

ADDITIONAL INFORMATION

**SASSEVILLE WAY RESIDENTIAL
OVERLAY DISTRICT**

SUBMITTED – 11/30/2023

IN CITY COUNCIL

ORDERED

Marlborough, Mass., _____

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THAT, PURSUANT TO § 5 OF CHAPTER 40A OF THE GENERAL LAWS, THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, HAVING RECEIVED FOR ITS CONSIDERATION CHANGES IN THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, TO FURTHER AMEND CHAPTER 650, NOW ORDAINS THAT THE ZONING ORDINANCE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING AND ADDING THERETO AS FOLLOWS:

1. Chapter 650, Article VI, entitled “Special Districts, Overlays and Special Requirements” is hereby amended ~~to add~~ by inserting a new Section 650-39A, ~~or such other numbering as deemed appropriate and adopted by the City of Marlborough~~, entitled “Sasseville Way Residential Overlay District”, which shall read as follows:

§ 650-39A. “Sasseville Way Residential Overlay District”

A. Purpose and objectives.

(1) The purpose of the Sasseville Way Residential Overlay District (herein, also the SWR Overlay District) shall be to encourage and enhance land development and desired growth patterns for the advancement of the public health, safety and welfare by providing for the development of mixed use multi-family housing developments on sites which are otherwise zoned for other purposes but which, because of the size of the parcel being developed and its proximity to other residential neighborhoods, recreational, environmental and/or residential amenities, will provide an appropriate environment for a mixed use multi-family housing development consistent with the stated economic development and environmental stewardship objectives of the City.

(2) For purposes of this zoning district, a mixed-use development shall include a mix of multi-family residential uses and any eligible use set forth in Subsection D, which may be commingled into a single structure or multiple structures with other eligible uses on the same property. Within the SWR Overlay District, one (1) mixed-use development shall be permitted, which shall require a special permit and site plan review. Proponents are encouraged, where practical, to allow undeveloped land within the SWR Overlay District and outside of proposed construction and disturbed areas to remain in its natural state. Accordingly, mixed-use developments shall benefit the public health, safety and welfare, through the sharing of parking lots and driveway curb cuts, to minimize the amount of impervious paved parking area and driveway curb cuts, reduce automobile trips and traffic congestion, improve walkability within the property, and thereby improve air quality.

(3) For purposes of this ~~section~~ Section 650-39A, the SWR Overlay District shall be superimposed on the other districts existing at the time that any land in said underlying district is also included in the SWR Overlay District. The SWR Overlay District is

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located adjacent to Sasseville Way as indicated on the City Zoning Map existing at the passage of this Ordinance, which properties include the following parcel of land (herein identified by the Assessors' Map and Parcel Number): 29-23.

B. Authority of permit granting authority.

(1) ~~The City Council shall be the permit granting authority for special permit and site plan approval in the SWR Overlay District.~~ In all instances, (i) a development which proceeds under the SWR Overlay District is subject to administrative site plan approval in accordance with § 270-2 of the Marlborough City Code, and (ii) an application for a special permit for a use in the SWR Overlay District shall comply with the requirements of § 650-59 of the Zoning Ordinance, with the exception that the City Council shall be the permit granting authority for special permit, and site plan approval in the SWR Overlay District and the voting threshold shall be a simple majority, determined in accordance with Massachusetts General Laws c. 40A, § 9.

(2) ~~The City Council~~ A special permit may ~~elect to~~ waive or modify any of the dimensional and parking requirements set forth in this section during Site Plan Review if it makes upon a finding that to do so will enhance the overall design of the SWR Overlay District. ~~This authority continues subsequent to occupancy of any structure within the SWR Overlay District.~~

C. Exclusivity/control. This section (§ 650-39A) of the Zoning Ordinance exclusively controls any mixed use development in the SWR Overlay District and supersedes any other provision of the Zoning Ordinance with respect to all matters described in this section. In the event of any conflict between the provisions of this section (§ 650-39A) and any other provision of the Zoning Ordinance, the provisions of this section (§ 650-39A) shall govern and control.

D. Eligible uses. Except as specifically set forth to the contrary below, all uses permitted in the Residential A-2 and Limited Industrial Districts, either as of right or by special permit in accordance with § 650-17 of the Zoning Ordinance, are permitted to the same extent in the SWR Overlay District.

(1) The following uses are permitted by special permit in the SWR Overlay District:

(a) Multifamily dwelling as part of a mixed-use development, provided that the total number of dwelling units in the SWR Overlay District shall not exceed 286.

(b) Car parking lots, garages accessory to any principal uses at the property: a structure or a group of structures that facilitate the parking of vehicles at ground level, above or below grade and shall include area for

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the parking of vehicles at, above and/or below grade under a building or otherwise integrated into another structure.

(c) Any “business use” as categorized under §650-17 of the Zoning Ordinance, provided that said facilities are, in the aggregate, less than 8,000 square feet of floor area and that such business use is limited to the following:

(i) Consumer service establishments complementary to the other principal uses at the property; and

(ii) One restaurant serving food indoors and/or outdoors, or cafe/café with or without table service (including outside seating and service), or brew pub.

~~(iii) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities. For the avoidance of doubt, any outdoor areas shall not be subject to said floor area restrictions.~~

(d) Health, sports and fitness clubs (indoor and/or outdoor) and related facilities for residents and guests of residents as accessory to athe multifamily dwelling use, provided that said facilities if enclosed in a building(s) are less than 8,000 square feet of floor area. For the avoidance of doubt, any outdoor areas shall not be subject to said floor area restrictions.

(e) Accessory solar and other alternative energy installations, including but not limited to solar photovoltaic systems, rooftop systems and solar parking canopies, and accessory telecommunications facilities and wireless communications facilities subject to §650-25 of the Zoning Ordinance.

~~(f) The foregoing subsections notwithstanding, the uses set forth as follows are expressly prohibited in the SWR Overlay District: Any “Industrial Uses”, as categorized under § 650-17 of the Zoning Ordinance, which are permitted by underlying zoning and located within 200 feet of a residential structure.~~

~~(2) Once a development shall not be allowed in the SWR Overlay District receives site plan approval: after the granting of a building permit for a development that has received a special permit under this section (§ 650-39A).~~

~~(a) An individual as-of-right use may be changed without further site plan approval, unless such change otherwise requires Site Plan Approval under § 270-2 of the Marlborough City Code or a modification to a Site Plan Approval under Subsection L; and~~

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~~(b) An individual use already granted a special permit may be changed upon the grant of a new or modified special permit, as appropriate, for that changed use, and will be subject to Site Plan Approval; provided, however, that if the change is to an as-of-right use in the SWR Overlay District, no further Site Plan Approval is required unless such change otherwise requires Site Plan Approval under § 270-2 of the Marlborough City Code or a modification to a Site Plan Approval under Subsection L.~~

E. Affordable Housing. ~~All site plan review approvals~~ Notwithstanding anything to the contrary in § 650-26 of the Zoning Ordinance, all special permits granted to applicants to construct multi-family dwellings (including a mixed-use development containing a multifamily dwelling use) shall be subject to the provisions of § 650-26 of the Zoning Ordinance; provided, however, the percentage of dwelling units to be constructed for homeownership or rental purposes to be made available at affordable prices to home buyers or renters shall be 12% with respect to developments of 20 or more units.

F. Dimensional requirements. The SWR Overlay District shall be subject to the dimensional standards in accordance with Article VII of the Zoning Ordinance with the following exceptions:

(1) The SWR Overlay District shall consist of one or more lots. The minimum acreage requirement for contiguous parcels/lots to be developed as a SWR Overlay District is twenty ~~three~~ (2023) acres.

(2) Minimum lot frontage measurement shall be no less than 200 feet for any lot wholly located within the boundaries of the SWR Overlay District.

(3) Minimum side and rear yard measurement shall be no less than 50 feet and minimum front yard measurement shall be no less than 50 feet for any lot wholly located within boundaries of a SWR Overlay District, except that (i) for any business use the minimum front yard measurement shall be no less than 25 feet; (ii) no portion of any multifamily building shall be located less than 150 feet from any portion of a single family dwelling located outside the SWR Overlay District existing as of the effective date of this Section 650-39A measured in a straight line from any point of a multifamily building within the SWR Overlay District to any point of a single family dwelling outside of the SWR Overlay District existing as of the effective date of this Section (without regard to any subsequent relocation or demolition of such dwelling); and (iii) there shall be no disturbance of land within the "riverfront area" as defined in M.G.L. c. 131, §40 in effect as of the effective date of this Section 650-39A and shown in an Abbreviated Notice of Resource Area Delineation approved by the Marlborough Conservation Commission and which has not lapsed.

(4) Maximum building height in SWR Overlay District shall not exceed 70 feet, provided that:

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(a) For the purposes of measuring height in SWR Overlay District, the “front” of each building shall be measured on the side facing Sasseville Way;

(b) No non-residential structure or building shall be more than 2 stories or 45 feet in height; and

(c) For the avoidance of doubt, height shall be measured to the average height between plate and ridge of a gable, hip or gambrel roof.

(5) Maximum combined lot coverage, including any permitted accessory structures, shall not exceed 45% of the ~~tract or contiguous parcels~~ area of the entire SWR Overlay District.

(6) The total number of dwelling units within the SWR Overlay District shall be limited to 13 units per acre of ~~gross land~~ the area of the entire SWR Overlay District.

(7) The SWR Overlay District may contain studio, one (1), two (2) and three (3) bedroom units, provided that the number of three (3) bedroom units shall not exceed ten (10).

(8) Notwithstanding anything contained herein to the contrary, there shall be no yard or setback requirements, or planting strips required, as to internal lot lines within the SWR Overlay District.

G. Parking and curb cut requirements. Except as otherwise provided in this ~~section~~ Section 650-39A, parking and circulation requirements shall conform to the provisions of §§ 650-48 and 650-49 of the Zoning Ordinance.

(1) General. In the SWR Overlay District, adequate off-street parking shall be provided. The City Council and the applicant shall have as a goal, for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the City Council shall consider complementary or shared use of parking areas by activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.

(2) Parking locations. Parking may be provided at ground level, underground or in a parking garage. Parking garages can be freestanding or as part of buildings dedicated to other permitted uses.

(3) Parking spaces per dwelling unit. There shall be a minimum parking ratio of 1.5 parking spaces per dwelling unit.

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(4) Granting of relief from parking and driveway regulations. The City Council may waive any of the foregoing requirements or the requirements of § 650-48 and § 650-49 ~~during Site Plan Review~~ in a special permit if it makes a finding that to do so will enhance the overall design of the SWR Overlay District.

H. Landscaping and screening requirements. The SWR Overlay District shall be subject to the landscaping and screening standards in accordance with § 650-47 with the following exceptions:

(1) In the SWR Overlay District, there shall be provided with each multifamily building a landscaped area equal to the greatest single floor area of the building, provided that such landscaped area may include undisturbed natural areas such as vegetated areas, woodlands, wetlands and ~~floodplain~~ floodplain areas.

(2) The City Council may waive any of the requirements of § 650-47 ~~during Site Plan Review during Site Plan Review~~ in a special permit if it makes a finding that to do so will enhance the overall design of the SWR Overlay District.

I. Signage.

(1) Except as otherwise provided in this ~~section~~ Section 650-39A, signage shall conform to the provisions of Chapter 526 of the Marlborough City Code, the Sign Ordinance.

(2) The City Council may waive any of the requirements of the Sign Ordinance ~~during Site Plan Review~~ in a special permit if it makes a finding that to do so will enhance the overall design of the SWR Overlay District.

J. Stormwater Management System. A development shall have a stormwater management system designed in accordance with the Rules and Regulations for the Subdivision of Land in the City, the Department of Environmental Protection's Storm Water Management Guidelines, and the City's Stormwater Ordinance, Chapter 271 of the Marlborough City Code.

K. Application.

(1) An application for a special permit in the SWR Overlay District shall comply with the requirements of § 650-59 et seq. of the Zoning Ordinance. In the matter of a site plan approval, the application shall comply with the requirements of the City Code, Chapter 270, Article II, Permits and Approvals, § 270-2 et seq.

(2) ~~The City Council in connection with a~~ Applications for special permit and ~~or~~ site plan ~~application review~~ shall ~~review such applications~~ be reviewed with respect to the following design criteria:

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- (a) Compliance of sidewalks with Americans with Disabilities Act (ADA) design standards;
- (b) Street facade and exterior walls visible from public ways;
- (c) Public space;
- (d) Scale of buildings; and
- (e) External lighting.

(3) An applicant for a special permit shall prepare and complete a balloon test to visually simulate the height of buildings.

(4) Concurrent with any public hearing/meeting associated with a special permit and/or site plan filing, the applicant shall make a presentation to the City Council and/or the departments engaging in site plan review to present the proposed architectural design and shall consider the comments and input from ~~the City Council~~ such bodies. A final building elevation shall be submitted prior to the close of the public hearing/meeting on a special permit.

L. Amendments. After approval, an owner/developer may seek amendments to the approved permits. ~~Minor amendments~~ Major modifications to a special permit ~~and major or minor amendments to a site plan approval~~ may be ~~made~~ granted by a ~~majority~~ vote of the City Council, and minor modifications to a special permit may be granted by the Building Commissioner. It shall be a finding of the City Council, not subject to dispute by the applicant, whether a requested amendment to a special permit is deemed to be a major amendment or a minor one. Major or minor modifications to a site plan shall be subject to the provisions of § 270-2 of the Marlborough City Code. In general, a minor amendment to a special permit or minor modification to a site plan shall not produce more than a material increase in the scale of a project nor produce more than a material increase in impact on City services, the environment or the neighborhood. If it is determined that revisions to a special permit are not minor, per § 650-59 of the Zoning Ordinance, an application for a revised special permit shall be filed, and a public hearing shall be held in the same manner as required for a new application, subject to the fee schedule under Subsection C(3)(f) of § 650-59.

- 2II. The Zoning Map described in § 650-8 is **amended** as shown on the accompanying Map (Exhibit "A"). The newly established "Sasseville Way Residential Overlay District" shall include all or portions of the properties shown on the Map existing at the passage of this Ordinance, which properties include the following parcel of land (herein identified by the Assessors' Map and Parcel Number): 29-23.

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~~Be and is herewith SET A PUBLIC HEARING FOR _____, ADVERTISE,
REFER TO PLANNING BOARD.~~

III. The City Clerk is authorized to assign other numbering for the new section 650-39A as deemed appropriate for sequential ordering in the Zoning Ordinance.

IV. The effective date of these amendments shall be the date of their passage.

ADOPTED

~~ORDER NO. _____~~

In City Council
Order No. 23-

Adopted

Approved by Mayor
Arthur G. Vigeant
Date:

A TRUE COPY
ATTEST:

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EXHIBIT "A" - MAP

Document comparison by Workshare Compare on Thursday, November 30, 2023 10:41:08 AM

Input:	
Document 1 ID	netdocuments://4883-4047-5528/8
Description	Marlborough City Council Order for Proposed Amendment to Zoning Code Section
Document 2 ID	netdocuments://4883-4047-5528/16
Description	Marlborough City Council Order for Proposed Amendment to Zoning Code Section
Rendering set	Standard no moves

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	76
Deletions	50
Moved from	0
Moved to	0
Style changes	0
Format changes	0
Total changes	126

