

WARRANT ARTICLE
ZONING BYLAW AMENDMENT

Zoning Map & MBTA Communities Multi-family Overlay District

ARTICLE XX. To determine whether the Town will vote to 1) amend Section 2.2 (Zoning Map) MBTA Communities Multi-family Overlay District boundary, 2) **(May need to insert language if one of the subdistricts are deleted or combined)**, and; 3) add a new Section 7.11.7 Other Sections Requiring a Special Permit to Section 7.11 MBTA Communities Multi-family Overlay District as follows (amendments and additions shown in ***bold italics*** for emphasis only); or take any other action relative thereto:

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

MBTA Communities Multi-family Overlay District, Town of Concord, April 2025, consisting of **??** subdistricts (Scale 1" to 1,400').

2. Amend Section 7.11.4 Dimensional Requirements as follows: **(Include this Section only if one of the subdistricts is removed or if subdistrict 4 & 5 are combined)**

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%	

3) Add new Section 7.11.7 Other Sections Requiring a Special Permit (all language is new, but not shown in ***bold italics***)

7.11.7 Other Sections Requiring a Special Permit. The following section in the Zoning Bylaw may require a Special Permit. An application for a development within the MBTA Communities Multi-family Overlay District is not required to apply for a Special Permit for the purposes of the uses listed in Section 7.11.3.2. For the purposes of this Section 7.11, the procedures and criteria for granting a Special Permit for the Section below is incorporated into the Planning Board’s Site Plan Review Process, as described in Section 7.11.6:

(a) Section 7.2 Floodplain Conservancy District

Explanation: On June 12, 2025, the Town received [notice from the EOHL Secretary](#) stating that the Town is conditionally compliant with Section 3A and 760 CMR 72.00. The Town has one year to bring the District into compliance. EOHL has determined that the following items will need to be addressed for the Town to be found in full compliance:

- (a) The District's geography is less contiguous than the flexibilities provided in Section 72.05(1)(a)(3) of the Regulations permit. At least half of the District land areas must comprise contiguous lots of land.*
- (b) Several areas of the District appear subject to special permit requirements, including §7.2 Floodplain Conservancy District, and §6.2.2 Minimum Lot Area. These two sections together subject a large portion of the District to special permit requirements due to the presence of flood zone areas. The Town can either exempt the District from this requirement and move the substantive requirements into Site Plan Review or another non-discretionary process or remove the affected parcels from the District's unit capacity.*
- (c) The GIS shapefiles provided show a district that excludes street and rail right of way areas, and the district acreages submitted in the compliance model indicate that the ROW was not included in the area measurements. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts. Including these areas will affect the district's land area and gross density calculation.*

The Planning Board reviewed multiple alternative scenarios to address item (a) and determined ?? to be the preferred solution. To address Item (b), the Board is proposing to add Section 7.11.7 which clarifies that a MBTA Communities multi-family project is not required to get a special permit but still must meet all of the standards for Section 7.2 and Section 7.5. Item (c) has been addressed in the GIS Compliance Model by the Town's GIS Team so that abutting streets and rail right-of-way areas are included.