**PLANNING BOARD PUBLIC HEARING**

**(Town Seal)**

**2020 SPRING ANNUAL TOWN MEETING**

**ZONING ARTICLES**

Notice is hereby given that the **Dedham Planning Board** will hold a public hearing in accordance with the provisions of M.G.L. Chapter 40A, s.5, on the proposed amendments to the Dedham Zoning By-laws in the Lower Conference Room of the Town Office Building, 26 Bryant Street, on **Wednesday, March 25, 2020 at 6:00 p.m.** The complete text relative to the proposed amendments is printed below.

**ARTICLE TWENTY-FOUR***: By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Laws to extend the lapse of Special Permits from two (2) years to (3) years, as follows:

Delete Section 9.3.9 (Lapse) in its entirety and replace with the following new Section 9.3.9:

9.3.9 Lapse

Special Permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within three (3) years following the filing of the Special Permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c.40A, s.17, from the grant thereof) with the Town Clerk.

or take any other action relative thereto. *Referred to Planning Board for study and report.*

**ARTICLE TWENTY-FIVE***: By the Planning Board*. To see if the Town will vote to approve the “Comprehensive Concept Plan”, reviewed by the Dedham Planning Board, and on file in the Planning & Zoning Department, for a Planned Residential Development (“PRD”) at 146, 188, and 216 Lowder Street and 125 Stoney Lea Road, Dedham MA (Dedham Assessors’ Map 105, Lots 17, 19, 23 and Map 118, Lot 31) submitted by Old Grove Partners LLC and shown on the Plan entitled “Planned Residential Development Concept Plan, Sheet PRD, dated February 12, 2020, prepared by Beals & Thomas of Southborough, MA”, with the following conditions: (a) the PRD shall have a maximum of twenty-six (26) dwelling units; (b) the minimum dedicated open space shall be 48 acres (a portion of which may be donated to the Town or non-profit entity if so approved by the Planning Board); (c) the gross living square footage of each dwelling unit to be a maximum of 2,500 sq. ft.; and (d) subject to a comprehensive review of a detailed site development plan by the Planning Board, or take any other action relative thereto. *Referred to Planning Board for study and report.*

**ARTICLE TWENTY-SIX:** *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Laws by making the following changes to Section 4.0, Dimensional Requirements:

Amend Section 4.4.2 of the Zoning By-laws to delete the strikethrough language and insert the language in bold, as follows**:**

4.4.2 Buildings Permitted in Nonresidential Districts.

Buildings in Nonresidential districts CB, GB, HB, LB, LMA, LMB, RDO, and AP, other than single and two-family dwellings, shall not exceed the height of ~~40~~ **50** feet, measured from the average finished grade of the lot within 20 feet of the outside walls of the building to the high point of the roof, provided that for buildings with sloping roofs the height shall be measured to the eave line if no portion of the building above the eave line is used for human occupancy. **In the CB and LB Districts, there shall be an upper-story facade step-back on any building exceeding two stories or thirty-five (35) feet.** No building shall have more than four stories, including any part of the building below the average finished grade if used for human occupancy.

Add a new Section 4.3.4, Maximum Front Setbacks; Exceptions, as follows:

4. Maximum Front Setbacks; Exceptions. The following front building setback requirements are hereby established, in addition to the minimum front setback required in Table 2:

1. In the RDO, HB, LB, GB, and CB Districts, off-street parking shall be prohibited in the required front setback area between the front building line and the street line.
2. There shall be a maximum front setback area in CB and LB Districts of 10 feet, and in the RDO, HB, and GB Districts of 30 feet, unless the maximum setback area is extended by the SPGA:
3. to accommodate amenities such as a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for automobile use; or
4. to provide a deeper setback for buildings located toward the rear of a lot in a courtyard-type configuration, for example when there are multiple buildings on one lot, as long as the forwardmost buildings on the lot comply with the minimum and maximum front setbacks set forth in Table 2 and this Section 4.3.4; or

3. to provide a deeper setback where there is a single building with a large flagship tenant, such as a theater, but only if the large tenant is wrapped with liner shops that comply with the minimum and maximum front setback requirements.

or take any other action relative thereto. *Referred to Planning Board for study and report.*

**ARTICLE TWENTY-SEVEN:** *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Laws by making the following changes regarding Mixed Use Developments:

Amend Section 7.4.3.1 to delete the strike-though language and insert the language in bold, as follows:

1**. In the CB and LB Districts,** ~~A~~all dwelling units in a Mixed-Use Development shall be located above the ground floor, shall have a separate entrance, and shall not share stairs or hallways with commercial uses, except that a fire escape or exit used only in emergencies may be available at all time to both.

Add the following new Section immediately following Section 7.4.3.1, and renumber the following subsections of Section 7.4.3 accordingly:

In the RDO, HB and GB Districts, a Mixed Use Development may be allowed in accordance with Section 7.4.3.1, or, in the alternative, in accordance with the following standards for horizontal mixed use development where the mix of uses may be located in separate structures on the same lot or lots:

a. At least one building on the lot must be a vertically mixed structure, with housing or offices on upper floors and pedestrian-oriented commercial and civic uses on the ground floor facing the street (or the primary or frontage street for corner lots). Entrance to a lobby or common access to the upper-story units may also be located on the front façade. For purposes of this provision, the vertically mixed building shall be considered the primary building in the project.

b. The main entrance to the primary building must be on the front façade.

c. The front façade of primary building must be parallel to the public right-of-way.

d. For vertical mixed-use buildings, and for free-standing commercial buildings in a Mixed-Use Development, there shall be a minimum first-floor height of fourteen (14) feet, as measured from the finished floor to finished ceiling height.

e. Developments with multiple buildings may have more than one building facing the street or buildings arranged in a courtyard or other configuration. Two or more buildings facing the street shall be set back uniformly.

f. In a development with multiple buildings, off-street vehicular parking may be located at grade at the rear of each building, in a courtyard serving multiple tenants, in an onsite structured parking facility (parking garage), in an offsite parking area with safe pedestrian access within 500 feet of the site, or any combination of the above.

g. On the rear elevation of any building in the development, the ground floor may be used for at-grade parking to serve residential or nonresidential tenants. The ground floor may also be used to provide residential units with universal access.

Item 3. Amend existing Section 7.4.3.2, as it may be renumbered, to delete the strike-though language and insert the language in bold, as follows:

Each dwelling unit in a Mixed-Use Development shall have a complete set of sanitary facilities, cooking, and living space that includes sleeping facilities independent from another dwelling unit in a Mixed-Use Development. A Mixed-Use Development may **provide** ~~share~~ common storage, laundry facilities, and other customary shared facilities located within a Mixed-Use Development. Each dwelling unit ~~cannot be less than four hundred (400) square feet and not more than one thousand five hundred (1,500) square feet in total gross floor area,~~ and ~~must~~ **shall** meet all occupancy and Building Code requirements. The maximum number and type of allowable residential dwelling units shall be determined by the Planning Board as part of the Special Permit and site plan review process; provided, however, there may not be more than two (2) residential dwelling units in a Mixed-Use Development in the LB Zoning District

Delete existing Section 7.4.3.3, as it may be renumbered, and insert a new section in its place as follows:

All Mixed-Use Developments shall provide at least one parking space per dwelling unit, except those Mixed-Use Developments within one half mile of a commuter rail station. A Mixed Use Development shall provide additional parking for the nonresidential uses per the requirements set forth in Table 3 (Dedham Parking Table), or as may be determined by the Planning Board to be sufficient to meet the needs of such Mixed-Use Development, taking into consideration complementary uses and activities having different peak demands, joint parking arrangements, the availability of on-street and public parking, proximity to public transportation, and such other mitigating factors and measures as may be appropriate.

Amend existing Section 7.4.3.4, as it may be renumbered, to delete the strike-though language and insert the language in bold, as follows:

A Mixed-Use Development in the RDO or HB Zoning District with twelve (12) or more apartments shall have maximum lot coverage of 80% and a maximum floor area ratio of 1.0. **For purposes of determining compliance with the FAR of 1.0, floor area shall be the sum of the floor area in all buildings in the development.** ~~In the RDO Zoning District, there shall not be more than thirty (30) apartments located on any lot or on any abutting lots held in common ownership on the date of the adoption of this provision.~~

Delete existing Section 7.4.4, as it may be renumbered, and insert a new Section 7.4.4, Waivers, in its place as follows:

The Planning Board, at its discretion, reserves the right to grant waivers to any or all of the requirements of Section 7.4, where such granting of waivers will be in the best interest and/or beneficial to the Town of Dedham.

Insert the following new Section 7.4.5, Site Plan Review/Peer Review, as follows:

Applications under this Section 7.4 shall be subject to the provisions of Section 9.5 pertaining to Site Plan Review which, if required, shall be conducted by the Planning Board as part of the Special Permit process. The Planning Board may enlist a peer review architect during the Special Permit and/or site plan review process for a Mixed-Use Development.

or take any other action relative thereto. *Referred to Planning Board for study and report*.

**ARTICLE TWENTY EIGHT:** *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Laws by adding the following new Section 7.9, regarding Affordable Housing:

**7.9 AFFORDABLE HOUSING**

7.9.1 Purpose. The purpose of this section is:

1. To increase the supply of housing stock in the Town of Dedham that is permanently available to and affordable by low- and moderate-income households;
2. To encourage greater diversity of housing accommodations to meet the needs of Dedham residents and local employees; and
3. 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).

**7.9.2 Applicability.** This Affordable Housing Bylaw shall apply to all projects where a special permit and/or variance is sought from any Town board or body to construct a Multi-family Project under Section 7.3, or a Mixed-Use Project under Section 7.4, or an Age Restricted Project under Section 7.8, of ten rental dwelling units or more. The provisions of this Section 7.9 shall apply to all such Projects in all zoning districts of the Town.

**7.9.3 Definitions.** The following definitions shall apply in this Section 7.9:

1. “Affordable Housing” shall mean housing affordable to low or moderate income households, as defined below.

2. “Affordable to persons or families qualifying as low income” or “low income households” shall mean affordable to persons in the Dedham area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning less than 50% of the area median income (“AMI”) adjusted for household size.

3. “Affordable to persons or families qualifying as moderate income” or “moderate income households” shall mean affordable to persons in the Dedham area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 50% but less than 80% of the AMI, adjusted for household size.

4. “Inclusionary Project” a Mixed Use Project developed under Section 7.4, or an Age Restricted Project developed under Section 7.8 to construct10 rental dwelling units or more.

**7.9.4 Special Permit Granting Authority (“SPGA”).** For Mixed Use Projects developed under Section 7.4, or Age Restricted Projects under Section 7.8, the Special Permit Granting Authority (“SPGA”) shall be the Planning Board. An application for a special permit shall comply with the rules and regulations of the applicable SPGA.

**7.9.5 Required Moderate Income Housing.** In order to be eligible for the grant of a special permit, the following requirements shall be met:

1. All such Inclusionary Projects are required to provide fifteen (15%) percent of their units for rent to moderate income households.

2. When the applicant for an Inclusionary Project proposes to provide more than the required fifteen (15%) percent of all units for moderate income households, or, in the alternative, proposes to provide some of the required units as units for households with an income of less than 60% of AMI, adjusted for household size, the SPGA may grant a density bonus of not more than 15% of the total number of units.

**7.9.5 Provision of Affordable Units.** The required affordable housing in an Inclusionary Project may be met in one of the following ways. The developer as part of his/her special permit application shall include a proposal to address this requirement.

1. The SPGA may require the low and/or moderate-income housing units to be constructed on the same site as other market rate units and indistinguishably interspersed throughout the Inclusionary Project (except as provided for below). In all cases, the low and/or moderate-income housing units to be provided shall be equal in quality, materials and character to the base level market rate units in a development.

2. For Inclusionary Projects providing fifteen (15) units or less, instead of constructing new units or rehabilitating existing units as set forth above, the developer may request the SPGA to accept a payment in lieu to a designated governmental or nonprofit housing entity or, the developer may request the SPGA to accept a payment in lieu to the Town.

3. The amount of any payment in lieu shall be determined by the following formula: the proposed average fair market value of all of the proposed dwelling units, as certified by a qualified appraiser or the Town Assessor, and multiplied by 0.15. Said payment in lieu shall be made prior to the issuance of any certificate of occupancy.

**7.9.4 Rental of Low and Moderate Income Housing Units.**

1. Low and/or moderate-income housing units shall be made available to persons eligible for low and/or moderate-income housing as per the regulations of the Commonwealth’s Department of Housing and Community Development (DHCD). The units shall remain available for perpetuity or such maximum time as may be allowed under applicable law.

**7.9.5 Fractional Share.**  In determining the number of low and moderate-income units to be provided, a fractional share of 0.4 or more shall be regarded as a whole unit and a fractional share of 0.3 or less shall require no contribution to satisfy the fractional share.

**7.9.6 Preference.**

a. The affordable dwelling units under this By-Law shall be Local Action Units developed in compliance with and approved pursuant to the requirements for the same as specified by Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or successor agency, or (if approved by the Planning Board) affordable dwelling units developed under such additional programs adopted by the Commonwealth of Massachusetts or its agencies. All such affordable dwelling units shall count toward the Town of Dedham's requirements under Sections 20-23 of Chapter 40B of the General Laws of Massachusetts, and shall be listed on the Subsidized Housing Inventory (SHI) maintained by DHCD. The developer shall assist the Town in the preparation of any forms required.

b. To the extent permitted by applicable law, and after approval by DHCD, otherwise qualified Dedham residents shall have a first opportunity and preference for the affordable dwelling units in an Inclusionary Project. For purposes of this requirement, "Dedham residents" shall be defined as a current Town of Dedham resident (as established through certification by the Dedham Town Clerk based on census, voting registration, or other acceptable evidence), or the parent, child, sibling, spouse, aunt, nephew, niece, or grandparent of a current Town of Dedham resident, or a current employee of the Town of Dedham.

**7.9.7 Timing.** If the project is built in phases, a proportionate share of low and/or moderate income units shall be built in each phase as determined by the SPGA in the special permit decision.

**7.9.8 Designated Housing Entity.**  In lieu payments received under the provisions of this Section shall be paid to the Town or to an entity to be established by the Town, including an Affordable Housing Trust Fund pursuant to G.L. c. 44, s. 55C, for the purpose of increasing the supply and/or quality of affordable housing in Dedham.

or take any other action relative thereto. *Referred to Planning Board for study and report.*

**ARTICLE TWENTY-NINE:** *By the Planning & Zoning Department and Planning Board.*To see if the Town will vote the following re-codification of the Dedham Zoning Bylaw:

To renumber and re-caption the Zoning Bylaw of the Town by (a) designating the Zoning Bylaw as Chapter 280 of the Town Code; (b) renumbering each section and subsection of the Zoning Bylaw accordingly; and (c) updating internal references to reflect the new numbering system, in the manner set forth in the document on file in the office of the Town Clerk entitled “Zoning Bylaw Draft,” dated February 2020, prepared by General Code, LLC.

or take any other action relative thereto. *Referred to Planning Board for study and report.*