 2021 Planning Board Special Meetings to review the Master Plan completed by Monday. The Planning & Conservation staff anticipates being caught up on all the Planning Board meeting minutes prior to the July 19, 2021 meeting; thus, the following minutes will be ready for the July 19, 2021 meeting (**please don't hold any more meetings in the meantime**):

- April 22 Planning Director Selection Special Meeting
- April 27 Planning Director Selection Special Meeting
- May 13 Planning Director Selection Special Meeting (Community Listening Session)
- June 3 Planning Director Selection Special Meeting
- June 7 Planning Director Interview
- June 14 Regular Meeting
- June 21 Regular Meeting

ACTION NEEDED: The Board needs to vote to approve the minutes as submitted or with edits.

Agenda Item #3 – Correspondence

A list of correspondence is attached.

ACTION NEEDED: No action is required.

Agenda Item #4 – Green Infrastructure and Impervious Surface Review

As the Board will recall, the Town contracted with Environmental Partners to undertake review and revisions to the Stormwater Management Bylaw. Additionally, they were asked to review the Town's Bylaws and Regulations regarding Green Infrastructure and Impervious Surface requirements. They have provided to memos on these topics – drafts of the memos are attached to this packet. Scott Turner will be present on June 21, 2021 to review the summary of the research and analysis they undertook on these topics.

ACTION NEEDED: No action required; but the Board should provide feedback.

Agenda Item #5 – Review of Master Plan Update

The Board met on January 21, 2021, February 4, 2021, March 4, 2021, March 18, 2021, March 30, 2021, April 5, 2021 (as part of the Board's special meeting), April 22, 2021, May 6, 2021, May 18, 2021, and June 14, 2021 (approximately 20 hours of discussion) to review the Master Plan Update. The Board concluded its review of the text of the Master Plan Update on June 14, 2021.

As an outgrowth of the efforts of the Master Plan Implementation Committee, many boards, committees, and departments have provided comments on the draft Recommendations. The Planning & Conservation Department staff have compiled these comments. Therefore, on June 21, 2021 the Board is anticipated to review the comments to incorporate revisions as appropriate into the draft plan. It is noted that some of the comments may be moot due to changes the Board has already directed by made in the Master Plan Update.

ACTION NEEDED: Complete the initial review of the Master Plan Update.

Agenda Item #6 – Revisions to Chapter 40A, MGL regarding vote requirements

In prior meetings, the Board has been made aware that new legislation was enacted which change the voting threshold for approval of certain Zoning Bylaw amendments and certain Special Permits. These changes will be reviewed as time is available.

Background: As the Board is aware, Zoning Bylaw and Map amendments have always required a 2/3's vote of Town Meeting. Similarly, a super majority (4 out of 5 Planning Board members) has been required for approval of all Special Permits. Generally, the changes to Chapter 40A, regarding these thresholds are relatively limited and generally only apply to changes in Zoning Bylaws and granting of Special Permits that would expand housing choice. A copy of the State's Guidance as to the thresholds is attached.

As the Guidance documents details, the Zoning Bylaw amendments which do the following would no longer require a 2/3's vote of Town Meeting:

1. Allows for multi-family housing or mixed-use developments “as of right” in an eligible location.
2. Allows for open space residential development as of right.
3. Allows accessory dwelling units, either within the principal dwelling or within a detached structure on the same lot, as-of-right.
4. Allows by special permit accessory dwelling units in a detached structure on the same lot.
5. Reduces the parking requirements for residential or mixed-use development under a special permit.
6. Permits an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed-use development that requires a special permit.
7. Changes dimensional standards such as lot coverage or floor area ratio, height, setbacks, minimum open space coverage, parking, building coverage to allow for the construction of additional residential units on a particular parcel or parcels of land.
8. Provides for the transfer of development rights or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development but will not result in a diminution in the maximum number of housing units that could be developed within the municipality.
9. Adopts a smart growth or starter home districts in accordance with section 3 of Chapter 40R of the General Laws

The phrases “eligible location”, “mixed-use development”, and “accessory dwelling units” are defined in the Statute.

While the new legislation would appear to make it easier to adopt certain bylaw amendments, it is fairly tailored to more urban areas. For instance, the “eligible location” definition and guidance is follows the Chapter 40R Smart Growth Districts. That language eliminates nearly all of South Hadley from consideration. Bylaw amendments to allow accessory dwelling units have to be focused on creating smaller units as the guidance details there are limits on the size of the ADU’s and the size of the ADUs relative to the principal dwelling.

South Hadley’s “Flexible Development” provision would seem to fit in with the “open space residential development”. Changes to the Flexible Development provision to give it a greater incentive to be used by developers (instead of the climate damaging, large lot standard subdivisions) while also strengthening the open space protection and restricting the type of housing or locations where it could be used would seem to be a potential simple majority type of amendment.

South Hadley’s Zoning Bylaw does not truly have “mandatory” minimum parking standards for commercial or mixed-use developments – they are provisional which the Planning Board can increase or decrease as appropriate for a particular development. The residential parking requirements are already lower than what developers want – developers have not wanted to make use of a waiver of parking requirements. Tools such as TDR (item #8) do not seem to be particularly well-suited for South Hadley.

ACTION NEEDED: No action required.

Agenda Item #7 - Planning & Conservation Department Report

The Planning & Conservation Department staff will provide a report on the following items:

a. Development Activity

- McKinley Avenue Duplex. This public hearing was continued to July 19, 2021 at 6:45 p.m. The applicant has submitted revised plans. These have been posted on the Planning & Conservation Department's page of the Town's website www.southhadley.ma.gov under 'Project Plans' - 'Project Plans M through Z' <https://southhadley.org/316/Project-Plans-M-through-Z> in the section titled 'McKinley Avenue Proposed Duplex SP- 2021' located at the bottom of the page.
The applicant has been informed to keep the new Director included on all correspondence.
- Skinnerwoods. A draft Letter of Credit has been approved. The developer's attorney is finalizing it with the lender before submittal. Once the LOC has been received, the applicant's engineer is expected to submit the copies of the plans for signing by the Director.
- Rocky's Hardware. The project consultant has submitted revised plans to address conditions of the Site Plan Review Decision. The revisions including the revised landscaping plan have been approved. The project consultant has also submitted documentation that the O & M Plan has been recorded in the Hampshire County Registry of Deeds.

b. Bylaw and Map Amendments

- Reports to Town Meeting have been posted on the Planning & Conservation Department page of the Town's website.

c. Master Plan Update

- To be addressed under agenda item #5 above.

d. Planning Board Meeting Schedule

As set at the April 26, 2021 meeting, the current adopted schedule for the next 4 months is as follows:

- ~~○ Monday, May 24, 2021~~
- ~~○ Monday, June 14, 2021~~
- Monday, June 21, 2021
- Monday, July 19, 2021
- Monday, August 16, 2021
- Monday, September 13, 2021
- Monday, September 27, 2021

e. Planning & Conservation Department Grant Activity

As a general statement, the Department staff are wrapping up grants that have a June 30th end date – too many have such a date. Several, such as the MassWorks project have a multi-year time frame and are being implemented.

Agenda Item #8 – Other New Business

I have included this agenda item for Board members to bring up new items (for discussion and future consideration) that are not on the agenda and which the Chair could not reasonably expect to be discussed/considered as of the date which the agenda was posted.

Additionally, this is an opportunity for the representatives on various committees and the PVPC Commissioner/Alternate Commissioner to make reports to the Board. The reports should be less than 3 minutes each.

After 22 years, this is the last Agenda Background packet I will prepare, and this will be the last meeting (do NOT schedule any more meetings!) for me as Director/Planner or whatever title you wish to give my job with South Hadley. A lot was accomplished in 22 years, but a lot is left to be accomplished. During these 22 years, I have had the pleasure of working with some of the best Planning Board members and other elected officials I have encountered in my 43+ years of professional, full-time practice. Similarly, South Hadley has some of the best professional staff that I have ever worked with – working here is not just work, the employees are terrific people and like a family. It has been a pleasure to work for the Town, for the community. I want to thank the Town, the Planning Board, and my co-workers for providing me the opportunity to work for and with you for these 22 years..

Be safe, stay well!

Richard

SOUTH HADLEY PLANNING BOARD

LIST OF CORRESPONDENCES

June 14 - June 17, 2021

Letters and Memorandums

- Email received June 14, 2020 from Jessica Allan, R Levesque Associates, showing proof of recording the stormwater management plan at the registry of deeds associated with the site plan approval for a new commercial structure at 501 Newton Street.
- Email received June 15, 2021 from Anthony Wheeler, 0 McKinley Special Permit applicant, explaining the revisions to the special permit application to develop a duplex.
- Hard copy revised plans sets received June 17, 2021 for the special permit application to construct a duplex at 0 McKinley.

Google Forms- June 21, 2021 Planning Board Regular Meeting

No forms have been submitted as of June 17, 2021.

Legal Notices

Amherst

- Notice received June 17, 2021 from the Amherst Planning Board for a public hearing on June 30, 2021 to consider a site plan to construct a mixed-use building at 11 and 13 East Pleasant Street.

Chicopee

-

Granby

-

Hadley

-

Holyoke

-

MEMORANDUM

Date: May 26, 2021 **DRAFT**

To Richard Harris, Director of Planning & Conservation, Town of South Hadley
Anne Capra, AICP, Conservation Administrator/Planner

From Scott Turner, PE, AICP, LEED AP ND

Subject **Massachusetts Small Municipal Separate Storm Sewer System (MS4) Permit
Green Infrastructure Memorandum**

Introduction

This memorandum is regarding Section 2.3.6.c of the Massachusetts Small Municipal Separate Storm Sewer System (MS4) Permit. This section requires permittees to “develop a report assessing local regulations to determine the feasibility of making, at a minimum, the following practices allowable when appropriate site conditions exist:

- i. Green roofs;
- ii. Infiltration practices such as rain gardens, curb extensions, planter gardens, porous and pervious pavements, and other designs to manage stormwater using landscaping and structured or augmented soils; and
- iii. Water harvesting devices such as rain barrels and cisterns, and the use of stormwater for non-potable uses.

The assessment should indicate if the practices are allowed in the MS4 jurisdiction and under what circumstances they are allowed. If the practices are not allowed, the permittee shall determine what hinders the use of these practices, what changes in local regulations may be made to make them allowable, and provide a schedule for implementation of recommendations. The permittee shall implement all recommendations, in accordance with the schedules, contained in the assessment.”

Environmental Partners, at the request of the Town of South Hadley, has reviewed South Hadley’s existing local regulations and performed an assessment regarding the viability for implementing or allowing the above described Green Infrastructure practices. Specifically, Environmental Partners reviewed the following development regulations:

- Chapter 120 (Section 120-1 to 120-5) Building Construction, adopted 5-10-2017.

- Chapter 200 (Section 200-1 to 200-32) Stormwater Management, adopted 1-11-2017, revisions pending.
- Chapter 240 (Section 240-1 to 240-18) Wetlands, adopted 1-11-2017
- Chapter 255 (Section 255-1 to 255-151) Zoning, adopted 1-11-2017
- Chapter 300 (Section 300-1 to 300-187) Board of Health, adopted 2020-09-15
- Section 305-12 to 305-43 Wetlands Regulations, adopted 4-6-2011
- Chapter 360 (Section 560-1 to 360-59) Subdivision Regulations, revised through December 1995)
- Chapter 402 (Section 402-1 to 402-6) Complete Streets

Also, South Hadley is currently proposing amendments to the Stormwater Management Bylaw that encourages the use of Low Impact Development/Green Infrastructure strategies consistent with the requirements of the Massachusetts Small MS4 Permit.

With regard to the items listed in Section 2.3.6.c of the MS4 Permit, we have the following comments.

Green Roofs

Although green roofs serve a stormwater management function, their design and construction is typically regulated under State and local building codes. Chapter 120 of South Hadley's Bylaws regarding Building Construction pertains specifically to the Stretch Energy Code. The Stretch Energy Code has been adopted by many states and local municipalities to require and encourage greater energy efficiency. Chapter 120 of South Hadley's Bylaws does not include discussion regarding green roofs. Chapter 200, regarding Stormwater Management, does not include specific language pertaining to the implementation of green roofs. Section 200-19 A describes the implementation of various stormwater management measures to satisfy the requirements of the Stormwater Management Bylaw. This section lists, in order of preference, various stormwater management measures. Section 5 describes the 'retention and evaporation of stormwater on rooftops or in parking lots.' Although this section does not specifically mention green roofs, the design intent of green roofs is to collect, treat, retain, and manage stormwater. The retention and evaporation of stormwater on rooftop is the last priority of all stormwater management measures described in this section.

Additional requirements or promotion of Green Roofs in South Hadley would likely include an additional bylaw or regulation specific to Green Roofs. In addition, requirements for the use of Green Roofs as a stormwater management practice would most likely require additional specific language regarding Green Roofs in the South Hadley Stormwater Management Bylaw. Due to the complex nature of constructing Green Roofs, including impacts to the design of building structural and rooftop elements, specific guidance would need to be developed for the design, construction, and maintenance of these structures.

Infiltration Practices

The South Hadley regulations require the use of infiltrative practices in many different regulations and bylaws. Section 200-19 A of the Stormwater Management Bylaw, which lists and prioritizes stormwater management measures, lists "Infiltration, flow attenuation, and pollutant removal of runoff on-site to existing areas with grass, trees, and similar vegetation," as the preferred method of managing stormwater. Pending revisions to this bylaw section include "Low impact development strategies are preferred over conventional collect and convey systems including minimizing impervious surfaces, incorporating stormwater management facilities into landscaping islands, bioretention basins, pervious pavers, etc.;"

Section 200-20 of the Stormwater Management Bylaw provides specific design for stormwater management facilities. Section 200-20 A includes specific design criteria for infiltration systems that are applicable to rain gardens, curb extensions, planter gardens, porous and pervious pavements.

Section 255-35 G of the Zoning Bylaw requires stormwater generated by commercial and industrial uses in the Water Supply Protection District to be treated and infiltrated. Although not described as a Green Infrastructure approach in the Bylaw, this requirement is effectively a Green Infrastructure practice.

Section 255-86 D (2) of the Zoning Bylaw requires parking areas to minimize impervious pavement and encourage infiltration. This section also encourages the use of pervious pavement for overflow or peak period parking areas. Use of infiltration, pervious pavements, and minimizing impervious surfaces are all green infrastructure strategies.

Section 255-148 A (12) of the Zoning Bylaw regarding site plan review criteria requires stormwater to recharge ground water to the extent practical.

The South Hadley Subdivision Regulations, as described in Chapter 360 (Section 560-1 to 360-59), generally refer to the use of traditional grey infrastructure systems. These Regulations were last amended in 1995, prior to the promulgation of the Massachusetts Stormwater Management Standards and prior to the consideration of Low Impact Development and Green Infrastructure strategies. At that time, stormwater management approaches consisted of primarily collect and convey approaches with minimal treatment or infiltration. The South Hadley Subdivision Regulations generally reflect this approach.

Section 200-4 of the Stormwater Management Bylaw pertains to the applicability of the Stormwater Management Bylaw requirements. Section 200-4 A of this section describes the requirements of the Stormwater Management Bylaw apply to all site plans or development plans that result in a land disturbance greater than one acre. Stormwater Management Permits are issued by the Planning Board. Section 200-4 B (1) describes that subdivisions and construction activities disturbing one or more acres require a Stormwater Management Permit.

The Stormwater Management Bylaw requires the use of infiltrative practices such as rain gardens, natural systems, and porous pavements and these requirements apply to all developments that disturb one acre of land or greater. Although the Subdivision Regulations generally describe the use

of traditional closed drainage systems rather than Low Impact Development stormwater management systems, Definitive Subdivisions – provided they disturb greater than one acre of land – are required to obtain a Stormwater Management Permit. All Definitive Subdivisions required to obtain a Stormwater Permit need to comply with the requirements of the Stormwater Management Bylaw, including the use of Low Impact Development stormwater management strategies. The Planning Board issues Stormwater Management Permits as described in Section 200-4 A. The Planning Board also issues approvals for Definitive Subdivision Plans. Presumably, the Planning Board will evaluate the Stormwater Permit application at the same time as the Definitive Subdivision application and require Definitive Subdivisions to include the stormwater infiltration best management practices outlined in the Stormwater Management Bylaw.

For clarity, the Definitive Subdivision Regulations should reference the Stormwater Management Bylaw and the infiltration practices required by the Bylaw. Subdivision designers will always review the Definitive Subdivision Regulations but may not always review the Stormwater Management Bylaw. We recommend the Definitive Subdivision Regulations be revised to more clearly require Low Impact Development stormwater management practices including the infiltration practices described by Section 2.3.6.c of the MS4 Permit or – at a minimum – require that all stormwater designs comply with the requirements outlined in the Stormwater Management Bylaw.

Rainwater Harvesting

Rainwater harvesting is the collection, storage, and eventual reuse of rainwater for use as irrigation or industrial process water. Rainwater reuse systems can be used on small scales, such as collecting water from residential home downspouts, or on a much larger scale, including collecting water from large industrial buildings. Rainwater harvesting and reuse is identified as a stormwater management strategy in Section 200-19 A of the Stormwater Management Bylaw. This section lists – in the order of preference – specific stormwater management strategies. Rainwater reuse is listed as second in this prioritized list. Section 200-19 A (2) describes the “Reuse of stormwater generated on site to replace water used in industrial processes or for irrigation.”

We did not see any additional specific references to rainwater harvesting or reuse in other areas of the Stormwater Management Bylaw, the Zoning Bylaw, or Definitive Subdivision Regulations. Since all large site developments and definitive subdivisions that include over an acre of land disturbance require a stormwater management permit, they are required to comply with the requirements of the Stormwater Management Bylaw.

Conclusions

Section 2.3.6.c of the Massachusetts Small Municipal Separate Storm Sewer System (MS4) Permit requires permittees to “develop a report assessing local regulations to determine the feasibility of making, at a minimum, the following practices allowable when appropriate site conditions exist:

- Green roofs;
- Infiltration practices such as rain gardens, curb extensions, planter gardens, porous and pervious pavements, and other designs to manage stormwater using landscaping and structured or augmented soils; and
- Water harvesting devices such as rain barrels and cisterns, and the use of stormwater for non-potable uses.”

The South Hadley Stormwater Management Bylaw, adopted January 11, 2017 and currently being revised for approval at the South Hadley Town Meeting, effectively references and encourages the use of these practices for all projects that involve the clearing of one acre of land and require a Stormwater Management Permit. The Zoning Bylaw, has some general references to stormwater management in select areas throughout the bylaw, but nothing very specific. The Subdivision Regulations generally reference traditional closed drainage systems that were standard engineering practice prior to the adoption of the Massachusetts Stormwater Management Standards. The Subdivisions Regulations and do not specifically reference the stormwater management practices described in this Section of the MS4 permit. The South Hadley Local Wetland Regulations and Local Wetland Bylaw also do not have specific references to stormwater management or Low Impact Development stormwater management practices. In our opinion, the stormwater management practices described in the Stormwater Management Bylaw are consistent with the requirements of the MS4 permit. However, we recommend that additional regulations be developed to support the Stormwater Management Bylaw with more standards regarding the design of these practices. We also recommend the Zoning Bylaw be revised to include additional language that reference the Stormwater Management Bylaw and the design criteria within the Stormwater Management Bylaw specifically. Additional language could be included to require Low Impact Development Stormwater Management Standards and the specific best management practices described in the MS4 permit.

The Town of South Hadley Subdivision Regulations were adopted over 25 years ago in 1995. Stormwater management approaches and design standards have changed considerably. At a minimum, these Regulations should refer to the South Hadley Stormwater Management Bylaw regarding the design of stormwater management systems. Specifically Section 360-44 B refers to design criteria for each subdivision’s drainage system. We recommend this section be revised to include Low Impact Development strategies, consistent with the requirements of the MS4 permit, and the South Hadley Stormwater Management Bylaw. The way the current Regulations are written, the standard –or by-right – approach to stormwater management requires traditional closed drainage systems. We recommend this section be revised to include the practices described in the MS4 Permit above.

In general, there is nothing in the existing regulations that precludes the implementation of these Best Management Practices. We feel that stronger references to the Stormwater Management Bylaw should be included in the Zoning Bylaw and Subdivision Regulations following adoption of the revisions to the Stormwater Management Bylaw.

Please call if you have any questions regarding these items.

MEMORANDUM

Date: May 26, 2021 - **DRAFT**

To Richard Harris, Director of Planning & Conservation, Town of South Hadley
Anne Capra, AICP, Conservation Administrator/Planner

From Scott Turner, PE, AICP, LEED AP ND

Subject **Massachusetts Small Municipal Separate Storm Sewer System (MS4) Permit
Impervious Surface Memorandum**

Introduction

This memorandum is regarding Section 2.3.6.b of the Massachusetts Small Municipal Separate Storm Sewer System (MS4) Permit. This section requires permittees to “develop a report assessing local current street design and parking lot guidelines that affect the creation of impervious cover. This assessment shall be used to provide information to allow the permittee to determine if changes to design standards for streets and parking lots can be made to support low impact design options.”

Environmental Partners, at the request of the Town of South Hadley, has reviewed South Hadley’s existing local regulations that affect the creation of impervious cover. Specifically, Environmental Partners reviewed the following development regulations:

- Chapter 200 (Section 200-1 to 200-32) Stormwater Management, adopted 1-11-2017, revisions pending.
- Chapter 240 (Section 240-1 to 240-18) Wetlands, adopted 1-11-2017
- Chapter 255 (Section 255-1 to 255-151) Zoning, adopted 1-11-2017
- Chapter 300 (Section 300-1 to 300-187) Board of Health, adopted 2020-09-15
- Section 305-12 to 305-43 Wetlands Regulations, adopted 4-6-2011
- Chapter 360 (Section 560-1 to 360-59) Subdivision Regulations, revised through December 1995)
- Chapter 402 (Section 402-1 to 402-6) Complete Streets, adopted 6-30-2016)

With regard to the items listed in Section 2.3.6.b of the MS4 Permit, we have the following comments.

Design guidelines and performance standards that affect the creation of impervious cover in South Hadley are generally included in the South Hadley Zoning Bylaws, the Definitive Subdivision Regulations, the Stormwater Management Bylaw, and to an extent the Complete Street Policy. The South Hadley Stormwater Management Bylaw was adopted in January, 2017 and is currently on the Town meeting warrant to be revised. The Towns Wetlands Bylaw (Chapter 240) and Board of Health Bylaw (Chapter 300) do not pertain to the creation of impervious surfaces.

Zoning Bylaw

Consistent with most municipalities in Massachusetts, parking standards and requirements are addressed in the South Hadley Zoning Bylaw. Section 255-86 of the Zoning Bylaw provides design standards for off-street parking. This section of the Zoning Bylaw does not provide sizing requirements for parking spaces. Section 255-86 C provides number of parking spaces required for off-street parking by use. These standards are described as “Provisional Parking Standards” that can be increased or reduced by the Planning Board. Section 255-86 C (1) provides provisional parking standards for a number of land use types including retail, personal services, industrial/warehouse use, office use, hotels/motels, restaurants, theaters, and places of public assembly. Section 255 86 C (2) provides guidance for allowing the Planning Board to modify the provisional standards described in Section 255 86 C (1) based on demand during peak use, likelihood of people walking, bicycling, or carpooling, the availability of on-street parking, and the proximity of off-street public parking. Section 255 86 C (3) also allows the Planning Board to condition future, land banked, or spillover parking spaces.

These sections of the Zoning Bylaw give applicants, and the Planning Board, the flexibility to provide parking spaces based on the individual use and reduce parking spaces when needed from the outlined provisional standards. This approach can result in the reduction of impervious surfaces, resulting in a reduction of stormwater impacts. This is a forward looking approach to parking lot design that is being adopted by some – but not all – Planning Boards in Massachusetts.

Section 255 86 D provides guidance regarding the design, construction, and layout of parking areas. Section 255 86 D (2) describes minimizing impervious pavement and stormwater runoff and allows for the use of pervious pavements, which effectively minimizes standard impervious pavement. This section also encourages using pervious pavements for overflow or peak period parking.

There are other references to impervious surface within other select areas of the Zoning Bylaw. Section 255 23 pertains to Smart Growth Zoning Districts. Section 255 23 A (1) (g) promotes the efficient use of land and existing parking supply to limit the expansion of surface parking within the district by encouraging shared parking.

Section 255-23 A (6) (a) provides minimum parking requirements in the Smart Growth Zoning District for a variety of uses. Many communities are moving towards providing the amount of parking needed for a development, and not a minimum amount of parking.

Section 255-23 A (6) (e) regarding Smart Growth Districts allows shared parking between intermittent use establishments. Under this section, the burden of demonstrating that shared parking may work rests with the applicant. The applicant may use other accepted methodologies, such as the Urban

Land Institute Shared Parking Report or ITE Shared Parking Guidelines, to demonstrate that projects meet projected parking needs. Allowing shared parking typically results in an overall reduction in parking spaces.

Section 255-23 A (10) (d) allows the Planning Board to waive design standards for parking in the Smart Growth District in the event that there is a demonstrated shared parking initiative that makes efficient use of land and existing parking supply. This section – when applied – will result in a reduction of parking and therefore impervious surface.

Section 255-23 B (1) (c) of the Zoning Bylaw pertaining to the South Hadley Falls Smart Growth Zoning District does not have a maximum lot coverage requirement. Including a maximum lot coverage requirement may limit impervious surface, but could also limit development opportunities in this District.

Section 255-23 C (2) (b) [1] regarding the Newton Street Smart Growth Zoning District allows for structured and garage under parking which are strategies for reducing impervious surfaces.

Section 255-23 C (3) regarding the Newton Street Smart Growth Zoning District does not have a Maximum Lot Coverage requirement. Implementing a Maximum Lot Coverage requirement will limit impervious surfaces for these types of projects.

Section 255-31 J (2) (a) requires the design of roadways for a Flexible Development to be consistent with the requirements set forth in the Subdivision Regulations. However, Section 255-31 J (2) (b) allows for waivers to be issued by the Planning Board for the design of roadways in a Flexible Development to be consistent with the requirements set forth in the Subdivision Regulations.

Section 255-35 H (1) (c) requires a Special Permit for properties within the Water Supply Protection District for properties proposing either 15% of the total lot area or 2,500 square feet of impervious surface. A Special Permit requires that all stormwater be recharged on site.

In general, the South Hadley Zoning Bylaw provides the Planning Board flexibility to grant waivers from the parking standards described in Section 255-86 C (1) by land use. This flexibility allows the Planning Board to allow applicants for new developments to right size parking, resulting in the minimum number of parking spaces to support each individual use. There are also provisions in the Zoning Bylaw to allow for shared parking and consider off-street parking which can help reduce the amount of impervious surface and stormwater runoff generated by a project.

Subdivision Regulations

The South Hadley Subdivision Regulations were last revised in December, 1995, prior to the adoption of the Massachusetts Stormwater Management Standards. At that time, stormwater management consisted primarily of collect and convey systems with little stormwater treatment or infiltration. Planning trends, such as reducing impervious surfaces for purposes of reducing stormwater runoff or pervious pavement, were generally not considered. The following sections of the Subdivision Regulations pertain to impervious surfaces:

Section 360-31 B of the Subdivision Regulations provides widths for travelled ways. This section requires paved roadway widths for Type A (residential) subdivisions to be between 24 and 32 feet.

Type B (business or industrial) subdivisions requires paved roadway widths to be between 28 and 36 feet wide.

Section 360-31 F (3) of the Subdivision Regulations allows for landscape islands in the center of cul-de-sacs. This technique reduces impervious surfaces in the cul-de-sac.

Section 360-17 B and C of the Subdivision Regulations require bituminous concrete pavement and does not mention pervious pavement.

Section 360-40 B of the Subdivision Regulations require bituminous concrete sidewalks and does not mention pervious pavement for use in sidewalks.

In our opinion, the required street widths described in the Subdivision Regulations, are wider than needed for residential developments. If designed for vehicular traffic only, residential subdivisions pavement widths could be reduced from 24 to 32 feet wide to 24 feet. This width is consistent with Subdivision Regulations in other municipalities. For example, the Devens Enterprise Commission Design Standards by Street/Road Classification calls for a travel lane width of 9 feet with a 1 foot wide shoulder for local streets with a design speed of 30 miles per hour. This road width is derived from the MassDOT Project Development and Design Guide published in 2006. The Town of Hingham Planning Board Rules and Regulations include a minor road width of 22 feet and a limited residential road width of 18 feet. Reducing the pavement widths would reduce the amount of impervious surface and stormwater generation. When bicycle lanes are incorporated in road designs, additional width (possibly 4-6 feet) could be added to the roadway layout. Industrial roads are typically wider than residential roads to accommodate higher volumes of traffic and larger vehicles. The South Hadley Subdivision Regulations include a width for a Type B (business or industrial road) of between 28 and 36 feet wide. In our opinion, this width is consistent with other municipality's regulations for business or industrial roads. For example, the Town of Hingham, which defines a major street as the principal access to a business or industrial subdivision, has a width of 40 feet.

The South Hadley Subdivision Regulations could also be revised to include pervious pavements for sidewalks. Pervious pavement is not as durable as traditional pavement and in our opinion is not appropriate for travelled ways. However, including pervious pavements for sidewalks will reduce stormwater impacts when compared to traditional pavements.

Stormwater Management Bylaw

Chapter 200 of the Town Bylaws pertains to Stormwater Management. This Bylaw was last adopted in January, 2017, but was recently revised by the South Hadley Planning Board and is on the warrant for adoption at the next Town meeting. This Bylaw applies to all land development projects that disturb one acre or more. This threshold includes site development projects as well as subdivisions that include clearing one acre of land.

Section 200-19 A (1) of the Bylaw is proposed to include language that gives preference to Low Impact Development stormwater management strategies including 'minimizing impervious surfaces.' This section also specifically mentions the use of pervious pavers. This Bylaw generally

refers to the use of other Low Impact Development Best Management Practices for stormwater management.

Complete Streets Policy

The South Hadley Complete Streets Policy (Chapter 402) directs “decision makers to consistently plan, design, construct, and maintain streets for the accommodation of all anticipated users, including, but not limited to, pedestrians, bicyclists, motorists, emergency vehicles, transit, freight, and commercial vehicles, in a context-sensitive manner.” This policy provides high level guidance regarding the implementation of these facilities but does not offer any specific design guidelines. Since these facilities generally include the installation of pavement (i.e. bike lanes, sidewalks, etc.), we recommend the Town design and construct these facilities – when appropriate – to include pervious pavement to reduce stormwater impacts. Specific projects related to the Complete Streets policy may require a Stormwater Permit and be subject to the design standards described in the Bylaw.

Conclusions

Section 2.3.6.b of the Massachusetts Small Municipal Separate Storm Sewer System (MS4) Permit requires permittees to “develop a report assessing local current street design and parking lot guidelines that affect the creation of impervious cover. This assessment shall be used to provide information to allow the permittee to determine if changes to design standards for streets and parking lots can be made to support low impact design options.” In our opinion, the Zoning Bylaw and Stormwater Management Bylaw are generally consistent with regard to limiting impervious surfaces. The Zoning Bylaw provides flexibility to limit the number of parking spaces and therefore, the amount of impervious surfaces. It also allows for relief from the parking requirements based on shared parking or on-street parking. The Stormwater Management bylaw encourages the use of Low Impact Development approaches, including the use of pervious pavers, to increase on-site infiltration and reduce off-site stormwater impacts.

The South Hadley Subdivision Regulations were last amended prior to the adoption of the Massachusetts Stormwater Management Standards. They generally require traditional collect and convey stormwater management strategies and include generous street widths, especially for Type A (residential) subdivisions. We recommend the Subdivision Regulations be reviewed and amended to include narrower street widths for residential streets. Most – if not all – Definitive Subdivisions would require the clearing of one acre of land and therefore meet the threshold for requiring a Stormwater Permit. Through the Stormwater Permit process, we would expect the implementation of Low Impact Development strategies, including reduction of impervious surfaces or implementation of pervious pavement strategies.

We recommend that pervious pavement strategies be used for all sidewalks, including definitive subdivisions, site developments, and complete streets strategies consistent with the strategies described in the Stormwater Management Bylaw.

For clarity, both the development sections of the Zoning Bylaw and Subdivision Regulations should be amended to refer to the design standards of the Stormwater Management Bylaw, insuring the strategies described in the Bylaw are incorporated into the proposed designs.

Please call if you have any questions regarding these items.



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**GUIDANCE FOR LOCAL OFFICIALS ON
DETERMINING VOTING THRESHOLDS FOR
ZONING ORDINANCES AND BYLAWS**

Chapter 358 of the Acts of 2020 (sometimes referred to as the economic development legislation of 2020) made several amendments to Chapter 40A of the General Laws, commonly known as the Zoning Act. Among these amendments are (1) changes to section 5 of the Zoning Act, which reduce the number of votes required to enact certain kinds of zoning ordinances and bylaws from a $\frac{2}{3}$ supermajority to a simple majority; and (2) changes to section 9 of the Zoning Act, making similar changes to the voting thresholds for the issuance of certain kinds of special permits.

Section 100 of said chapter 358 directs “[t]he executive office of housing and economic development [to] issue guidance to assist local officials in determining the voting thresholds for various zoning amendments. Such guidance shall be assembled in consultation with the department of housing and community development, the Massachusetts attorney general's municipal law unit, and Massachusetts Housing Partnership.” This guidance is intended to comply with that directive.

This guidance was initially posted on February 26, 2021 and was updated on March 15, 2021, April 8, 2021 and May 20, 2021. On May 20, the guidance was restructured to include topic headings and reordered certain questions under the relevant headings. The date listed with each question and answer below indicates when posted, and, if relevant, any subsequent updates.

GENERAL OVERVIEW

Q: Where does the Zoning Act apply?

A: The Zoning Act applies to all cities and towns in Massachusetts except the City of Boston, which has its own zoning enabling act. (*February 26, 2021*)

Q: What kinds of zoning ordinance or bylaw can be enacted with a simple majority vote?

A: Under the newly amended section 5 of the Zoning Act, a zoning ordinance or bylaw can be enacted by a simple majority vote, rather than the $\frac{2}{3}$ supermajority that applies to other zoning amendments, if that ordinance or bylaw does any of the following:

1. Allows for multi-family housing or mixed-use developments “as of right” in an eligible location.
2. Allows for open space residential development as of right.
3. Allows accessory dwelling units, either within the principal dwelling or within a detached structure on the same lot, as-of-right.
4. Allows by special permit accessory dwelling units in a detached structure on the same lot.
5. Reduces the parking requirements for residential or mixed-use development under a special permit.
6. Permits an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed-use development that requires a special permit.
7. Changes dimensional standards such as lot coverage or floor area ratio, height, setbacks, minimum open space coverage, parking, building coverage to allow for the construction of additional residential units on a particular parcel or parcels of land.
8. Provides for the transfer of development rights or natural resource protection zoning in instances where the adoption of such zoning promotes concentration of development in areas that the municipality deems most appropriate for such development, but will not result in a diminution in the maximum number of housing units that could be developed within the municipality.
9. Adopts a smart growth or starter home districts in accordance with section 3 of Chapter 40R of the General Laws.

Key terms such as “multi-family housing,” “mixed-use development,” “accessory dwelling unit,” “transfer of development rights,” “natural resource protection zoning,” and “eligible location” are now defined in section 1A of the Zoning Act. (*February 26, 2021*)

Q: Who decides which voting threshold applies to a particular zoning proposal?

A: Section 5 does not specify who determines whether a proposed zoning ordinance or bylaw is the kind that can be approved by a simple majority vote. The proponent of a zoning ordinance or bylaw that allows or facilitates the development of new housing should include in the petition a statement explaining if it meets any of the criteria for being approved by a simple majority vote. The Zoning Act provides that no vote on a zoning petition may occur until after the planning board

in a city or town, and the city council (or a committee designated or appointed by the council) each has held a public hearing on the proposal. Additionally, no vote to adopt a zoning ordinance or bylaw may be taken until the planning board has submitted a report and recommendations to the town meeting or city council, or 21 days have elapsed after the hearing without submission of such report. It is recommended that the planning board include in this report a determination of which voting threshold applies to the zoning proposal. It is further recommended that the legislative body affirm the voting threshold in its vote on the subject zoning amendments. In the case of a zoning bylaw amendment being considered at town meeting, the Town Moderator has authority to “preside and regulate the proceedings, and decide all questions of order”—potentially including the required quantum of vote—pursuant to G.L. c. 39, § 15.

Under section 32 of chapter 40 of the General Laws, all zoning bylaws adopted by a town must be submitted to the Attorney General for review and approval. A request for approval must include adequate proof that the town has complied with all of the procedural requirements for the adoption of the bylaw. If the Attorney General finds an inconsistency between the proposed bylaw and state law, the bylaw or portions of it may be disapproved. (*February 26, 2021; updated May 20, 2021*)

Q: What happens if a proposed zoning ordinance or bylaw includes some changes that can be adopted with simple majority vote, and other changes that require a 2/3 supermajority?

A: Section 5 as amended provides that “any amendment that requires a simple majority vote shall not be combined with amendments that require a two-thirds majority vote.” A proposed zoning amendment cannot be adopted by a simple majority vote if it is combined with an amendment that requires a 2/3 supermajority. Drafters of new zoning proposals should take care not to combine provisions that require different voting thresholds, so that proposals that will encourage new housing production will get the benefit of the simple majority threshold. If a municipality desires to combine proposals with different voting thresholds, the municipality should first confer with municipal counsel, and review the guidance issued by EOHED. If the town meeting approves the amendment, will be subject to the review and approval of the Attorney General pursuant to G.L. c. 40, § 32. (*March 15, 2021; updated April 9 and May 20, 2021*)

Q: Should a city or town in the process of updating its zoning code make changes to conform to the statutory changes?

A: A city or town may decide to review its zoning ordinances or by-laws and consider making changes to be consistent with the statute, but such conforming changes are not required for the new thresholds to apply. (*March 15, 2021*)

TRANSITION TO THE NEW LAW

Q: My board is considering a zoning amendment that would qualify for the majority threshold set forth in amended section 5 and was filed and had a public hearing before the effective date of the recent changes to Chapter 40A. Does the new threshold apply to zoning proposals that were initiated before the Zoning Act was amended?

A: Yes. The amendments to section 5 of Chapter 40A became effective immediately on the date the Governor signed chapter 358 of the Acts of 2020 (January 14, 2021). The new voting thresholds apply to any zoning amendment that comes before a city council or town meeting for a vote after that date, regardless of when the petition was filed or when the public hearing was opened. (*March 15, 2021*)

Q: Does the new voting threshold for certain special permits likewise apply to projects that filed a special permit application prior to January 14, 2021? What if the initial hearing was opened prior to January 14, 2021, but a vote has not yet been taken?

A: Yes. If a project qualifies for a special permit by majority vote, that threshold applies to any vote by a special permit granting authority taken after January 14, 2021, regardless of when the application was filed or the hearing opened. (*March 15, 2021*)

Q: Does a municipality need to change its zoning ordinances or by-laws in order for the new voting threshold to apply?

A: No. A town or city does not have to take any action for the amendments to Chapter 40A to take effect. There is no “opt in” provision. The changes apply automatically to all cities and towns except Boston, which has its own zoning statute. (*March 15, 2021*)

Q: My town is planning a comprehensive update of our zoning bylaws to eliminate inconsistencies and make the bylaws easier to use (for example, by consolidating all definition in a new section). Can this be done by a vote on a single article that amends and restates the entire zoning code, as originally planned? Or should we delay the vote so that the existing provisions that qualify for a simple majority vote can be presented as separate articles?

A: You may proceed with a vote as planned, consistent with the following guidance. Section 5 of the Zoning Act now provides that “any amendment that requires a simple majority vote shall not be combined with amendments that require a two-thirds majority vote.” The intent of this language is to ensure that certain zoning changes that make it easier to build new housing will have the benefit of the simple majority threshold. If a city or town is considering an existing proposal to amend and restate its entire zoning code with a single vote, and there is not enough time to separate amendments that have different voting thresholds, it may proceed as planned rather than starting over or delaying the vote. Although the statute does not say so expressly, in the view of EOHEd, the combined article may be approved by a $\frac{2}{3}$ vote. The Attorney General has not yet taken a position on this question. The city or town alternatively may elect to delay the vote and separate out the zoning provisions that have different approval thresholds. Going forward it is the recommendation of EOHEd that proposals to amend and restate an entire zoning code should be drafted so that housing-friendly provisions that qualify for approval by a simple majority approval are considered separately, if possible. In all cases, the municipality should consult with municipal counsel regarding the appropriate quantum of vote. In the case of a zoning bylaw amendment being considered at town meeting, the Town Moderator has authority to “preside and regulate the proceedings, and decide all questions of order”—potentially including the required quantum of vote—pursuant to G.L. c. 39, § 15. If the town meeting approves the amendment, will be subject to the review and approval of the Attorney General pursuant to G.L. c. 40, § 32. (*April 9, 2021*)

MIXED-USE DEVELOPMENT

Q: My town is considering a zoning change that would allow a mixed-use project in a particular zoning district. Does the amendment qualify for the majority threshold if the zoning amendment will permit projects that are primarily commercial rather than residential?

A: The Zoning Act was amended to define “mixed-use development” as “development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.” There is no requirement that the mix of uses be in any particular ratio or configuration. A zoning amendment will qualify for the majority threshold as long as it permits mixed-use development, as defined in the Zoning Act, either as-of-right or by special permit, in an eligible location. *(March 15, 2021; updated May 20, 2021)*

Q: My town is considering a new overlay district in which a mixture of retail, hospitality, recreational, entertainment, commercial and other uses will be allowed by right. Multifamily and mixed-use developments are among many types of uses that will be allowed in the new zone, along with things like retail, hotels, commercial recreational facilities, and entertainment uses. The new overlay district does not require a proposed project to include a residential component. Does this overlay district qualify for the simple majority?

A: Section 5 of the Zoning Act now provides that “any amendment that requires a simple majority vote shall not be combined with amendments that require a two-thirds majority vote.” The intent of this language is to ensure that certain zoning changes that make it easier to build new housing will have the benefit of the simple majority threshold. It also is intended to ensure that zoning proposals that otherwise would require a $\frac{2}{3}$ vote are not approved by a simple majority simply because a multifamily use or other residential use has been added to the mix of allowed uses. This overlay district appears to conflict with the statute’s prohibition on combined articles, since it combines uses that require a $\frac{2}{3}$ vote with uses that may potentially qualify for a simple majority vote. In all cases, the municipality should consult with municipal counsel regarding the appropriate quantum of vote. In the case of a zoning bylaw amendment being considered at town meeting, the Town Moderator has authority to “preside and regulate the proceedings, and decide all questions of order”—potentially including the required quantum of vote—pursuant to G.L. c. 39, § 15. If the town meeting approves the amendment, will be subject to the review and approval of the Attorney General pursuant to G.L. c. 40, § 32. *(April 9, 2021)*

Q: Section 5 says that a zoning amendment requiring a simple majority vote shall not be combined with amendments that require a $\frac{2}{3}$ majority vote. But it also says that a simple majority is sufficient to approve mixed-use development in an eligible location. When a zoning amendment permits housing and other uses, how do I know which threshold applies?

A: You must determine if the zoning amendment permits “mixed-use development” as defined in the Zoning Act: “development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses.” If a zoning amendment is drafted to permit a mixture of uses in a new zone, and also *requires* that all future uses in that zone include a residential component, then the amendment allows “mixed-use development” as defined in the statute, and qualifies for the simple majority, as long as the affected

land area is an “eligible location.” Municipalities that want to approve a mixed-use overlay district by simple majority should take care to draft the article so that individual projects must include a residential use. (*May 20, 2021*)

ELIGIBLE LOCATIONS

Q: How do I know if a particular land area qualifies as an eligible location?

A: Section 1A of the Zoning Act defines “eligible locations” as areas that by virtue of their infrastructure, transportation access, existing underutilized facilities or location make highly suitable locations for residential or mixed use smart growth zoning districts or starter home zoning districts, including without limitation: (i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts.

Section 5 does not specify who determines whether the land area subject to a proposed zoning ordinance or bylaw is an eligible location. The proponent of a zoning ordinance or bylaw that allows or facilitates the development of new housing should include in the petition explaining if the land area affected meets any of the criteria for an eligible location. As noted above, no vote to adopt a zoning ordinance or bylaw may be taken until the proposal has received a public hearing and the planning board has submitted a report with recommendations to the town meeting or city council, or 21 days have elapsed after the hearing without submission of such report. It is recommended that the planning board include in this report a determination of whether the affected land area is an eligible location, when such a determination is relevant to the voting threshold. (*February 26, 2021*)

Q: Is there any additional guidance for determining eligible locations?

A: The same definition of “eligible location” that appears in section 1A of Chapter 40A also appears in section 2 of Chapter 40R. The regulations implementing Chapter 40R (760 CMR 59) set forth detailed criteria that the Department of Housing and Community Development (DHCD) applies when it determines if a land area is an eligible location under that statute. Although 760 CMR 59 does not apply to Chapter 40A, municipalities may reasonably look to those regulations for additional guidance on what areas are should be deemed eligible locations under Chapter 40A.

Under the statutory definition, a land area qualifies as an eligible location if it is located “near” a transit station, including rapid transit, commuter rail or bus or ferry terminals. Any parcel that is at least partially within 0.5 miles of the kind of transit station listed should be deemed to be an eligible location. In addition, the statute includes within the definition of “eligible location” parcels that are within “an area of concentrated development, including a town or city enter, or other existing commercial districts, or existing rural village district.” All other land areas may be determined to be “eligible locations” if, in the judgment of the planning board, the land area is a highly suitable location for residential or mixed-use development based on its infrastructure, transportation access, or existing underutilized facilities.

If there is uncertainty about whether a zoning proposal affects an eligible location, the municipality may request an advisory determination from the Executive Office of Housing and Economic Development. Such a request must be made by the mayor, city council, board of aldermen, or planning board (when the zoning amendment is proposed in a city); or by the select board or planning board (when the zoning amendment is proposed in a town). A request may not be made by an individual member of the council or board. Communities are encouraged to submit their request for an Advisory Opinion as early as possible in the zoning amendment process. The request should be made by completing the application at the following website: mass.gov/forms/request-an-advisory-opinion-on-ch40A-eligible-locations. EOHEd will endeavor to provide a written advisory determination within 30 days of receipt of a complete request. (February 26, 2021)

ACCESSORY DWELLING UNITS

Q: My town will be voting on a zoning amendment to permit accessory dwelling units, up to 1,200 square feet, as of right in the residential A zoning district. Does this amendment qualify for the simple majority threshold?

A: No. A zoning amendment to permit “accessory dwelling units” by right only qualifies for the simple majority vote if the proposal is consistent with the Zoning Act’s definition of accessory dwelling unit. The statutory definition limits the size of the unit to “not larger in floor area than ½ the floor area of the principal dwelling or 900 square feet, whichever is smaller.” Communities may add size or other restrictions, but the zoning amendment does not qualify for simple majority if it permits accessory dwelling units larger than specified in the statute. (May 20, 2021)

SPECIAL PERMITS

Q: What is a special permit and what are the required thresholds for special permit votes?

A: Section 9 of the Zoning Act provides that zoning ordinances or bylaws can provide for specific types of uses which shall only be permitted in specified districts upon the issuance of a special permit. Zoning ordinances or bylaws may also provide for special permits authorizing increases in density or intensity of a particular use in a proposed development if the petitioner or applicant agrees to conditions that serve the public interest. Special permits may also issue for other purposes set forth in section 9.

A special permit can be granted a 2/3 vote of boards with more than 5 members, a vote of at least 4 members of a 5-member board, and a unanimous vote of a 3-member board. But, the recent amendments to section 9 provide that a special permit may be issued by a simple majority vote if the special permit does any of the following:

- Permits multi-family housing that is located within ½ mile of a commuter rail station, subway station, ferry terminal or bus station; provided that not less than 10% of the housing is affordable to and occupied by households whose annual income is less than 80% of the area median income and affordability is assured for a period of not less than

30 years through the use of an affordable housing restriction.

- Permits mixed-use development in centers of commercial activity within a municipality, including town and city centers, other commercial districts in cities and towns and rural village districts; provided, that not less than 10% of the housing meets the same standard of affordability as noted above.
- Permits a reduced parking space to residential unit ratio requirement, provided such reduction in the parking requirement will result in the production of additional housing units.

(February 26, 2021)

ADDITIONAL GUIDANCE

Q: Where can I find additional guidance about the voting thresholds for zoning ordinances and bylaws?

A: Periodic updates to this guidance will be posted at www.mass.gov/info-details/housing-choice-and-mbta-communities-legislation. Questions about zoning thresholds that are not answered in the guidance can be directed to the Executive Office of Housing and Economic Development at eohezoning@mass.gov. *(February 26, 2021, updated May 20, 2021)*