



Town of Concord
Office of the Town Clerk
22 Monument Square
Concord, Massachusetts 01742-0535

PUBLIC NOTICE

The attached Zoning Bylaw Amendments under Article 34 approved at the 2024 Annual Town Meeting held on April 29th, 30th, and May 1st 2024 Annual Town Meeting have been approved by the Office of the Attorney General. On Tuesday, August 27, 2024 the amended zoning bylaw will be in effect retroactive to April 30, 2024.

Claims of invalidity by reason of any defect in the procedure of adoption or amendment of zoning bylaws may only be made within ninety days of the posting date indicated below. Copies of the attached bylaw(s) may be obtained from the Town Clerk's Office, located at 22 Monument Square.

Kaari Mai Tari
Town Clerk

2024 Annual Town Meeting:

Zoning Bylaws:

- **Article 34** – Zoning Map & MBTA Communities Multi-Family Overlay District

Constable Signature: _____

Date of Posting: _____



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

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August 26, 2024

Kaari Mai Tari, Town Clerk
Town of Concord
22 Monument Square
Concord, MA 01742

Re: Concord Annual Town Meeting of April 29, 2024 - Case # 11450
Warrant Articles # 34, 35, 36 and 37 (Zoning)
Warrant Articles # 16, 42, and 43 (General)¹

Dear Ms. Tari:

Article 34 – Under Article 34 the Town amended its zoning by-law and zoning map to add a new “MBTA Communities Multi-family Overlay District” (MCMOD) where multi-family housing is allowed as of right in compliance with G.L. c. 40A, § 3A. We approve the amendments adopted under Article 34 and will return the approved map amendments to you by regular mail.

The Attorney General’s approval of the by-law amendments adopted under Article 34 pursuant to G.L. c. 40, § 32 means that the by-law amendments will have lawful effect once the Town completes the posting/publishing requirements of G.L. c. 40, § 32. However, the Town must separately obtain the Executive Office of Housing and Livable Communities (EOHLC)’s determination that the Town has complied with Section 3A. See EOHLC “Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act,” p. 17.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute.

¹ We will issue our decision on Articles 16, 35, 36, 37, 42, and 43 by our deadline of August 29, 2024.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Margaret J. Hurley

By: Margaret J. Hurley
Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Mina S. Makarious



Town of Concord

Office of the Town Clerk
22 Monument Square
Concord, Massachusetts 01742-0535

ANNUAL TOWN MEETING
April 29, April 30, and May 1, 2024

Zoning Bylaw Amendment: Zoning Map & MBTA Communities Multi-Family Overlay District

ARTICLE 34.

Upon a **MOTION** made by Ms. Miller and duly seconded, it was **VOTED**:

That the Town (1) take affirmative action on Article 34 as printed in the Warrant and (2) amend the Zoning Map to add the five (5) MBTA Communities Multi-family Zoning Overlay Districts as described in the Warrant and as shown in the handout.

WARRANT

ARTICLE 34. To determine whether the Town will amend the Zoning Bylaw and Zoning Map as follows: (1) add to Section 2.1 (Classification of Districts) the MBTA Communities Multi-family Overlay District; (2) add to Section 2.2 (Zoning Map) the MBTA Communities Multi-family Overlay District, which consists of five overlay subdistricts; (3) amend Table IV (Minimum Parking); and (4) add Section 7.11 MBTA Communities Multi-family Overlay District as follows (deletions are shown in ~~strikeout~~ and additions in ***bold italics*** for emphasis only); or take any other action relative thereto:

1. Add at the end of Section 2.1, Classification of Districts, the following:

MBTA Communities Multi-family Overlay District (MCMOD)

2. Amend the last paragraph of Section 2.2 Zoning Map to read as follows:

MBTA Communities Multi-family Overlay District, Town of Concord, April 2023, consisting of five subdistricts (Scale 1" to 1,400').

The Conservancy Districts, ~~and~~ the Wireless Communication Facility(s) Overlay District ***and the MBTA Communities Multi-family Overlay District (MCMOD)*** are overlay districts whose boundaries are superimposed on the Residential, Commercial, Industrial and By-Pass Districts established by this Bylaw. Said zoning maps are hereby made part of this Bylaw and shall be filed in the Office of the Town Clerk.

3. Amend the Residential Uses row of Table IV, Minimum Parking as follows:

RESIDENTIAL USES

Single-, and two-family, and multi-family dwellings and planned residential developments	Two (2) spaces per dwelling unit or one and one-half (1-1/2) spaces per dwelling unit for subsidized low and moderate income housing or elderly housing developments.
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4. Add Section 7.11 MBTA MULTI-FAMILY OVERLAY DISTRICT as follows (all language is new, but not shown in **bold italics**):

7.11.1 Purpose.

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) is to allow multi-family housing as of right, subject to site plan review, in accordance with this Section and M.G.L. c. 40A, § 3A.

7.11.2 Standards.

7.11.2.1 The MCMOD shall not replace existing zoning districts but shall be superimposed on the underlying zoning district(s) as shown on the Zoning Map. The regulations for uses, dimensions, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right in the MCMOD. Uses that are not identified in Section 7.11 are governed by the requirements of the underlying zoning district(s).

7.11.2.2 The MCMOD contains the following subdistricts, all of which are shown on the MCMOD Map:

- Subdistrict #1: Lower Lowell Road & Keyes Road Area
- Subdistrict #2: Upper Lowell Road Area
- Subdistrict #3: Thoreau Street & Sudbury Road Area
- Subdistrict #4: Baker Avenue Area
- Subdistrict #5: Elm Street Area

7.11.3 Definitions

For purposes of this Section 7.11, the following definitions shall apply.

- 7.11.3.1. **Compliance Guidelines.** The Executive Office of Housing & Livable Communities' (EOHLC) *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* dated August 17, 2023, as further revised or amended from time to time.
- 7.11.3.2. **Multi-family 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.
- 7.11.3.3. **Subdistrict.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by uses, dimensional standards, development standards or location as identified in Section 7.11.2.2.

7.11.4 Dimensional Requirements

SUBDISTRICT 1 – Lower Lowell Road & Keyes Road Area

Lot Requirements		Setback Requirements	
Frontage Exception	--	Primary street setback	10 ft.
Minimum lot size	20,000 sq. ft.	Secondary street	15 ft.
Maximum lot coverage	40%	Side Yard Setback	15 ft.
Minimum lot width	--	Rear Yard setback	15 ft.
Maximum density	15 units per acre	Special setback for corner lots	Corner clearance 10 ft.

Building height (max)	3 floors
Open space percentage required	20%

SUBDISTRICT 2 – Upper Lowell Road Area

Lot Requirements		Setback Requirements	
Frontage Exception	--	Primary street setback	10 ft.
Minimum lot size	20,000 sq. ft.	Secondary street	15 ft.
Maximum lot coverage	40%	Side Yard Setback	15 ft.
Minimum lot width	--	Rear Yard setback	15 ft.
Maximum density	15 units per acre	Special setback for corner lots	Corner clearance 10 ft.

Building height (max)	3 floors
Open space percentage required	20%

SUBDISTRICT 3 – Thoreau Street & Sudbury Road Area

Lot Requirements		Setback Requirements	
Frontage Exception	--	Primary street setback	10 ft.
Minimum lot size	10,000 sq. ft.	Secondary street	15 ft.
Maximum lot coverage	40%	Side Yard Setback	15 ft.
Minimum lot width	--	Rear Yard setback	15 ft.
Maximum density	15 units per acre	Special setback for corner lots	Corner clearance 10 ft.

Building height (max)	3 floors
Open space percentage required	20%

SUBDISTRICT 4 – Baker Avenue Area

Lot Requirements		Setback Requirements	
Frontage Exception	--	Primary street setback	20 ft.
Minimum lot size	20,000 sq. ft.	Secondary street	15 ft.
Maximum lot coverage	40%	Side Yard Setback	15 ft.
Minimum lot width	--	Rear Yard setback	20 ft.
Maximum density	15 units per acre	Special setback for corner lots	Corner clearance 10 ft.

Building height (max)	3 floors
Open space percentage required	20%

SUBDISTRICT 5 – Elm Street Area

Lot Requirements		Setback Requirements	
Frontage Exception	--	Primary street setback	20 ft.
Minimum lot size	20,000 sq. ft.	Secondary street	15 ft.
Maximum lot coverage	40%	Side Yard Setback	15 ft.

Minimum lot width	--	Rear Yard setback	20 ft.
Maximum density	15 units per acre	Special setback for corner lots	Corner clearance 10 ft.

Building height (max)	3 floors
Open space percentage required	20%

7.11.5 Affordability Requirement

All residential developments, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion, where such development consists of ten (10) or more units shall have at least 20% of the dwelling units (and no fewer than one unit) available as affordable units at 80% area median income (AMI) and included on the Town’s Subsidized Housing Inventory (SHI). For the purpose of calculating the number of affordable units required, the unit requirement shall round up to a whole unit for any fraction of .5 or above.

If EOHLC determines in writing that the Town has not shown this 20% requirement to be feasible, at least 15% of the dwelling units in any development shall be affordable units with household income limited to 80% of the Area Median Income and eligible for inclusion on the Subsidized Housing Inventory. If EOHLC determines in writing that the Town has not shown this 15% requirement to be feasible, at least 10% of the dwelling units in any development shall be affordable units with household income limited to 80% of the Area Median Income and eligible for inclusion on the Subsidized Housing Inventory.

7.11.6 Site Plan Review

Development under Section 7.11 requires Site Plan Review by the Planning Board under Section 11.8. The Planning Board shall adopt MBTA Communities Multi-family Zoning Site Plan Rules and Regulations to facilitate site layout, building design, and outdoor amenity spaces. The Planning Board may impose reasonable terms and conditions, consistent with the parameters established by EOHLC's Compliance Guidelines, to promote these objectives and serve the purposes of Section 7.11 and Section 11.8. Approval may reasonably condition matters such as vehicular and pedestrian access and circulation on site, stormwater management, architectural design of a building, site design and layout, lighting, and screening for adjacent properties. The Planning Board may require a performance guarantee to ensure compliance with these conditions.

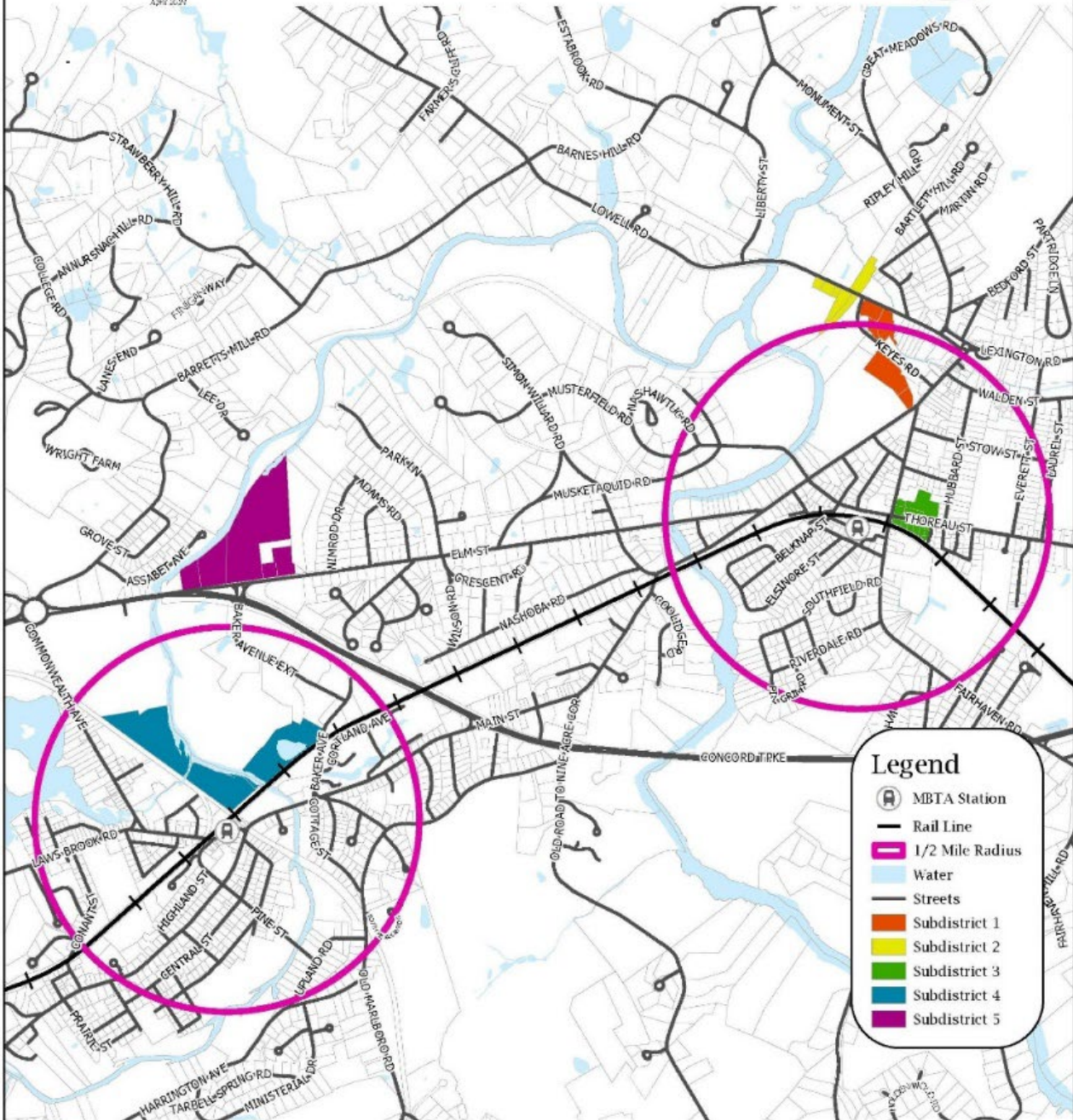
HANDOUT

Article 34 Zoning Bylaw Amendment – Zoning Map & MBTA Communities Multi-family Overlay District

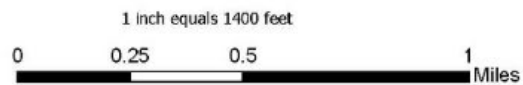
Recommendation: The Planning Board unanimously recommends affirmative action on Article 34 for the reasons explained in the Warrant. The following map depicts the proposed five MBTA Communities Multi-family Overlay Subdistricts as described in the Warrant:

TOWN OF CONCORD MASSACHUSETTS

MBTA COMMUNITIES MULTI-FAMILY
OVERLAY DISTRICT
April 2024



This map was created by Concord GIS. The information is provided as a reasonably accurate point of reference, but is not intended to represent authoritative location, and is not to be used for conveyances. The Town of Concord shall not be held responsible for the accuracy or misuse of these data.



Motion: Ms. Miller moves that the Town (1) take affirmative action on Article 34 as printed in the Warrant and (2) amend the Zoning Map to add the five (5) MBTA Communities Multi-family Zoning Overlay Districts as described in the Warrant and as shown in the Planning Board's Recommendation Report dated April 16, 2024.

Note to Moderator: A Majority Vote Required

Passed by a substantial and more than two-thirds majority
April 30, 2024

A True Copy Attest:

Kaari Mai Tari
Town Clerk