

ARTICLE X. Amend Zoning Map and Zoning Bylaws for Village Center and Neighborhood Districts – Greenbush/Driftway Gateway District and North Scituate Village District for Compliance with MGL Ch 40A Section 3A of the Zoning Act for Multi-Family Zoning as of right in MBTA Communities and minor housekeeping changes:

- A. Amend the zoning bylaws throughout to replace the references to “Department of Housing and Community Development” or “DHCD” to “Executive Office of Housing and Livable Community” or “EOHLC” respectively.
- B. Amend the Town of Scituate, MA Zoning Map in the Village Center & Neighborhood District – North Scituate – Village Center and North Scituate Outer Village district boundaries as shown on a map entitled Town of Scituate - North Scituate Zoning dated November 30, 2023, by JM GOLDSOHN and to issue a new zoning map reflecting this amendment, and amend Section 310, Section 320 and Section 340 to reflect the new mapping.
- C. Amend Section 200 – Definitions by adding the following definitions in alphabetical order.

Affordable unit. A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.

Applicant. A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

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

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

EOHLC. The Executive Office of Housing and Livable Communities, or any successor agency

MBTA. Massachusetts Bay Transportation Authority.

Mandatory Mixed-use District. A district where development is required to contain a mix of residential uses and non-residential uses, including commercial, institutional, or other uses.

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

And change the title of **Multi-Family Dwelling** to read **Multi-family Dwelling/Multi-Family Building**.

- D. Amend Section 310 Types of Districts to add Mandatory Mixed-use District under “VCN” Village Center & Neighborhood District which includes the NDTV Sub-district in Greenbush-Driftway Gateway District and NSV-VC Sub-district in North Scituate Village.
- E. Amend Section 420 – Table of Use Regulations

- 1. Update the Table of Use for Multi-family Buildings to be allowed by right in the GWB District;

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2. Delete use category G (Multi-family dwelling complex, subject to Section 430.3), and relabel the lettering below accordingly.
3. Amend Garage for commercial vehicles subject to Section 440.2) to correct "Section 440.2" with "Section 440.3."
4. Add Flex Space/Fabrication Building as Category M. under Section 4 Industrial Uses as not allowed in R-1, R-2, R-3, NRN, DCR, NRCR and B, allowed in GWB, GVC, NDTV, DBP and NSV-VC and by Special Permit in the NSV-OV.
5. Change heading in Greenbush-Driftway in Table of Uses from NCR to NRCR

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹									
		R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY							NORTH SCITUATE		
						GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV	
1. Residential and Institutional Uses															
A.	Single-family detached dwelling	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	
A.1	Single-family attached dwelling					Y	Y	Y	Y	Y	N	N	N	Y	
A.2	Single-family/Cottage and Cottage Court					Y	N	N	Y	N	N	N	N	Y	
B.	Two-family dwelling, subject to §430.1	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	
C.	Residential Accessory use	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	Y	Y	
D.	Accessory dwelling, subject to Section 530	SP	SP	SP	SP	Y	N	N	N	N	N	N	SP	SP	
E.	Affordable accessory dwelling, subject to Section 530	See Section 530				Y	N	N	N	N	N	N	SP	SP	
F.	Multi-family Dwelling	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	Y	
G.	Multi-family dwelling complex, subject to Section 430.3	N	N	N	N	SP	SP	Y	Y	N	N	N	N	N	
G.	Private garage for more than 3 automobiles	SP	SP	SP	Y	Y	N	N	N	N	N	N	SP	N	
H.	Garage for commercial vehicles subject to Section 440.3	SP	SP	SP	Y	Y	N	N	N	Y	N	N	N	N	
I.	Religious use pursuant to G.L. c.40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
J.	Educational use pursuant to G.L. c. 40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
K.	Town administration or utility building or public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
L.	Town recreation or water supply use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
M.	Child care facility pursuant to G.L. c.40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	
N.	Live/Work Building					Y	Y	Y	Y	SP	N	N	Y	Y	
O.	Mixed-Use Building					Y	Y	Y	Y	SP	N	N	Y	Y	
2. Agricultural, Horticultural, Floricultural Uses															
A.	Agriculture, horticulture, viticulture, aquaculture or floriculture pursuant to G.L. c. 40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

¹ Refer to 580.3 and 580.9 for allowed buildings and associated standards within the Village Center Neighborhoods.

USE CATEGORY	RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹									
	R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY							NORTH SCITUATE		
					GVG	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV	
B.	Commercial dairy, poultry or livestock farm on a lot containing three acres or more (but not including a piggery, commercial kennel, or fur farm) provided that any building in which poultry or livestock are housed is not less than fifty feet from side and rear lot lines and the exterior line of any street.	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N
C.	Commercial greenhouse on lot of less than 5 acres; provided that such building and any heating plant accessory thereto is not less than fifty feet from side and rear lot lines and from the exterior of any street.	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N
D.	Salesroom or stand for the display and sale of agricultural or horticultural products the major portion of which are grown on the premises on lots less than 5 acres; provided that no such products are displayed within thirty feet of any street or lot line.	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N
E.	Commercial riding academy on a lot containing three acres or more, provided any building in which horses are housed and any riding rings not less than fifty feet from side and rear lot lines and from the exterior line of any street	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N
3. Commercial Uses														
A.	Private organized camp	SP	SP	SP	Y	N	N	N	N	N	N	N	N	N
B.	Rest, convalescent, nursing home or assisted living facility	SP	SP	SP	Y	Y	Y	SP	Y	N	N	N	SP	SP
C.	Cemetery	SP	SP	SP	Y	SP	N	N	N	N	N	N	N	N
D.	Hospital	SP	SP	SP	Y	N	N	SP	N	SP	N	N	N	N
E.	Philanthropic or charitable institution	SP	SP	SP	Y	Y	Y	Y	SP	SP	SP	SP	Y	Y
F.	Public or nonprofit library, museum, art gallery, civic center	Y	Y	Y	Y	Y	Y	Y	SP	Y	SP	SP	Y	Y
G.	Commercial livery or mooring for marine pleasure craft with no	SP	SP	SP	Y	SP	SP	N	SP	SP	N	N	N	N

USE CATEGORY	RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS ¹									
	R-1	R-2	R-3	B	GREENBUSH-DRIFTWAY							NORTH SCITUATE		
					GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV	
4. Industrial Uses														
A.	Establishment for the sale of lumber or other building supplies, heating fuel, livestock feed, ice, fertilizer, or similar materials stored in bulk on the premises (but not including the storage of used or salvaged materials).	N	N	N	N	N	N	N	N	N	Y	N	N	N
B.	Establishment for repair of trailers, trucks, machinery or farm implements.	N	N	N	N	N	N	N	N	Y	N	N	N	N
C.	Auto body shop, provided that all work is conducted within a completely enclosed building.	N	N	N	N	N	N	N	N	Y	N	N	SP	SP
D.	Yard for custom building or repair of boats under one hundred feet in length, boat storage yard.	N	N	N	N	N	N	Y	N	Y	N	N	N	N
E.	Storage yard or plant for contractor's equipment, storage garage or trucks, trucking yard or terminal.	N	N	N	N	N	N	N	N	Y	N	N	N	N
F.	Wholesale distribution plant, cold storage plant, material storage yard, or warehouse (but not including the storage of used or salvaged materials or explosives, or the wholesale products, or other inflammables.)	N	N	N	N	N	N	N	N	Y	N	N	N	N
G.	Soldering or welding shop, shop for light metal fabrication or blacksmith shop, provided that all work is conducted within a completely enclosed building.	N	N	N	N	N	N	N	N	Y	N	N	N	N
H.	Woodworking mill	N	N	N	N	N	N	N	N	Y	N	N	N	N
I.	Commercial bakery or dairy products plant	N	N	N	N	N	N	N	N	Y	N	N	N	N
J.	Light manufacturing	N	N	N	N	N	N	N	N	Y	N	N	N	N
K.	Use accessory to allowed industrial use	N	N	N	N	N	N	N	N	Y	N	N	N	N
L.	Large scale ground mounted solar photovoltaic installation and appurtenant structures	N	N	N	N	N	N	N	N	Y	N	N	N	N
M.	Flex Space/ Fabrication Building	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	SP

F. Delete Section 430.3 Multi-Family Dwelling Complex in its entirety.

~~430.3 MULTI-FAMILY DWELLING COMPLEX~~

~~A. Multi-family dwelling complex shall be subject to the following conditions and regulations:—~~

- ~~1. Each project will be subject to the provisions of Section 770, Site Plan Review.~~
- ~~2. The minimum lot area for each multifamily dwelling complex shall be forty thousand square feet.~~
- ~~3. The minimum lot frontage shall be one hundred and fifty feet on a public street, or a private street, approved by the Planning Board under the subdivision control law. Minimum width of each lot throughout its depth shall be not less than one hundred and fifty feet measured at its narrowest.~~
- ~~4. The minimum lot area for each dwelling unit shall be five thousand square feet plus one thousand square feet for each bedroom in excess of two for each dwelling unit. In no case shall there be more than eighteen bedrooms or eight dwelling units per forty thousand square feet.~~

~~Dwelling~~

~~units with more than two bedrooms shall not exceed one in each eight dwelling units to be constructed on each lot. Surplus areas of water bodies, wetlands and marshes shall not be included in the calculation of lot area to determine the allowable number of dwelling units.~~

- ~~5. The shortest distance between any two multifamily dwellings shall be not less than thirty-five feet. Courts shall be completely open on one side and the depth of the court shall not exceed the width.~~
- ~~6. Each multifamily dwelling shall contain no more than twelve dwelling units. No exterior face of any building shall exceed fifty feet in any plane (measured horizontally) without an offset of at least eighteen inches.~~
- ~~7. All utility service lines shall be underground.~~
- ~~8. No more than twenty five percent of the lot may be covered by the multifamily dwellings, including accessory buildings.~~
- ~~9. The front yard setback requirements shall be fifty feet. The side and rear yard setback requirement shall be permitted in the front yard setback areas; said setback areas (other than access drives) shall be appropriately landscaped.~~
- ~~10. There shall be set aside on each lot an area equal to fifteen hundred square feet per dwelling unit, not to be built upon, unpaved, landscaped, and/or left natural with an acceptable balance of trees, shrubs and grass, except that three hundred square feet of the above fifteen hundred square feet per dwelling unit shall be developed for recreational purposes.~~
- ~~11. In addition to the open space required in (10) above, there shall be provided landscaped side and rear yard buffer areas of at least ten feet in width each adjacent to each property line of the lot and being part of the yard requirement in (9) above. For each additional forty thousand square feet, two feet shall be added up to a maximum of thirty feet. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of six feet~~

12. — Two off street parking spaces shall be provided for each dwelling unit. No more than ten spaces shall be provided in any one continuous row. The minimum size of a parking space, including aisles and maneuvering areas, shall be within three hundred and fifty square feet and spaces shall be within two hundred feet of the intended user. Parking spaces shall be lighted but shielded from direct glare on a public street and adjoining premises.

13. — No building shall exceed two stories in height. No building shall exceed thirty feet in height.

14. — No interior floor space below ground level shall be used for living purposes.

15. — No building shall exceed one dwelling unit in depth front to back.

16. — No building shall have an overall length of more than two hundred feet.

G. Amend Section 580.2 Subsection D. Pedestrian Frontage Overlay Zone to add the following language in the 1. Purpose section to clarify the locations of the Pedestrian Frontage Overlay Zone as follows:

1. Purpose: The Pedestrian Frontage Overlay Zones identify properties along certain public streets in the VCN Districts North Scituate Village-Village Center and the Greenbush -Driftway Gateway District-New Driftway Transit Village Subdistrict as places prioritized for pedestrian-oriented and active ground floor uses. Pedestrian Frontage Overlay Zones are identified on the VCN Zoning District Insert Maps as a subset of the Town of Scituate Zoning Map.

H. Amend Section 580 Village Center and Neighborhood District as follows:

1. Section 580.3.D. strike the phrase “or Board of Appeals.” as follows:

Alternative Building Types: If a new building is proposed that cannot be classify as one of the allowed building types of this section by the Zoning Enforcement Officer, the building is subject to Special Permit review and approval by the Planning Board ~~or Board of Appeals.~~

2. Section 580.4 Table 2 – VCN Residential Density by Building Type & District to allow Multi-Family Buildings 15 dwelling units per acre in the GWB, NRN and GVC districts.

TABLE 2 - VCN RESIDENTIAL DENSITY BY BUILDING TYPE & DISTRICT

RESIDENTIAL/MIXED USE BUILDINGS		D.U.s PER ACRE (BY RIGHT/BY SPECIAL PERMIT)						
		Greenbush-Driftway Gateway					North Scituate Village	
		GWB	NRN	GVC	DBP/NRCR/DCR	NDTV	VC	OV
		Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP
1.	Single-Family Detached Dwelling Units	NA	NA	4/8 ⁴	NA	NA	NA	NA
2.	Single-Family Attached Dwelling Units ¹	8/16	8/16	8/16	NA	12/20	NA	12/20
3.	Two-Family Dwelling and Cottage Courts ²	NA	8/16	8/16 ⁴	NA	NA	NA	12/20
4.	Mixed Use Buildings	12/24	12/24 ³	12/24	NA	16/36	12/24	12/24
5.	Multi-Family Buildings	<u>15/24</u>	<u>15/24</u> ³	<u>15/24</u>	NA	16/36	NA	15/24

NA Not Allowed

P Permitted By Right

Y Permitted By Special Permit from the Planning Board

1 Single-Family Attached Dwelling Units includes Rowhouses, Townhouses, and Live/Work Units

2 Two-Family Dwelling Units are permitted on a 10,000 S.F. lot with no accessory dwelling units. Where more than one Two-Family dwelling unit is being built they must meet the density per acre requirements above for the additional units.

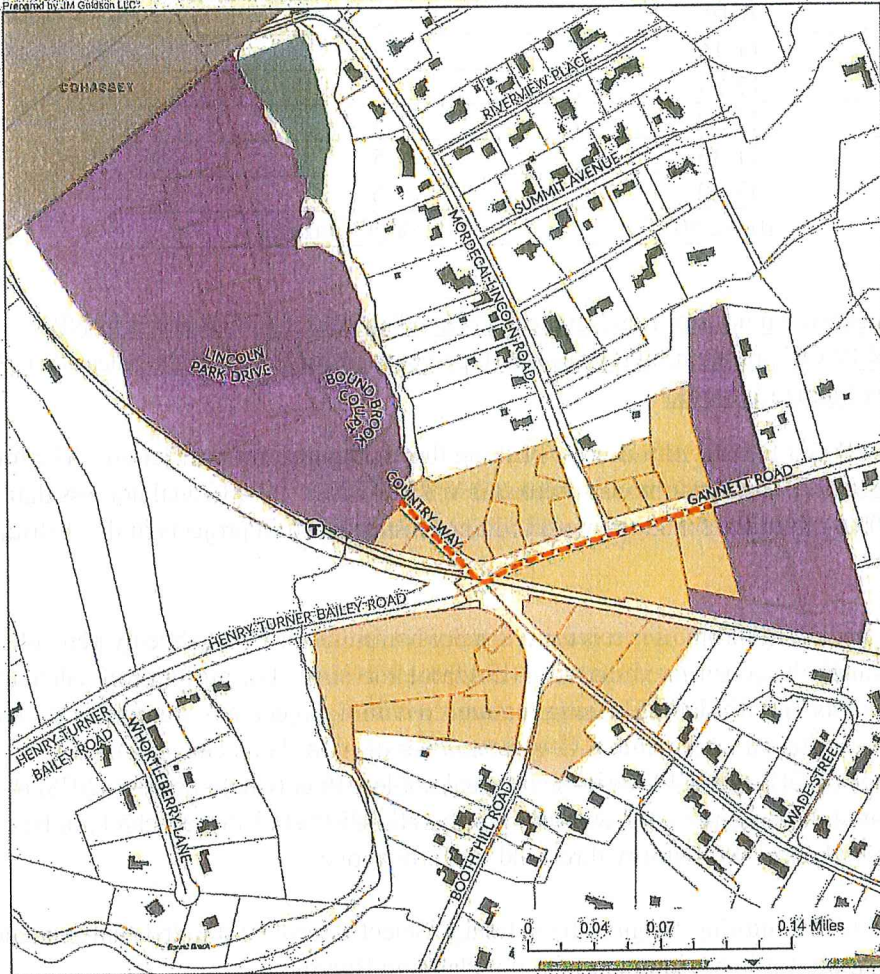
3 Mixed Use Buildings are not permitted in the NRN District

4 Where Single-Family Detached Dwellings and Two-Family Dwellings are permitted, the minimum lot size for an individual lot is 10,000 S.F. Where more than one single-family detached dwelling unit is being built they must meet the density per acre requirements above for the additional units.

3. Section 580.9.A.1.a to strike the phrase “a limited amount of” as shown below:

Purpose: The purpose of this district is to create an attractive gateway along the Driftway by encouraging a broad range of commercial ~~uses, and a limited amount of~~ residential, and institutional uses at moderate densities supported by attractive streetscape treatments and multi-modal transportation facilities including bus transit, sidewalks, and the Driftway Multipurpose Trail.

4. Amend Section 580.9.B North Scituate Village District (NSV) to update the location of the pedestrian frontage zones as shown on the proposed zoning map dated November 30, 2023 by JM Goldson LLC.



Date Created: November 30, 2023

- Schools
- Buildings
- Parcels
- Trails
- Water bodies
- Open space
- Commuter Rail Station
- North Scituate Village Center
- North Scituate Outer Village
- Pedestrian Frontage Zone

Sources: MassGIS, MassDEP,
 MAPG Trailmap

I. Amend Section 754 Fair Housing and Affordability Standards as follows:

1. Amend Section 754.1.B.1 Specific Application to VBOD and VCN to add language to 1. Exemptions after the first sentence as follows:

Exemptions. Applications requesting five or fewer dwelling units are exempt from this requirement. By right development in the VCN subdistricts GDG-GWB, GDG-NRN, GDG-GVC, and NSV-OV nine or fewer are exempt from this requirement. The Planning Board may waive this requirement if housing units are entirely within an existing historic structure either on the National Register of Historic Places, the State Register of Historic Places or on a list of historic structures maintained by the Scituate Historical Society.

2. Amend Section 754.1.B.2 Number of Affordable Units, by inserting the following language below the table as follows:

Total Housing Units	Required Affordable Units
6-10	1
11-16	2
17-23	3
24-30	4
31-36	5
37-40	6
Above 40	15% of total

By right development of ten units or more in the VCN subdistricts GDG-GWB, GDG-NRN, GDG-GVC, and NSV-OV are required to provide 10 percent affordable units at not less than 80 percent of the Area Median Income.

3. Amend Section 754.1.B.3 Density Bonuses by striking the language from the section: “The total number of Affordable Housing Units constructed in a VBOD or VCN shall equal not less than twenty percent (20%) of the total number of all units constructed within projects in the district” as shown below:

Density Bonuses. For all projects receiving a density bonus, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a project, any fractional unit shall be deemed to constitute a whole unit. ~~The total number of Affordable Housing units constructed in a VBOD or VCN District shall equal not less than twenty percent (20%) of the total number of all units constructed within projects in the district.~~ A Project shall not be segmented to evade the Affordability threshold set forth above.

4. Amend Section 754.3 Monitoring Agent to by deleting “Select Board” in the first sentence and replacing it with “Applicant in conjunction with the Planning Board.”
5. Amend Section 754.7.B Compliance with LIP Program by replacing “CMR 45.00” with “CMR 56.00.”

J. Amend Section 760 Parking Requirements

1. Amend Section 760.8 to add language that there is no parking required for commercial uses in the Mandatory Mixed-Use Districts (VCN-GDG-NDTV and VCN-NSV-VC districts), as follows:

760.8 BUSINESS AND MIXED-USE DISTRICT PARKING REQUIREMENTS AND WAIVERS

The Planning Board may waive the parking requirements of this Section for commercial, mixed-use, and residential uses in the Village Center & Neighborhood (VCN) and Business Districts if the applicant can demonstrate that sufficient off-street and on-street parking (public or private) exists that may adequately fulfill, in part or in whole, the parking needs of the applicant, or that special circumstances exist, such as the shared use of a parking lot by activities having different peak demand times as determined by the standards below. No commercial parking is required in the VCN GDG-NDTV and NSV-VC districts for by right projects only.

2. Amend the Section 760.8.B. to specify that there is no parking required for commercial uses on the ground floor in the Section 3A of MGL c. 40A. Mandatory Mixed-Use District(s), as follows:

B. Off-Street Parking Requirements. The minimum number of off-street parking spaces required for residential, commercial, and mixed uses in the VCN and B shall be consistent with the requirements on Table 2 below. Where a use is not addressed on Table 2, then such use will be consistent with the requirements of Table 1 in Section 760.6. Outdoor seating cafes and accessory buildings are exempt from off-street parking requirements at the discretion of the Planning Board. The VCN GDG-NDTV and NSV-VC districts do not require any off-street parking for the ground floor commercial uses for by right projects only.

K. Amend Section 770.9 Applicability of Approval Requirements

1. Amend Section 770.9.A to add the words “or VCN” after the words B District as follows:

A. Any of the uses permitted in B or VCN District but not permitted in R-1, R-2, or R-3 Districts (with or without Board of Appeals authorization).

2. Amend Section 770.9.C by deleting it in its entirety and adding a new Section C. as follows:

~~C. An apartment house, garden apartment building or other multiple dwelling for residential use by more than two families.~~

C. Multi-family dwellings are subject to Site Plan Administrative Review or Major Site Plan Review as would be required for business or commercial uses.

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