



Braintree Town Council

ORDER NO: 23 076 (1)

DATE FILED: NOVEMBER 8, 2023

REQUEST OF: THE MAYOR

UPON THE REQUEST OF THE HIS HONOR, THE MAYOR, THE TOWN OF BRAINTREE, THROUGH THE BRAINTREE TOWN COUNCIL, IT IS SO ORDERED:

To Approve Order 23 076 (1) as submitted with Planning Board recommendations.

YEAS: Boericke, Flaherty, Maglio, Reynolds, Ringius, Ryan

NAYS: Mackin, O'Brien

ABSENT: Hume

PASSED IN COUNCIL: DECEMBER 19, 2023

PRESENTED TO MAYOR: DECEMBER 20, 2023

A True Record, Attest:

12-20-2023

Date Approved

James M. Casey
James M. Casey, Town Clerk

Charles C. Kokoros
Charles C. Kokoros, Mayor

1. PROPOSED AMENDMENT TO ZONING ORDINANCE

SECTION 135-301

Districts Established

Current Ordinance

For the purpose of this chapter, the Town is hereby divided into use districts, as hereinafter provided. The boundaries of these districts are hereby established as shown on the Town's Zoning Map, dated December 10, 1986, as revised, and on file in the office of the Town Engineer. This map is by reference incorporated into and made a part of this chapter. Any changes in the number of districts or in district boundaries shall be noted on the Zoning Map as each such change is adopted through a Zoning Bylaw amendment. It shall be the responsibility of the Planning Board to update this Zoning Map. The districts are as follows:

Residence A Districts

Residence B Districts

Residence C Districts

Billboard Zoning Overlay District

General Business Districts

Highway Business Districts

Highway Business Retail Districts

Commercial Districts

Fire Protection Districts

Wetlands and Floodplain Protection Districts (§ 135-608)

Watershed Protection District (§ 135-609)

Open Space and Conservancy Districts

Cluster I (§ 135-610)

Cluster II (§ 135-610)

Cluster III (§ 135-610)

Planned Unit Development (PUD) (§ 135-612)

Historic District

PROPOSED NEW DISTRICT

MBTA Communities Multi-Family Overlay Districts (MCMOD) (Section 135-616)

Village Zoning Overlay District, superimposed on selected portions of the existing General Business Zoning District and centered around the intersections of Pearl, Hancock and Washington Streets in South Braintree Square and Elm and Washington Streets in Braintree Square [Added 5-6-2002 STM by Art. 10]

2. PROPOSED NEW ZONING ORDINANCE

SECTION 135-616

MBTA Communities Multi-Family Overlay Districts (MCMOD)

A. Purpose

The purpose of the MBTA Communities Multi-Family Overlay Districts is to allow Multi-Family Housing by-right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right Multi-Family Housing to accomplish the following purposes:

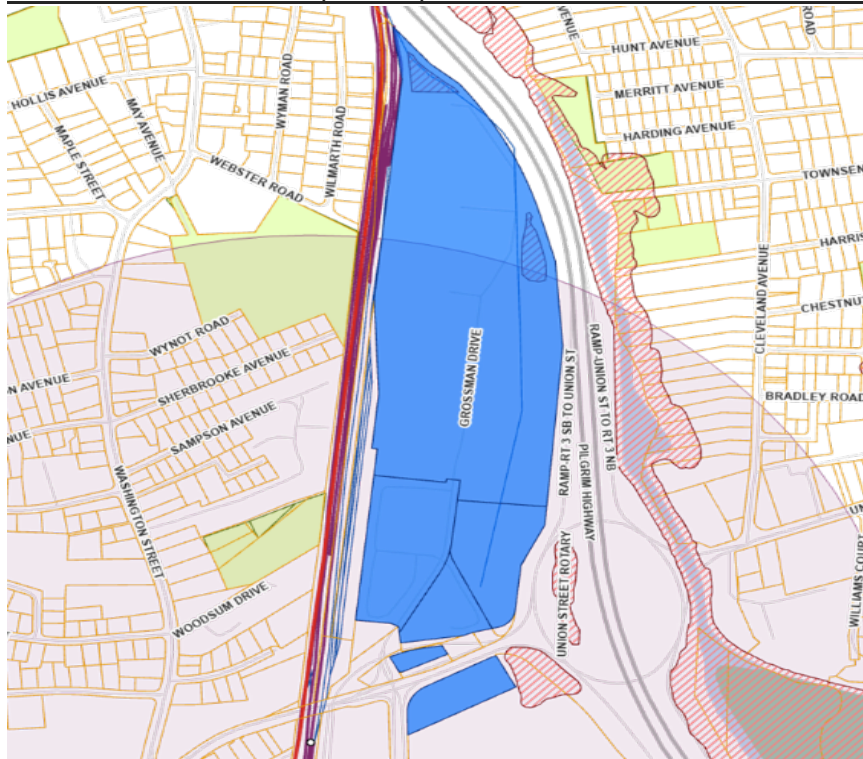
1. Encourage the production of a variety of housing sizes and types to provide equal access to new housing throughout the community for people with a wide variety of housing needs and income levels;
2. Locate housing within walking distance of public transit and village centers to promote public and social health, reduce the number of vehicular miles travelled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality.
3. Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.
4. Increase the municipal tax base through private investment in new residential developments.

B. Establishment and Applicability

This MCMOD overlay district consists of four (4) sub-districts, that are superimposed over the underlying zoning district (s) and are shown on the Zoning Map.

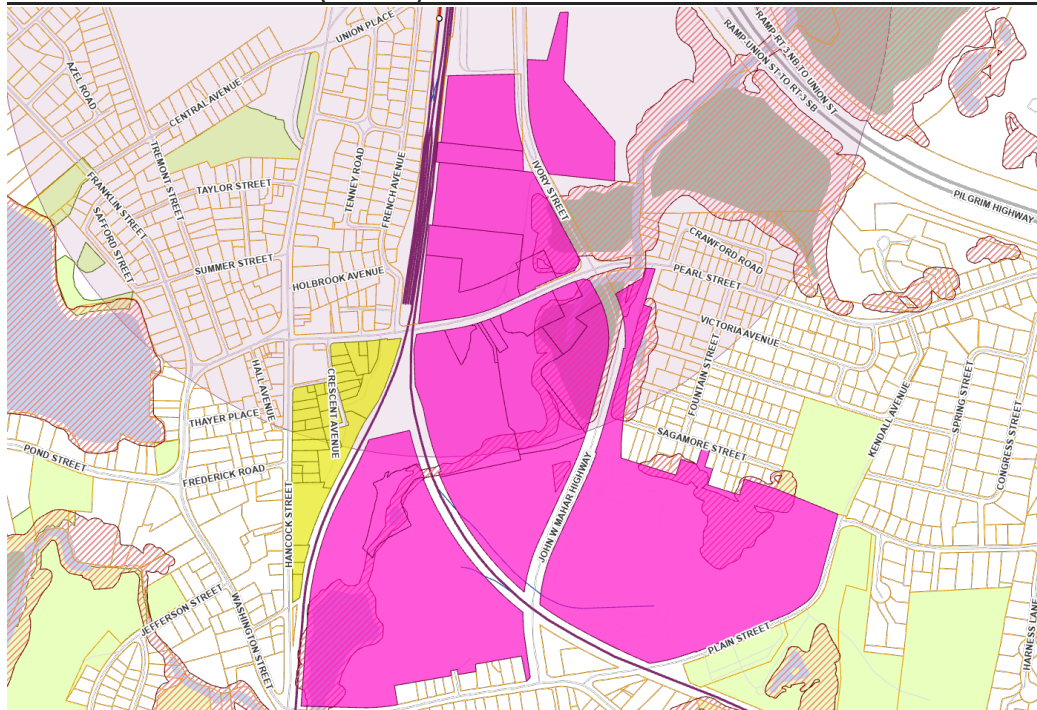
MBTA 1 Red Line North (In Blue)

48.94 Acres



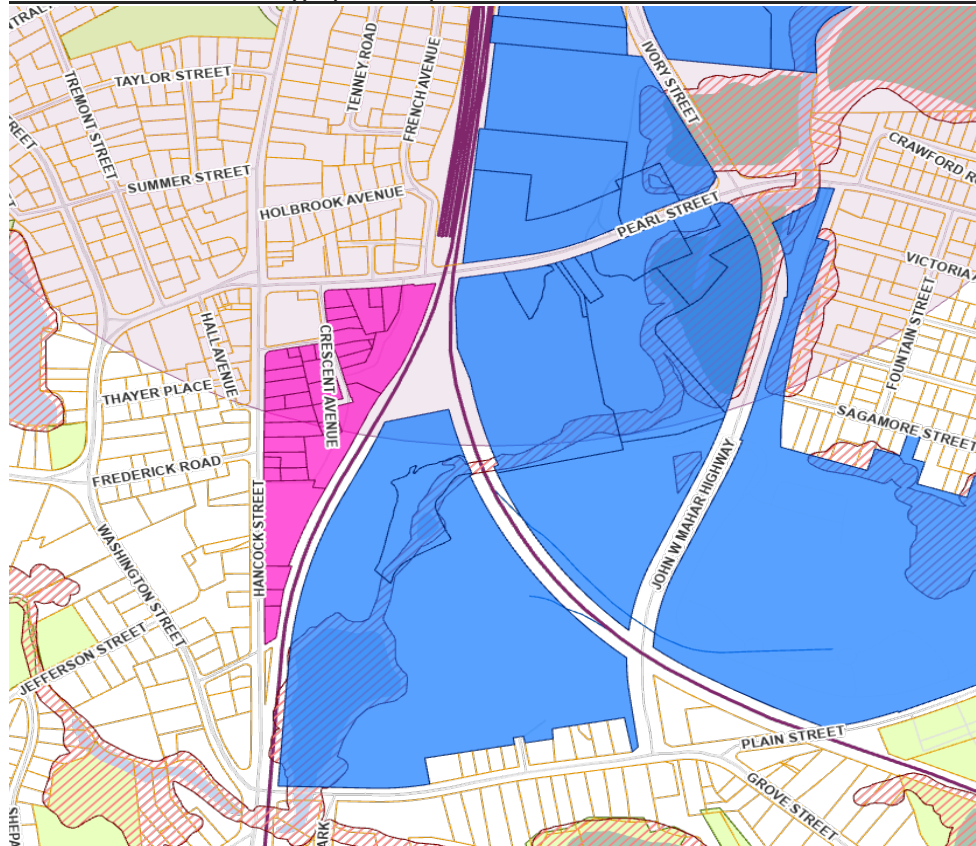
MBTA 2 Red Line South (In Pink)

127.02 Acres



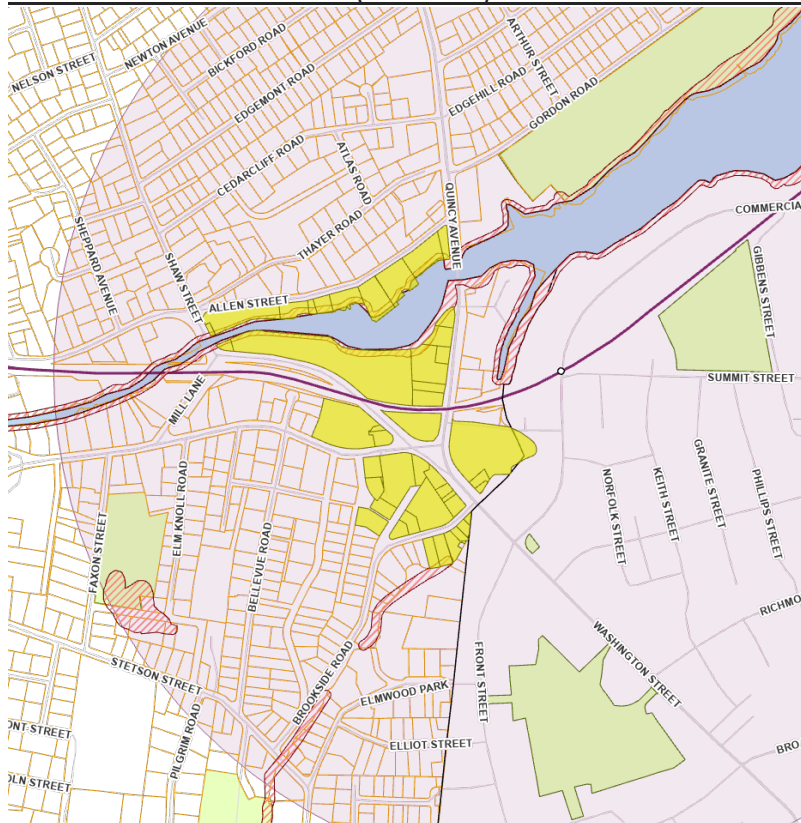
MBTA 3 Red Line Village (In Pink)

9.43 Acres



MBTA 1 Greenbush BWLD (In Yellow)

18.43 Acres



1. **Applicability of MCMOD.** All Multi-Family Dwelling/Housing and Mixed-Use Developments within a MCMOD Sub-District shall be built in accordance with the provisions of Section 135-616.
2. **Underlying Zoning.** The MCMOD Sub Districts are overlay districts superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the respective underlying zoning district(s) shall remain in full force, unless and when a development consists of Multi-Family Dwelling/Housing uses allowed by-right or Mixed-Use Development allowed by-right or by special permit in the MCMOD overlay districts.

Uses that are not identified in Section 135-616D are not allowed within Developments utilizing the MCMOD Zoning.

3. **Exclusions.** Non-Applicable Sections of the Zoning Ordinance. In order to comply with the requirements and guidelines for MGL Chapter 40A Section 3A as most recently amended, the following Sections of the Zoning Ordinance do not apply to any Multi-Family Dwelling/Housing uses allowed by-right or Mixed-Use Development allowed by-right or by special permit in the MCMOD overlay districts.

135-504

135-601

135-603

135-605

135-609

135-610

135-612

135-613

135-614

135-615

135-701 (*only the table not the notes*)

135-705

135-710

135-804(B)

135-815

135-910

Article X

Article XIII

C. Definitions

For purposes of this Section 135-616, the following definitions shall apply. Please refer to Section 135-102 for other definitions of terms already defined within the Zoning Ordinance.

Affordable Housing Unit: A dwelling unit that is affordable to and occupied by an eligible household and meets all requirements for inclusion on the Massachusetts Executive Office of Housing and Livable Communities Subsidized Housing Inventory (SHI). Affordable units shall remain as affordable units in perpetuity or for the maximum period allowed by law. Such units shall have the same construction methods and exterior physical characteristics as, and be intermingled with, other units in the development.

Affordable Housing: A Structure that contains Affordable Units as defined by Section 135-616G.

Area Median Income (AMI): The median family income for the metropolitan statistical region that includes the Town of Braintree as defined by the U.S. Department of Housing and Urban Development (HUD).

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

Compliance Guidelines: Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time.

Development Standards: Provisions of Section H - General Development Standards that are applicable to all Multi-Family Dwelling/Housing uses allowed by-right or Mixed-Use Development allowed by-right or by special permit in the MCMOD overlay districts.

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

MBTA: Massachusetts Bay Transportation Authority.

Mixed-Use Development: A Development containing vertical or horizontal mix of Multi-Family Dwelling/Housing residential uses and non-residential uses including, institutional, recreational, commercial, and business as contained within the Section 135-616D, within a single building or in separate buildings.

Multi-Family Dwelling/Housing: A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

Multi-Family Zoning District: A zoning district, either a base district or an overlay district, in which Multi-Family Housing is allowed as of right.

Section 3A: Section 3A of the Zoning Act (MGL Chapter 40A)

Site Plan Review Authority: Braintree Planning Board

Sub-district: An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

Subsidized Housing Inventory (SHI): A list of qualified Affordable Housing Units maintained by EOHLIC 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.

Transit Station: An MBTA subway station, commuter rail station, or ferry terminal.

Commuter Rail Station: Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.

Ferry terminal: The location where passengers embark and disembark from regular, year-round MBTA ferry service.

Subway Station: Any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line.

D. Permitted Uses - Table of Principal and Accessory Uses

PRINCIPAL USES	MBTA 1 Red Line North	MBTA 2 Red Line South	MBTA 3 Red Line Village	MBTA 4 Greenbush BWLD
<u>Residential Uses</u>				
Multi-Family Dwelling/Housing	Y	Y	Y	Y
Mixed-Use Development (Note 1)	Y	Y	SP	Y
<u>Institutional Uses</u>				
Community Center	Y	Y	Y	Y
Congregate Living Facility	Y	Y	N	N
Municipal Public Park	Y	Y	Y	Y
School	Y	Y	Y	Y
Museum	Y	Y	N	Y
<u>Recreational Uses</u>				
Boathouse Marina	N	N	N	Y
Club of Lodge	Y	Y	N	Y
<u>Business Uses</u>				
Amusement or Assembly, Place of	SP	SP	N	SP
Animal Clinic or Hospital	Y	Y	N	SP
Animal Retail and Animal Grooming Service <15,000 Sq. Ft.	Y	Y	N	Y
Animal Retail and Animal Grooming Service >15,000 Sq. Ft.	Y	Y	N	N
Full-Service Animal Establishment	SP	SP	N	N
Bank	Y	Y	N	Y
Body Art Establishment	N	N	N	SP
Business/Professional Offices	Y	Y	Y	Y
Catering Service	Y	Y	N	Y
Commercial Recreation	SP	SP	N	SP
Day Care, Commercial	Y	Y	Y	Y
Fast-Food Establishments w Drive Thru	Y	Y	N	N
Fast-Food Establishments w/o Drive Thru	Y	Y	Y	Y
Hotel or Motel	Y	Y	N	SP
Drive Thru for Any other Non Food Use	SP	SP	N	N
Freestanding, Exterior Kiosks	Y	Y	N	N
Medical Center/Clinic	Y	Y	N	SP
Office Park	SP	SP	N	N
Restaurant	Y	Y	Y	Y
Retail Store(s)/Service(s) (< 15,000 Sq. Ft.)	Y	Y	Y	Y
Retail Store(s)/Service(s) (>15,000 Sq. Ft.)	Y	Y	N	SP
Shopping Center	Y	Y	N	N
Function/Conference Facility	SP	SP	N	SP
Brewery with Tap Room	Y	Y	SP	SP
<u>Commercial</u>				
Research Facility	Y	Y	N	SP
Light Manufacturing	SP	SP	N	N

Permitted Uses

Y = By-Right

SP = Special Permit

N= Not Allowed

Note (1): Mixed-Use Development. All Mixed-Use Development shall comply with the definition in Section 135-616(C). In order for a Mixed-Use Development to be By-Right, all of the uses proposed in the Mixed-Use Development must also be by-right as noted in the Use table in this Section. If a Mixed-Use Development contains use(s) that require a Special Permit, the Special Permit is only applicable to the non-residential use. See Zoning Bylaw Ordinance Section 135-503 for Special Permit Procedures and Criteria.

ACCESORY USES	MBTA 1 Red Line North	MBTA 2 Red Line South	MBTA 3 Red Line Village	MBTA 4 Greenbush BWLD
Swimming Pool	Y	Y	Y	Y
Shed (Maximize Size 300 Sq. Ft.)	Y	Y	Y	Y
Storage of an Unregistered Vehicle	N	N	N	N
Structured Parking	Y	Y	Y	Y
Exterior Storage of Recreational Vehicle, Boat or Camper	N	N	N	N
Separate Storage/Garage Building Maintenance (Maximum Size 1,000 Sq. Ft.)	Y	Y	N	N
Dumpster Enclosure	Y	Y	Y	Y
Exterior Storage on Any Kind	N	N	N	N
Surface Parking Spaces	Y	Y	Y	Y
Playground	Y	Y	Y	Y
Building Mounted Solar Panels	Y	Y	Y	Y
Ground Mounted HVAC or Similar Utility Units	Y	Y	N	N
Ground Mounted Solar Panels	Y	Y	N	N

E. Dimensional Standards

Notwithstanding anything to the contrary in this Zoning Ordinance, the dimensional requirements applicable in the MCMOD Sub-Districts are as follows:

Dimensional Criteria	MBTA 1 Red Line North	MBTA 2 Red Line South	MBTA 3 Red Line Village	MBTA 4 Greenbush BWLD
Minimum Lot Size	25,000 Sq. Ft.	25,000 Sq. Ft.	5,000 Sq. Ft.	5,000 Sq. Ft.
Frontage	100 Ft.	100 Ft.	50 Ft.	50 Ft.
*Building Height (Stories)	4	4	4	5
*Building Height (Feet)	50	50	50	60
Building Coverage	60%	60%	70%	70%
Lot Coverage	70%	70%	80%	80%
Open Space	30%	30%	20%	20%
Open Space Per Unit	500 Sq. Ft.	500 Sq. Ft.	150 Sq. Ft.	150 Sq. Ft.
Front Yard Setback	30 Ft.	30 Ft.	5 Ft.	5 Ft.
Rear Yard Setback	20 Ft.	20 Ft.	5 Ft.	5 Ft.
Side Yard Setback	20 Ft.	20 Ft.	5 Ft.	5 Ft.
Dwelling Units Per Acre Maximum	30	30	35	40
*Maximum Number of Units per Lot	325 Units	325 Units	150 Units	150 Units

Dimensional Table Notes:

1. All Mixed-Use Developments in the MCMOD Sub-Districts have no limitations on the number of Accessory or Principal Buildings on a lot.
2. In Multi-Family Dwelling/Housing Developments the Planning Board has the authority as part of the Site Plan Review process to limit Accessory uses and structures.
3. Parking garages must be vertically integrated into a building or surrounded by other non-parking uses on all sides.
4. All Exceptions in Section 135-701 Notes shall apply to the dimensional criteria in Section 135-616E, except for accessory structures and accessory uses, which shall be setback the same distance from any lot line as the principal structures.
5. No use of any portion of a lot's front yard/land area within the required setback, in front of the principal dwelling(s) on the lot shall be used for surface or structured parking.
6. In accordance with the requirements in Section 135-702, any portion of a lot within the MBTA 1 Redline North and MBTA 2 Redline South MCMOD subdistricts that are within the vicinity of a Residence A or B Zone line shall be required to have 100 Ft. buffer for all principal buildings as measured from the Zoning District Boundary with the MCMOD Overlay and a 50 Ft. buffer for any accessory use, site improvement, structure or buildings as measured from the Zoning District Boundary with the MCMOD Overlay. The 50 Ft. buffer shall be left in a nature state is undisturbed or restored to landscape/open space in accordance with the provisions of 135-702.

7. Renewable Energy Installations: The Planning Board may waive the height and setbacks in the Dimensional Standards and in 135-701 Notes to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create any detriment or impact to abutters in terms of visual occurrence, noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
8. *Special Permit for exceptions to Building Height (Stories), Building Height (Feet), and Maximum Number of Units per Lot. The Special Permit Granting Authority may issue a Special Permit for a Multi-Family Dwelling/Housing or Mixed-Use Developments in the MBTA 1 Redline North and MBTA 2 Redline South MCMOD subdistricts that exceed the Dimensional Criteria in Section 135-616 E, noted with an *.

The Multi-Family Dwelling/Housing or Mixed-Use Developments exceptions requested are prohibited from exceeding two (2) additional stories or 25 additional Feet. There are no restrictions on the request to exceed the Maximum Number of Units Per Lot

Special Permit Criteria: When issuing a Special Permit for any Exception noted above in this Section, the Special Permit Granting Authority shall evaluate how the proposed building mass, design and form is compatible with and enhances the area in relationship to the existing built environment, context, mass, and surrounding land uses. All Multi-Family Dwelling/Housing or Mixed-Use Developments shall clearly demonstrate that any Exceptions requested are in harmony with and satisfy this criteria in order to be further evaluated under the criteria below.

If the Planning Board determines that the Exceptions satisfy the Multi-Family Dwelling/Housing or Mixed-Use Developments must demonstrate that a minimum of three (3) criteria are satisfied.

- a. Preservation and reuse of historic buildings on the site.
- b. Public Amenities: Newly created public open space, pocket parks, walking paths, playgrounds, conservation restrictions or municipal parks. Said public amenities shall be accessible and usable by general public without undue restriction and shall be subject to and include all required restrictions, easements and agreements determined to be required by the Planning Board/Special Permit Granting Authority, and may include a donation of land to the Town of Braintree.
- c. Achievement of Gold or Platinum LEED certification or other equivalent standard related to Green Building Technologies.
- d. Community Space: Newly created interior building space that is accessible and suitable for use by the Town of Braintree to host gatherings, meetings, public meetings and community events and shall be subject to and include all required restrictions, easements and agreements determined to be required by the Planning Board/Special Permit Granting Authority.
- e. Workforce Housing Units: In addition to the requirements in Section 135-616G the Multi-

Family Dwelling/Housing or Mixed-Use Development provides for an additional 10% of the total unit count as Workforce Housing Units available to households earning (81% to 120%) of AMI.

- f. Commitment to publicly benefiting beautification, public art or wayfinding projects in or adjacent to the district.

F. Transportation, Vehicle, Pedestrian and Bicycle Requirements

In order to comply with the goals and objectives of MGL Chapter 40A Section 3A this Section of the Ordinance takes into account the locations of the MCMOD Sub-District and their proximity to Commuter Rail, Red Line and Bus Service. In addition to public transportation the MCMOD Sub-Districts are located in close proximity to the Town's Civic and Open Space Areas, the South Braintree and Braintree Weymouth Landing Squares as well as employment and larger commercial nodes. The movement of people, bicycles and vehicles is important in the MCMOD Sub-Districts.

1. **Number of Vehicle Parking and Loading Bays and Spaces:** The following minimum number of off-street parking spaces shall be required for each use, either in surface parking areas or structured parking: For specific uses not listed please see Section 135-806A, B and C.

MCMOD Sub-Districts

USES	MBTA 1 Red Line North	MBTA 2 Red Line South	MBTA 3 Red Line Village	MBTA 4 Greenbush BWLD
<u>Residential Uses</u>				
Multi-Family Dwelling/Housing	1.5 Per Unit	1.5 Per Unit	1.5 Per Unit	1.25 Per Unit
Mixed-Use Development (Note 1)	Per Use	Per Use	Per Use	Per Use
<u>Institutional Uses</u>				
Community Center	See 135-806	See 135-806	See 135-806	See 135-806
Congregate Living Facility	.4 per Unit	.4 per Unit		
Municipal Public Park	Set By PB	Set By PB	Set By PB	Set By PB
School	See 135-806	See 135-806	See 135-806	See 135-806
Museum	See 135-806	See 135-806		See 135-806
<u>Recreational Uses</u>				
Boathouse Marina				See 135-806
Club of Lodge	See 135-806	See 135-806		See 135-806
<u>Business Uses</u>				
Amusement or Assembly, Place of	See 135-806	See 135-806		See 135-806
Animal Clinic or Hospital	See 135-806	See 135-806		See 135-806
Animal Retail and Animal Grooming Service <15,000 Sq. Ft.	See 135-806	See 135-806		1 per 500 Sq. Ft.
Animal Retail and Animal Grooming Service 15,000 Sq. Ft. or >	See 135-806	See 135-806		
Full Service Animal Establishment	See 135-806	See 135-806		
Bank	1 per 250 Sq. Ft.	1 per 250 Sq. Ft.		1 per 400 Sq. Ft.
Body Art Establishment				1 per 300 Sq. Ft.

Business/Professional Offices	1 per 350 Sq. Ft.	1 per 350 Sq. Ft.	1 per 350 Sq. Ft.	See 135-615-10
Catering Service	1 per 500 Sq. Ft.	1 per 500 Sq. Ft.		1 per 500 Sq. Ft.
Commercial Recreation	See 135-806	See 135-806		See 135-806
Day Care, Commercial	1 per 500 Sq. Ft.	1 per 500 Sq. Ft.	1 per 500 Sq. Ft.	1 per 500 Sq. Ft.
Fast-Food Establishments with Drive Thru	See 135-806	See 135-806		
Fast-Food Establishments without Drive Thru	1 per 150 Sq. Ft.	1 per 150 Sq. Ft.	1 per 150 Sq. Ft.	1 per 150 Sq. Ft.
Hotel or Motel	1 per guest room	1 per guest room		1 per guest room
Freestanding, Exterior Kiosks	See 135-806C	See 135-806C		See 135-806C
Medical Center/Clinic	1 per 175 Sq. Ft.	1 per 175 Sq. Ft.		1 per 200 Sq. Ft.
Office Park	1 per 350 Sq. Ft.	1 per 350 Sq. Ft.		
Restaurant	1 per 3.5 seats	1 per 3.5 seats	1 per 3.5 seats	1 per 5 seats
Retail Store(s)/Service(s) (< 15,000 Sq. Ft.)	1 per 250 Sq. Ft.	1 per 250 Sq. Ft.	1 per 350 Sq. Ft.	1 per 500 Sq. Ft.
Retail Store(s)/Service(s) (>15,000 Sq. Ft.)	1 per 250 Sq. Ft.	1 per 250 Sq. Ft.		1 per 500 Sq. Ft.
Shopping Center	See 135-806C	See 135-806C		
Function/Conference Facility	See 135-806C	See 135-806C		See 135-806C
Brewery with Tap Room	See 135-806	See 135-806	See 135-806	See 135-806
Commercial				
Research Facility	1 per 400 Sq. Ft.	1 per 400 Sq. Ft.		1 per 400 Sq. Ft.
Light Manufacturing	See 135-806	See 135-806		

2. Vehicle Parking and Loading Bays and Spaces Requirements:

- a. All uses within a development shall provide for vehicle charging stations as required in the IECC 2015 International Energy Conservation Code (as most recently Amended) including vehicles charging stations that are ADA Accessible.
- b. All uses shall provide for internal or external Loading Spaces and Loading Bays pursuant to Section 135-814. In Mixed-Use Developments the Planning Board may allow the use of shared Loading Spaces and Loading Bays.
- c. All Multi-Family Dwelling/Housing and Mixed-Use Developments shall provide short term dedicated parking spaces for package delivery, transportation (ride share, livery, pick up/drop off), and food drop off and pick-up. The number and location of the parking spaces will be determined by the Planning Board as part of the Site Plan Review process.
- d. Parking requirements for a Mixed -Use Developments on a single site may be adjusted through the Site Plan Review process, if the combination of uses proposed demonstrates that shared spaces will meet parking demands of the uses proposed on site. Any Mixed- Use Development seeking permission to utilize shared parking shall submit:
 1. A Parking Report prepared by a Professional Traffic Engineer, that includes both ITE (Institute of Traffic Engineers) and empirical data to demonstrate the parking demands of all proposed uses and the peak periods. Said report

shall include all proposed uses parking requirements per this Ordinance, each uses peak demand, the 50-percentile demand and total daily demands. The mixed-use development peak demand shall clearly demonstrate that at no time during the day will the peak demand of the mixed-use development exceed the supply for the Planning Board to allow any form of shared parking plan.

3. Bicycle Parking/Storage Requirements:

- a. All Multi-Family Dwelling/Housing Developments and Mixed-Use Developments must provide on-site accommodations for the parking and storage of bicycles.
- b. All Multi-Family Dwelling/Housing Developments shall provide interior bicycle parking/storage within the residential building or parking structure in a secured area for residents and staff. One bicycle parking/storage space shall be provided for every 8 residential units in the development.
- c. All Multi-Family Dwelling/Housing Developments shall provide exterior bicycle parking spaces for visitors and guests. One exterior bicycle parking space shall be provided for every 16 residential units in the development.
- d. All interior and exterior bicycle parking/storage space requirements in Multi-Family Dwelling/Housing Developments with less than 8 residential units shall be determined by the Planning Board.
- e. All non-residential uses in a Mixed-Use Development shall provide for interior and exterior bicycle parking. 1 bicycle parking space shall be provided for every 10 required vehicle parking spaces. The location of the spaces (interior or exterior) shall be determined by the Planning Board based on the uses within the Mixed-Use Development.

4. Pedestrian, Vehicle and Bicycle Access Requirements:

- a. All Multi-Family Dwelling/Housing Developments and Mixed-Use Developments shall include a well-designed internal network of sidewalks and or a multi-use path that connects to other uses in the development and the public sidewalk. Access to common areas, plazas, parking areas and open spaces shall be provided for.
- b. All Multi-Family Dwelling/Housing Developments and Mixed-Use Developments shall be designed to provide bicycle and pedestrian connections or a multi-use path that connects to, abutting properties and other compatible land uses within the MCMOD Sub-District.
- c. All Multi-Family Dwelling/Housing Developments and Mixed-Use Developments shall provide for and construct or upgrade as determined by DPW a sidewalk or a multi-use path along the entirety of the property's frontage, including the use of private property through an easement if needed. The Planning Board may waive this requirement if an alternative location interior to the property provides a better option for public access to the MCMOD Sub-District and surrounding neighborhood.

- d. Curb-cuts from all public ways and streets and any other vehicular access points to properties, structures, buildings, and parking structures shall be minimized and shared where possible. Shared driveways for abutting properties and developments are strongly encouraged and may be required by the Planning Board.

G. Affordable Housing Requirements

The purposes of this section are:

- To increase the supply of housing stock in the Town of Braintree that is permanently available and affordable to low and moderate income (>80% of the AMI) households.
- To encourage greater diversity of housing accommodations to meet the needs of Braintree residents and local employees; and
- To develop and maintain a satisfactory proportion of the Town's housing stock as affordable housing units, deed restricted per eligibility on the Subsidized Housing Inventory (SHI).

1. Applicability

This requirement is applicable to all Site Plan Review Applications for Multi-Family Dwelling/Housing Developments and Mixed-Use Developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion. No project may be segmented, divided or phased to avoid the requirements of this section. Segmentation shall mean one or more divisions of land or buildings that cumulatively result in a net increase of ten (10) dwelling units above the number existing 24 months prior to an application to develop any parcel or set of contiguous parcels in common ownership or under common control, on or after the effective date of this section.

2. Percentage and Level of Affordable Housing

In Applicable Projects, not fewer than [ten percent (10%)] of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to [eighty percent (80%)] of the AMI.

3. Selection Process for Affordable Units

The selection of qualified purchasers or qualified renters for the Affordable Units shall be carried out under an Affirmative Fair Housing Marketing Plan (AFHMP). The AFHMP shall comply with the EOHLC's requirements in effect on the date the application was filed with the Town and shall be complied with to ensure that all Affordable Units are SHI eligible.

4. Comparability

Unless otherwise approved by the Planning Board, all affordable and workforce housing units in

all Multi-Family Dwelling/Housing Developments and Mixed-Use Developments shall be;

- a. Dispersed throughout the development and buildings and shall be indistinguishable from market-rate units. (Floating and Fixed are Permitted)
- b. The number of bedrooms in affordable and workforce housing units shall be comparable to the bedroom mix in market-rate units in the development.
- c. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and buildings.
- d. Located such that the units have equal access to shared amenities and common areas including light and air, outdoor areas, open space, other areas of the development and utilities within the development.
- e. Located such that the units have equal avoidance of any potential nuisances as [market-rate units] within the development.

5. Building Permit and Occupancy Conditions

- a. Building Permit Conditions. An agreement with the Town of Braintree, acknowledging understanding of and commitment to all of the occupancy conditions contained here within shall be executed and delivered to the Department of Planning and Community Development (DPCD) prior to and as a condition of the issuance of any building permit required to commence construction. The Building Inspector shall not issue a building permit with respect to any project or development subject to this article unless and until the DPCD has verified in writing to the Building Inspector that such agreement has been executed and delivered.
- b. Occupancy Conditions. No certificate of occupancy shall be issued for any market-rate units in a development subject to this section until all documents necessary to ensure compliance by the Applicant (and any purchasers of the affordable housing units) with the requirements of this Inclusionary Housing section have been executed and recorded, including:
 1. The Applicant has an approved Local Initiative Program Application for Local Action Units from EOHLC;
 2. The Applicant has satisfied all of the Fair and Affirmative marketing requirements for occupancy including conducting the lottery for the Affordable Units.
 3. Ongoing Requirement for and Agreement with a third-party Affordability Monitoring Agent (Monitoring Agent).

6. Timing of Construction

Where feasible, affordable and workforce housing units may be provided coincident with the development of market-rate units, but in no event shall the development of affordable and workforce housing units be delayed beyond the following schedule:

Market Rate Units % Ready For Occupancy	Affordable and Workforce Unit % Ready for Occupancy
Up to 30%	None required
30% up to 50%	At least 10%
50% up to 75%	At least 40%
75 up to 90%	At least 70%
By 90%	100%

H. General Development Standards for the MCMOD Sub-Districts

In addition to all other applicable Sections of the Braintree Zoning Ordinance, the following General Development Standards are applicable in the MCMOD Sub-Districts. These special zoning provisions are required in order to ensure that the requirements of MGL Chapter 40A Section 3A are fulfilled and that the public good and well-being of Braintree is being promoted, protected and served in doing so.

- 1. Lighting.** Light levels shall be designed to provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.
- 2. Mechanicals.** All Mechanical equipment at ground level and on any rooftop shall be screened for visual and sound impacts. A combination of sound panels, fencing and plantings shall be utilized as determined.
- 3. Dumpsters.** External Dumpsters shall be located on a hard surface, such as asphalt, pavers or concrete and screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located and stored within the building.
- 4. Building Orientation and Design.** The principal building(s) shall have its principal façade and main pedestrian entrance facing a street. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be designed with attention to entries, fenestration, and compatible materials.
- 5. Outdoor Areas.** Multi-Family Housing and Mixed-Use Developments shall have common outdoor areas that all residents can access. Outdoor space can consist of recreation areas, fields, open space, courtyards, parks, playgrounds, outdoor dining, terraces and roof decks.

I. Site Plan Review

1. Applicability

Site Plan Review is required for all Multi-Family Dwelling/Housing Developments and all Mixed-Use Developments. An application for Site Plan Review shall be reviewed by the Planning Board for consistency with Section 135-616 and other Applicable Sections of the Ordinance.

2. Submission Requirements and Approval Criteria

See Braintree Zoning Ordinance Section 135-711(C)(3) and (D)

Site Plan Approval shall be granted upon determination by the Planning Board that all applicable requirements and criteria in the Ordinance have been satisfied. The Planning Board may impose reasonable conditions prior to the applicant receiving a Building Permit or Certificate of Occupancy, at the expense of the applicant, to ensure that requirements and criteria will be satisfied.

3. Timeline and Process

- a. Within 45 days of the Department of Planning and Community Development determining that all Site Plan Review materials are complete and fees have been submitted, including the Town Clerk stamp, the Planning Board shall hold a Public Hearing. All Site Plan Review Applications in all MCMOD Subdistricts will require a Public Hearing. Notice of a public hearing is required and shall be given by publication in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of such hearing. In all cases notice shall be sent by mail, postage prepaid. "Parties in interest" as used in this Section shall mean the petitioner and all abutters within three hundred feet of the property line of the lot(s) as they appear on the most recent applicable tax list including land of any such owner even if located in another city or town.
- b. The Department of Planning and Community Development and/or the Planning Board may, when appropriate, seek the input of other municipal boards or town officials, including but not limited to:
 - Water and Sewer Department
 - Engineering Division
 - Stormwater Division
 - Building Division
 - Health Division
 - ADA Coordinator and Commission on Disabilities
 - Braintree Electric Light Department
 - Braintree Police Department
 - Braintree Fire Department
 - Legal Department
 - Mayor's Office

4. Voting Requirements: All Site Plan Review Applications submitted pursuant to Section 135-616 must receive a simple majority vote of the Planning Board to be approved.

5. Fees

Please refer to the Planning Board Fee Schedule at the time of Application for the Planning Board.

6. Peer Review

Multi-Family Dwelling/Housing Developments and Mixed-Use Developments may be subject to Peer Reviews pursuant to M.G.L. Chapter 44 Section 53G, as determined by the Town of Braintree or the Planning Board.

J. Severability

If any provision of Section 135-616 is found to be invalid by a court of competent jurisdiction, the remainder of Section 135-616 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 135-616 shall not affect the validity of the remainder of the Zoning Ordinance.