

Townhouses

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Issue Overview

Many municipalities include townhouses in the definition of multi-family housing and would permit them where multi-family housing is allowed generally. A number of municipalities treat townhouses as a distinct use category and list “townhouse” in the table of uses, often separate from other multi-family uses listed such as garden apartments and high-rise apartments. A number of municipalities list “single family attached units” or “zero lot line dwelling units” as allowed uses. Often, municipalities allow townhouses through overlay or use provisions for cluster, PUD, or active adults (55+). Since the US Census counts townhouses in the same category as single family detached housing, while many municipalities treat townhouses as multi-family housing, this study addressed townhouses in a separate question.

The US Census website (<http://www.census.gov/const/www/newresconstdoc.html>) includes the following description of attached units, or townhouses: “The one-unit structure category includes fully detached, semidetached (semiattached, side-by-side), rowhouses, and townhouses. In the case of attached units, each must be separated from the adjacent unit by a ground-to-roof wall in order to be classified as a one-unit structure. Also, these units must not share heating/air-conditioning systems or interstructural public utilities, such as water supply, power supply, or sewage disposal lines.”

Some municipalities define multifamily as “building or series of buildings, for 3 or more families, including apartment house...townhouse or rowhouse”. Quite a few towns that do not explicitly include townhouses in the definition of multi-family housing reported in surveys that they consider townhouses to be a form of multifamily and would allow townhouses in districts zoned for multifamily.

Research Coding

Researcher searched the document for the terms “attached” and “townhouse.” Researcher looked in the table of uses, all provisions for cluster development and age restricted housing, and the definitions of multi-family housing. Not included here are attached two family houses. “Semi-detached” housing refers to two-family houses, attached on the side.

Abington

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes According to the table of uses, the following Residential Uses are allowed in the following districts BY RIGHT:

"Attached dwelling occupied by not more than one family in each unit between side walls, provided that no row of such units shall consist of more than four such units" - in CBD district.

The following Residential Uses are allowed in the following districts BY SPECIAL PERMIT:

"Attached dwelling occupied by not more than one family in each unit between side walls, provided that no row of such units shall consist of more than four such units" - in R-20, FW, TOD, MUPDD.

Acton

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right

or special permit)?

Yes 3.3.5 Multifamily Dwelling - A BUILDING for residential USE, other than a dwelling conversion, containing more than two DWELLING UNITS. A BUILDING or STRUCTURE, housing an ACCESSORY USE to a multifamily dwelling USE, owned and operated by the owner or the residents of a multifamily dwelling USE located on the same LOT or on an adjacent LOT, such as building and grounds maintenance facilities, wastewater disposal facilities, recreation facilities, or club houses.

In survey received from Acton on 3/23/05, the answer to "Are attached single-family houses listed as an allowed use?" was marked "Yes (treated same as multifamily.)" Researcher changed answer to yes.

Amesbury Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes L. Planned Unit Development (PUD) Districts:
1. Permitted Uses: In Planned Unit Development (PUD) Districts shown on the Zoning Map, the following uses are permitted as of right:
a. Multi-family dwellings and attached dwellings of all types; provided, however, that except for preexisting buildings or structures on a lot, all multifamily dwellings and attached dwelling units shall be limited to four (4) dwelling units for each building or structure
b. All other uses, including mixed uses, permitted in Section V.D., Table of Use Regulations.

Andover Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes DWELLING, MULTIFAMILY : A building containing three or more dwelling units.

New multifamily dwelling construction - Attached cluster (See section 7.3) by special permit from the planning board in SRA, SRB, and SRC.

7.3. NEW MULTI-FAMILY DWELLING CONSTRUCTION - ATTACHED CLUSTER

7.3.1. Purpose. The purposes of this Section are:

1. to promote and encourage alternative forms of housing which are accessible to existing town services;
2. to protect the natural environment and to conserve open space;
3. to promote energy conservation;
4. to allow development within the existing capacities of town services; and
5. to provide housing which will not be detrimental to the established or future character of the neighborhood and town.

7.3.2. Applicability. The Planning Board may grant a special permit for Attached Cluster to allow the construction of multiple dwellings subject to the criteria of Section 9.4.2 and to the following conditions set forth herein.

7.3.3. Density. The maximum base number of dwelling units shall be determined by dividing the buildable area by the minimum lot size allowed in the zoning district. For each base dwelling unit of one thousand square feet or less, the applicant is entitled to a credit of fifty percent (50%) of an additional dwelling unit of smaller size. Buildable area is calculated by subtracting from the total area of the lot a number which is ninety percent (90%) of the area

shown as wetlands on the Town of Andover wetland maps.

7.3.4. Dimensional Requirements.

1. Lot Size. Each lot shall be not less than ten acres nor more than twenty-five acres.
2. Building Height. No building shall exceed thirty-five feet.
3. Building Setbacks.
 - a. Each building shall be set back at least seventy-five feet from all property boundaries;
 - b. Each building shall be set back at least fifteen feet from any road or parking area and set back at least fifty feet from other buildings.
4. Frontage. The lot shall have a minimum of fifty feet of frontage on an existing public way which has sufficient capacity to accommodate the projected traffic flows from the project.

7.3.5. Open Space. All land not designated for roads, buildings, privately owned yards and which is unsuitable for development shall be designated open space. Areas which are unsuitable for development shall include, but not be limited to, floodplains; wetlands as shown on the Town of Andover wetland maps; slopes of greater than fifteen percent (15%); and areas with ledge closer than four feet to the surface of the ground.

1. Open space shall comprise a minimum of sixty percent (60%) of the total area of the lot, and at least fifty percent (50%) of the open space shall be accessible and usable for recreation purposes.
2. Prior to the sale of any dwelling unit, the applicant shall submit a conservation restriction on the open space to the Planning Board for its review, modification and approval, and shall record the approved conservation restriction in the Registry of Deeds. In the event of the sale of any dwelling unit prior to the recording of an approved conservation restriction, the town shall have a lien on said real property for the value of the conservation restriction.
3. Prior to the sale of any dwelling unit, the applicant shall convey all open space land to either the town, a nonprofit corporation or a homeowners' association. If the applicant intends to convey to a nonprofit corporation or a homeowners' association, the applicant must obtain the prior approval of the Planning Board.

7.3.6. Design Standards. The following design standards shall apply:

1. There shall be not less than three nor more than six dwelling units in each building;
2. Each dwelling unit shall have a separate exterior entrance to the unit at ground floor level;
3. Buildings shall be designed and placed and landscaping used to maximize visual and audible privacy between buildings;
4. The number of dwelling units which have more than four rooms excluding bathrooms may not exceed sixty percent (60%) of the total number of dwelling units in the development;
5. The design and layout of the buildings and accessory uses may not be altered without prior approval of the Planning Board;
6. At least two parking spaces per dwelling unit shall be provided on the lot either in an off-street paved area or in a garage or carport; no parking area may have more than twelve spaces;
7. Adequate provision shall be made for aisles, driveways, visitor parking and snow disposal;
8. Appropriate landscaping shall be used to prevent or minimize lighting overspill;
9. All utilities shall be buried;
10. All access roads shall have a minimum width of thirty feet and shall be built to a standard approved by the Planning Board, dependent upon the advice of the Director of Public Works;
11. No entrance or exit from the development to an existing public or private way may be allowed unless there are sight distances of at least two hundred fifty feet in both directions on the public or private way, and unless no other public way or private way intersects the existing roadway within one hundred fifty feet of the proposed entrance or exitway;
12. There shall be town water and sewer available in said public way, and said water and sewer lines shall have sufficient capacity to accommodate the project.

7.3.7. Application. Twelve complete copies of the application for a special permit for attached cluster shall be filed with the Planning Board. The application shall include the following information;

1. Analysis of the existing conditions on the site, including but not limited to wetlands, existing topography, soil conditions, areas within the one hundred year flood, trees over eight inches in diameter and any other significant natural features;
2. Calculation of buildable area, as per Section 7.3.3;
3. Site plan, which shall be prepared and stamped by a registered engineer and a registered landscape architect, shall contain at least the following information: location, bulk and height of all proposed buildings and accessory buildings and uses; existing and proposed topography; driveways and parking provisions; proposed landscaping plan, including continued use of existing vegetation, new plantings, screening, fencing, etc.; proposed lighting, signs, service areas, refuse and waste disposal areas;
4. Calculation of a footprint: buildings, roadways, accessory uses;
5. Description of extent to which the plan's design takes advantage of natural terrain;
6. Description of open space and its utility to the town and the proposed development (size, shape, location, natural resource value and accessibility by residents of the town or of the cluster);
7. Projected size of each unit (square feet and number of bedrooms);
8. Plan for maintenance of open space, waste disposal, drainage systems, roadways, snow removal;
9. Elevation of typical building exterior, description of building materials and type of construction, typical interior layout;
10. Description of the neighborhood in which the site is located, including utilities and other public facilities, and projected impacts of the proposed development on these;
11. Traffic analysis, including projected volume and ability of the existing street network to absorb the proposed development's traffic.

7.3.8. Board Review. Before acting upon the application, the Planning Board shall submit it to the following boards and agencies which may review it jointly or separately: the Board of Health, the Conservation Commission, the Department of Public Works, the Design Advisory Group and other boards or agencies the Planning Board may deem appropriate. Any such agency to which applications are referred for review shall submit such recommendations as it deems appropriate to the Planning Board. Failure to make recommendations within twenty days of receipt shall be deemed lack of comment or opposition.

7.3.9. Additional Information. After the opportunity for review by other boards and agencies, the Planning Board may require the applicant to supply more specific information about the proposed development, as per questions and comments of the reviewing boards and agencies. Such additional information shall be submitted within ten days of the expiration of the previous twenty days as set forth in Section 7.3.8. above.

7.3.10. Special Permit Procedure. The procedure for a special permit under this section shall be governed by Section 9.4. if the Planning Board disagrees with the recommendations of the Conservation Commission or the Board of Health, the reasons shall be stated in the special permit decision filed with the Town Clerk.

7.3.11. Special Permit. The Board may grant a special permit for Attached Cluster only if its finds that the applicant has demonstrated the following:

1. that the Attached Cluster plan will be in harmony with the purposes of Section 7.3.1 and the long-range plan of the town;
2. that it will not have a detrimental impact on the neighborhood, will be designed with due consideration for health and safety, and is superior to a conventional subdivision plan in preserving open space, minimizing environmental disruption, allowing more efficient provision of services or allowing for greater variety in prices and types of housing stock.

Arlington

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Town House Structure:

A row of at least three (3) one-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row, or town house, may be owned by a separate owner and shall have its own at grade access.

R4 - Town House Districts

The Town House District is composed of all those areas so designated on the official zoning map. It is located along arterials or in the Center area. The predominant uses are one- and two-family dwellings in large, older houses. Conversions of these old homes to apartments or offices is allowed to encourage their preservation. Town house construction is permitted at the same density as the apartment conversions, and at a scale in keeping with the older houses. Uses which would detract from the desired residential character, or otherwise interfere with the intent of this bylaw, are discouraged.

Three-family dwellings and town house structures are allowed only by special permit in the R3, R4, R5, R6, and R7 zones, as well as most of the business zones.

Ashland *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Attleboro *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes §17-10.6 PLANNED UNIT RESIDENTIAL DEVELOPMENTS

C. Permitted Use – The following uses shall be permitted by the granting of a special permit for a PURD: single family dwellings; attached single family dwellings not to exceed four (4) dwelling units per structure, hall, club or other indoor place of amusement or assembly exclusively for use by the PURD residents and their guests; and such accessory uses as are customary in connection with such uses. Other uses continue to be permitted and controlled by §17-3.4 TABLE OF USE REGULATIONS. Unless otherwise authorized by this ordinances, accessory uses are to be permitted and controlled by §17-3.5 TABLE OF ACCESSORY USE REGULATIONS.

6. Approval of specifications for the mix of the various building types to be included in the PURD, such that not fewer than forty (40%) percent of the dwelling units shall be single family dwellings and no more than sixty (60%) percent shall be attached single family dwellings.

Dwelling, Downtown Cluster Dwellings: A residential building containing a minimum of eight (8) attached dwelling units, including apartment house and garden apartment house, whereby residential units on the first floor level are regulated by special permit and residential units above the first floor level are permitted by right.

Auburn *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes According to the table of use regulations:

"3.2.2.2 Town House

3.2.2.2.1 Each building shall have no fewer than 3 nor more than 12 dwelling units

3.2.2.2.2 The building(s) shall be connected with the public sewer system prior to occupancy.

3.2.2.2.3 The maximum number of units per structure in the RO

District shall be four (4)."

...Allowed by special permit in RA, RB, RO, LB, HB, OS.

Avon *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes DWELLING, MULTI-FAMILY : A building containing three or more dwelling units.

According to Section 5-3, Table of Use Regulations, "Attached dwelling occupied by not more than one family in each unit between side walls" is allowed by special permit in R-25, R-40, and B; "apartments" are allowed by special permit in R-25, R-40, and B.

Ayer *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes According to the table of uses:

"Multifamily dwelling townhouses" by right in GR and by special permit in GB.

Bedford *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes 4.2.5 Housing for Elderly

Single family detached other than a single family dwelling in accordance with Subsection 4.2.1 and attached, and multi-unit structures of all types which will be owned and operated by the Bedford Housing Authority and for which it is the applicant, provided that the Board shall find that the proposed design is generally consonant with the purposes of this Bylaw.

Bellingham *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes According to the table of uses, the following are allowed:

Townhouse by special permit from the planning board in A, S, R, M, B1, and B2.

Belmont *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes 6.5.6 Attached Dwelling Units

The Board of Appeals may in its discretion allow a cluster development to consist in whole or in part of attached dwelling units if such units are not inconsistent with the aesthetics and physical appearance of the other buildings in the immediate vicinity.

Berkley Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Berlin Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Beverly Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Billerica Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

4. TOWNHOUSE OVERLAY DISTRICT

a. All uses permitted by right or by special permit in the underlying districts are permitted by right or by special permit in the Townhouse Overlay District.

b. In addition, the following RESIDENTIAL use is permitted by special permit:

(1) Townhouse

Requirements for Use:

OVERLAY APPLICATION

The Townhouse Overlay District may be applied to the Village Residence, Neighborhood Residence, Rural Residence, Neighborhood Business, and General Business Districts.

AREA AND FRONTAGE

The minimum site size for such development shall be 200,000 square feet.

The Townhouse site shall have not less than 150 feet of frontage.

DENSITY

A. minimum of 6,800 square feet of land shall be required for each dwelling unit

Blackstone Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes Survey received from Blackstone on 5/17/05, completed by Philip Herr:

"Yes: defined as 'multi-family'"

ARTICLE V Definitions and Word Usage

Section 123-24. Definitions and word usage.

DWELLING, MULTIFAMILY : Three (3) or more dwelling units on a single lot, or in a single structure or set of contiguous structures, irrespective of ownership or tenure. [Added by 9-24-84 STM, Art. 1; amended by 11-19-84 STM, Art. 1]

Bolton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Boxborough *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Boxford *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Boylston *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Braintree *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Bridgewater *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Brockton

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Brookline

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

According to Section 4.30 Table of Use Regulations on ordinance.com:

"Attached dwelling occupied by not more than one family in each unit between side walls, provided that in T Districts no row of such units shall consist of more than six such units" allowed by special permit in T, M, L, O.

"Multiple or attached dwelling other than the preceding item divided into dwelling units each occupied by not more than one family but not including lodging house, hotel, dormitory, fraternity or sorority. *Compliance with Section 4.40 required if containing 6 or more dwelling units. Special permit required if containing 10 or more dwelling units. Permitted by special permit in S-0.5P and S-0.75P Districts subject to Section 5.06. Not permitted below second floor in G-1.75(CC) District." allowed by right in M, L, G, I.

Burlington

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Cambridge

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

ARTICLE 11.000 SPECIAL REGULATIONS
11.10 TOWNHOUSE DEVELOPMENT

11.11 Statement of Purpose. This Section 11.10 has been adopted to encourage the development of one and two family townhouses. The townhouse development use created herein is intended to promote development designs that are compatible with traditional neighborhood development patterns and sensitive to existing streetscapes, to encourage a townhouse pattern of development where higher densities are permitted and to discourage the demolition of existing residential structures as well as the excessive infill of townhouses on lots already containing residential structures. Provisions for the townhouse development use are intended to overcome obstacles to the development of one and two family townhouses, by providing special incentives where appropriate. This section provides guidelines for both as of right and townhouse developments which require special permit review. The distinction allows for expeditious review and approvals for smaller scale infill townhouse developments, while ensuring detailed examination of the site and building plans for larger developments and consideration of their neighborhood impacts.

11.12 Applicability of Regulations. The development standards specified in this Section 11.10 are applicable only to townhouse developments and do not change the development standards for other uses in the Residence, Office and Business, and Industry A-1 districts. Townhouse developments which meet the requirements specified in Sections 11.14, 11.15, and 11.16 shall be allowed in Residence B, C, C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, C-3B, Office and Business and Industry A-1 districts as follows:

11.12.1 Construction of a townhouse development containing six (6) or more dwelling units in a Residence B district and Residence C district shall require a special permit.

11.12.2 Construction of a townhouse development containing twelve (12) or more dwelling units in a Residence C-1, Residence C-1A, Office 1, Business A-1 or Business A-3 district shall require a special permit.

**Webmasters Note: The previous subsection has been amended as per Ordinance No. 1269.

11.12.3 Construction of a townhouse development in a Residence B, C, C-1, Residence C-1A, Office 1, Business A-1 or Business A-3 district which contains fewer units than specified in Section 11.12.1 or 11.12.2 shall require a special permit if both of the following conditions pertain to the development:

**Webmasters Note: The previous subsection has been amended as per Ordinance No. 1269.

(1) another permit for townhouse development has been granted within the twelve (12) month period immediately preceding the date of permit application for the lot on which the development would be located or on an abutting lot;

(2) the townhouse development for which the permit is being sought would increase the total number of dwelling units on said lot(s) to the threshold specified in Section 11.12.1 or 11.12.2.

11.12.4 Construction of all townhouse development in Industry A and A-2 districts, Industry B, B-1 and B-2 district, and the Industry C district shall require a special permit granted by the Planning Board where any one of the following conditions exist:

1) The development exceeds fifty thousand (50,000) square feet of gross floor area;

2) The lot area per dwelling unit proposed is less than one thousand two hundred (1,200) square feet in an Industry C district six hundred (600) square feet in an Industry A or Industry B-2 district, or three hundred (300) square feet in an Industry A-2, Industry B, or Industry B-1 district; or

3) Twelve units or more dwelling units are proposed where any portion of the development is located within one hundred (100) feet of a Residence A-1, A-2, B, C, or C-1 district.

11.12.5 Where a townhouse development is constructed on two or more abutting lots, the requirements applicable to the development shall be determined as if the parcel were a single lot.

11.12.6 Where a townhouse development is constructed on a lot or lots with other buildings existing prior to such development, the dimensional requirements of this Section 11.10 shall apply to those structures or portions of structures on the lot(s) which constitute the townhouse development.

11.12.7 Where a townhouse development is proposed on a lot on which a preferably preserved significant building, as determined by the Cambridge Historical Commission under the provisions of the Demolition Ordinance #965, has been demolished within the five (5) years immediately preceding the application for a building permit or a special permit or where such building is proposed to be demolished to permit the townhouse development under the provisions of this Section 11.10, the provisions of Subsections 11.14, 11.15, and 11.15.1 - 11.15.4 shall not apply; the townhouse development shall in such circumstances be subject to the dimensional requirements normally applicable in the district.

11.13 Special Permit Granting Authority. The Planning Board shall be the special permit granting authority for any townhouse development included in Section 11.12.1, 11.12.2, or 11.12.3. The Board of Zoning Appeal shall be the special permit granting authority for special permits required by Sections 11.15.5, 11.16.2, and 11.16.4 for any townhouse development which does not require a special permit from the Planning Board.

11.14 Subdivided Lots. A developer, or any subsequent owner, who desires to subdivide a townhouse development must record a subdivision plan with the Registry of Deeds of Middlesex County. A copy of the recorded subdivision plan must also be filed with the Building Commissioner. Subdivided lots may be less than five thousand (5,000) square feet and must include an individual dwelling, together with front and rear yards or rights to yards in common areas.

11.15 Dimensional Standards for Townhouse Development. The following development controls apply to the parcel of land upon which a townhouse development is constructed and are not applicable to the initial subdivision of the townhouse parcel into individual lots. The townhouse development parcel as a whole must conform to these controls. But once satisfied for the total parcel, the controls are waived for the subsequent subdivision into individual lots. The required minimum lot size for a townhouse development shall conform to the existing regulations for the district in which the townhouse development is constructed.

However, modifications to the townhouse development after a subdivision plan has been recorded in the Registry of Deeds shall be subject to the dimensional standards as set forth in this Section 11.15 applied to the individual lot lines of the subdivided lots; modifications that do not so conform may be permitted as set forth below:

a. For any townhouse development, after issuance of a building permit, projecting eaves, chimneys, bay windows, and balconies that do not project more than three and one half (3 1/2) feet.

b. For any townhouse development for which a special permit has been granted by the Planning Board, modifications specifically enumerated in the special permit. For those modifications not so enumerated, or where the special permit fails to specifically enumerate allowed modifications, after issuance of a new special permit (a Major Amendment to the original special permit) by the Planning Board to allow the proposed modification(s).

c. For any townhouse development originally constructed as of right, after issuance of a special permit by the Board of Zoning Appeal.

Where a special permit is required in paragraphs b. and c. above, all owners of lots that together constitute the original townhouse development parcel shall receive notice of the special permit public hearing, in the manner provided for in Chapter 40A for parties of interest; such owners shall be considered parties in interest, however, only as they are so defined in Section 11, Chapter 40A.

11.15.1 Minimum Lot Width. In a townhouse development there shall be no minimum lot width, except that in Residence B, Residence C, and Residence C-1 districts the minimum lot width applicable in the district shall apply.

11.15.2 Maximum Floor Area Ratio. In a townhouse development, the maximum permitted Floor Area Ratio in districts where townhouse developments are permitted shall be as normally applicable in the district.

11.15.3. Maximum Height.

11.15.31 In any zoning district that limits building height to thirty-five (35) feet or less, the maximum permitted height in a Townhouse Development shall be thirty-five (35) feet.

11.15.32 In all other zoning districts the maximum permitted height in a townhouse development shall be four habitable stories and the maximum height of the cornice line shall be thirty (30) feet. Any part of a townhouse structure which projects above the cornice line shall be set below an imaginary inclined plane beginning at the thirty (30) foot cornice line on any facade of the structure facing a street or facing any lot line abutting a residentially zoned lot, and thereafter rising at a forty-five degree (45) angle. However, portions of the building may rise above the imaginary inclined plane provided the area of those portions above the inclined plane projected onto the vertical plane does not exceed ten (10) percent of the area of the vertical plane lying between the thirty (30) foot cornice line and the maximum height of the structure, calculated for and limited to each separate plane.

However, the maximum height of any portion of a townhouse development shall be forty (40) feet, except that in a Residence B district the maximum height shall be thirty-five (35) feet.

11.15.4 Yard Requirements. The yard requirements in the district shall be applicable for each townhouse development.

11.15.5 Minimum Usable Open Space. In a townhouse development the minimum ratio of Usable Open Space as defined in Article 2.000 to lot area shall be twenty-five (25) percent or that amount required in the district, whichever is greater.

(1) The minimum dimension of any area counted toward required usable open space shall be fifteen (15) feet. A ten (10) foot minimum open space dimension may be allowed on special permit by the Special Permit Granting Authority upon its determination that the peculiarities of the parcel warrant such a reduction, that the smaller dimension will result in a superior site design, and that the total amount of usable open space will not be reduced.

(2) Where it is proposed to subdivide a townhouse development in accordance with the requirements of Section 11.14 then the minimum ratio of Usable Open Space to subdivided lot area shall be that required for the Townhouse Development as a whole.

Where the townhouse development is not to be subdivided into individual lots and therefore the Usable Open Space in a Townhouse Development is not to be provided on subdivided lots but is to be provided on a common basis to be held in joint ownership by a group of townhouse owners such as a cooperative or an association, then the minimum ratio of Usable Open Space to the total lot area in the townhouse development shall be that required in this Section 11.15.5..

11.16 Parking Standards for Townhouse Development

A Townhouse Development shall be subject to the requirements of Article 6.000 except as they may be modified below.

11.16.1 One off street parking space per dwelling unit in a townhouse development shall be provided unless a special permit is granted in accordance with Section 11.16.2(4) below.

11.16.2 Required parking spaces may be located as follows:

- (1) Within the townhouse structure or a separate structure on the parcel.
- (2) On a lot in accordance with the requirements of Sections 6.20 and 6.40.
- (3) On lots not more than two hundred (200) feet away from the building to be served subject to the conditions set forth in Sections 6.20 and 6.40.
- (4) On street in the vicinity of the townhouses if the special permit granting authority determines that the lack of off street parking for the townhouse development will not unreasonably reduce the quantity of on street parking in the area. Applicants for an exception from off street parking shall submit a report on parking usage and availability in the vicinity of the development with their permit application.

11.16.3 4 Landscaping of On Grade Open Parking

(1) On grade open parking areas should be arranged and landscaped to properly screen cars from adjacent properties as well as from streets and sidewalks and to diminish the negative environmental impacts of multiple automobiles parked on site in residential neighborhoods.

(2) Twenty-five (25) percent of the area devoted to on grade open parking shall be landscaped. The area devoted to on grade open parking shall be that portion of the lot containing parking spaces, driveways, and landscaped area located between or adjacent to parking spaces and drives. No portion of the lot required as a setback between a parking space and a building or a lot line shall be counted in computing the twenty-five (25) percent landscaping requirement.

(3) Where more than one "area devoted to on grade open parking" exists within a townhouse development twenty-five (25) percent of each such area shall be landscaped.

(4) For every two (2) on grade open parking spaces or fraction thereof there shall be a minimum of one three (3) inch caliper tree located within the area devoted to on grade open parking.

(a) The special permit granting authority may grant a special permit for a reduction of this planting requirement upon its determination that such a reduction will not prevent suitable screening of on grade parking and will result in a superior site plan. Any reduction shall require a special permit.

(b) The trees required for the landscaping of on site parking areas - whether such trees are coniferous or deciduous, flowering or nonflowering - should be tolerant to urban environmental conditions; able to screen parking areas by virtue of their size, form, density of foliage and spread; and easy to maintain. A suggested list of trees which meet these criteria is:

Deciduous. Botanical name (common name)

Acer platanoides (Norway Maple); Acer rubrum (Red Maple); Acer saccharum (Sugar Maple); Carpinus betulus (European Hornbeam); Fraxinus americana (White Ash); Ginkgo biloba (Ginkgo); Gleditsia triacanthos inermis (Thornless Honey Locusts); Liquidambar styraciflua (Sweet Gum); Liriodendron tulipifera (Tulip Tree); Platanus occidentalis (Syamore); Quercus coccinea (Scarlet Oak); Quercus palustris (Pin Oak); Quercus rubra (Red Oak); Tilia cordata greenspire (Littleleaf Linden); Tilia europea (Common Linden).

(5) On grade open parking areas located in front of the townhouse structure(s) shall maintain the visual definition of the front lot line and separation of public from private space in keeping with the appearance and character of the existing streetscape. Such definition shall be achieved by using a change of ground materials at the front lot line and by installing at least one of the following: fences, plantings, walls, or stone monuments, which mark the transition from street or sidewalk to residential lot.

**Webmasters Note: The previous subsections, 11.15.1 through 11.16.3 4, have been amended as per Ordinance No. 1269.

11.17 Additional Requirements

(1) Fences may not exceed four (4) feet in height in any front yard unless otherwise permitted by the special permit granting authority.

(2) Any townhouse unit directly abutting a street or streets shall have a principal entrance on a facade facing a street unless otherwise permitted by the special permit granting authority.

Canton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Canton Zoning Bylaw (Amended 2004)

[Footnote] 107 5.8 Inserted ATM 2002, Article 55

5.8 Village Housing Overlay District 107 5.81 Purpose. The purpose of the Village Housing Overlay District (VHOD) is to: A. Provide dwellings for occupancy by individuals fifty-five (55) years of age or older; B. Provide for mixed and diverse varieties of housing, including affordable housing; and -131-

C. Provide for residential development in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas. 5.82 Location and Occupancy of a VHOD. A. The location of a VHOD shall include all land designated by Town Meeting as being within the VHOD, pursuant to G.L. c. 40A, s. 5. B. The occupancy of a VHOD shall be by residents 55 years of age or older, pursuant to G.L. c. 151B 5.83 Applicability. The VHOD is an overlay zoning district. The benefits of the Village Housing Overlay District Development (VHODD) shall accrue only to those parcels located entirely within the boundaries of the VHOD. • If the landowner selects to file a development plan in conformance with the requirements of the VHOD, the development shall conform to the objectives, standards and criteria specified by the VHOD overlay zoning by-law. • If the landowner selects to file a development plan in conformance with the requirements of the underlying zoning district, the development shall conform to the objectives, standards and criteria specified by the underlying zoning by-law. 5.84 Definitions. Applicant: The person or persons, including a corporation or other legal entity, who applies for issuance of a special permit for construction of a VHOD within a VHOD, hereunder. The Applicant

must own, or be the beneficial owner of, all the land included in the proposed site, or have authority from the owner(s) to act for him or hold an option or contract duly executed by the owner(s) and the Applicant giving the latter the right to acquire the land to be included in the site. Buffer Area: An area within a VHODD which is adjacent to its boundaries, streams, ponds, lakes, and reservoirs which may not be developed except as provided herein. Design Review: The review of the overall site design by qualified team of site design professionals. A Massachusetts Registered Landscape Architect shall lead the Site Design Review Team. Development Schedule: A schedule showing the order and timing of construction and the sequence of the improvements to be built or furnished on the VHODD site, separated into stages where applicable.

-132-

Subdivision Regulations: The rules and regulations of the Planning Board relative to subdivisions, special permits and site plans. Townhouse Style Dwelling: A multi-family structure designed to have each dwelling unit placed side by side. Apartment Style Dwelling: A multi-family structure designed to have dwelling units placed one above the other (stacked). Village Housing Overlay District Development (VHODD): A multi-family development consisting of townhouse style and/or apartment style dwellings and permissible accessory uses authorized by special permit from the Planning Board as set forth herein. Village Housing Overlay District (VHOD): all land designated by Town Meeting as being within the district, pursuant to G.L. c. 40A, s. 5. Wetlands: All land subject to the provisions of Massachusetts General Law c. 131, ss. 40 and 40A and/or the Town's Wetlands By-Law. 5.85 Use Restrictions or Requirements. A VHODD, consisting of the multi-family uses set forth below, individually or in combination, may be authorized by a special permit issued by the Planning Board pursuant to this Section and in compliance with the standards set forth herein. A. Townhouse Style Structures consisting of dwelling units occupied by persons 55 years of age or older and which are designed to have each dwelling unit placed side by side. Townhouse Style Structure shall contain no less than two (2) units. B. Apartment Style Structures which contain dwelling units occupied by persons 55 years of age or older and which are designed to have dwelling units placed one above another (stacked). Apartment Style Structures shall contain no more than eight (8) dwelling units, and; C. Structures and uses accessory to the multi-family use set forth above including: Community building serving the residents of the VHODD; underground utilities located on a lot not serving the dwelling; recreational facilities; and roadways. 5.86 Application. An application for a special permit for construction of a VHODD shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by (a) the filing fee, (b) the following information and data, and (c) a development plan as described below. A. All of the information required for site plan approval, if applicable;

-133-

B. The name and address of the Applicant(s) and all legal and beneficial owners of the site. Copies of all instruments, options, contracts or encumbrances affecting ownership of the development site. An instrument executed by all persons owning property within the site consenting to the development of the subject property, as applied for. C. A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion. D. A narrative Design Review report prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, water and sanitation. E. Information regarding the number and kind of dwelling units and other structures (including signs) proposed, their location, the number of bedrooms planned, the sale prices anticipated and population projections pertaining thereto. F. Areas to be set aside for building structures, parking areas and conservation and recreation easements. G. Information pertaining to any condominium organization (if any). H. Copies of all proposed deed restrictions to ensure occupancy by persons 55 years of age or older, the resale of the dwelling units at affordable prices and the right of first refusal in favor of the Town for dwelling units to be sold at affordable prices, if applicable. I. Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section. 5.87 Standards. In order to be eligible for consideration for a special permit, the proposed VHODD shall meet all of the following standards: A. Qualifying Land Area. Qualifying Land Areas shall be in one ownership with definitive boundaries, shall be located entirely within a VHOD and shall contain at least 10 contiguous acres of land. No more than fifteen (15) percent of a Qualifying Land Area shall be Wetlands. B. VHODD Density. Not more than one dwelling unit shall be constructed for each 5,000 square feet of Qualifying Land Area or portion thereof in a VHODD.

-134-

C. Open Space Requirement. At least thirty (30%) percent of the VHODD site shall be open space. The open space shall have a shape suitable to assure its use for landscaping and/or open space purposes. D. Buffer Area. The Planning Board may require Buffer Areas at specific locations along the perimeter of the VHODD. Vegetation in this buffer area shall be enhanced as necessary to provide a visual barrier. Buffer areas shall be included in calculating the Open Space requirement of this by-law. E. Minimum Lot Frontages and Access. VHODD sites shall have a minimum frontage of one hundred and twenty (120) feet and at least one means of ingress/egress provided by a primary public roadway. Each means of ingress/egress shall have a continuous frontage of sixty feet on a primary roadway. The Planning Board has the discretion to require more than one means of ingress/egress to the extent that the proposed primary public road exceeds 1000 feet in length, in accordance with the Canton Subdivision Rules and Regulations. The primary public roadway(s) serving the site shall be subject to the Rules and Regulations of the Canton Planning Board governing the Subdivision of Land, the Canton Department of Public Works regulations regarding water, sewer and storm drainage systems, and any other applicable regulation and/or standards of the Town. The secondary private roadway(s) serving the site shall be sized to adequately serve the intended vehicular and pedestrian traffic. The secondary private roadway(s) shall strive to conform to the Rules and Regulations of the Canton Planning Board governing the Subdivision of Land, the Canton Department of Public Works regulations regarding water, sewer and storm drainage systems, and any other applicable regulation and/or standards of the Town. The secondary private roadways shall be maintained by an association of unit owners or by the applicant. Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, and access to the amenities and facilities on the site and to paths on adjacent sites. F. Parking. There shall be a minimum of two (2) parking spaces per dwelling unit. At least fifty (50) percent of all Townhouse residential parking spaces required shall not be surface parking. At least fifty (50) percent of all

-135-

Apartment residential parking spaces required shall not be surface parking. All non-surface parking shall be designed to be an integral part of the residential structure it serves. All required parking shall be exclusively reserved for motor vehicles of residents or employees of the development. G. Stormwater Management. The stormwater management system shall be designed in accordance with the Subdivision Regulations and the DEP's Stormwater Management Guidelines and Regulations, as amended. H. Utilities. All electric, gas, telephone, water distribution lines, and other utilities shall be placed underground. I. Dwellings. The development of one or more townhouse-style and/or multi-family style structure on a lot or lots shall be permitted in an application to construct a VHODD. Such dwellings may be situated on any common or individual lot consistent with the overall design objectives of the VHOD, provided however, that such dwellings shall be connected to the public sewer or shall comply with the provisions of the State Sanitary Code, 310 CMR 15.00, any other applicable State regulations, and with the rules of the Board of Health. J. Affordable Units. At least fifteen percent (15%) of the dwelling units shall be deed restricted for purchase by persons earning not more than eighty percent of the area median family

income as defined by the Commonwealth's Department of Housing and Community Development. Such affordable dwelling units shall be integrated into the overall development so as to prevent the physical segregation of such units and otherwise shall be indistinguishable from market rate units except in size and interior finishing and appliances. K. Preference. As a condition of approval, the Planning Board shall require that Canton residents be given first preference in the purchase of dwelling units within the VHODD. Such preference shall be for thirty (30) percent of the dwelling units in the VHODD and shall be for at least one year from the issuance of the first certificate of occupancy for any residential building within the VHODD. L. Building Height. No building or structure shall be constructed to exceed thirty-five (35') feet or three stories, whichever is lower. M. Setbacks. No building shall be constructed so as to be nearer to the line of any street than the "required setback distance" or nearer to the side line of its lot than the "required side yard width" or nearer to the rear line of its lot than the "required rear yard depth" specified below:

-136-

• Required setback distance 30' • Required side yard width 30' • Required rear yard depth 30' 5.88 Fees. The filing fee for a special permit pursuant to this Section shall be \$1,000. The Planning Board shall also charge the applicant a technical review fee, pursuant to G. L. c. 44, s. 53G. Such technical review fee shall be used to engage professional, technical and/or legal consultants to review an application for a special permit within the VHOD. The initial deposit of such fee shall be \$10,000.00 5.89 Decision. The Planning Board is designated as the Special Permit Granting Authority for the VHOD. The Planning Board may grant a special permit for a VHODD where it makes the following findings: A. The proposed development complies with the requirements of this section; B. The Planning Board finds that the proposed development does not cause substantial detriment to the neighborhood after considering the following potential consequences: (1) noise, during the construction and operational phases; (2) pedestrian and vehicular traffic; (3) environmental harm; (4) visual impact caused by the character and scale of the proposed structure(s).

Carlisle *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes MULTI-DWELLING : is a building containing two or more dwelling units, each of which is complete with living facilities for one family. A multi-dwelling may be a series of attached or semi-detached townhouses or row houses or a garden apartment building (dwelling units sharing a common entry hall or stairway).

Carver *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Town of Carver Zoning Bylaws (Adopted 1963, Revised 2003)

Townhouse development - by special permit from planning board in RA, HC, GB.

Townhouse shall mean a single building or group of buildings on a single lot, containing more than two (2) but not more than five (5) dwelling units per building, created in accordance with the provisions of Section 3900, herein.

3900. TOWNHOUSE DEVELOPMENT

3910. Purpose. The purpose of this section is to encourage the preservation of open land for its scenic beauty particularly frontage along public ways, ponds, rivers, wetlands and to enhance open space, forestry, and recreational use; to preserve existing agricultural, historical and archeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Carver's traditional New England landscape; to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and to promote the development of varied housing opportunities, including housing affordable to low and moderate income families and provide accompanying conveniences, recreational areas and community center facilities.

3920. Applicability. A Townhouse Development may be permitted by special permit on a single tract of land, in single or consolidated ownership at the time of application, with an area of at least twenty acres (20) entirely in the RA District or in the HC District, or with an area of at least three (3) acres entirely in the GB District or in the V District.

3930. Procedures. An applicant for a Townhouse Development shall submit to the Planning Board an application for a special permit and ten (10) copies of a Development Plan in such form as may be required in the Planning Board's Rules and Regulations Governing Townhouse Development Special Permits, together with a Net Usable Land Area plan as described in Section 3940 and an application for Site Plan Approval under Section 3100. Special permits for Townhouse Developments shall be acted upon in accordance with Section 5300 of this by-law, and shall conform to the standards in Section 2230 and to the following requirements.

Carver Zoning Bylaw 40 Amended June 2003

3940. Number of Dwelling Units. The number of dwelling units shall be established by having a Net Usable Land Area (NULA) plan for the overall property submitted to the Board. The NULA acreage is established by subtracting all water bodies, wetlands, marshes, bogs and land within a sixty-five (65) foot wetland buffer area to these regulated lands. The remaining upland area is the NULA for the purposes of establishing the number of dwelling units allowed in a townhouse development. In the RA and HC districts, the total number of proposed dwelling units within the development shall not exceed one point two-five (1.25) units per NULA acre.

In the GB and V districts, the total number of proposed dwelling units within the development shall not exceed two (2) units per NULA acre.

3941. Ten percent (10%) of the total number of dwelling units shall meet the State's affordable housing requirements for low to moderate income. These affordable units shall be marketed through the Carver Housing Authority, South Shore Housing Authority or other housing organization approved by the Board with resale restrictions to assure continued affordability in perpetuity. Such restrictions shall be made known to the homebuyer or renter prior to the purchase / occupancy of unit. Dwelling units reserved for occupancy by persons or families of low to moderate income, or for occupancy by a single individual, shall not be segregated from market rate or larger dwelling units in the Townhouse Development.

3942. Dwelling units shall be varied as to the number of bedrooms. The maximum number of bedrooms allow in a dwelling unit shall be three (3). No more than fifteen percent (15%) of the total number of dwelling units shall have three (3) bedrooms.

3943. Maximum building height shall not exceed thirty-five (35) feet.

3944. The number of townhouse units in a proposed Town House Development, when combined with the number of all existing and previously permitted townhouse units in Carver, shall not exceed twenty-five percent (25%) of the total number of existing dwelling units in the Town as of the date of the Townhouse Development special permit application.

3950. Open Space Requirements. One or more open space areas shall be shown on the development plan. Such areas shall include the following:

- a. all undeveloped wetlands on the parcel;
- b. the 65 ft. buffers to those wetlands; and
- c. a minimum of fifty percent (50%) of the NULA of the parcel if it is in the RA or HC district, or a minimum of thirty percent (30%) of the NULA of the parcel in the GB or V district.

Such open space shall exclude required building envelopes, and buffers to adjoining properties (except where buffer areas are contiguous to said open space areas). Such open space may be divided by roads constructed within the Townhouse Development.

3951. The required open space shall be used for conservation, historic preservation and education, outdoor passive education, park purposes, or for a combination of these uses, and shall be served by suitable access for such purposes.

Carver Zoning Bylaw 41 Amended June 2003

3952. The required open space shall remain unbuilt upon, provided that five percent (5%) of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, such as a community center, pedestrian walks, bike paths, pools, tennis courts, and existing agriculture.

3953. The required open space shall be of a shape, size, character, and location suitable, in the opinion of the Planning Board, for its intended purposes. At least half of the required upland open space shall be in a consolidated and unfragmented mass, as reasonably interpreted by the Planning Board. To the extent possible, the open space shall include land of the greatest scenic, environmental, or recreational importance to the Town.

3954. The required open space shall be conveyed in conformance to the requirements provided in the Rules and Regulations Governing Townhouse Development Special Permits.

3955. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for the uses listed in Section 3951, and that it shall be maintained in a manner that will ensure its suitability for its intended purposes.

3960. Design Standards. The following design standards are required:

3961. Buffer Areas: All dwellings and structures shall be located a minimum of sixty (60) feet from adjacent properties, and one hundred (100) feet from adjacent surface waters or wetlands. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, where the sixty (60) foot buffer of natural vegetation is not adequate (in the Planning Board's opinion) to screen the development from adjacent properties the Board may require additional plantings, earth berms and/or fencing.

3962. Building Envelope: All site plans shall locate a building envelope radius of forty (40) feet from the outside edge of a townhouse building or group of buildings. Open space, ways, lanes and collectors may not be located within the building envelope. Parking, driveways,

sidewalks, individual unit gardens/lawns etc. may be developed within the building envelope. For the minimum setback between buildings see the following Section 3963.

3963. Architectural style: Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town, through the use of appropriate building materials, screening, breaks in roof and wall lines, setbacks and other architectural techniques. Variation in detail, style, form and location shall be used (for both the residential units and accessory garages if employed) to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation, and separation between buildings. Adequate separation shall mean a minimum distance of 1.2 times the height of the proposed buildings.

3964. Roadways: Roadway length and construction details are provided in the Townhouse Development Special Permit Rules and Regulations. The Board may require that existing problems on/ or adjacent to the site be mitigated as a condition of approval of the special permit under this section.

Carver Zoning Bylaw 42 Amended June 2003

3965. Parking: The development shall provide two (2) spaces per each unit, plus one (1) visitor parking space for every five (5) units, plus one (1) space for every two hundred (200) square feet of non-residential building area. In cases where the units are provided with a garage and two spaces for each unit on a driveway, the visitor spaces shall not be required. Parking areas shall be screened from public ways and adjacent or abutting properties by building location, fencing and/or dense plantings. Parking areas, including maneuvering space for parking and loading areas shall not be located within the required buffer areas. No parking shall be allowed on interior roadways.

3966. Services: Exposed storage areas, machinery, service areas, truck loading areas, adequate solid waste disposal facilities, utility buildings and structures and other unsightly uses shall be set back and/or screened to protect neighbors and future residents from said features. Electric, telephone, cable TV, and other such utilities shall be underground. An adequate water source for fire protection shall be provided.

3967. Lighting: No building/structure shall be floodlit. Drives, walkways, entryways, and parking areas shall not be illuminated by lights higher than fifteen (15) feet, which shall be shielded to have a total cutoff of all light at less than ninety (90) degrees and a beam cutoff less than seventy-five (75) degrees..

3970. Decision. The Planning Board may approve, approve with conditions, or deny an application for a Townhouse Development, after considering the criterion set out in Section 5300, and also assessing whether the Townhouse Development better promotes the objectives of Section 3910, herein, than would conventional development.

3980. Relation to Other Requirements. The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-law.

Chelmsfor *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes While researcher did not locate references to "attached single family" in the zoning bylaw, Andrew Sheehan, Chelmsford Community Development Coordinator, wrote on the survey received on 4/5/05: "They are treated as multifamily and allowed by planning board special permit."

Chelsea *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes APARTMENT BUILDING : A dwelling designed to accommodate four (4) or more dwelling units.

MULTIFAMILY : (See "Apartment Building".)

ROW HOUSE : (See "Attached Dwelling".) Screen: Shield from view in the manner described herein.

ATTACHED DWELLING : A single family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. Attached

dwelling are also referred to as townhouses, townhouse dwellings or row houses.

TOWN HOUSE : (See "Attached Dwelling".)

According to Appendix C Table of Principal Use Regulations in the Chelsea ordinance on ordinance.com, the following multifamily uses are allowed:

- Three family dwelling- by right in R2, W
- Multifamily dwelling with four or more [typo?] dwelling units - by right in BR, NHR and by special permit in R2, W
- Dwellings containing six or fewer dwelling units - by right in NHR
- Multifamily dwelling at a minimum density of 12 units and a maximum density of 35 units per acre - by right in W.
- Conversion of a dwelling - by right in R1, R2
- Dwelling above the first floor of a building containing retail or office use - by right in BR.

Section 7.2 PLANNED DEVELOPMENT

7.2.1 Purpose. Planned Development may be authorized by special permit for the following purposes:

7.2.3 Eligible Uses. Any combination of the following uses is eligible for consideration

1. Apartment buildings and town houses;

Clinton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Cohasset *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Definition of multifamily housing, under the cluster provisions:

MULTI-FAMILY (For the purpose of this section only) Attached dwelling units or buildings designed for or occupied by two or more families.

Concord *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes 1.3.14 MULTI-UNIT DWELLING A structure containing more than two (2) dwelling units. This term shall include, but is not limited to, triplex, quadraplex, and townhouse structures containing three (3) or more dwelling units.

4.2 Residential Uses

4.2.7 Planned residential development: Single-family detached or attached dwelling or multi-unit structures of all types in accordance with the provisions of Section 10.

Danvers *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Dedham Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes According to the Town of Dedham Bylaw, Section VI Dimensional and Open Space Requirements (Table of Dimensional Requirements):

* 1. (Applies to GR General Residence District) : Frontage: 50 ft., except 90 ft. for a two-family home, and 30 ft. per dwelling unit in a row house; Lot width at front and rear building lines: 90 ft., except 50 ft. for a single family use, and 30 ft. per dwelling unit in a row house; Lot Area: 11,000 sq. ft., except 7,500 sq. ft. for a single family home, and 5,000 sq. ft. per dwelling unit in a row house.

Dighton Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Douglas Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Dover Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Dracut Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Dunstable Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes Town of Dunstable Zoning Bylaw, 2004

20.2. Attached Building. A building separated from another building on one or both sides either by a vertical party wall or walls or by a contiguous wall or walls, having no

doors, or passageways through which persons, materials or light may pass.

C. Uses Allowed within a Planned Unit Development for Mixed Uses:
Planned Unit Developments for Mixed Uses shall be permitted in the Mixed Use District only upon issuance of a Special Permit and Site Plan Approval from the Planning Board. In a Planned Unit Development for Mixed Uses, the following uses may be allowed:

1. Two-family dwellings;
2. Townhouses, i.e., multiple single family dwellings connected by one or more walls, provided they meet the requirements of affordable housing, which shall be defined as housing meeting the requirements of Section 6.7.5.(O) of this Bylaw;
3. Multifamily dwellings;
4. Business uses which are permitted in the B-1 district;
5. Senior Center;
6. Affordable housing for the elderly (over 55 years).

Duxbury *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes 405 USE TYPES IN PLANNED DEVELOPMENTS

405.1 Residential Use Types

A minimum of three different residential use types shall be required in any special permit application for a planned development. Residential use types are defined as (1) single-family detached building, (2) single-family attached building, semi-attached building or townhouse, and (3) multifamily or garden apartments. In no case shall there be any more than seventy percent of the total number of dwelling units in any residential use type in any planned development. In Planned Development Districts 1 and 2 detached single-family dwellings shall be at least five percent of the required mix.

East Bridge *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Cluster:

(e). Not more than four attached units shall be built in a row with the same, or approximately the same, front building line. No row of attached units shall contain more than six (6) units.

Easton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes According to the Table of Use Regulations:

"Attached dwelling occupied by not more than one family in each unit between side walls, provided that no row of such units shall consist of more than four such units (See Section VII)"... by right in B and by special permit in F.

7-2. APARTMENTS, MULTIPLE OR ATTACHED DWELLINGS

Essex *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Everett

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Foxborough

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

From definitions on ordinance.com:

9. ATTACHED SINGLE FAMILY HOUSING - Houses that share a common side wall. The wall may or may not be the property line of the unit. These "attached single family houses" may be allowed to be constructed on their own parcel of land with a front and rear yard or may be developed with the land around the unit being owned and maintained by a homeowners or condominium association. These units are commonly referred to as Townhouses.

**Webmasters Note: The previous definition has been added as per an update approved at a town meeting held on 12/2/02.

Attached single family housing (townhouses) are allowed in the Chestnut-Payson Overlay District, but "multifamily" is not allowed:

SECTION 9.14 CHESTNUT-PAYSON OVERLAY DISTRICT (CPOD)

A. Establishment and Delineation of District

There is hereby established the "Chestnut-Payson Overlay District (CPOD)" which shall be governed by the provisions of this Section 9.14. The Chestnut-Payson Overlay District encompasses the area more particularly delineated on the plan entitled "Chestnut-Payson Overlay District (CPOD) Plan in Foxborough, MA" prepared by Bay Colony Group, dated October, 2002, a copy of which is on file with the Town Clerk. The parcels are labeled on the plan as parcels E-3, F-1, F2-A, F2-B, H, and I. The Chestnut-Payson Overlay District shall be an overlay district on the zoning map established by Section 3.01. This district shall be considered as superimposed over other districts established by these By-Laws. Said Plan, as it may be amended from time-to-time, is also on file with the office of the Building Commissioner, and together with any explanatory material thereon, is hereby incorporated in and made part of these By-Laws. Hereinafter in this Section 9.14, the Chestnut-Payson Overlay District shall sometimes be referred to as the "CPOD".

B. Purpose

It is the purpose of this Section 9.14 to supplement existing zoning regulations to provide for the following:

1. Permit the implementation of the Reuse Consensus Plan for Foxborough State Hospital Property dated April 20, 1994, Amended September 5, 2002, a copy of which is on file with the Town Clerk. This will permit the total construction of 152 total residential units in the CPOD.
2. Permit maximum flexibility and creativity in design for the development of single or multi-purpose uses on a lot, in a way that will be superior to conventional plans.
3. Promote the most harmonious use of the land's natural features, resources and topography that will promote the general health and safety of the public.
4. Discourage sprawled development, minimize environmental disruption, and provide a shorter network of streets and utilities, which will promote a more efficient distribution of services.
5. Provide for an innovative approach to mixing building types and controlling densities.

C. Special Permit in the Chestnut-Payson Overlay District

In this District, a Special Permit may be granted by the Planning Board to allow for single or multipurpose integrated commercial and/or residential uses on a lot in the CPOD. This Special Permit is not limited to an individual lot, but one application may be submitted and reviewed for a single Special

Permit for multiple lots provided that such lots are under single ownership or if it can be demonstrated that all owners within the CPOD have agreed to join in the application for a Special Permit.

D. Uses Allowed and Not Allowed in the Chestnut-Payson Overlay District

1. All uses allowed in the underlying zoning district shall be allowed for those parcels in the CPOD, unless amended by this section.

2. The following uses, as specified in the referenced subsection of Section 4.00 TABLE OF USE, that may be permitted within the underlying zoning district are not permitted within the CPOD:

B.4. Temporary parking lots, whether paved or unpaved, serving uses with seating capacities of over 7,500 people within the Special Use Zoning District.

G.7. Mobile homes/travel trailers.

I.1. Cemeteries

L.2. Seasonal migrant workers quarters, mobile home or watchman's quarters as accessory uses to permitted Industrial uses.

L.6. Outdoor storage or overnight parking of buses, trucks or other vehicles whose Gross Vehicle Weight (GVW) as determined by Mass. Registry of Motor Vehicles, equals or exceeds 10,000 pounds.

3. The following additional uses not specified in Section 4.00 TABLE OF USE may be allowed by Special Permit in the CPOD.

a. Attached Single-family Housing

b. Assisted Living Facilities

c. Open Space Residential Developments

d. Sewage treatment plants and sewage treatment facilities

e. Water tanks and towers, emergency generators, water filtration plants, utility facilities, power plants and substations.

4. The following uses, as specified in the referenced subsection from Section 4.00 TABLE OF USE as not permitted in the underlying zoning district may be allowed by Special Permit in the CPOD:

B.3. Parking lots constructed to the standards found in Article 7 of these by-laws.

C.1. All land and buildings which are used for display and sale purposes involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public, including among others retail stores, shops and sales rooms, restaurants with seating except for other uses specified in this Use Group C. Sale of high hazard materials or products shall be governed by the provisions noted in Use Group A.2. above.

C.2. Mercantile/retail uses, except restaurants with seating, which use more than twenty five percent (25%) of the gross area of a building.

D.1. All land and buildings which are used for the transaction of business, for the rendering of professional or tradesman services or for other services that involve stocks of goods wares, or merchandise in limited quantities for use incidental to office uses or similar purposes, except for other uses specified in this Use Group D.

D.2. Research and Development facilities

D.3. Laundry or dry cleaning facilities

E.1. Theatres

E.4. Museums with or without an auditorium in which persons assemble for amusement, entertainment or recreation and incidental motion picture, dramatic or educational presentations, lectures or similar purposes.

E.7. Private Schools

F.1. All land and buildings for housing people suffering from physical limitations, including among others hospitals, sanitariums, infirmaries, orphanages, and institutions licensed by the Commonwealth of Massachusetts.

G.3. Dormitories

G.4. Multifamily dwellings

I.2. Public Utility facilities and structures necessary to the service of the Town, excluding storage yards, power plants, water filter plants, sewage treatment and refuse facilities.

I.5. Telecommunications/Wireless Communications Facilities (see Section 9.11) as accessory use.

I.6. Commuter rail stations, bus stations, and related or accessory structures and improvements.

J.2. Passive outdoor recreational uses such as beaches, parks, picnic groves, and other similar uses, but not including amusement parks.

J.3. Low density recreational uses which predominantly occur within a building such as swimming, tennis, skating and other similar uses.

J.6. Outdoor recreational uses including, golf driving range, miniature golf course, batting cages, gocarts and bumper boats (except in the Water Resource Protection Overlay District, where such uses shall be prohibited) but not including amusement parks.

L.7. Accessory uses to multifamily dwellings which are located within the principle building and are limited to: eating establishments; personal service establishments; retail sales establishments selling convenience merchandise.

L.8. Accessory Structures to multifamily structures..

L.9. Nonresidential Accessory Uses and structures which do not exceed fifteen percent (15%) of the gross area of the principal building or buildings.

E. Dimensional Requirements for Uses Allowed in the Chestnut-Payson Overlay District

The following additions are to be made to Table 5-1:

Framingha *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Framingham defines multifamily as "Multifamily dwelling: A dwelling containing more than two dwelling units."

Townhouses allowed in Senior Village Overlay.

Franklin *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes DWELLING, TOWNHOUSE - A dwelling with at least three dwelling units, each dwelling unit having a separate exterior entrance and a separate deed.

In the Senior Village Residential Overlay:

(ii) For the purposes of this bylaw, one housing unit shall be defined as equal to:

- a. One home site in a senior village residential subdivision, or one senior village townhouse:
- b. Two dwelling units or rooms in an assisted living or congregate living residence facility, or independent living. residence facility;
- c. Three dwelling units or rooms in a long-term care facility.

Freetown *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes

SECTION 6. SPECIAL PERMIT USE-MULTI-UNIT DWELLINGS OF THREE UNITS OR MORE INCLUDING APARTMENTS, TOWNHOUSES, CONDOMINIUMS, ETC.

A. Purpose:

To protect the public interest in preservation of groundwater resources, wetlands, to assure traffic safety, protect and promote land values and to generally provide guidelines that will allow development of multi-family structures without detrimental effect upon the neighborhood in which they are located.

B. Special Permit:

Except as provided otherwise in this By-Law no multi-family structure shall be USED, CONVERTED, CONSTRUCTED OR RECONSTRUCTED without the issuance of a Special Permit from the Planning Board as the Special Permit Granting Authority.

C. Special Permit Requirements:

Application for special permits for multi-family structures shall be on such forms or in such manner as the special permit granting authority may specify and in accordance with its rules and regulations and shall be submitted together with all required exhibits and site plans.

The plans shall include, but not be limited to pertinent information in regard to the following: lot boundaries, names of abutting owners, streets contiguous to the site, vegetation, existing and proposed roadways, existing and proposed buildings, location of sources of water, sewage disposal, parking, ponds, wetlands, known permanent monuments and other cross-sections, profiles and contour maps required to describe the proposal. These plans shall be prepared by a registered engineer. The site plan shall show existing, intermediate and final ground levels with those of adjacent properties and shall indicate natural surface water flows and drainage ditches, if any.

The special permit granting authority shall determine that the proposal generally conforms to the principles of good engineering, sound planning and correct land use and that the applicant has the means to implement the proposal if a special permit is granted. Applicants may be required, as a condition to special permit, to guarantee that all conditions and features of the plan are completed by posting a suitable bond or deed covenant.

No special permit for the construction of multi-family structures shall be granted unless the special permit granting authority finds the proposal is not contrary to the best public interest of the inhabitants of the Town of Freetown and conforms to the specific requirements as outlined in the following regulations.

Once the plans are formally accepted for consideration by the special permit granting authority they will be accepted or rejected within 120 days. Copies of the plan will be referred to the following Boards or individuals within fourteen days for their review and input:

Conservation Commission

Highway Surveyor

Fire Chief

Board of Health

Building Inspector

Chief of Police

Comments from these officials must be received by the special permit granting authority within thirty (30) days of the plans' distribution or else the special permit granting authority will assume their acceptance of the plan. Failure of any of these town officials to report on the proposal does not in any way exempt the applicant from compliance with the rules and regulations administered by those boards or individual officials.

A public hearing will be held after the time allowed for review by town officials and before a vote relative to approval of the plan. Publication and notices to abutters of the public hearing and costs of conducting the hearing will be borne by the applicant.

D. Density:

- a. The minimum lot area requirement for each apartment building shall be 70,000 square feet for the first unit and 40,000 square feet for each additional unit.
- b. The minimum lot area shall be exclusive of all streets and ways, wetland and swamp area as defined by M.G.L.W. Ch. 131, Sec. 40.
- c. Buildings designed for this use shall have a maximum of two stories for living space and a maximum height of 30 feet.

E. Frontage:

175 feet for the first unit and an additional 50 feet for each additional unit.

F. Minimum Setbacks:

- a. From street frontage: 100 feet.
- b. Side yard: 100 feet minimum.
- c. Rear Yard: 100 feet minimum.
- d. Distance between proposed buildings: 100 feet.

G. Access and Parking:

- a. Driveways shall not be less than 20 feet wide and more than 200 feet in length unless approved by the Planning Board.
- b. Parking areas, adequately lighted, shall be provided at the minimum rate of two autos per dwelling unit and located a minimum of 100 feet from any existing street line and at least 50 feet from any lot line and shall be at least 30 feet from first floor windows unless screened from headlight glare. Parking areas shall be screened from view from town roads.
- c. Driveways, parking areas and storm drainage shall be constructed and paved according to the rules and regulations of the Planning Board governing the subdivision of land as adopted under the subdivision control law. No such driveway or parking area will be allowed to shed water upon town ways.
- d. Additional guest parking areas may be required at the discretion of the Planning Board.
- e. All street level apartments shall be provided with wheelchair access for the handicapped.

H. Outside Use and Recreational Space Requirements:

- a. There shall be minimum of 15 times the residential floor space area developed as graded, open-lawn area for the purpose of general space.
- b. Natural features of the remaining landscape shall be maintained where possible.
- c. An indoor recreational area shall be provided, adequate for the purpose of group or guest entertainment by the residents of the building.

I. Private water supply and sewerage disposal system:

A private water supply and sewage disposal system shall follow the regulations and recommendations of the Freetown Board of Health. (Bonds or other financial guarantees may be required to assure maintenance)

- 1. Waste Disposal: There shall be satisfactory design and location of collection points for the disposal of solid wastes/rubbish.

J. Fifty-foot buffer zone:

Fifty-foot buffer zones are required adjacent to side and rear lot lines. These areas shall be densely planted with evergreen screen plants and such additional requirements, as the permit granting authority deems necessary to protect the privacy of the abutting properties.

K. Traffic Study:

A traffic study shall be required when more than fifty units are proposed for the purpose of assessing the impact on traffic safety on town ways.

L. Certification by a Registered Professional Engineer:

Certification by a Registered Professional Engineer that construction has been completed in accordance with applicable regulations will be required prior to release of bond or deed covenant, if any, and final inspection by the Building Inspector for the issuance of occupancy permits. Costs of inspection and certification is to be borne by the applicant.

M. Utility Provisions:

All existing and proposed utilities shall be installed underground at the time of initial construction of apartment development.

- 1. Accessory Use Buildings: Accessory use buildings, garages, storage sheds, maintenance buildings, additional recreational facilities shall conform to the same setback and height restrictions as the apartment dwelling units.

N. Ability of Special Permit Authority:

Nothing in these by-laws shall limit the ability of the special permit granting authority to impose additional reasonable requirements in order to protect the health and welfare of the future tenants of the structure, the abutters and other inhabitants of the Town.

O. Invalidity:

The invalidity of any section or provision of this By-Law shall not affect the validity of any other section or provision thereof.

Georgetow *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Gloucester *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes DWELLING, MULTI-FAMILY OR APARTMENT : A structure containing three (3) or more dwelling units, whether for rental, condominium ownership, or other form of tenure, including row or townhouse structures; or a structure containing one or more permitted non-residential uses on the ground floor, or on the ground and other floors, and also containing one or more dwelling units above the ground floor.

Grafton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No 3.1.5.4 Multi-Family Residential (RMF): To provide sites for higher density attached dwelling units appropriate in and adjacent to small village environments. To provide for a wider range of building types and income levels in the Town of Grafton. To allow for the more intensive use of land in and near the historic villages of Grafton. The above purposes are, however, mitigated by the overriding goal of protecting the town's ground water resources.

No other mention of attached units or townhouses in the bylaw.

Groton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Town of Groton Zoning Bylaw, Chapter 218 (Adopted and Amended 1987)

~ 218-4. Definitions.

MULTIFAMILY USE -- Three or more dwelling units on a single lot, including any mix of single-family, two-family or multifamily structures, whether or not attached and regardless of form of tenure.

(2) Cluster development. Any parcel may be divided into lots and such lots may be built upon for residential or permitted accessory use under the following alternative requirements. The Planning Board may authorize modification of lot size, shape, frontage, setbacks and other bulk requirements for lots within an open space residential development, subject to the following limitations:

(a) Lot frontage. The minimum frontage of any lot shall not be less than 100 feet. Lots having reduced area or frontage shall have frontage on the subdivision road and not on an existing street.

(b) Lot area. The minimum area of any lot shall be not less than 30,000 square feet for the first dwelling unit plus 15,000

square feet for each additional dwelling unit, whether attached or detached, on the lot. More than one dwelling unit may be located on a lot.

Groveland *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Groveland Zoning Bylaw (Adopted 1996)

Appendix B, Definitions
DWELLING, MULTIPLE-FAMILY . A single structure consisting of three (3) or more attached dwelling units.

SECTION 500 CONSERVATION SUBDIVISION DESIGN BYLAW (CSD)
2. Site Specific Design Standards
(a) Mix of Housing Types. The CSD may consist of any combination of single family, two-family and multifamily residential structures. A multifamily structures shall not contain more than four (4) dwelling units. Residential structures shall be oriented toward the street serving the premises and not the required parking area.

Halifax *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Hamilton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Townhouses (attached single family) and multi-unit structures are allowed in the flexible zoning:

d. Types of dwelling units allowed in a Flexible Plan Subdivision shall be single family (i.e. each dwelling unit on separate lot) attached and detached, and multi-unit structures, consistent with the stated purpose and design guidelines for Flexible Plan Subdivisions, and subject to the stipulation that all dwelling units in Flexible Plan Subdivisions, including any plans under consideration, shall not total more than 5% of the total number of dwelling units in Hamilton, as stated by the Town Clerk at the time of application.

Hanover *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Town of Hanover Zoning Bylaw

SECTION 6 USE REGULATIONS
6.000 Residence A District
The Residence A District is intended for rural, residential and non-commercial uses.

6.010 Uses Allowed. The following uses are allowed in the Residence A District.

A. Conservation areas for water, water supply, plants and wildlife, and dams necessary for achieving this purpose.

B. Fanning and horticulture, including raising, harvesting and storing crops, truck gardening, grazing and poultry raising, provided that:

1. no buildings are located within one hundred (100) feet of a district boundary line or way line;

2. animals allowed to graze within one hundred (100) feet of a district boundary line or way line shall be enclosed by fencing.

C. Orchards, nurseries, forests and tree farms, provided that all logging equipment, spraying equipment or other equipment necessary for these uses is stored in an enclosure subject to the provisions of subparagraph B. L., above, relative to the location of farm buildings.

D. Barns, stables and kennels for pets and animals as either an accessory use or for commercial purposes, subject to the provisions of subparagraph B. above of this Section.

E. One (1) single-family dwelling per lot.

6.040 Uses Permitted by Special Permit and with Site Plan Approval. The following uses may be permitted upon application to and granting of a Special Permit and Site Plan Approval by the Planning Board, acting as the Special Permit Granting Authority, as specified in Section 10 of this Zoning By-Law. The applicant shall clearly demonstrate to the satisfaction of the Board that said use is safe and appropriate for the specific site and that it will not create a nuisance by virtue of noise, odor, smoke, vibration, traffic generated or unsightliness.

A. The establishment of a Planned Residential Development for

Seniors (PRDS) subject to all of the requirements, regulations, provisions, and procedures of subsections 1. through 7., below. Failure on the part of the applicant to comply with any of said requirements, regulations, provisions, and procedures may be cause for the denial of the project by the Planning Board.

1. Purpose: The purpose of a PRDS is to provide alternative housing for residents who are 55 years in age or older.

4. Dwelling Unit Design Requirements:

a. Dwelling units in a PRDS may be comprised of either of the following:

(1.) All single family dwellings.

(2.) All duplex dwellings.

(3.) All town houses. A town house structure shall contain not more than ten (10) dwelling units per structure.

(4.) A mix of single family dwellings, duplex dwellings, and/or town houses containing not more than ten (10) dwelling units per structure provided that, if any PRDS is comprised of a mix of dwelling types, no one dwelling type shall constitute more than sixty percent (60%) nor less than thirty percent (30%) of the total number of dwelling units.

From definitions on ordinance.com:

TOWN HOUSE : A building designed and/or used exclusively for residential purposes and containing three (3) or more dwelling units, not to exceed ten (10), constructed side by side with each unit separated from the next unit by a common party wall extending from the floor of the basement (or from the top of the slab forming the foundation) to the roof line.

Hanson *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Definition from ordinance.com:

I.1. DWELLING, MULTI-FAMILY : A dwelling containing three to eight families or groups of associated persons, not sharing a common kitchen area.

SECTION VI Use Regulations

C. Residence B District:

2. Uses permitted by special permit granted by the Board of Appeals as provided in Section VIII.D.

b. Structures containing more than one (1) but not more than eight (8) dwelling units, provided that:

1. Each dwelling unit shall have two (2) exposures.

2. Each dwelling unit shall have two (2) separate exits.

3. All off-street parking areas as required under Section VII D shall be in the rear of buildings.
4. Each structure shall be connected to Town water.
5. A site plan prepared in accordance with the provisions of Section VII F has been submitted to and been approved by the Board of Appeals.
6. If there is more than one (1) such structure on a lot of record, there shall be at least forty feet (40') between each structure.
7. Demolition of existing historic structures, as designated in the "Bay Circuit/Open Space Plan, Hanson, Massachusetts," Table 1, Hanson Historic Sites, pages 5-6 and accompanying map, by IEP, Inc., dated January, 1988 shall not be permitted in order to construct a new multi-family structure.

Survey received from Hanson Planning Board (Barbara Furguson) on 4/28/05 notes that single family attached houses are allowed in Hanson.

Harvard *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

- Yes** 1) Permitted uses in Open Space and Conservation Planned Residential Development.
 (a) Single-family detached dwellings.
 (b) Attached units, not to exceed 6 or more units in any single building.
-

Haverhill *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

- Yes** Section 255-5 Definitions
 DWELLING, MULTIFAMILY - A building containing three (3) or more dwelling units, and including but not limited to an apartment house, a garden apartment house, a multifamily dwelling and a townhouse. One (1) model unit for purposes of property management and/or leasing dwelling units shall be permitted within each multifamily development if requested and approved with special permit application. [Amended 3-13-79 by Doc. 299-C]

C. The maximum continuous length of any building facade in any one (1) direction shall not exceed two hundred (200) feet, and for attached dwellings (townhouses or row house), the minimum number of units in a row shall be three (3) and a maximum of ten (10) units [but not to exceed two hundred (200) feet]. There shall be a minimum of forty (40) feet between buildings or townhouse rows. [Amended 6-10-1992 by Doc. 52-C]

Hingham *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

- Yes** From ordinance.com:
 TOWN HOUSE : a dwelling unit, attached by party walls on one or both sides to one or two other dwelling units, which has its own ground level entrance and front and rear yards.

According to the Schedule of Uses, Section IIIA of the zoning bylaw on ordinance.com:

Town House - not less than four nor more than ten connected dwelling units - by special permit in Res D and E

IV-E Residential Multi-Unit Development

1. Town houses, garden apartment houses and apartments shall be subject to the following standards and conditions.

(a) There shall be a minimum of 5 acres of land within any parcel to be developed for town houses, garden apartments or apartment houses.

**Webmasters Note: The previous subsection has been amended as per an ordinance approved at a town meeting held on 4/26/04.

(b) The average number of dwelling units per acre in any development shall not exceed eight (8).

(c) The shortest distance between any two structures shall not be less than 35 feet. Courts shall be completely open on one side. The Board of Appeals may waive the separation requirements if the design of the proposed development is benefitted by closer spacing.

(d) There shall be set aside, not to be built upon, unpaved, landscaped and/or left natural, with an acceptable balance of trees, shrubs and grass, site area equal to 2000 square feet per dwelling unit.

(e) In addition to the 2000 square feet of living space required in (d) above, 1000 square feet of open space per dwelling unit shall be provided, which may include open paved areas, and one-half the area of covered parking or garage areas.

(f) There shall be provided a landscaped side or rear yard buffer area of at least 50 feet in width adjacent to each property line of the parcel to be developed. 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 ten feet.

(g) There shall be set aside, suitably prepared, protected and equipped for organized recreational activities, site areas equal to 300 square feet per dwelling unit, which are not to be included in the buffer area.

(h) Each dwelling unit shall consist of at least one room, exclusive of hall, kitchen and bathroom, and there shall be at least 525 square feet of enclosed floor space for a one-room unit. For each room an additional 125 square feet shall be required.

(i) Two parking spaces shall be provided for each dwelling unit. Such spaces shall be within 200 feet of the intended users. No parking shall be permitted within the buffer area.

(j) All dwelling units shall be connected to public sanitary sewer. The Board of Appeals may waive this requirement with respect to land in the former Hingham Naval Ammunition Depot to the extent that such land is not within the North Sewer District and the applicant makes a satisfactory showing that its proposed sewage disposal system will not have adverse ecological impact.

(k) All utilities shall be underground.

(l) No space below ground level shall be approved for dwelling purposes.

(m) The placement, size, arrangement and use of access routes to public or private streets shall be adequate to serve residents and provide no hindrance to the safety of existing or proposed streets. Pedestrian walkways with all weather surfacing may be required where the density of population or school bus routes make such advisable for convenience and safety. Street and parking lot grading, drainage and surfacing shall comply with the specifications of the Subdivision Rules and Regulations.

2. Each application for a Special Permit A2 for the town house, garden apartment and/or apartment development shall be subject to the provisions of Section I-I, Site Plan Review, and to the extent not already included therein, to the following additional provisions:

IV-F Residential Multi-Unit Development in Residence District D

1. A Special Permit A2 for town house exception shall be subject to the following conditions.

(a) Prior to the submission of an application for a Special Permit A2 from the Board of Appeals, the applicant shall submit to the Planning Board a development plan of the parcel of land which is to be the subject matter of such application.

(b) Said parcel of land shall contain a minimum of 20 acres and shall be located in Residence District D.

(c) Development of said parcel shall be subject to the provisions of Section I-I, Site Plan Review.

(d) Yard dimensions, area and height requirements shall be as required for town houses in Section IV-A.

(e) All utilities shall be underground.

(f) Except as provided in subsection (j) below, the maximum number of dwelling units that may be permitted on the parcel by grant of Special Permit

shall be determined by the Board of Appeals in accordance with the following formula:

$$D = (A - W) \text{ times } 0.9$$

D = the maximum number of dwelling units;

A = the number of acres in the parcel;

W = the number of acres of wet areas (defined as water areas and other land in either of the following categories:

- (i) all lands within the Flood Plain and Watershed Protection District; and,
- (ii) all lands being wetlands as defined by the Wetlands Protection Act, Chapter 131, Section 40, Massachusetts General Laws).

(g) Any development hereunder shall be subject to and must comply with the provision of Section IV-E of this By-Law, except that the requirement of Section IV-E, 1 (j) may be waived by the Board of Appeals if it makes the following determination:

(i) that no part of the parcel abuts a sanitary sewer line of sufficient capacity to serve the parcel; and,

(ii) that the parcel's subsurface characteristics are sufficient to absorb waste generated by the proposed development on the parcel without material ecological degradation. The Board of Appeals, as part of the application, may require the submission of such studies and reports relating to this issue, bearing such certification by a professional engineer, and in such form as may be satisfactory to it.

(h) No dwelling unit shall be erected or maintained, and except for reasonable common access way or ways to the parcel no land may be paved within a strip of land one hundred (100) feet wide along then existing public ways, parks, streams or rivers upon which said parcel abuts nor along the property line of said parcel.

(i) No dwelling unit shall contain more than three bedrooms, and no more than 15% of the maximum number of dwelling units permitted on said parcel shall contain three bedrooms.

(j) The Board of Appeals, if so requested in the application may, but is not obligated to, permit an increase of one or more additional dwelling units on said parcel to the maximum extent stated below, for the reasons and in the manner hereinafter provided, and upon showing to the Board's satisfaction that the particular project, (including such additional units as requested in accordance with this subsection (j)), is of exceptional environmental economic, architectural and aesthetic benefit to the Town, and permits the municipal services without imposing an increased financial burden on its citizens, and so long as all of the following conditions, safeguards and limitations are met and fulfilled.

(i) Inclusive of the increase of one or more additional dwelling units, as provided in this subsection (j), the total number of dwelling units on the parcel shall not exceed 1.2 times the number of acres in the parcel minus the number of acres of wet areas as defined in Section IV-F, 1 (f) hereof. In the event that application of this formula results in a figure which contains a fraction, then the maximum number of dwelling units permitted shall be the closest whole number to the figure obtained.

(ii) Any additional dwelling unit or units shall be under the same character as the units permitted under subsection (f) above.

(iii) Without limitation upon the power of the Board of Appeals provided under the Massachusetts General Laws or elsewhere in this By-Law, the power to condition any approval of an increase of one or more additional dwelling units up to the maximum number allowed under subsection (j) (i) hereof may be conditioned upon any or all of the following:

(a) the submission of the reports, studies and other data referred to in subsection (j) (iii) above, in the form and substance and with the certification and verification as required by the Board;

(b) completion of the project in accordance with the plans and specifications submitted to and approved by the Board, except for any non-material deviation; and,

(c) execution, delivery and recording of such covenants, agreements and instruments running with the land and binding upon the owner of the parcel its legal representative, successors, heirs and assigns, and enforceable by the Town, as the Board of Appeals may require, and in form and substance satisfactory to it, in order to insure adherence to the development plan, to assure the continued compliance with the terms and conditions of the Special Permit issued hereunder, to insure maintenance of the project throughout its useful life, and, in the case of a condominium project, the execution, delivery and recording of condominium documents in form and substance satisfactory to the Board of Appeals.

(k) To the extent that a specific provision of this Section IV-F, 1 is in conflict with a provision of Section IV-E, this Section IV-F, 1 shall control.

(l) In addition to the requirements of Sections IV-F, 1 (a), IV-E and I-I, any application pursuant to this Section IV-F shall include the following:

Holbrook

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

SECTION 10: SPECIAL PROVISIONS

10.1 The following uses may be permitted as designated in Section 7.3 Table of Use Regulation provided they meet the following requirements in addition to any other requirements.

10.2 APARTMENTS, MULTIPLE OR ATTACHED DWELLINGS

10.21 No building or buildings intended for three or more families shall be constructed on a lot having less than two hundred (200) feet frontage.

10.22 A space not less than twenty (20) feet shall be maintained- open with grass, bushes, flowers or trees along each side lot, rear lot line and front lot line except for entrance and exit driveways and such open space shall not be built on, nor paved, nor used for parking.

10.23 No more than four (4) dwelling units shall be constructed per one (1) acre of land area whether such land area is designated as wetlands or not or the land is otherwise undevelopable.

10.24 The manner of sewerage disposal shall be approved in writing by the Board of Health.

10.25 All off-street parking shall be provided at the rear or side of the building for which it is intended to be used. Parking in the front areas of such buildings may be authorized by a Special Permit issued by the Town of Holbrook Planning Board.

10.26 No apartment, multiple, or attached dwelling containing more than four (4) dwelling units shall be constructed unless a Special Permit pursuant to Subsection is issued. For the purposes of this Section, the Town of Holbrook Planning Board shall be considered the Special Permit granting authority.

10.26.1 Special Permit

Purpose and Intent

The purpose of this special provision section is to provide high quality multi-unit housing uses while minimizing the need for municipal infrastructure and services and while preserving open space. Developments created under this Section shall be designed to maximize the use of available public transportation, to minimize vehicular traffic, and to provide opportunity for pedestrian and recreational uses.

Definitions

AGE RESTRICTED UNITS - Units restricted to occupancy by persons fifty-five years of age or older and that are consistent with and in compliance with Senior Housing Laws.

BEDROOM - Any habitable room in a Dwelling Unit other than a living room, dining room, kitchen, utility room, or bathroom.

COUNTABLE UNITS - Units qualifying and countable towards the Commonwealth of Massachusetts mandated minimum affordable housing requirement under Massachusetts General Laws in particular Section 40B ss. 20-23 and the Massachusetts DHCD guidelines. Such units shall be available to groups such as veterans, senior citizens, municipal employees, and others who meet the state income regulations for moderate to low income housing.

DWELLING UNIT - Any room or suite of rooms comprising one complete housekeeping unit with its own cooking and food storage equipment and facilities and its own bathing and toilet facilities wholly within 'such room or suite of rooms.

MULTIPLE UNIT BUILDING - A free standing building with more than four (4) Dwelling Units.

MULTIPLE UNIT DEVELOPMENT - A development consisting of one (1) or more Multiple Unit Buildings located on a single or adjacent parcels of land.

OPEN SPACE - An area left in its natural vegetated state, designated and maintained exclusively for recreational use, or landscaped to the satisfaction of the Holbrook Planning Board and not used for building, parking, or other related purposes.

PRINCIPAL SITE ROADWAY - A Roadway serving the site shall be designed to conform with the roadway and sidewalk standards of the Regulations for Subdivision of Land of the Town of Holbrook and or any other standards of the Town of Holbrook.

SENIOR HOUSING LAWS - Collectively and separately, the Fair Housing Act, 42 USC Section 3607(b), 24 CFR Subtitle B, Ch. 1, Section 100.300 et seq. and G.L. c. 151B, Section 4.

Application Procedures and Fees

Application - An application for a Special Permit for construction under this section shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by (a) fees set forth in the rules and regulations of the Holbrook Planning Board (b) the following information and data, and (c) a Development Plan as described below.

- a. All of the information required for site plan approval pursuant to Section 10.6.
- b. The name(s) and, address(es) of the Applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances affecting ownership of the development site; and an instrument executed by all persons owning property within the site consenting to the development of the subject property; as applied for.
- c. A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion.
- d. A narrative report prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, water, and sanitation.
- e. Information regarding the number and kind of dwelling units and other structures (including signs) proposed, their location, the number of bedrooms planned, the sale prices anticipated and population projections pertaining thereto.
- f. Areas to be set aside for building structures, parking areas and conservation and recreation easements.
- g. Information pertaining to any organization which the Applicant proposes where the development is to be a condominium development.
- h. Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.
- i. A traffic study prepared by a registered engineer showing projected traffic totals at peak and off peak hours at all entrances and exits to the site and covering nearby roadways and intersections that may be affected by the use of the site as identified by the Planning Board.
- j. A Development Plan consisting of a plan showing the proposed uses of all land areas within the relevant Multiple Unit Development. The plan shall show in a general manner:
 - a. The location of proposed buildings;
 - b. The location and dimensions of drives and parking areas;
 - c. The location and characteristics of any common open space;
 - d. Proposed infrastructure;
 - e. Proposed building renderings.

Application and Technical Review Fees

A filing fee and technical review fee shall be paid by the applicant as a part of any application under this Section. Said fees shall be set from time to time and published by the Town of Holbrook Planning Board in accordance with State Law. The technical review fee shall be used to engage professional, technical and/or legal consultants to review an application for a Special Permit. The technical review fee shall be replenished by the applicant when depleted to an amount less than fifty percent (50%) of the original amount determined. Failure to provide or restore any said fees in this section shall result in denial of applications or revocation of any Special Permit(s) granted to the applicant. Unexpended amounts of the technical review fee will be refunded on request to the applicant upon completion of the project and when in compliance with any requirements placed on it. The applicant will be provided with a detailed accounting of all disbursements from the technical review fee account.

Standard and Requirements

The following standards shall be required in order to be eligible for a Special Permit under this Section.

Open Space Requirements - At least forty (40%) percent of the site shall be open space.

Senior Units - A number of units shall be reserved for Age Restricted Units. Said units shall be restricted for occupancy to persons fifty-five (55) years of age or older and shall comply with any and all Senior Housing Laws. Age Restricted Units shall be enforced by deed restriction on the property. If fewer than thirty-five percent (35%) of the total units allowed by the density set forth in Section 10.23 are constructed as Age Restricted Units, then the overall density allowed under Section 10.23 and as defined under Density in this section shall be reduced by the number of Age Restricted Units allowed but not constructed. The purpose of this requirement is to encourage but not mandate the construction of Age Restricted Units by allowing a greater density when units of this type are built.

Public Transportation - For developments consisting of more than fifty (50) units and the majority of said units are located more than one-half (1/2)

statue mile from the nearest public transportation connection, the owners of the property may be required to prepare and to implement a Traffic Demand Management Plan. Such Traffic Demand Management Plan may be required to include or to pay reimbursement for shuttle transportation service to the nearest public rail transportation facility during the hours of 6:30 AM to 9:00 PM.

Recreational Opportunity - On site recreational facilities such as, but not limited to, parks, exercise facilities, gymnasiums, walking or bicycle trails shall be constructed and maintained for the use of the residents.

Density - No more than four (4) Dwelling Units shall be constructed per one (1) acre of land space.

Bedrooms - No Dwelling Unit constructed under this Section shall contain greater than two bedrooms.

Countable Units - A minimum of fifteen percent (15%) units constructed shall be qualified as Countable Units. Countable Units shall remain eligible for a minimum of thirty (30) years by deed restriction running with the property. Said Units shall only be counted towards meeting this requirement if they are not counted to meet any other such requirement. The applicant is responsible for all application and certification processes needed to certify these units.

Site Plan Review - The application for approval under this section shall be filed in conjunction with the Site Plan review requirement under Section 10.6 of the Town of Holbrook Zoning By-Law.

Interior Driveways and Roadways - The principal roadway(s) and drives serving the site shall be designed to conform with the standards of the Regulations for Subdivision of Land of the Town of Holbrook and any other standards of the Town of Holbrook. Private ways within the site shall be adequate for intended vehicular and pedestrian traffic and shall be maintained by an association of unit owners or by the applicant.

Refuse Pickup and Roadway Maintenance - The owner or unit owners of a development shall be responsible for the maintenance of (including snow and ice removal) of all roadways within the development, for trash and refuse removal, and maintenance of all recreational and landscape amenities required.

Parking - The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The number of parking spaces per dwelling unit provided shall be no less than that allowed by the Town of Holbrook Zoning By-Laws Section 11, "Off-Street Parking and Loading Requirements".

Stormwater Management - The stormwater management system shall be designed in accordance with the Subdivision Regulations of the Town of Holbrook Planning Board and the DEP's Stormwater Management Guidelines.

Criteria for Approval

The Planning Board may grant a Special Permit or may grant a Special Permit with Conditions for this use (Multiple Unit Development) under this Section where it makes the following findings and the Planning Board shall also make such further findings as may otherwise be required by this section and may attach such conditions or safeguards or limitations on the grant of the Special Permit as it finds to be appropriate and reasonable to protect the surrounding neighborhood and town.

Findings

- a. The proposed development complies fully with all provisions of this section and all other requirements of the Town of Holbrook Zoning By-Law.
- b. The proposed development complies with the Purposes and Intent of this section.
- c. That the site is suitable for the proposed use.
- d. Adequate access for police, fire, and public safety exists
- e. That the internal roadways and driveways are adequate for the proposed use
- f. That external entrances and exits are sufficient and do not pose a traffic hazard
- g. That the proposed development has incorporated trip reduction measures in order to minimize vehicular trips to and from the site. These measures may include but are not limited to sponsored transportation to regional and local public transit facilities, pedestrian amenities, bicycle and walking paths.
- h. That adequate parking and loading facilities are provided.
- i. The site will be suitably landscaped to protect the character of the neighborhood and adjacent property and the neighborhood.
- j. The proposed use has an adequate method of sewage disposal, source of water and drainage.
- k. That the distances between structures are adequate for public safety and traffic circulation purposes.
- l. That the proposed development makes adequate provisions to insure Age Restricted Units, where applicable, and Countable Units are constructed in

accordance with this section and all applicable laws.

m. The proposed development does not cause detriment to the neighborhood after considering the following potential consequences:

1. noise, during the construction and operational phases;
2. pedestrian and vehicular traffic;
3. environmental harm;
4. visual impact caused by the character and scale of the proposed structure(s).
5. makes no detrimental impact on municipal services
6. historical character of the neighborhood

Permit Lapse

Special permits issued under this section shall lapse within twenty-four (24) months of Special Permit approval if a substantial use thereof or construction has not begun, except for good cause as determined by the Special Permit Granting Authority.

**Webmasters Note: The previous sections, 10.2 through 10.26.1, have been amended as per an update approved at a town meeting held on 5/17/04.

Holden

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Zoning Bylaws of the Town of Holden (Adopted 1954, Amended 2004)

According to table of uses:

"Two, three and four family dwelling and duplex not in cluster"... by special permit in R10 and V, by right in R-M.

"Townhouse"... by special permit as part of cluster" in R-40, R-1, R-2, R-10, R-M, and by special permit (not cluster) in V.

For the cluster residential development of land for single family, duplex or townhouse residential purposes in any R-40, R-1, R-2, R-10, or R-M districts subject to area regulations less than the minimum required in the Table of Area Regulations, provided: [...]

(4) Townhouse Minimum Lot Areas - The front, side and rear yard depths for townhouse construction shall be identical for all residential districts and shall be as shown in the diagram above. No more than six dwelling units shall be attached in any single townhouse structure. [...]

(7) Dwelling Unit Mix - A minimum of 60 percent of the dwelling units must be detached single-family dwellings, except for the case in which the tract is zoned R-10 or R-M, in which case only duplex or townhouse units may be constructed.

(2) A Mixed Use Development shall require a Special Permit from the Planning Board pursuant to Section XI J All uses permitted in the C and BO-P zoning districts are permitted in a Muted Use Development except as set forth in Section XI ,1 31 (3) Notwithstanding the provisions of Section V F Table 1 USE REGULATIONS the following uses are permitted in a Mixed Use Development

- (a) two, three and four family dwelling
- (b) duplex
- (e) townhouse

SECTION XIV VILLAGE REGULATIONS

d) Townhouse Residential Buildings

- i Shall have separate entrances for each dwelling unit
- ii Shall have no continuous facades exceeding 100 feet

- iii Shall have a minimum off set of five feet, to interrupt continuous facades within an individual building
- iv Shall have a minimum of twenty feet between exterior walls of adjacent buildings
- v Shall have a minimum average unit width of twenty feet, and a minimum unit width of sixteen feet, measured from center to center of common side walls.

Holliston *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes MULTI-FAMILY DWELLING - A building containing more than two dwelling units which does not qualify as an apartment building under sub-section V-G. (Amended March 1974 -ATM, Art. 10)

V-G APARTMENT DISTRICT REQUIREMENTS

(Amended March 1983 -ATM, Art. 26. Previously amended June 1982 - STM, Art. 12, March 1978 - STM, Art.], May 1975 - ATM, Art. 17 and March 1974 - ATM, Art. 10.)

1. Intent - The following apartment district requirements and procedures for complying therewith are designed to satisfy the needs of the present and future inhabitants of the town for apartment dwelling units while ensuring that such development and uses will not result in abuses detrimental to the health, comfort, safety and welfare of both the residents of the apartment units and the Town as a whole. Except as otherwise specifically provided for in the zoning by-laws, apartment developments in Holliston shall be allowed only according to the terms of a Special Permit and the provisions of this sub-section V-G. However, the provisions of this sub-section shall not apply to Federal and State subsidized housing for the elderly or low income constructed or operated under the supervision of the Holliston Housing Authority. Apartment Districts shall be allowed only by Town Meeting Vote amending the Zoning By-Law by amending the Zoning Map of Holliston. Such Apartment Districts shall be shown on such map by superimposing said districts on the basic AR-1, AR-2, and R-1 districts on which such Apartment Districts are superimposed, thus creating dual Districts.

3. Special Definitions - (In addition to those contained elsewhere in the Zoning Laws of Holliston.)

b. APARTMENTS - Buildings containing one-family dwelling units of the following types or combination thereof; whether developed as conventional rental units, as condominiums or as cooperatives:

(3) Town House Apartments - Individual two-story, row-type, one family dwelling units, each extending from front to rear of the building, each with its own private front and rear doors and its own interior stairs. Each such dwelling unit shall have non-combustible walls between dwelling units. Such units may contain no more than three bedrooms.

c. APARTMENT DEVELOPMENT - One or more apartment buildings on a single lot constructed pursuant to a Special Permit issued by the Board of Appeals.

...

d. Dwelling Units Per Building. - No structure containing Garden Apartments, Town House Apartments, or both, shall contain fewer than eight (8) nor more than twenty (20) dwelling units except that fewer than eight (8) but not less than three (3) dwelling units may be allowed by the Board of Appeals if such Board approves of such reduction as being compatible with architectural, aesthetic and other planning considerations.

Hopedale *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes According to the Use Regulations Schedule:

Townhouse dwelling is allowed by special permit from the Board of Appeals in HMF and by right in RC.

Hopedale Zoning Bylaw

SECTION 15: TOWNHOUSE DEVELOPMENTS

15.1 TOWNHOUSE DEVELOPMENTS:

A townhouse development may be constructed in any zone designated as Residential C (RC) on a parcel of land held in one ownership having a minimum gross lot area of not less than 25 acres of land, provided a site plan is approved by the Planning Board under the provisions of this section.

15.2 TOWNHOUSE DWELLING UNITS:

The maximum number of Townhouse Dwelling Units to be constructed in a development shall be determined by using the tables set forth in this Section entitled "Dimensions of Intensity".

15.3 COMMON LAND:

Common land shall be distributed as to provide immediate access from all sections of the development to the extent reasonable and practical, and its visibility shall be maximized from all residential areas. All common land shall have suitable access to a way and have separate pedestrian or bikeways access apart from the roadways to interconnect all significant areas of the development. A fraction of the common land, not to exceed 25% may be assigned by the Board to specific areas when in the judgment of the Board such assignment is necessary to protect the interests of the Town. If the common land is not taken in title by the Town, the Town shall require that suitable enforceable restrictions protecting common land from construction or development are signed by the landowner, recorded in the Registry at his expense, and incorporated by the Planning Board in the approved site plan.

15.4 SITE PLAN APPROVAL:

No building permits shall be issued under this section unless the Planning Board has approved the site plan for the townhouse development.

15.5 APPLICATION FOR APPROVAL:

Application for approval of a site plan shall be made to the Hopedale Planning Board on forms supplied by it and in accordance with its then current rules and regulations governing the same, including the payment of fees and notice requirements.

15.6 CONTENTS OF SITE PLAN:

The site plan shall be prepared by a registered engineer and/or architect, or both. Drawings and data relative to streets, ways, water, sewer, drainage, utilities, building placement, grades and contours and other physical attributes of the development, its connection with public ways, entrances and exits, lighting, and in general sufficient information for the Board to engage in the review process set forth in the following section shall be provided on said site plan. Plans shall be schematic and to scale and should be fully dimensioned. Contours will be at two feet intervals. It should show, or there may be attached thereto, separate sheets of information relative to the provision of essential services as defined in this by-law.

The site plan should also be accompanied by drawings relative to the buildings showing at least one front, back, and both side elevations of each different building. Such building plans shall be schematic and to scale and should be fully dimensioned.

Upon submission of the application and plans, copies of which shall be deposited with the Town Clerk, the Board shall set a date, not later than thirty (30) days after submittal, for a public hearing relative to the application and plans, at which hearing, the Board shall review the plans.

15.7 SITE PLAN REVIEW:

The Board shall review the site plan with reference to the general scheme of the development, the provision of essential services, the installation of walks, ways, pipes, conduits, buildings, finish and rough gradings and similar items. The particular details of the construction of the project, including the method, manner and means of construction and similar items shall be left to the supervision of the Building Commissioner under the terms of his building permit, which is to be issued by him under the rules and regulations pertaining to construction in the Town of Hopedale.

In approving or disapproving a site plan, the Board shall, as a minimum, take into consideration the following matters:

1. **Parking:** Compliance with the off-street and parking requirements of this by-law, except that the minimum parking space requirements shall be two for each dwelling unit.
2. **Compliance with By-Law:** Compliance with other provisions of this by-law, except those that are superseded by this section or are, in the opinion of the Board, obviously contrary to the intent of this section and should not apply.
3. **Preservation of Landscape:** The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
4. **Relation of Buildings to Environment:** Proposed development shall be related harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the vicinity that have functional or visual relationship to the proposed buildings.

5. Inter-relationship of Buildings: The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between the buildings.
6. Open Space: All open space shall be so designated as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
7. Circulation: With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points, to the public streets (especially in relation to existing traffic controls) width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of parking areas that are safe and convenient and, insofar as practical, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
8. Surface Water Drainage: Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not unnecessarily create undue puddling in the paved areas.
9. Sewage and Sanitary Services: Proposed methods of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
10. Distribution of Common Land: Common land shall be indicated and distributed in a reasonable manner.

The Board shall approve or disapprove the site plan within ninety (90) days after submittal. If the Board fails to act or make a decision within such period of time, ninety (90) days, the plan shall be deemed approved.

If the Board disapproves a site plan, it shall notify the applicant in writing, setting forth in detail its specific reasons for disapproval. The applicant may resubmit the plan to the Board and if the Board finds that the reasons for its disapproval have been corrected by the applicant, it shall approve the site plan. The Board and the applicant may negotiate a suitable agreement in writing to extend the time periods.

Any applicant whose site plan has been disapproved, may within one (1) year thereafter petition the Board to re-open the hearing, and the Board may grant a re-hearing if it finds that the applicant in good faith wishes to revise its original, disapproved plan so as to satisfactorily resolve the conditions which led to the previous disapproval of the site plan by the Board. Such re-hearing shall be on said terms of notice and publication at the applicant's expense as the Board may determine. It shall be a public hearing.

15.8 APPROVED SITE PLAN:

The approved site plan shall state: Approved Site Plan of (Name of Project), Hopedale Planning Board, Date and lines for signatures of Board members. It shall be kept in the files of the Planning Board and available for public inspection upon request.

Any restrictive covenants shall be recorded at the Registry of Deeds at the applicant's expense.

If the plan is approved by failure of the Board to act within said ninety (90) day period, there shall be endorsed thereon the following statement: "Approved by failure of the Board to act within 90 days of submittal", date and a line for signature by the Town Clerk.

15.9 CONTINUED MEETING:

The Board, with the agreement of the applicant on record, may continue any site plan hearing to a date certain for the purpose of making changes to drawings, securing more information or other good and sufficient reasons. No public advertisement shall be required for a continued hearing whose continuance date was set during the course of a public hearing on the same subject.

15.10 BUILDING PERMITS:

For all uses set forth in this by-law under this section and Section 11.5 requiring site plan approval by the Planning Board, or any other section requiring a Special Permit from the Zoning Board of Appeals, no building permit or occupancy permit shall be issued by the Building Inspector until such site plan has been approved.

15.11 OTHER PERMITS:

The granting of site plan approval under this or any other section does not eliminate the necessity of an applicant securing required permits from other Town boards having jurisdiction over the project.

15.12 REVISIONS AND CHANGES IN SITE PLAN:

The Building Commissioner is authorized either while issuing the building permits or during the course of construction to allow revisions and changes in the approved site plan to compensate for conditions that arise out of the studies made for detailed construction plans for conditions that occur during actual construction. The Building Commissioner may allow such changes and revisions that are in his judgment necessary or appropriate under the conditions and circumstances. Without specific limitation, these changes may involve such matters as relocation of buildings, utility lines, ways, parking

areas, etc. However, the Commissioner shall not have the authority to allow changes in the Dimensions of Intensity Table. This is reserved to the Zoning Board of Appeals. The purpose of this section is to allow the developer, with the approval of the Building Commissioner, the flexibility required by practical necessity of coping with on-the-job construction problems caused by actual site work and detailed construction drawings.

At the conclusion of the project, the developer shall furnish the Planning Board with an "as built" site plan showing any allowed changes.

The Building Commissioner is the enforcing officer of this section.

Hopkinton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Hudson *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Town of Hudson Protective Zoning Bylaw (Amended 2003)

a) Dwelling, Multi_family (Multiple Family House, Apartment or Apartment House): A dwelling including single_family attached units, containing two (2) or more separate dwelling units.

5.8.2 ALLOWED USES 5.8.1.2 Besides those uses permitted in the underlying districts, a retirement community shall be allowed in a Retirement Community Overlay District by special permit of the Board of Appeals pursuant to section 8 of these by-laws, and subject to the following conditions:

e) All dwelling units shall be detached from the others or attached only along sidewalls in the so-called "townhouse" style.

Hull *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Feasible/ Flexible Plan Development needs a special permit to be allowed in Hull.

Town of Hull Zoning Bylaws, Section 43 (2003)

43-2. Permitted Use

In a Flexible Plan Development, the following uses is permitted:

a. Multi-family residential use, including garden apartments and town houses.

32-1. Permitted uses for Multi-Family Residence Districts and Townhouse Residence District

32-1 A. Multi-Family Residence Districts A

a. Multi-family residential uses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.

b. Garden apartments and town houses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.

32-1B. Multi-Family Residence Districts B

- a. Multi-family residential uses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.
- b. Garden apartments and town houses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.

32-1 C. Townhouse Residence District

- a. Any use permitted in Paragraph 31-1 subject, however, to the provisions of paragraph 31-2C Single-family Residence District C, of this zoning bylaw, except that minimum lot size shall equal 43,560 square feet.
- b. Townhouse and garden apartment type multi-family dwellings, not to exceed eight (8) dwelling units per multi-family dwelling, and no such multi-family dwelling to exceed thirty-five (35) feet in height.

35-1. Permitted Uses for Commercial Recreation A, B, and C Districts.

- c. Multi-family residential use including garden apartments and townhouses.

From definitions on ordinance.com:

DWELLING, MULTI-FAMILY : A building or structure designed for occupancy as a residence by two or more families, an apartment house.

Ipswich *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Town of Ipswich Protective Zoning Bylaw (Adopted 1977, Amended 2004)

I. Inclusionary Housing Requirements

The requirements of this subsection I. apply to:

- a. Any multi-family residential development subject to approval by special permit; and
- b. Any proposed residential development in the RRA, RRB, and RRC Districts that would create two or more single-family detached or attached dwellings for which compliance with this subsection I. is required in the Table of Dimensional and Density Regulations (Section VI.). Developments that create only one single-family detached or attached dwelling are exempt from the provisions of Subsection I., provided that a suitable restriction is recorded at the Essex South Registry of Deeds prohibiting the creation of additional units on the property.

[...]

b. Single-Family Developments of Ten or More Dwellings

Applicants developing ten or more single-family detached or attached dwellings in the RRA or RRB Districts shall comply with the following requirements:

- (1) provide ten percent of the units in accordance with 3. a. (1), 4., 5., and 6. of this Subsection I.; and
- (2) obtain an Open Space Preservation Zoning special permit in accordance with the provisions of Section IX. A. of this bylaw.

c. Single-Family Developments of Less than Ten Units

Applicants developing fewer than ten single-family detached or attached dwelling units in the RRA and RRB Districts shall comply with the following requirements:

DWELLING, SINGLE-FAMILY ATTACHED : A building designed as, and/or containing two or more independent dwelling units separated by one or more common walls but with no common spaces within the building and no portion of any unit above or below any portion of another unit. (Amended by 10/17/92 Special Town Meeting; approved by Attorney General 1/11/93)

IX. SPECIAL REGULATIONS

A. Open Space Preservation (Cluster) Zoning (OSPZ)

2. Applicability: Any proposed development in the Town of Ipswich which would create more than six (6) single-family attached or detached dwellings, on a property or set of commonly owned contiguous properties containing a minimum of four (4) acres, shall be required to submit a special permit application to the Planning Board for Open Space Preservation (Cluster) Zoning in accordance with the provisions of this subsection.

3. Permitted Uses: The following principal developed uses of the lots shall be permitted:

- a. single-family attached
- b. single-family detached
- c. community uses
- d. religious uses
- e. educational uses
- f. membership club for the use of residents of the development
- g. country, fishing, tennis, boating, golf or similar club
- h. common driveways up to five lots (Amended by 4/5/99 Special Town Meeting; approved by Attorney General 8/2/99)

Kingston

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Town of Kingston Zoning Bylaw (Adopted 1955, Amended 2004)

d. A "Planned Residential Development Subdivision" dwelling units may include:

- 1) Dwelling single family detached - A detached structure containing one (1) dwelling unit intended and designed to be occupied by a single-family.
- 2) Dwelling, single family attached (duplex) - A building containing two dwelling units which are attached to each other by a common vertical wall, each dwelling unit having open space on or yards on three sides and each dwelling unit having direct access to the ground.
- 3) Dwelling, accessory apartments - A second dwelling unit either in or added to an existing single family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a unit is an accessory use to the main dwelling. A separate special permit as called for in Section 4.3.3.4. and Section 4.14.3.3. are not required if permitted by special permit for RDEOS, PRD, or DSPB. Size requirements as stated in referenced bylaws are required.
- 4) Dwelling, townhouse - A building containing three or four dwelling units in a row in which each dwelling unit has its own front and rear access to the ground, no dwelling unit is located over another dwelling unit, and each dwelling unit is separated by from any other dwelling unit by one or more party walls.

5.3.7. CRITERIA FOR APPROVAL OF A RESIDENTIAL DEVELOPMENT ENCOURAGING OPEN SPACE (RDEOS) OR PLANNED RESIDENTIAL DEVELOPMENT (PRD)

Prior to the approval of a Residential Development Encouraging Open Space (RDEOS) subdivision or a Planned Residential Development (PRD), in addition to the findings and determinations required by under Special Permits with Site Plan Review, the Planning Board shall determine that the proposed development meets the following criteria:

a. the common open space includes:

- 1. some, or all, of the outstanding natural features of the site and of the man made features that enhance the land form;

2. land that also meets the standards for usable open space;
 3. land that increases visual amenities for residents of the development and/or of the adjacent neighborhood;
- b. the common open space is readily accessible by one or more paths or entry points specifically designed for access purposes;
- c. the dwellings are sited and oriented in a complimentary relationship to:
1. each other,
 2. the common open space, and
 3. the adjacent properties. If the development includes different types of dwellings, such as semi-attached dwellings or townhouses, those types of dwellings shall relate to the predominant characteristics of the adjacent single family detached dwellings with respect to scale, mass, setback, proportions and materials;
- d. negative visual impacts of the development, if any, are screened from adjacent properties and nearby streets by landscaping or other site planning techniques;
- e. where opportunities exist, improved access is provided to, or additional links and connections are developed to, a town system of public facilities, such as open space, recreation facilities, footpaths, bicycle paths or multi-use trails;
- f. that any building which contains more than one dwelling unit is designed so that either:
1. the building has the exterior appearance of a single family dwelling or,
 2. alternatively, if single-family attached dwellings and/or townhouses are constructed, each individual dwelling unit has direct access to ground level and an opportunity for a private yard, patio, or other private outdoor space;

Lakeville *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Lancaster *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Lawrence *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Leicester *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes

2.4 RECREATIONAL DEVELOPMENT

[...]

Other dimensional requirements for multi-family structures shall be governed by the provisions of Section 4.2, RIB, except that no more than 45% of the units within an RD may be multi-family, and all such units must be of a townhouse type with separate entrances and with a maximum of eight (8) attached units per building. In calculating intensity of use and allocation of Recreational Areas, the following standards shall be used:

5.7 Senior Village Developments

5.7.03 Definitions:

DWELLING UNIT : a) a single dwelling unit for single family homes, duplex housing, townhouse style housing or other multi-family housing, b) a room or group of rooms considered a single dwelling unit for Assisted Living, Independent Living or Congregate Living Residence Facility such as an efficiency apartment, or c) a single room in a Long Term Care Facility.

Leominster

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

City of Leominster Zoning Ordinance (Adopted 2001, Amended 2003)

According to the table of uses:

Townhouses by right with site plan review in RB, RC, BB.

PUD: SF, 2F, Townhouses-single family, MF and business and industrial uses which are permitted in the underlying district.

Lexington

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Section 4.2 Table 1 Permitted Uses and Development Standards -

"Townhouse" allowed by special permit in RO, RS, RT, RD.

9.5 CLUSTER SUBDIVISION, SPECIAL RESIDENTIAL DEVELOPMENT

9.5.4.2 IMPACTS OF OTHER TYPES OF DWELLING UNITS

The Planning Board shall periodically publish the projected total number of occupants in, and the number of motor vehicle trips generated by, other types of dwelling units. Those other types of dwelling units shall include:

- a. One-family Detached*,
 - b. One-family Attached*,
 - c. Two-family*, and
 - d. Townhouse*.
-

Lincoln

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

SECTION 7 R-2 GENERAL RESIDENCE DISTRICT.

The R-2 General Residence District is intended as a district of single and two-family dwellings and limited type of multi-family development.

7.2 Uses Permitted:

- (a) any use permitted in an R-1 Single Residence District subject to the same restrictions as are prescribed therein;
- (b) two-family dwelling, provided that there shall be only one residential building per lot;
- (c) limited type of multi-family development known as "garden apartments," "row houses," or "town houses," provided that no building permit for a multi-family development shall be issued unless a site plan has been submitted and approved in accordance with the provisions of Section 17 below.

Littleton

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Lowell

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

DWELLING, MULTIFAMILY : A building containing three (3) or more dwelling units, and wherein units may be located on more than one (1) floor.

TOWNHOUSE DEVELOPMENT : Development of individual dwelling units in a row of at least three such units in which each unit has its own access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

According to the table of uses:

Three family attached or semi-detached is allowed by special permit from board of appeals in SMF, SMU, NB, UMF, DMU and INST and by right in TMF, TMU, UMU.

Multifamily dwelling (4 to 6 units) is allowed by special permit from the planning board in TMF, NB, DMU and by right in SMF, SMU, TMU, UMF, UMU.

Multifamily dwelling (7 or more units) is allowed by special permit from the planning board in NB, UMF, DMU, HRC, INST and by right in SMF, SMU, TMU, UMU.

Townhouse development (3 to 6 units) is allowed by special permit from the planning board in SMU, TMF, TMU, UMU, INST, and by right in SMF, UMF.

Townhouse development (7 or more units) is allowed by special permit from the planning board in SMU, TMU, UMU, INST, and by right in SMF, UMF.

"Other dwellings converted for more than two families; where all dimensional and other requirements are met, including all applicable provisions of Section 8.1" is allowed by special permit from the board of appeals in SMF, SMU, TMF, TMU, NB, UMF, UMU, DMU, INST.

"Buildings located in historic mill complexes or religious or educational buildings converted for more than two families; where all dimensional and other requirements are met, including all applicable provisions of Section 8.1" are allowed by special permit from the planning board in all districts EXCEPT for HRC, OP, LI, GI.

Lunenburg

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Town of Lunenburg Protective Zoning Bylaw (Amended 2004)

2.1.1.43. TOWN HOUSE : A single family dwelling attached to another single family in such a manner that each dwelling has a door at ground level and front and rear access to the outside. Said dwelling may be in separate ownership from the unit(s) to which it is attached.

4.2.3. Uses Permissible by Special Permit Granted by the Planning Board

4.2.3.1. In a Residence A, Residence B or Outlying District, the Planning Board may authorize, in a specific case, by Special Permit and subject to the approval of a Plan if required by Town Bylaw and in accordance with the provisions of Section 5., any of the following additional uses. The provisions of the Section 4.2.3., Section 5.4., Section 5.5 and Section 6.4. may be modified by application to the Planning Board, who in this instance shall hear and determine the application for said modification.

a) A Mixed Residential Development, provided that in Residence A District or Outlying District twenty-five (25) percent and in Residence B twenty (20) percent of the dwelling units are sold to buyers who qualify as low or moderate income households as defined by the Commonwealth of Massachusetts Executive Office of Communities and Development.

The Mixed Residential Development may include:

1. All one (1) family dwelling structures.
2. A mix of any of the following: one (1), two (2), three (3), and/or four (4) family dwellings.
3. Package sewage treatment facilities or common leaching area (s) for use by all the dwellings in the Mixed Residential Development in accordance with the provisions of Section 4.1.4.4.
4. Common open space, defined as land not included in lots for building purposes and which, is left in a natural or landscaped state for the enjoyment of the residents of the Mixed Residential District.

b) A Planned Residential area, which may include:

1. Town Houses
2. A mix of Town Houses and two-family dwellings.
3. A mix of Town Houses, one-family and two-family dwellings.
4. An eighteen (18) hole golf course, similar to a Professional Golf Association golf course whether public or private, may have club facilities including a restaurant, function room, equipment repair and retail sale of golf equipment, provided that equipment used in connection with the maintenance of the course and facilities is stored in an enclosed structure.
5. Accessory uses and recreation facilities for the use of the residents of the area only to include golf course, tennis courts, jogging trails, swimming pools and similar outdoor facilities community building not to exceed five (5) percent of the total floor area of the residential units, parking areas and garages, storage sheds, cabanas, detached fireplaces and similar facilities for use by the residents of the planned residential areas, but not including home occupations, taking of boarders or lodgers, renting rooms or professional offices.

4.12. Lake Whalom Overlay District

4.12.4. Uses Permissible by Special Permit granted by the Planning Board.

4.12.4.1. Town houses, and garden apartment limited to four (4) units per structure.

Lynn

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

5.1.5 Row House:

Dwellings for one or two families each in a connected row of three or more houses, each two houses separated by a fire proof division with no openings.

In section 4.4, Table of Use Regulations:

Row houses are allowed by right in R3, R4, R5 by right. In B3, B, CBD, LI, HI by special permit.

Lynnfield *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Malden *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes According to the table of use regulations, the following uses are allowed:

Dwelling, three and four family... by right in B, C, RO, BN, BH.
Dwelling, Town or Row... by special permit in A, by right in B, C, RO, BN, BH.
Dwelling, Multi-family, up to 3 stories inclusive... by right in B, C, RO, BN, BC, BH.
Dwelling, multifamily, more than 3 stories but not exceeding 6 stories... by right in C, RO, BC, BH.
Dwelling, multifamily, more than 6 stories but not to exceed 12 stories... by special permit in C, BC.
PUD by special permit in C, RO.

21 DWELLING, MULTIFAMILY : A building used for, or occupied by, five (5) or more dwelling units.

.22 DWELLING, THREE AND FOUR FAMILY : A building used, or occupied by, three (3) or four (4) dwelling units, but not to include town or row houses.

.23 DWELLING, TOWN OR ROW : A single family attached unit with party walls.

300.16 Dwelling, Town or Row may be allowed in Residence A Districts only by special permit granted by the City Council in conformance with the dimensional controls of this ordinance, unless specifically changed by this section.

. 1 Minimum lot size shall be nine thousand five hundred (9,500) square feet with a minimum of three thousand five hundred (3,500) square feet for each end unit and two thousand five hundred square feet (2,500) for each middle unit.

. 2 Minimum rear yard requirements shall be twenty-five (25) feet.

. 3 The size, scale, appearance, and construction of the town or row dwelling must be in harmony with the surrounding neighborhood.

. 4 The town or row dwellings must not overtax the capacities of the surrounding streets and utilities.

. 5 No more than one (1) parking space shall be permitted between each dwelling unit and the street.

. 6 The City Council must find that the town or row houses are in the interest of the common good.

Mancheste *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes 6.8.2.4 Permitted Uses:
There shall be permitted in a PRD:

(a) Single family detached and attached, and multifamily structures of all types, provided however, that the average number of bedrooms per dwelling unit does not exceed two.

Mansfield *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Rowhouse, townhouse is allowed by right in Business District 2 and Industrial District 3 Mixed use.

Marblehea *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes A. Explanation of allowed uses.

(1) Residence uses.

(e) Row house: one or no more than four adjoining dwellings, each designed for and occupied by one family and separated by vertical party walls; a townhouse.

(f) Multifamily dwelling: a dwelling for more than two families under one roof.

According to Table 1 Land Use Regulations, the following use is allowed:

Row house...by special permit in U & SU, E-C, C-R & SC-R, and B-R.

Marlborou *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes City of Marlborough Zoning Ordinance

SINGLE FAMILY ZERO LOT LINE DWELLING: A single family dwelling where a side yard need not be provided on that side of the dwelling that shares a party wall or double wall with an adjacent dwelling.

200-18. Conditions for Use as Noted in the Table of Uses, Section

(1) Single family zero lot line.

(a) Located within an Open Space Development in accordance with the requirements of Section 200-28 (E) 3;

(b) Have the appearance and character of single family dwellings;

(c) Are affordable as defined in Section 200-05.

(4) All dwelling units in a Retirement Community shall be detached from the others or attached only along sidewalks in the so-called "townhouse" style.

Marshfield *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Survey received from Town Planner Angus Jennings on 6/8/05: "Only 55+"

Town of Marshfield Zoning Bylaw (Amended 2004)

Section 11.08 Age-Restricted Adult Village

**Webmasters Note: The previous Title has been amended as per an update approved at a town meeting held on 4/28/03.

For elderly residential housing not subject to the Table Of Dimensions and Density Regulations nor subject to Sec. 10.10 of the Zoning Bylaw, the following conditions [Amended 11/15/99] shall apply:

1. Applicability and Use

a. The tract of single or consolidated ownership at the time of application shall be at least six (6) acres in size in all residential zones and at least 10,000 square feet in the B-1 District, and shall be subject to approval by the Board acting as the Special Permit Granting Authority.

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 10/27/03.

b. The following uses shall be permitted: attached elderly and handicapped housing units; and community facilities (religious, recreational or educational); membership club for the exclusive use of the residents of the development.

Maynard *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Medfield *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Medford *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Medford Zoning Ordinance from Municode.com, from definitions:

Dwelling, multiple means an apartment house or building designed for or occupied as a residence by more than two families; or a building designed for or occupied by one or more families in addition to a nonresidential use, but not including a group of three or more attached single-family dwellings, a

lodging house, a hotel or motel, a dormitory, fraternity or sorority house.

According to the Table of Use Regulations in Article IV (Use Regulations) of the Medford Zoning Ordinance on municode.com:

Attached single family dwelling, three or more dwelling structure... by right in Apt 1, 2, 3

Multiple dwelling not over three stories in height ... by right allowed in Apt 1, Apt 2, Apt 3, C1, and MUZ.

Multiple dwelling not over 75 feet or six stories in height... by right allowed in Apt 2, Apt 3, C1, MUZ.

Medway *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes TOWN HOUSE : A residential building of two (2) or more stories in height containing a single dwelling that is one (1) of a group of three (3) or more such buildings that are attached or semi-attached to one another, sharing at least one (1) common or party or fire wall, and with each building having at least one (1) floor at ground level with a separate entrance. A town house may be constructed on its own individual and separate lot or may be one of several individual dwellings on a common lot, but if it is part of an ARCPUD Single Family Subdivision, each townhouse shall be constructed on an individually defined Home Site on an individual lot. (Amended STM 10/16/00, approved 2/12/01)

6) The maximum number of permitted housing units in an ARCPUD shall be determined by multiplying the gross acreage of the ARCPUD site by a factor of three (3.0). A housing unit shall be defined as equal to:

- (a) A home Site in an ARCPUD Residential Subdivision, a townhouse, or a dwelling unit as defined in the By-Law;
 - (b) Two (2) dwellings or rooms in an Assisted Living or Congregate Living Residence Facility, provided such dwellings do no meet the definition of a dwelling unit;
 - (c) Three (3) dwellings or rooms in a Long-Term Care Facility.
-

Melrose *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Zoning Ordinance of the City of Melrose, Massachusetts, Section 2.1

Townhouse. A row of at least three (3) but not more than five (5) one-family dwelling units whose side walls are separated from the other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner. (Ord. of 7/20/87)

Townhouses--B Urban Residence, C Urban Residence, D Urban Residence and Medicial Business District.

Notes on density:

Townhouse: B Urban Residence (7500 sq. ft. plus 3,000 sq. ft. each for dwelling unit more than one), C Urban Residence and D Urban Residence(6000 sq. ft. plus 1250 sq. ft. for each dwelling unit more than one), and Medical Business (5000 sq. ft., no additional unit requirement)

By special permit:

Townhouse: A Urban Residence (10,000 sq. ft., no additional unit requirement).

Mendon

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Merrimac

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Merrimac Zoning Bylaw 2004

ELDERLY HOUSING : A single-family, Townhouse or MULTI-FAMILY residential development consisting of multiple dwelling units on one single contiguous parcel, restricted for occupancy by households with at least one family member who is 55 years of age or older.

ARTICLE 8. VILLAGE CENTER DISTRICT (VC)

8.3. Uses and Structures Permitted by Special Permit

8.3.1. Multi-family dwellings restricted for occupancy by persons over 65 and persons with disabilities, up to six dwelling units on a conforming LOT.

ARTICLE 16. REGULATIONS FOR ASSISTED LIVING FACILITIES AND ELDERLY HOUSING

16.3. Over-55 Elderly Housing

16.3.1. Applicability. The Planning Board may grant a SPECIAL PERMIT and site plan approval for ELDERLY HOUSING in any district where the use is allowed, on a parcel or contiguous parcels of land with at least five (5) acres of land area. Existing public and private WAYS need not constitute boundaries of the tract, but the area within such WAYS shall not be counted in determining parcel or tract size.

16.3.2. Relationship to Subdivision Control. A subdivision plan is not required for an ELDERLY HOUSING development, but an applicant who proposes a subdivision plan shall submit the same to the Planning Board in accordance with the Planning Board's Subdivision Rules and Regulations.

16.3.3. Site Plan and Design Standards. An assisted living facility is subject to site plan review and design review, and must comply with the requirements of Article 19 of this Bylaw.

16.3.4. Basic Density and Dimensional Requirements.

16.3.4.1. Density. Over-55 housing shall not exceed six units per acre, and over-55 housing units shall contain no more than two bedrooms per dwelling unit.

16.3.4.2 Site Design To the maximum extent possible, over-55 housing shall be designed in accordance with the site plan standards for Open Space Residential Development in Article 15 of this Bylaw.

16.3.4.3. Units in Structures. Over-55 Housing may be comprised of single family, townhouse or multi-family dwellings. Townhouse buildings shall contain no more than four units, and MULTI-FAMILY buildings shall contain no more than eight units.

16.3.4.4. Height. No building shall exceed a building height of 35 feet and two and one half stories.

16.3.4.5. Scale. An over-55 housing development shall not exceed 50 units.

16.3.4.6. Common Open Space. Over-55 housing shall preserve at least 50% of the total land area in the development as permanently protected open space, designed in accordance with Article 15, Section 9, to the maximum extent possible.

16.3.4.7. Setbacks. All buildings must be located at least 25 feet from any side or rear LOT line and 50 feet from any established street layout or, where applicable, any defined street line of a public road, which street setback area shall be undeveloped and/or landscaped.

16.3.4.7.1. The Planning Board may approve a setback of lesser width if there is sufficient landscaping to screen and/or separate the development from adjacent property. The Board may require no-cut easements, conservation restrictions or the like where the setback has been reduced.

16.3.4.7.2. Buildings shall be located at least 20 feet from interior roadways and driveways that are not considered streets or public roads.

16.3.4.8. Distance between STRUCTURES. The distance between STRUCTURES shall be no less than the average height of the two STRUCTURES or 35 feet, whichever is greater. Such distance shall include any garages or other accessory STRUCTURES.

16.3.5. Road construction. Roads that serve an over-55 development shall be constructed in accordance with the standards of the Subdivision Rules and Regulations of the Town of Merrimac with the exception of width, which shall be determined by the Planning Board. Inspection of the roads during construction shall be in accordance with the procedures contained in the Subdivision Rules and Regulations and the inspection process shall be administered by the Planning Board. Such procedure shall include the payment of any fees or deposits for the inspections as required by the Subdivision Rules and Regulations at the time of site plan submittal.

16.3.6. Off-Street Parking. Over-55 housing shall provide off-street parking in accordance with Article 20. At least one space per unit shall be located so as to provide convenient access to its assigned dwelling unit. Parking garages will be permitted as a parking space if located and designed so as to complement the building design and site layout.

16.3.7. Special Permit Granting Criteria. Before the Planning Board may issue a SPECIAL PERMIT for ELDERLY HOUSING, it shall consider the following criteria:

Methuen

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Methuen Zoning Ordinance

An application for a Multi-Family and/or Attached Dwellings Development Special Permit shall be allowed in the MA, MB, CBD, BL and zoning districts.

The Multi-Family Residence A District is composed of all those areas so designated on the official zoning map. Single and Two Family homes are allowed in this district; Attached Dwellings, Multi-family and Planned Unit Developments are allowed by Special Permit.

The Multi-Family Residence B District is composed of all those areas so designated on the official zoning map. Single Family and Two Family Dwellings are allowed in this district. Attached Dwellings, Multi-family and Planned Unit Development are allowed by Special Permit. This district is primarily established to accommodate the urbanized areas of Methuen.

Section XI-D - Special Permit Specific Regulations

2. Multi-Family and Attached Dwellings Development

A. Purposes:

- a. To allow the more efficient use of land.
- b. To provide a diversity of housing types at a variety of costs.
- c. To meet the affordable housing needs of the Town.

B. Applicability:

An application for a Multi-Family and/or Attached Dwellings Development Special Permit shall be allowed in the MA, MB, CBD, BL and zoning districts.

D. Requirements:

A Multi-Family and/or Attached Dwellings Development shall conform with the following requirements:

- a. Minimum Lot Area: The minimum lot area for Multi-Family and Attached Dwellings developments shall be as follows: MA and BL (130,680 square feet); MB (43,560 square feet); and CBD (20,000 square feet).
- b. Allowable Density: The development shall comply with the maximum density requirements for the zoning district in which the development will be located. The maximum gross density of dwelling units (du) per gross acre of land for the applicable zoning district shall be as follows: MA (2du), MB (4du), CBD (6du), and BL (4du). A density bonus may be approved by the Community Development Board in accordance with Section XI-D, 7 hereof.
- c. Allowable Uses: Detached, attached and multi-family dwellings as described in Section II hereof.
- d. Dimensional and Other Requirements: The minimum dimensional controls for the zoning district in which the development will be located shall be met for each dwelling type building being proposed for development as specified in the Table of Dimensional Regulations of Section VI-D hereof. In addition to these minimum requirements, the detached, attached and multi-family dwelling units shall comply with the following specific requirements:
 1. The development shall be subject, if applicable, to approval under the Methuen Subdivision Control Regulations.
 2. The proposed development shall be served by both public water and sewerage systems.
 3. Multi-family buildings The minimum distance between multi-family dwelling buildings and/or attached dwelling buildings on the same lot, or between two facing walls forming a court, which contain dwelling units and which are not joined by a party wall shall be forty (40) feet.
 4. Attached buildings The minimum distance between attached dwelling buildings and/or multi-family dwelling buildings on the same lot shall be forty (40) feet. Each attached dwelling shall be a minimum of twenty (20) feet wide, measured between party walls. Inner courts shall not be permitted in attached dwelling buildings. The maximum number of attached dwelling units per building shall be nine (9).
 5. Detached buildings the minimum distance between a detached dwelling building to another detached dwelling building shall be twenty (20) feet. The minimum distance between detached dwelling buildings and a multi-family or attached dwelling buildings shall be forty (40) feet.
 6. The Community Development Board may require a Buffer Screen of up to ten (10) feet in width and six (6) feet in height be installed and/or maintained around the perimeter of the development by the owner of the development. (See Section II for definition of Buffer Screen)
 7. No open parking or driveway shall be closer than twelve (12) feet to a wall containing windows to habitable rooms of a dwelling unit which is on the ground floor or basement floor.
 8. All roadways, drainage facilities, water lines, sewer lines, utilities, grading and other site improvements shall be built in accordance with the subdivision control standards of Methuen unless waived by the Community Development Board. All roadways directly entering and serving Multi-family and Attached Dwelling Developments shall be private ways and privately maintained.
 9. The minimum parking, loading and sign regulations shall be as specified in Sections VI, VII and VIII.
 10. The applicant shall install street identification signs as approved by the Department of Public Works on all right-of-ways and drives within the development. Said signs shall be in place upon completion of binder paving of each respective drive.
 11. The developer shall install street lighting of a type approved by the Department of Public Works on all right-of-ways and drives within the development. The lighting shall be in place and in operation prior to the issuance of any occupancy permits.
 12. The Community Development Board shall require that the construction of ways, water lines, sewer lines, streetlights, and other public utilities and their appurtenant features be secured in part by one of the methods described in Chapter 41, Section 81U, clauses 1, 2, 3 and 4.

e. Open Space Requirements:

1. The Multi-family and Attached Dwellings Development shall contain a minimum of thirty percent (30%) of the gross area of the development as permanent Open Space Land. Open Space Land shall be defined as all land within a development not designated for buildings, structures, parking, loading, roadway or driveway areas or privately owned lots, but may contain active or passive recreation areas, including incidental paving related thereto, e.g. tennis courts, swimming pools, etc.
2. A minimum of forty percent (40%) of the Open Space Land Shall be Useable Open Space Land. Useable Open Space Land shall be defined as Open Space Land that has a shape, slope, location, and condition that is useable and suitable as a place for active and/or passive recreation uses in the opinion of the Community Development Board. Useable Open Space Land shall contain no wetlands as defined by The Wetland Protection Act, Chapter 131, Section 40 M.G.L. and DEP regulations made thereunder; and The Wetland Protection Ordinance, Chapter 12, Methuen Municipal Code. A minimum of twenty five percent (25%) of the Useable Open Space Land shall have a grade not exceeding six percent (6%). All Multi-family and Attached Dwellings Developments of ten acres or more shall include at least one area that meets or exceeds the dimensions of 100' by 150'.
3. The Open Space Land included in a Multi-family and Attached Dwellings Development shall be set aside as common land covenanted to be maintained as permanent common land in private, cooperative and/or public ownership.
4. The Open Space Land shall be owned and maintained by the applicant until such time as it is conveyed to one or more of the following entities: the Town of Methuen, subject to Town Council approval; a public conservation commission or a nonprofit organization the principal purpose of which is the conservation of open space; a corporation, trust or association owned or to be owned by the owners of lots or residential units within the development; or some other legal entity as may be approved by the Community Development Board. The applicant shall specify the method of ownership in which the open space land will be held as part of the application for a Special Permit.
5. If a corporation, trust or association method of ownership of open space land is to be used, the articles of the corporation, trust or association shall be submitted to the Community Development Board prior to final approval of the Special Permit and shall specify that ownership thereof shall pass with the conveyances of the lots or residential units. In any case where such open space land is not conveyed to the Town, a restriction enforceable by the Town of Methuen shall be recorded providing that such land shall be kept in an open or natural state and not be built upon or developed for accessory uses as parking or roadway. All such open space land shall be restricted by deed from all future building. Said deed shall be approved by the Community Development Board.
6. Any open space land to be deeded to the Town shall contain at least one-hundred (100) feet of frontage along a public way.

Middlebor *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Middleton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Definitions on ordinance.com:

ATTACHED DWELLINGS : A one family dwelling in a row of a least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. Attached dwellings are also referred to as townhouse dwellings or rowhouses.

ATTACHED DWELLING COMPLEX : A group of three or more attached dwellings located on contiguous lots or on a single or commonly owned lot. Attached dwelling complexes are usually comprised of units for sale as individual townhouse dwellings (with their own lots) or as condominium units.

Town of Middleton Zoning Bylaw, Section 5.2 (Last Amended 2003).

"5.2 R-2 Village Residential District:

5.2.1 Lot Area:

A. The minimum lot size in an R-2 Village Residential district shall be at least one-hundred thousand (100,000) square feet (2.296 ac.) for an attached Dwelling or Townhouse complex. Individual attached dwelling lots within an Attached Dwelling complex shall have an area of not less than three thousand (3,000) square feet.

B. For lots within the Watershed Protection Overlay District, the requirements of Section 5.10.1 shall apply."

Milford

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Townhouses are allowed as a part of PRD.

Town of Milford Zoning Bylaw (Amended 2003)

6.4.2 Dwelling Style: A maximum of four (4) dwelling units per structure shall be permitted in structures that, to the extent feasible, resemble single-family residences.

From 2003 Comprehensive Plan, page 52:

"PRD allows up to four attached units, making it the only type of new residential construction that may be greater than 2 units."

Survey received from Milford on 5/3/05, completed by Larry Dunkin, Town Planner, marks that "townhouses/attached" are allowed as part of the cluster provisions.

Millbury

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Millis

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

According to the Table of Use Regulations, the following uses are allowed:

Multifamily (see section XIII.B.) is allowed by special permit (SPB) in R-V.

Housing for the elderly is allowed by special permit (SPB) in R-S and R-V.

From ordinance.com:

DWELLING, MULTI-FAMILY - MULTI DWELLING UNIT : A detached building or buildings, occupied by three or more families and including apartment house, garden apartment house, town house, multi-row house, condominium or cooperative.

TOWNHOUSE : A row of at least three (3) and not more than eight (8) one family attached dwelling units, each separated from other dwelling units by a fire wall or walls and each with direct access to the outside.

Section XIII Special Permit Conditions

A. Special Conditions.

B. Multi-Family Development

(Added May 13, 1985)

e. Dwelling Units per Building - No townhouse unit shall contain fewer than three (3) nor more than eight (8) dwelling units. No other multi-family structure shall contain fewer than eight (8) nor more than twenty (20) dwelling units except that fewer than eight (8) but not less than three (3) dwelling units may be allowed by the Planning Board, if such Board approves of such reduction as being compatible with architectural, aesthetic and other planning considerations.

Millville *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Milton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes K. Attached Cluster Development
The purpose of this subsection relating to Attached Cluster Development is to provide an alternative pattern of land development to that permitted in the present residential zones. Specifically, it is intended to encourage the conservation of more usable open space than is normally possible in conventional developments while at the same time providing for a greater mixture of housing types at Section VI - Area Regulations

-56-

somewhat greater dwelling unit densities than allowed in the present residential zones without a significant increase in population density or requirements for public services. An attached Cluster Development shall result in:

- i. conservation of significant tracts of open space;
- ii. efficient allocation, distribution and maintenance of common and open spaces;
- iii. economic and efficient street, utility and public facility installation, construction and maintenance;
- iv. a variety of housing types and characteristics;
- v. housing and land development harmonious with natural features;
- vi. the development and maintenance of real property values consistent with the needs of the town.

(1) An Attached Cluster Development is a complex of attached single family units each unit separated by party walls from the other, located on the parcel of land having an area of not less than 25 acres and the development shall be so laid out that there should be groups of dwellings within the complex with suitable common and open space adjacent to and surrounding it (herein, called ATTACHED CLUSTER DEVELOPMENT).

(2) No Attached Cluster Development shall be established except under a special permit issued by the Planning Board as provided in this Subsection K.

(3) An attached Cluster Development may be located only in a Residence E district.

(4) Lot Area — In an Attached Cluster Development the area for lots or units shall be in accordance with an approved site plan submitted in accordance with Section K, paragraph 2.

(5) Every Attached Cluster Development may include "common land" which for purposes of this Section K means land within the development available for common use for streets and immediate and essential access to the residential dwelling units and accessory building and facilities within the development. Common land shall not include land which in the opinion of the Planning Board is unsuitable for use as common land because it is wet, swampy, dangerous or otherwise unsuitable for the construction of a dwelling or unit, or subject to rights or easements inconsistent with purposes of common land in a Cluster Development in the Town.

(6) Every Attached Cluster Development shall include "open land" which for the purpose of this Subsection K, means lands within the development available for open space, recreation, flower gardens, gardens, landscaping and land left in its natural state, and, if approved by the Planning Board, for other similar purposes consistent with the development and the character of the neighborhood. No land shall be counted as open land which is included in an area on which the erection or maintenance of a dwelling or accessory structures is permissible. (Such lots or land are hereinafter called "buildable lots or land".) No common land shall constitute open land, nor, for purposes of section 7, 8, 9, and 14 of this Section K shall be land which in the opinion of the Planning Board is unsuitable for use as open land because it is wet, swampy, dangerous, or

otherwise unsuitable for the construction of a dwelling or unit, or subject to rights or easements inconsistent with purposes of open land in an Attached Cluster Development in the Town.

Section VI - Area Regulations

-57-

(7) As hereinafter used the term "qualifying land" shall mean the aggregate of all land within the Attached Cluster Development which qualifies as buildable land, common land and open land.

(8) Layout of open land — In an Attached Cluster Development, at least seventy (70%) percent of the qualifying land of the development shall be open land and used for no other purpose except for underground utility services necessary for the development, and each dwelling unit or lot within such a development shall be so laid out that each dwelling or dwelling unit shall have reasonable access to open land although individual dwellings or dwelling units need not front directly on such open land.

(9) Density — In an Attached Cluster Development, the number of dwelling units to be constructed in the development may not exceed one unit for each 25,000 square feet of qualifying land area and the average number of bedrooms per dwelling unit may be not greater than two and one-half (2.5) bedrooms per dwelling unit.

(10) Height regulation — In Attached Cluster Developments no building shall exceed two and one-half stories in height above mean finished grade measured at the foundation.

(11) Yard regulations — In accordance with an approved site plan submitted pursuant to Section K, paragraph 2.

(12) Miscellaneous dimensional regulations — Matters relating to appurtenant open space, projections and corner clearances at intersecting streets shall be in accordance with an approved site plan submitted pursuant to Section K, paragraph 2.

(13) All utilities, including wiring for lights on open spaces, paths and driveways, shall be placed underground.

(14) On open land only structures such as lamp posts, small sheds for tools or sports equipment, fences, including the kind enclosing a tennis court or swimming pool, bath houses and other structures for accessory uses incidental to open land in an Attached Cluster Development, shall be permitted and the number of such accessory structures and their locations, uses and sizes shall be subject to approval by the Planning Board, provided however that all such uses shall not involve the use of more than 10% of all the open land in the Cluster Development.

Nahant *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Natick *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Zoning Bylaw of the Town of Natick, Section III-A.2 (from website, 8/04)

III-A.2 USE REGULATIONS SCHEDULE

Multiple family building types
for not less than three (3)
dwelling units in any one
building, such as: apartment
houses and/or town houses.

(Art. 44 A.T.M. 1965,
Art.1 S.T.M. June 17, 1969 &
Art. 3. S.T.M. 11/18/75) (Art. 2
S.T.M. #2, Oct. 10, 2000)

These are allowed by right in the RM and PCD districts.

Zoning Bylaw Town of Natick, Section III-D (from Natick website as of August 19, 2004)

Multifamily, with no more than 6 units per building is allowed by right in the LC district.

III-34

III-D USE REGULATIONS FOR LC DISTRICTS:

Only those uses provided for below are permitted or allowed in an LC District. All other uses are prohibited, except as they may be provided for hereafter.

1. PERMITTED USES: The following uses are permitted as of right in an LC District.

- a. One -family detached dwelling;
- b. One family attached or detached dwelling for personnel required for safe operation of a permitted use to reside on the premises thereof;
- c. Two-family or semi-detached dwelling, including alterations and conversions of single-family dwellings;
- d. Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre;

III-F CLUSTER DEVELOPMENT ALLOWED IN CERTAIN DISTRICTS

III-1. F. TOWN HOUSE CLUSTER DEVELOPMENT

1. PURPOSE AND INTENT:

To permit more economical and efficient use of land than may be accomplished through standard subdivision development by protecting the existing character of the landscape and preserving open space areas for conservation and recreation.

2. APPLICABILITY:

The Planning Board may grant a special permit for the construction and occupancy of a Town House Cluster Development located in the RSA District, provided that the gross land area of the parcel is at least 40 contiguous acres. The applicant must either own or submit authorization in writing to act for all the owners of the parcel. Two or more adjacent parcels which are separated by a distance of 100 ft., or less, may be combined and treated as a single parcel for the purpose of this section (ART. 50 1988 ATM).

3. PERMITTED USES:

Any use permitted as a matter of right or under a special permit in the RS District as set forth elsewhere in this By-Law may be undertaken on a parcel to which this Section III-F is to be applied; however, the Planning Board, acting as a Special Permit Granting Authority as hereinafter provided may grant a special permit in accordance with the provisions of this By-Law and MGL Chapter 40A to allow the following additional uses:

- a. Town Houses;
- b. Country Club, including golf by natural light only, swimming, tennis and other similar recreational uses, provided they are included within the Overall Development Plan of a Town House Cluster Development and are available to the general public;
- c. Clubhouse, incidental to the operation of a country club including eating facilities for members and guests, provided it is included within the Overall Development plan of a Town House Cluster Development, and the building housing the facilities does not exceed 20,000 sq. ft. in gross floor area, and the planning Board determines that its operation will not be detrimental or injurious to adjacent residential uses or the value or adjacent properties.

III-45

7. REQUIREMENTS:

A town house Cluster Development must conform to the following :

a. Number of Dwelling Units

The maximum number of dwelling units shall equal the Net Usable Land Area within the parcel to be used for the Town House Cluster Development in accordance with this Section III-F divided by 15,000, rounded to the nearest whole number. Net Usable Land Area as

used herein shall mean sixty-five (65) per cent of the area remaining after subtracting the areas of any bodies of water, wetland, or land lying within the 100 year flood elevation from the gross area of the parcel to be used for residential use and open space. The flood plain and wetlands maps and aerial surveys adopted as official maps by the Planning Board from time to time shall be used to determine areas of water, 100 year flood plain elevations and wetland boundaries.

III-2.F SINGLE FAMILY TOWN HOUSE CLUSTER DEVELOPMENT

1. PURPOSE AND INTENT:

To permit more economical and efficient use of residential land than may be accomplished through standard subdivision development by: protecting the existing character of the landscape, introducing some variety into residential development, and preserving for the Town more open space for water supply; flood protection; woodland, field and wetland habitat; conservation; and recreation. Such objectives may be obtained as an alternative or optional choice by a landowner in certain residential districts.

2. APPLICABILITY

The Planning Board may grant a Site Plan Approval in accordance with Section VI-DD & VI-EE of these by-laws for the construction and occupancy of a Single Family Town House Cluster Development located in the RS-B, RS-D or RS-E Districts, provided that the gross land area of the parcel is at least 1,000,000 square feet. The applicant must either own or submit authorization in writing to act for all the owners of the lots comprising the parcel.

Two or more adjacent parcels, each of which contain 1,000,000 square feet, which are separated by a distance of 100 feet, or less, may be combined and treated as a single parcel for the purposes of this section.

3. ALLOWED USES:

The following uses may be undertaken under the alternative procedure and requirements provided for in Section III-2.F upon Site Plan Approval by the Planning Board in accordance with the provisions and requirements of Section VI-DD & VI-EE of these Zoning By-laws:

- a. Any use permitted in the RS District as set forth in Section III-A.2;
- b. Town Houses, provided that the total number of Town House units does not amount to more than thirty-five (35 per cent) per cent of the total number of dwelling units allowable in the entire cluster development pursuant to Section III-2. F-7; and
- c. Zero-lot-line single family homes, provided that the total number of Single Family homes so attached plus the total number of Town House units does not amount to more than thirty-five (35 percent) per cent of the total number of dwelling units allowable in the entire cluster development pursuant to Section III-2F-7.

As used herein, "zero-lot-line" shall mean the joining of two dwelling units together at a common property line by reducing the normal required side yard to zero on each lot and then attaching the units by a common wall located on the property line; no more than two units may be joined at a single property line, and no more than three units may be so attached in a row.

d. Existing Residential Buildings: Any residential building existing prior to January 1, 1980 which contains 4,000 square feet or more gross floor area may be subdivided into residential units having at least 2,000 square feet each, provided that the building is not expanded in size. However, in no event shall the Planning Board permit the number of these additional units, when added to the number of units determined in accordance with Section III-2F.6, to increase the latter by more than fifteen (15%) percent. Such units shall be in addition to the number of dwelling units calculated under Section III-2.F-7.

III-50

6. NUMBER OF DWELLING UNITS:

The maximum number of dwelling units allowed in a Single Family Town House Cluster Development Shall equal the "Net Usable Land Area" within the parcel divided by the minimum lot area requirements for a

single family dwelling in that District as determined from Section IV-B of these By-laws then rounded to the nearest whole number. As used herein, "Net Usable Land Area" shall mean eighty (80 per cent) per cent of the resultant area obtained by subtracting seventy (70 per cent) per cent of the land area lying below the one hundred (100) year flood elevation as delineated on the Townwide Drainage Study maps by Coffin & Richardson Engineers (scale 1" equals 100') and fifty (50 percent) percent of the primary zone wetland area (also as shown on said Townwide Drainage Study maps) which is shown outside the limits of the one hundred (100) year flood elevation from the gross land area of a parcel or portion thereof classified within a single zoning district. If the Overall Development Plan lies in more than one zoning district, the number of dwelling units allowed shall be calculated as above for that portion of the parcel in each of the zoning districts separately and the resultant determinations added together to give an overall allowable total number of dwelling units for the parcel. Dwelling units may be transferred between zoning districts, being limited only by the overall allowable total and by the design restriction of the Overall Development Plan for the parcel.

7. INTENSITY REGULATIONS:

Dwellings shall be on designated building lots with dimensional control varying from those otherwise permitted in the District as follows:

1. If in the RS-E or RS-D Districts, single family houses shall meet the requirements for the RS-B Districts;
2. If in the RS-B District; single family homes shall meet the requirements for the RS-C District;
3. Town Houses located in the RSB, RSD or RSE districts shall be on lots meeting the minimum lot area requirements of the RM Districts as set out in Section IV-B of these By-Laws and footnotes (d) thereto. The minimum lot frontage shall be eighty (80) feet, providing that a front building line is designated on the Overall Development Plan for such lot and the width of the lot at this building line is at least one hundred twenty (120) feet. However, no Town House within the Overall Development Plan shall contain more than three (3) dwelling units. Furthermore, the lot lines of each lot containing Town Houses in the Overall Development Plan shall be separated from the lot lines of any other lot containing Town Houses by at least fifty feet (50'). All Town Houses and above-ground structures or facilities related thereto and used in support thereof, including Town House parking, shall be set back at least one hundred (100) feet from the boundaries of the Overall Development Plan and all Town Houses shall be located at least two hundred (200) feet from all single family homes not located within the Overall Development Plan.
4. Exceptions to the otherwise applicable Intensity Regulations and to the otherwise applicable General Requirements of article IV-A are:
 - (i) More than one one Town House may be erected on a lot.
 - (ii) No building or parking shall be located within one hundred (100') feet of the boundaries of the Overall Development Plan;
 - (iii) Frontage need not exceed fifty (50') feet on any lot for a single family home providing a front building line is designated on the Plan for such lot, and if the width of the lot at this building line is at least equal to the frontage otherwise required under this Section; and
 - (iv) No construction shall take place within the one hundred (100) year flood elevation except in conformity with the requirements of Chapter 131, Section 40, and procedures established by the Town for such areas pursuant to the National Flood Insurance Program (42 USC 4001-4128) and the Regulations of the Secretary of Housing and Urban Development issued thereunder.
 - (v) Subject to the limitations of Sections III-2.F.3. (b) and (c), dwelling units which would otherwise qualify as Town Houses on an RM minimum sized lot and meet the intensity regulations of Section III 2.F.7. (3) for Town Houses may instead be divided into zero-lot-line single family homes provided that each lot resulting from the division of the RM lot has at least fifty (50) feet of frontage

and meets the minimum lot area requirements of Section III-2 F. 7 for single family homes, and the unattached sides of such units meet the side yard setbacks otherwise required under this Section.
(Art. 50, Spring A.T.M., 4/17/97)
III-52

Needham *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes 4.2.5 Planned Residential Development (PRD)

Permitted Uses – Single-family detached and attached structures without regard to form of ownership provided no more than 50% of such structures shall be attached and accessory uses incidental to the principal uses.

Newbury *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes In OSRD...

§ 97-47.8. Reduction of dimensional requirements.

The Planning Board encourages applicants to modify lot size, unit placement, shape, and other dimensional requirements for lots within an OSRD, subject to the following limitations:

A. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSRD; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) will further the goals of this bylaw.

B. At least 50% of the required setbacks for the district shall be maintained in the OSRD unless a reduction is otherwise authorized by the Planning Board. Where structures containing three to four dwelling units are being proposed, the side lot lines between units may be 0 feet, however the distance between structures shall be a minimum of 20 feet.

C. Minimum Frontage: The minimum frontage may be reduced from the frontage otherwise required in the zoning district; provided, however, that no lot shall have less than 50 feet of frontage.

D. Setbacks: Every dwelling fronting on the proposed roadways shall be set back a minimum of 20 feet from the roadway right-of-way, and 10 feet from any rear or side lot line. In the event that dwellings are located on exclusive use areas or contain no interior lot lines, a minimum distance of 20 feet between single and two-family dwellings shall be required.

Newburyport *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes According to Nicholas Cracknell, Planning Director, (5/24/05) "multifamily housing" includes townhouses.

From: ncracknell@CityofNewburyport.com Add to Address Book
Subject: RE: Follow up question on townhouses - from recent survey you completed
Date: Tue, 24 May 2005 15:03:07 -0400

Hi Amy,

Yes, townhouses are permitted through a multi-family (#103) special permit which allows for both flats and townhouses.

Thanks,

Nick

-----Original Message-----

From: amy dain

Sent: Tuesday, May 24, 2005 2:58 PM

To: ncracknell@cityofnewburyport.com

Subject: Follow up question on townhouses - from recent survey you completed

Mr. Cracknell -

[...]

You marked that Newburyport does allow townhouses (by special permit.) I could not find any reference in the ordinance to townhouses or attached houses.

I do not have the latest version of the ordinance (with 2005 changes.) Is it that the 2005 amendments allow for townhouses, or does "multifamily housing" include townhouses?

Our study is only based on 2004 data, so if the changes are recent (05), I will not include it, but if multifamily has long been interpreted to include townhouses, I will include it.

[...]

Definition of multifamily from bylaw:

Multifamily: A building or portion thereof used for occupancy by three or more families living independently of each other and containing three (3) or more dwelling units.

Multifamily #103:

Multifamily is allowed by special permit in R3, B1, B2, B3, I2, WMD.

Newton

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

On ordinance.com, Table 1 - Density & Dimensional Controls in Residence Distirctes and For Residential Uses -

Single Residence 1

Single Attached Dwelling Units - 3 acres min required lot area, 25,000 per unit

Single Residence 2

Single Attached Dwelling Units - 2 acres min required lot area, 15,000 sf per unit

Single Residence 3

Single attached dwelling units - 1 acre, 10,000 per unit.

Norfolk

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes Planned Multi-lot Residential Development and age-restricted development.

North And *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes 2.32 DWELLING, MULTI-FAMILY A building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein (same as apartment).

2.69 TOWN HOUSE An attached house in a row of three or more such houses capable of being sold as an independent dwelling with its own lot, as provided by this Bylaw.

4.124 Residence 5 District

14. Town houses.

17. Multi-family dwellings.

According to the Table of Use Regulations on the North Andover website, the following is allowed:

Town House... by right in R5, R6. By special permit in B2.

North Attle *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

North Read *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Town houses included in definition of "multifamily"

Zoning Bylaw Town of North Reading, Section 2.1.18 (from ordinance.com as of August, 2004)

18. DWELLING, MULTI-FAMILY : A building or group of buildings containing four or more dwelling units and including apartment house, garden apartment house and town house. Each unit may be owned by a separate owner.

65. TOWN HOUSE : Three or more attached single dwelling units whose sidewalks are separated from other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner.

Northboro *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes

As part of the PUBD:

"(2) Density and intensity.

(a) Detached single-family dwellings shall be allowed at a maximum density of ten thousand (10,000) square feet of upland for each housing unit. Attached housing units (two, three-, four-, five- and six-family structures) shall be allowed at a maximum density of six (6) housing units per acre of upland. Allowance of densities exceeding two (2) units per acre shall be conditional to approval by the Board of Health pertaining to the adequacy of the waste disposal system."

Northborough Zoning Bylaw

7-20-090 Planned Unit Business Development [Amended 5-16-1988 ATM, Art. 49]

A. Purpose and intent.

(1) It is the purpose of the planned unit business development (PUBD) to encourage the efficient and creative use of the remaining parcels of land in Northborough that are suited for primarily nonresidential use. Although development under this provision must comply with the design and site planning standards given below, the strategy for the use of the land is intentionally undefined. The Town of Northborough desires to encourage projects that will meet the demands of the market, improve the economic base of the community and protect the town's character. Any development within this district must recognize that protection of Northborough's rural character will be a prime consideration for approval or denial.

(2) PUBD applications shall be limited to any parcel of land or aggregation of parcels of fifty (50) acres or more of upland located in the Industrial A District. (See the Northborough Zoning Map. *) A PUBD may be comprised of a mixture of residential uses, including affordable housing units, open space, commercial, industrial or other uses, and a variety of building types if the proposed uses and buildings are determined by the Planning Board to be sufficiently advantageous to grant special permission to depart from the normal requirements of the underlying zoning. In all cases, the majority of the total square footage of the project must be devoted to nonresidential uses [seventy-five percent (75%)]. Lots containing less than otherwise minimum areas, setbacks, widths, lot coverage's and frontage may also be allowed.

B. Application process.

(1) The designation of a PUBD shall require a special permit. The special permit granting authority shall be the Planning Board. Procedures for the consideration of the special permit application shall be in compliance with those specified in MGL C. 40A, §§ 9 and 11.

(2) Requirements.

(a) Preliminary plan applications for proposed PUBD's must be made to the Planning Board according to the Northborough Subdivision Rules and Regulations, Chapter 10-16.

(b) Application for a PUBD must also include a detailed statement of how the proposal conforms to the purposes of § 7-04-020 and this section of the Northborough Zoning Bylaw and any additional information requested by the Planning Board to support compliance with the purposes of this chapter and its requirements for approval.

(c) Applications for issuance of a special permit and approval of development plans may be submitted after completion of a preapplication review by the Planning Board and/or its planning staff of the preliminary plan as required in Subsection B (2)(a). Definitive plan and special permit applications shall not be complete without the submission of all materials required by Subsection B (2)(b) and § 7-20-040, Site plan approval, of this chapter and Chapter 10-20, Definitive Plan, of the Northborough Subdivision Rules and Regulations. The plan specifications of Chapter 10-20 of the Subdivision Regulations should govern the submittal of the plan. The impact study requirements of the site plan approval process, § 7-20-040 of the Zoning Bylaw, should govern the submittal of impact information. In cases where submittal requirements overlap or require varying levels of complexity, the more stringent requirements shall apply.

C. Use standards.

(1) Listing. General categories of allowed uses within the PUBD are as follows:

(a) Executive offices.

(b) Laboratories for research and development.

(c) Professional offices.

(d) Light industrial operations.

(e) Public recreation facilities.

(f) Transportation facilities.

(g) Public utility facilities.

(h) Day-care operations.

(i) Limited residential uses that are appropriate in relation to the proposed nonresidential uses in terms of the public health, safety and welfare and Northborough's housing needs.

(2) This listing of allowed uses does not imply that the Town of Northborough would approve any mixture of these uses, unless it is clearly proven that said mixture is compatible and that there will be no negative impacts on the environment, workers, residents, abutters or the community.

(3) Allowed accessory uses. Accessory uses and buildings are permitted when provided as an integral part of the overall development to serve the occupants, patrons and guests thereof, including but not necessarily limited to the following:

(a) Restaurants.

(b) Tennis courts.

(c) Swimming pools.

(d) Recreational facilities.

(e) Walking trails.

(f) Bicycle paths.

(g) Jogging tracks.

(h) Garages and maintenance buildings.

(i) Health clubs.

(j) Parking areas and garages.

D. Development standards.

(1) Minimum lot dimensions. The minimum lot size for a PUBD project shall be fifty (50) acres. Minimum frontage along a public way shall be a total of two hundred fifty (250) feet located in either one (1) contiguous area or in two (2) areas of the property, with the condition that each frontage area must have a minimum of seventy-five (75) continuous feet. The minimum lot width shall be one hundred fifty (150) feet, and the minimum lot depth shall be three hundred (300) feet.

(2) Density and intensity.

(a) Detached single-family dwellings shall be allowed at a maximum density of ten thousand (10,000) square feet of upland for each housing unit. Attached housing units (two-, three-, four-, five- and six-family structures) shall be allowed at a maximum density of six (6) housing units per acre of upland. Allowance of densities exceeding two (2) units per acre shall be conditional to approval by the Board of Health pertaining to the adequacy of the waste disposal system.

(b) Structures for commercial use shall be located on lots of at least ten thousand (10,000) square feet and shall have a maximum of fifty percent (50%) lot coverage, including structures and other impervious surfaces. Commercial structures may contain residential units above the first floor.

(c) Buildings shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-half (1/2) the sum of the heights of the affected buildings, exclusive of accessory parking structures which are designed to function in conjunction with the principal building.

(d) Setbacks. No building shall be constructed within one hundred (100) feet of any public street or within one hundred (100) feet of any property line.

(e) Maximum coverage. Building coverage, whether by a single building or multiple buildings, shall not exceed twenty-five percent (25%) of the total lot size. This shall include all accessory buildings. Total impermeable surface coverage (buildings plus roads and parking areas) shall not exceed fifty percent (50%) of the total lot size.

(3) Building dimensions. No building or any other structure, not including antennas, shall exceed three (3) stories or sixty (60) feet in height. The exterior facades of all buildings shall be of a finished quality on every side, such as brick, stone, wood or glass, and architecturally harmonious in design as evidenced by plans prepared by a professional architect or designer. Loading ramps and utility features, if permitted, shall be placed at the side or at the rear and completely shielded from view.

(4) Residential compatibility. No more than twenty-five percent (25%) of the total floor area shall be devoted to residential use. All proposed residential

use must be compatible with the nonresidential uses. Consideration by the Planning Board concerning this issue shall include the following: hazards of traffic, pollution and equipment and impacts, including noise, smoke, light and visual effects, and social impacts, such as available open space, future property values, access to town services and transportation and degree to which said housing will become an accepted and integral part of Northborough's overall housing stock.

(5) Open space. A minimum of fifty percent (50%) of the total tract shall be permanently left as open space. No more than twenty-five percent (25%) of the required open space may be wetlands. The open space shall be located primarily in large open areas or in necessary buffer and linkage areas. There shall be a functional relationship between the open space and the proposed developments. The test for such a relationship shall be that all open space must serve a specific purpose that is consistent with the overall plan of the project and the placement of buildings and other man-made features. A minimum of fifty percent (50%) of such common land shall be restricted to open space recreational uses such as tot lot, park, playground, playfield, golf course, conservation area or leased agricultural land. This specific common land shall have suitable access to a street and shall conform to the requirements of the Northborough Subdivision Regulations.

(6) Parking.

(a) The amount of parking space shall be in accordance with the requirements of § 7-20-010, Off-street parking. However, the off-street parking requirements may be reduced where a common parking area(s) serves clusters of business development and where, in the opinion of the Planning Board and the Town Engineer, there will be ample parking. A reserve parking area of one (1) parking space for each one thousand (1,000) square feet of gross floor area shall be retained in suitably located open space areas so as to be utilized for required parking at such time as the Planning Board shall require.

(b) No outdoor parking areas shall be located within fifty (50) feet of any buildings, with the exception of handicapped spaces and passenger drop-off areas.

(c) All surface parking lots and any exposed sides of partially aboveground parking structures shall be screened for a depth of at least fifty (50) feet from any residential zone boundary by screening consisting of closely planted evergreen trees or by hedges, shrubbery or fences. All other surface parking areas shall be screened by evergreens, trees and shrubbery. Within each surface parking lot there shall be evenly distributed landscaped areas with at least one (1) shade tree and other low plantings for every ten (10) parking spaces.

(7) Roadways. Roadways shall be private and privately maintained. No parking shall be permitted thereon. All roadways shall comply with the standards of the Northborough Subdivision Regulations. Width of roadways serving residential areas may be decreased with approval by the Planning Board.

(8) Utilities. The proposed development shall connect with public water and shall provide its own facilities for wastewater disposal satisfactory to both the Town of Northborough and the Department of Environmental Quality Engineering, when mandated by state law. All utilities shall be located underground.

(9) Common areas. All interior streets, sidewalks, utilities and open space (retention ponds) shall be owned and maintained by the owner or owners.

(10) Lighting. Exterior illumination shall be only as necessary for safety, lighting of buildings, walks and roads and shall be subject to approval and limitation by the Commission. All lights permitted shall be so located and of such a design that no light source is visible beyond any point on the boundaries of the same property.

E. Performance standards. The following standards apply to the construction and operation of the use and are intended to identify impact factors that would be grounds for either serious conditions or denial of the application:

(1) Wastes. No objectionable or injurious waters or other materials shall be discharged from a PUBD project.

(2) Other than time and emergency signals and noise necessary for construction or demolition of buildings on the lot, no unreasonable or objectionable noise shall be transmitted beyond the lot from which it originates, nor shall any offensive odors, noxious, toxic or corrosive fumes or gases, dust, dirt or smoke be emitted into the air so as to endanger public health or safety.

(3) Dangerous material. No material which is dangerous due to the possibility of explosion, fire hazard or radioactivity shall be used, stored or manufactured except in accordance with applicable law.

(4) Landscaping shall be such that the site is buffered for both sight and sound from abutting land uses. A minimum of fifty (50) feet of landscaped buffer shall be provided between the project and all abutting uses.

(5) Traffic impact. If required by the Board, the applicant shall produce a traffic impact report. The report shall be produced by an outside consultant, mutually agreed upon by the Planning Board and the applicant. The cost for the study shall be borne by the applicant.

(6) Access to major routes. Any proposed PUBD shall have either direct access to either Route 20 or Route 9 or access that does not disturb either the residential or rural character of Northborough. In no case shall access be approved if it shall prove to be hazardous or deleterious to a Northborough residential area.

F. Approval. In order to grant approval of a PUBD, the Planning Board must make the following findings:

- (1) That the proposed plan meets the purposes of this section and the purposes of this Northborough Zoning Bylaw as set forth in § 7-04-020.
- (2) That any uses proposed in the plan conform to the performance standards set forth in Subsection E.
- (3) That the site is adequate in size to support the proposed quantity of development.
- (4) That the site is suitable in terms of topography, soils and other physical attributes and location for the proposed uses.
- (5) That the project's impact on traffic flow on surrounding roads and intersections does not reduce levels of service below the current standards service level.
- (6) That the project's impact on neighborhood visual character is acceptable compared to benefits of the project.
- (7) That the proposed method of sewage disposal, provision of water and provision of surface water drainage are adequate and in accordance with the Board of Health and the Water and Sewer Commission standards.
- (8) That the utilities and public services are adequate to serve the needs of the proposed uses.
- (9) That the impacts on the groundwater supply level and other natural resources are within acceptable levels as defined in the Northborough groundwater protection regulations.
- (10) That the proposed mix of uses within the PUBD are compatible with one another.
- (11) That the proposed plan will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the town.

Northbridg *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Townhouse development is allowed in R-6 by SP. The minimum tract size is 10 acres with no more than 8 dwelling units per net buildable acre.

Town of Northbridge Zoning Bylaw Chapter 173 (Amended 2002)

§ 173-17. Planned townhouse development. A. General. In a Residential Six (R-6) District, the Board of Appeals may grant a special permit in accordance with Subsection G, Site plan review, hereafter, for the construction of a planned townhouse development subject to the provisions of this and other sections intended to encourage: (1) Optimum utilization of natural land features and characteristics through a greater design flexibility; (2) The preservation of open space for conservation, outdoor recreation or park purposes; and (3) Efficient provision of municipal services.

B. Definitions. For the purposes of this section, the following terms shall have the meanings indicated: PLANNED TOWNHOUSE DEVELOPMENT -- A subdivision to be developed as an entity by a landowner with residential buildings comprising three or more dwelling units and having an exterior entrance serving no more than two dwelling units unless otherwise permitted by the Board of Appeals by special permit. Each unit shall have a screened yard or balcony.

C. Basic requirements. A proposed planned townhouse development shall meet the following basic requirements: (1) The minimum tract size shall be 10 acres. (2) All dwelling units shall be served by municipal water and sewerage.

D. Number of dwelling units permitted. The number of dwelling units permitted in a planned townhouse development for which a special permit is issued shall not exceed an average of eight dwelling units per net buildable acre.

E. Design requirements. (1) A minimum distance of 35 feet shall be maintained between any two structures unless it can be shown that a reduction in that distance will better serve the design. (2) A minimum of 30% of the total tract area or 2,000 square feet per dwelling unit, whichever is greater, shall be set aside and not built upon or paved, but shall be landscaped and/or left in its natural state with an acceptable balance of trees, shrubs and grass. (3) A landscaped side or rear yard buffer area of at least 50 feet in width shall be provided adjacent to each property line of the tract. All buffer areas shall be planted or preserved in its natural state with a mixture of coniferous and deciduous trees and shrubs and shall be maintained so as to protect adjacent properties with a natural visual barrier. (4) Each tract shall include organized recreational areas, such as for tennis, play and swimming, easily accessible to building complexes, of a size equal to 300 square feet per dwelling unit. Such areas shall not be included in the buffer area. (5) All utilities shall be placed underground. (6) Open spaces provided in Subsection E(2) above shall be used for conservation, outdoor recreation or park purposes and shall be of a size and shape appropriate for its intended use as determined by the Board of Appeals. Such open space land shall be conveyed to and accepted by the Town of Northbridge or to all homeowners within such tract jointly or to a trust, the beneficiaries of which shall be the homeowners within such tract. Such trust shall have as one of its purposes the maintenance of such land for conservation, recreation or park purposes. The future ownership of such unsubdivided land, which may differ from parcel to parcel, shall be specified by the Board of Appeals as a condition of the special permit. F. Parking requirements. Two paved, off-street parking spaces shall be provided for each dwelling unit. Each parking area shall be conveniently located to those dwelling units for which they are intended but shall not be located within the designated buffer area.

G. Site plan review. (1) General. The application for a special permit for a planned townhouse development shall be accompanied by a site plan, a copy of which shall also be submitted to the Planning Board. Such plan for a planned townhouse development shall show the following; (a) Soil culture of the land, such as wooded, pasture, rock outcrops or swampy. (b) Proposed landscaping and use of land which is to be reserved for conservation, recreation or park use, including any proposed structure thereon. (2) Report by Planning Board. The Planning Board shall submit, in writing, to the Board of Appeals its report and recommendations as to said application for special permit, to include at least the following: (a) A general description of the tract in question and surrounding areas. (b) An evaluation of the appropriateness of the proposed development and the extent to which the objectives of planned townhouse development are accomplished. (c) Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit. (3) Action by Board of Appeals. (a) The Board of Appeals shall not take any action on a petition for a special permit for a planned townhouse development until a public hearing is held in accordance with MGL C. 40A, §§ 9 and 11, and until the Planning Board shall have submitted its written recommendations to the Board of Appeals or 35 days shall have elapsed from the date of submission of the site plan and application for a special permit to the Planning Board. In determining whether to grant a special permit for a proposed townhouse development which meets the minimum standards stated herein, the Board of Appeals shall consider: [1] The report and recommendation of the Planning Board. [2] The general objectives of planned townhouse development. [3] The existing and probable future development of surrounding areas. [4] The appropriateness of the proposed development in relation to the topography, soils and other characteristics of the tract in question. (b) Where its decision differs from the recommendations of the Planning Board, the Board of Appeals shall state in its decision the reasons therefor. (4) Relationship to other Town regulations. Nothing contained herein shall in any way exempt a proposed subdivision from compliance with the rules and regulations of the Planning Board, nor shall it in any way affect the right of the Board of Health and of the Planning Board to approve, with or without conditions and modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the Subdivision Control Law. (Editor's Note: See MGL C. 41, § 81-K et seq., and Ch. 222, Subdivision of Land) (5) Conditions of approval. The Planning Board shall not recommend and the Board of Appeals shall not grant a special permit for a planned townhouse development if it appears that because of soil, drainage, traffic or other conditions the granting of such permit would be detrimental to the neighborhood or to the Town or inconsistent with the purposes of planned townhouse. In granting a special permit, the Board of Appeals shall impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board or upon its own initiative.

Norton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Town of Norton Zoning Bylaw, 2004

6.8 RESIDENTIAL CLUSTER DEVELOPMENT REGULATIONS

a. Single-family, duplex, and multi-family Cluster Development may be allowed by a special permit in Zoning District specified in Table 4.2.

4. The Townhouse or Rowhouse Development without individual lots, the area allocated to buildings, streets, parking and storage areas shall not exceed 50% of the building site area if the maximum number of allowable units are proposed. The area allocated to buildings, streets, parking and storage area may be reduced from 50% of total building site area in a ratio equivalent to the proportion of units proposed to the maximum number of units possible.

7. Within Townhouse or Rowhouse Developments without individual lots, the minimum distance between buildings shall be 50 feet. Minimum setbacks of all buildings from the street shall be 30 feet.

TOWNHOUSE OR ROWHOUSE STRUCTURES

1. Not more than four (4) attached townhouse units shall be built in a row with the same or approximately the same, front building line. No row of attached units shall contain more than (six) 6 units.

MULTI-FAMILY DWELLINGS

1. Except as modified by this article, all multi-family dwellings in a Cluster Development shall conform to the standards and restrictions set forth in the Zoning By-law.

Norwell *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Attached dwellings are allowed by special permit in the village overlay district (age restricted).

(a) Attached or detached dwelling units owned and occupied by persons aged fifty-five (55) and over, provided, however, that one spouse may be under age fifty-five (55).

Norwood

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes DWELLING, MULTIFAMILY : Three or more dwelling units on a single lot, irrespective of structure type, ownership or tenure.

Paxton

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes Paxton Zoning Bylaw (Amended 2003)
SECTION 9. SENIOR RESIDENTIAL DEVELOPMENT
9.3.4 Building and Dwelling Unit Requirements:
1. Dwelling units in an SRD may be attached or detached, or a combination of these types.
2. No building shall contain more than four (4) dwelling units.
3. No dwelling unit shall contain more than two (2) bedrooms.

Peabody

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes Multiple-family dwelling A building designed for or occupied by three (3) or more families, living independently in dwelling units separated by vertical walls or horizontal floors, having separate sleeping, cooking, and sanitary facilities, and with separate or joint services for heat, lighting, and other utilities (including apartments, garden apartments, townhouses, cooperatives, condominiums, row-houses and tenement houses):

Pembroke

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Pepperell

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes There is no reference to attached single family houses or townhouses in the Pepperell bylaw.
Inez Gove, Planning Administrator, wrote in an email (6/2/05):
"Are townhouses (single family attached units) allowed anywhere in Pepperell?
We consider them to be multi-family and they are allowed in 2 out of our 5 residential districts by Planning Board special permits"

Plainville

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Town of Plainville Zoning Bylaw

CLUSTER DEVELOPMENT : An option which permits an applicant to build single family attached and detached units with reduced lot area and frontage requirements, so as to create a development in which the buildings and accessory uses are clustered together into one or more groups with adjacent common open land. (Amended at Annual Town Meeting, 1989.)

E. Lot and Yard Requirements

1. Attached cluster units shall not exceed a total of four (4) units per building in the RA and RE districts and six (6) units per building in RC and RD districts.

2. These attached units, if designed as part of an association under single joint ownership, shall only meet the lot and yard requirements within this section. Density shall follow guidelines set forth in Section B.3 of this bylaw.

3. Detached cluster units shall conform to 2.6 except for the lot and yard requirements provided below: In the RA, RE, and RD districts, the minimum lot area is 20,000 square feet.

According to the table of uses:

Residential cluster (attached/detached)... is allowed by special permit in RA, RB, RC, RD.

Residential cluster (two family/attached)... is allowed by special permit in RC, RD.

Residential cluster (multifamily up to 6 families) ... is allowed by special permit in RD.

DWELLING, ATTACHED RESIDENTIAL CLUSTER - Two (2) or more attached dwelling units, each having individual entrances. (Amended at Annual Town Meeting, 1987.)

DWELLING, MULTI-FAMILY - A structure occupied by three or more families living independently of each other.

Plymouth

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Town of Plymouth Zoning Bylaw 2004

(5) SINGLE-FAMILY ATTACHED — A single-family residence which is attached to another single-family residence by a roof, carport, breezeway, or a common party wall, commonly called a "townhouse" or "row house."

(6) TOWNHOUSE — A form of single-family attached dwelling unit which embodies separate units, normally with front and rear entrances and private yard space, and utilizing party wall construction.

(6) Other dimensional requirements for multifamily structures shall be governed by the provisions of § 205-45, except that no more than 25% of the units within an RD may be multifamily, and all such units must be of a townhouse type with separate entrances and with a maximum of eight attached units per building.

§ 205-45. Multifamily Residential (R-20MF). [Amended 3-28-1973 ATM by Art. 71; 4-21-1974 ATM by Art. 65]

D. Special permit uses subject to environmental design conditions.

(1) All uses authorized by special permit subject to environmental design conditions in R-25 Zones.

(2) Multifamily and single-family attached dwellings subject to the environmental design conditions specified herein.

Table 8

Multifamily and Single-Family Attached Dimensional and Intensity Regulations

Minimum Lot Requirements
Area Least Dimension Front Yard Other Yard
86,000 200 feet 30 feet minor street 2-story: 30 feet
60 feet collector street 3-story: 50 feet
100 feet major street

§ 205-48. Transitional Commercial (TC).

D. Special permit uses subject to environmental design conditions.

(4) Multifamily and single-family attached dwellings.

§ 205-53. Light Industrial/Waterfront (LI/WF). [Added 4-10-1980 ATM by Art. 64]

D. Special permit subject to environmental design conditions. [Amended 4-4-1988 ATM by Art. 52]

(6) Multifamily and single-family attached residential, provided complexes are designed not to preclude public access to and along the shoreline.

§ 205-66. Village open space development (VOSD). [Added 4-6-2004 ATM by Art. 33]

C. Objectives.

(1) To encourage flexibility in the design of developments through a carefully controlled process of negotiation of particular plans.

(2) To permanently preserve natural areas and to provide usable open space and recreational facilities for the community.

(3) To encourage a mix of attached and detached housing types and designs.

Plympton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Princeton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Quincy *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No Dwelling, Multifamily. "Multifamily dwelling" means a building or structure designed for occupancy as a residence by more than two families, but not including attached dwellings; an apartment house.

Randolph *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes

Letter received from Mary McNeil, Building Commissioner, on 5/17/05:

"Attached single families are allowed in either Multifamily or Multifamily 55 Plus districts. These are by right."

Raynham

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

No references to attached units or townhouses found in the zoning bylaw. Survey received from Raynham in June 2005 marks the answer "Yes."

Reading

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

2.2.30.1. TOWNHOUSE : A dwelling unit arranged, intended or designed to be occupied by a single family which is attached to one or more other single family dwelling units by one or more common walls, with each dwelling unit having its own exterior entrance. Each dwelling unit may be owned by a separate owner.

2.2.30.2. TOWNHOUSE DEVELOPMENT : A development of land with townhouses located in a Residence S-10 District and which is governed by the provisions of Paragraph 4.6. A townhouse development shall not be limited to one principal structure per lot. A swimming pool, club house, tennis courts and other usual single family accessory uses and facilities may be allowed as part of the Special Permit issued by the Board of Appeals in a townhouse development, subject to conditions imposed by the Board.

Townhouses are allowed by special permit in the PUD-R district:

4.9.6.2. Permitted Uses in PUD-R: Planned Unit Developments in an underlying residential district may contain two or more of the following uses subject to the findings of the CPDC as to net benefit and adverse impacts of the proposed PUD:

a. Residential uses, including one family dwellings, two-family dwellings townhouses and apartments.

Rehoboth

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

"DWELLING, MULTI-FAMILY : A building with three or more dwelling units on a single lot, irrespective of structure type, ownership, or tenure but not as mobile homes."

Revere

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

17.08.080 APARTMENT HOUSE . Apartment house means a dwelling for more than two families under one roof, or for one or more families above a first floor used for nonresidential purposes, including structures or buildings owned in condominium ownership under General Laws, Chapter 183A. (C.O. 83-3 Section 17-2(B)(3))e

17.08.230 DWELLING, THREE-FAMILY . Three-family dwelling means a building used for, or occupied by, three dwelling units. (C.O. 83-3 Section 17-2(B)(23))

17.08.240 DWELLING, TOWN OR ROW . Town or row dwelling means a single-family attached unit with party walls containing at least three attached units in a row. (C.O. 88-49 Section 1)

17.08.250 DWELLING, TWO-FAMILY . Two-family dwelling means a building used for, or occupied by, two dwelling units. (C.O. 83-3 Section 17-2(B)(22))

Apartment dwellings are allowed by special permit in CB. Townhouse dwellings are allowed by special permit in RB, RB1, CB, LI. PUD is by special permit in all of the districts except RA, RA1, RB, RB1.

17.16.060 Townhouses in RB, RB1, CB and LI districts.

Townhouse dwellings erected, constructed, placed, altered, converted or otherwise changed may be allowed only by special permit in RB, RB1, CB and LI districts by the city council in conformance with the dimensional and parking control requirements of this title, except as specifically changed by this section:

A. The minimum lot size shall be ten thousand square feet with a minimum of two thousand five hundred square feet of lot area required for each unit.

B. The minimum rear yard requirement shall be twenty feet.

C. The maximum number of connected units in a row shall be eight. (C.O. 97-105 Section 5; C.O. 90-37B, 1990; C.O. 85-4A Section 36(part); C.O. 83-508A Section 6; C.O. 83-3 Section 17-5(E))

Rockland *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Rockport *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Rockport Zoning Bylaw (Amended 2002)

"New apartment houses, town houses and other multiple dwellings, not to exceed four dwelling units in any one structure, provided that there is a minimum of ten thousand square feet of land area for each dwelling unit" - by special permit in SMR, G.

Rowley *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Town of Rowley Zoning Bylaw

4.0 USE REGULATIONS

4.2.2 The following principal uses are permitted in the Central District and in the Residential District.

(a) Single family dwellings.

(b) Multi-family dwellings subject to the provisions of section 6.2 ("Multi-Family").

(c) Conversion of buildings to accommodate more than one (1) dwelling unit subject to the provisions of section 6.3 ("Conversion of Existing Buildings").

(d) Townhouse dwellings subject to the provisions of section 6.4 ("Open Space Residential Development").

(e) Accessory in-law apartments subject to the provisions of section 6.6 ("Accessory In-Law Apartments").

6.4.2.1 The Planning Board may grant a special permit for an Open Space Residential Development ("OSRD") authorizing the construction of single family or townhouse dwellings in the Central District, the Residential District, the Outlying District, or the Coastal Conservation District, pursuant to the

provisions of this section.

Salem *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes BUILDING, ATTACHED : A building having one (1) portion completely separated from another portion by a division wall without openings.

DWELLING, MULTIFAMILY, GARDEN TYPE : A building designed for or occupied by three (3) or more families, but not more than eighteen (18) families, with separate housekeeping and cooking facilities for each. The buildings will further conform to the requirements of section 5-3(d)(5) herein. The terms "town houses," "row houses," "attached houses" and like terms shall be interpreted as being synonymous with the term "multifamily, garden type."

in R-3:

- Garden type multifamily dwellings, if built in accordance with the following requirements:

Salisbury *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Saugus *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Dwelling, Multi-family

A building containing three or more dwelling units and including apartment house, garden apartment house and town houses.

Scituate *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes

4. Subdistrict A-2 Specific Requirements
 - a. The Scituate Housing Authority may, after petitioning the Scituate Board of Selectmen for title to or for permission to develop the property designated as Subdistrict A-2, submit an application for a special permit for the development of affordable rental housing in accordance with the rules and regulations promulgated by the Executive Office of Communities and Development.
5. Building Requirements
 - a. Detached single-family units and/or attached townhouse units shall be permitted in subdistrict A, to a maximum number of one hundred fifty dwelling units in sub-subdistrict A-1 and a maximum of thirty dwelling units in sub-subdistrict A-2. No building shall contain more than ten units.
 - b. No building in subdistrict A shall exceed two stories or thirty-five feet, as measured under Section 620. of this bylaw.
 - c. All residential structures and accessory uses, including roads, within the subdistrict shall be set back from the boundaries of the PDD by a buffer strip of at least one hundred feet in width, to be kept in a natural or

landscaped condition.

d. Parking facilities shall be provided, in a ratio of two spaces per dwelling unit, in subdistrict A.

15

e. Buildings in the subdistrict shall be separated from each other by at least fifty feet.

f. The planning board shall give preference to a layout which minimizes paved areas.

g. All residential units shall be connected at the developer's expense to the public sewerage system. Sewer pipes shall be designed as to be water tight, preventing infiltration or exfiltration. In sub-subdistrict A-2 only, a private sewage disposal system approved by the board of health (and the Massachusetts Department of Environmental Protection when required) may be used until public sewerage is available, at which time connection to the public system must be made within ninety days.

h. As a condition of granting a special permit, land within subdistrict A, not devoted to the dwelling units, or to permitted accessory uses, shall be set aside as common open space for the use of the PDD residents. The common land shall be conveyed to a corporation or trust comprising of a homeowners association whose membership includes the owners of all units contained on the parcel. The developer shall include in the deed to owners of individual units beneficial rights in the common land and shall grant a conservation restriction to the town over such land pursuant to Massachusetts General Laws Ch 134, Sections 31-33 to ensure that it is primarily kept in an open or natural state. The restriction shall further provide for maintenance of the common land in a manner which will protect and enhance the ground water, including limitation on the use of fertilizer, pesticides and herbicides, limitation on use of de-icing chemicals, proper maintenance of drainage and sewer pipes, and the like. The restriction shall be enforceable by the town through its conservation commission in any proceeding authorized by the General Laws. The developer/owner shall be responsible for the maintenance of the common land and any other facilities to be held in common until such time as an association is capable of assuming the responsibility. The planning board shall establish a standard in terms of percent of homes sold to determine when an association assumes such responsibility.

6. Maintenance Requirements

In order to ensure that the association will properly maintain the land deeded to it, the developer shall cause to be recorded at the Registry of Deeds a Declaration of Covenants and Restrictions which shall, at a minimum, provide for the following:

a. mandatory membership in an established homeowners association as a requirement of ownership of any unit in the subdistrict;

b. provision for maintenance assessments of all units in order to ensure that the common land and facilities are properly maintained. Failure to pay such assessment shall create a lien on the property assessed enforceable by either the homes association or the owner of any unit. The owner shall perform the duties of the home association. To the extent permitted by the conservation restriction, the common land may be used for recreational purposes including walking and bicycle paths, gardens, swimming pools, tennis courts, etc. Utility lines shall be buried in the common land.

B. Subdistrict B - Open Space, Residential and Recreation

1. The following may be located on subdistrict B: golf course, plus practice holes and country club structures primarily related to golfing including typical facilities for dining, recreation and accessory pro shops. A multi-purpose community recreation center, whether or not directly associated with the golf course or clubhouse, including facilities for both indoor and outdoor recreation activities. Detached singlefamily units and/or attached townhouse units shall be permissible by special permit in subdistrict B to a maximum of forty units. Said units shall be prorated among property owners on the basis of acreage owned as of the effective date of this PDD bylaw. The number of units permissible on land of each such owner shall be the number of acres so owned as forty bears to the total number of acres in subdistrict B, exclusive of land owned by the Town of Scituate. Issuance of such special permit shall be subject to all the provisions governing residential uses in subdistrict A as provided in Section 490.3.A.(5) (a) through (h) above. The board shall adhere to all

16

the requirements of District F (Flood Plain and Watershed Protection) and District G (Flood Insurance) insofar as applicable.

2. No building in subdistrict B shall exceed the height requirements as specified under Section 620. of this bylaw.

3. Parking facilities shall be provided as required in Section 760 (parking), and as follows: Golf Course: one and six-tenths (1.6) spaces for every acre of land in the property.

4. The planning board shall require adequate safeguards for layout of the golf course and pedestrian crossing of roads.

5. The planning board shall prohibit use of de-icing chemicals in the parking area.

6. The country club and recreational center structures shall be connected, at the developer's expense, into the public sewerage system. Alternatively, a private sewage disposal system approved by the board of health (and the Massachusetts Department of Environmental Protection when required) may be used until public sewage is available, at which time connection to the public system must be made within ninety days.

7. If any land in subdistrict B is to be transferred to private ownership, and as a condition of granting a special permit at or before transfer of the title to subdistrict B, a conservation restriction shall be placed upon the areas thereof to be developed for golf course use as permitted under Massachusetts General Laws, Chapter 184, Section 31. Such conservation restriction shall run with the land in perpetuity and shall ensure that it will be devoted to golf course or other open space use.

The restrictions shall further contain design and management restrictions, including proximity to the Pond, contour elevations to be preserved, use of fertilizers, herbicides and pesticides, and any other conditions necessary or convenient to protection of the environment, especially the public well and recharge area.

8. As a condition of granting a special permit for residential use in subdistrict B, the board shall require that the comprehensive development purposes of the PDD Bylaw shall be secured by the submission and approval of a plan showing the location of the maximum number of the dwelling units which may be authorized upon the land of the permittee, according to the pro-rata formula set forth above. In the event the permittee was not a record owner of land in subdistrict B as of the effective date of the PDD Bylaw, said plan shall show the location of all dwelling units permissible on all land of the permittee's predecessor in title being such record owner as of said effective date. As a further condition of said special permit, the board shall require the delivery of a conservation restriction as provided in Massachusetts General Laws, Chapter 184, Sections 31-33. The conservation restriction shall run to the Town of Scituate in perpetuity and shall be enforceable by the town through its conservation commission. The restriction shall describe all the land of the permittee or the permittee's said predecessor in title except those lots identified on said plan as dwelling locations. The restriction shall be in a form and upon terms acceptable to the board and shall prohibit the use of said land for any purpose except open space, recreation, and golf course purposes as provided in 490.3.

9. Removal of fill or other natural materials from the PDD may be conducted only after the granting of a special permit by the planning board. Such removal must be clearly associated with a development project permitted by this section, and must be ancillary thereto.

F. Subdistrict F - Marine and Residential

1. The following uses may be allowed only by a special permit granted by the planning board pursuant to the provisions of Section 1200 of this bylaw and subject to the conditions herein specified:

a. Any of the uses permissible either as of right or by special permit in a 'C' District (Commercial) subject to the same conditions as therein specified.

b. Detached single-family units and/or attached townhouse units to a maximum of one unit per ten thousand square feet of lot area plus a bonus of one unit for each one hundred linear feet of a ten foot wide permanent public pedestrian easement lying between the twelve-foot mean-low-water (MLW) contour and the Flood Plain and Watershed Protection District line (with provision for access from the Driftway and the adjacent dwelling units); plus an additional bonus of one unit per three hundred square feet of minipark to which the public has access [not to exceed seven units], the number of parks not to exceed two, one of which shall be at the end of the access easement furthest from the Driftway, said easements to be maintained by the owner or owners of the dwelling units. Any acreage dedicated to a use other than housing or lying within the Flood Plain and Watershed Protection District shall be excluded from the calculation of the basic number of dwelling

units [one for every ten thousand square feet] permitted but shall be used in computing bonus units as set forth above. Any easement qualifying for a housing bonus must be adjacent to land qualifying for the basic housing unit calculation.

SECTION 500 RESIDENTIAL CLUSTER DISTRICT

500.1 Purpose

The purpose of the Residential Cluster ("RC") District, in addition to purposes set out in Massachusetts General Laws, Chapter 40A and the local zoning, is to encourage the more efficient use of land in harmony with its natural features; to encourage creativity in the design of developments through a carefully controlled process; to encourage a less sprawling form of development, a shorter network of streets and utilities, more economical development of land with less consumption of open space; to permanently preserve natural topography and wooded areas within developed areas to preserve usable open space and recreation facilities close to homes; to provide an efficient procedure to ensure appropriate high-quality design and site planning and to enhance the neighborhoods in which they occur and to the town as a whole. The planning board shall be the special permit granting authority in the "RC" District.

500.2 Permitted Uses "RC" District

In the "RC" District, the following uses are permitted as a right: All of the uses permissible as of right in the "A-3" District subject to the same conditions and procedures as therein specified. Minimum lot size, frontage, setback, and width requirements for the above uses shall be in accordance with the "A-3" District provisions.

500.3 Uses Permissible By Special Permit

Pursuant to Section 770. of this bylaw, the planning board may issue a special permit for any of the uses permissible by special permit in the "A-3" District, subject to the same conditions and procedures as therein specified; or for the purpose of accommodating the following uses:

- A. Detached single-family units and/or attached town house units and uses and buildings accessory thereto.
- B. Recreational uses related to the residence in the "RC" District or for use by other residents in the neighborhood.

Seekonk *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Sharon *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes MULTIPLE RESIDENCE : A building containing three (3) or more dwelling units. Also known as multifamily dwelling, garden apartment, townhouse or condominiums.

Sherborn *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes MULTIDWELLING (Added 1979) A building containing two or more dwelling units. A multidwelling may be a series of attached or semi-detached town houses or row houses (dwelling units sharing one or more party walls and each having at least one floor at ground level with direct access to outside on two or more sides) or a garden apartment building (dwelling unit sharing a common entry hall or stairway).

Shirley *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right*

or special permit)?

Yes Shirley Zoning Bylaw

MULTI-FAMILY USE : Three (3) or more dwelling units on a single lot, including any mix of single family, two-family or multi-family structures, whether or not attached, and regardless of form of tenure.

Shrewsbury Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes Town of Shrewsbury Zoning Bylaw (Adopted 1967, Amended 2004)

According to the use regulation schedule:

Senior Housing is allowed by special permit from the planning board in Rur A, Rur B, Res A, Res B-1, Res B-2, MF-1, MF-2, Apt, LB, CB.

MF-2 -- Multi-family townhouse-type structures are allowed by special permit from the planning board in MF-1 and MF2 and special permit from the board of appeals in Apt. (See footnote 6)

Footnotes to schedule of uses:

(5) MF-1 -- Multi-family structures in accordance with the provisions of Table II provided that each dwelling unit has two (2) exterior exposures; each structure contains not more than twelve (12) dwelling units unless each unit has a ground level floor in which case the structure shall contain not more than eight (8) dwelling units; multiple structures shall be separated by a minimum distance of fifty (50) feet excluding detached accessory structures; and provided further that: 1. All off-street parking areas as required under Section VII D shall be provided, none of which shall be in the required yards. 2. On-site recreational facilities shall be provided in an amount and type compatible with the proposed size of the development. 3. Single developments shall not exceed 125 living units. 4. Site development shall be in accordance with the applicable provisions of the Planning Board's current Subdivision Rules and Regulations regarding utilities, drainage, parking areas and roadways. 5. Due consideration is given to reducing the impact of the development on abutting properties with respect to traffic, lighting, location of recreational facilities, yard requirements and screening. 6. All access ways to and from the site shall be privately maintained. 7. A site plan has been prepared in accordance with the provisions of Section VII F. 8. Final development plans are substantially consistent with the proposals presented to the Town at the time of rezoning

(6) MF-2 -- Multi-family townhouse-type structures in accordance with the provisions of Table II provided each living unit has a ground level floor, front and rear exposures and the connected living units do not exceed 8 in any one building. Buildings shall be separated by at least 50 feet excluding detached accessory structures and provided further that: 1. Conditions 1 through 8 for MF-1 are met. 2. Density of development shall not exceed 1 living unit/10,000 square feet of land area.

(7) 1. Each dwelling unit shall have at least one (1) exposure. 33

2. All off-street parking areas as required under Section VII D shall be at the side of, rear of or beneath buildings. 3. A site plan has been prepared in accordance with the provisions of Section VII F. 4. When more than one (1) structure is to be constructed, the allocation of land for buildings and site improvements shall be in accordance with the Planning Board's Subdivision Rules and Regulations in effect at that time.

(23) Senior Housing -- Single family, Two-family or Multi-family townhouse-type structures in accordance with the provisions of Table II Multi-Family Residential MF-1 provided each living unit has a ground level floor, front and rear exposures and the connected living units do not exceed 6 in any one building. Buildings shall be separated by at least 50 feet excluding detached accessory structures and provided further that: (amended 5/22/2002) 1. Conditions 1 through 7 of Footnote 5 shall be satisfied. 2. Density of development shall not exceed 1 living unit/10,000 square feet of land area.

(24) Senior Housing -- Two-family or Multi-family structures in accordance with the provisions of Table 11 Multi-Family Residential MF-1 provided that each dwelling unit has two (2) exterior exposures; each structure contains not more than twelve (12) dwelling units unless each unit has a ground level floor in which case the structure shall contain not more than six (6) dwelling units; multiple structures shall be separated by a minimum distance of fifty (50) feet excluding detached accessory structures; and provided further that: (amended 5/22/2002) 1. Conditions 1 through 7 of Footnote 5 shall be satisfied.

M. LAKEWAY OVERLAY DISTRICT (5/19/2004)

5. Permitted Uses and Structures.

a. Mixed-Use Development: Vertical Mix. Uses permitted (Y) in the Commercial Business District or Limited Business District, when integrated with one or more of the following uses in a single structure: 1. Dwelling units above the ground floor of a commercial building.

2. Live-and-work space, e.g. artist's residence and studio.

3. In a vertical mixed-use development, permitted commercial uses shall constitute at least 30% of the total gross floor area of the structure. c. No use listed as a prohibited use under Section M.7 of this Bylaw may be included in a vertical mixed-use development or a one-family conversion.

6. Uses and Structures Permitted by Special Permit. a. Mixed-Use Development by Special Permit: Horizontal Mix. In the Lakeway Overlay District, the Planning Board may issue a special permit for a development that includes more than one structure on a single lot and integrates permitted or special permitted uses in the Commercial Business District or Limited Business District with the following additional uses:

1. Multi-family garden-type apartments (SP-PB), subject to a new footnote to Table I: (28) Multi-family use is allowed as part of a mixed-use development subject to the requirements of Section

VII-M. Lakeway Overlay District. Multi-family units may be located above the ground floor of a commercial building, accessed by an entrance separate and distinct from commercial uses, in a multi-family building to the side or rear of the same lot, or a combination thereof. Multi-family building disposition

84

(placement) in relation to the principal commercial structure shall be subject to the approval of the Planning Board.

2. Multi-family townhouse-type structures (SP-PB), subject to a new footnote to Table I: (29) Use allowed by special permit subject to the requirements of Section VII-M. Lakeway Overlay District. b. Marinas. c. No use listed as a prohibited use under Section M.7 of this Bylaw may be included in a horizontal mixed-use development.

Somerset

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Town of Somerset Zoning Bylaw (2003)

8.2 Definitions. (Applicable only to Section 8.0 of the Somerset Zoning By-Law)[Open Space Community].

MULTI-UNIT DWELLING : A free-standing building, exclusively for residential use, containing two or more dwelling units. Individual units may share a common outside access or have individual outside access.

TOWNHOUSE : A free-standing building, exclusively for residential use, containing not more than three (3) dwelling units with each dwelling unit being from ground to roof. Townhouses shall have individual outside access and share common side walls.

8.3. Special Permit.

An open space community is a special permit use in the following districts: Residence and Open Recreation.

8.5 Dimensional Requirements.

8.5.1 Residential District Open Recreation District

a. No special permit shall be granted unless the Base Site area consists of at least five (5) acres of contiguous land and has a minimum of 300 feet of frontage on an existing publicly accepted street or, alternatively, access to a private way, from a publicly accepted street, which private way is approved by the SPGA for the purposes of the Open Space Community.

b. The overall site density for an Open Space Community shall not be less than 4,000 square feet of the Net Buildable Site Area per dwelling unit for Townhouses and Multi-Unit Dwellings. The overall site density for an Open Space Community shall not be less than 20,000 square feet of the Net Buildable Site Area for Single Family Dwellings.

c. Each Open Space Community shall meet the dimensional requirements of Section 5.2 Table of Dimensional Requirements, except as modified in Table 1, Dimensional Requirements for Individual Lots and, Table 2, Dimensional Requirements for Townhouses and Multi-Dwelling Units.

Dimensional Requirements for Individual Lots
Table 1

Single Family Dwelling (per Dwelling Unit) in Residence District and
Open Residential District

Minimum Individual Lot Area 8,000 square feet
Minimum Street Frontage 75 feet
Minimum Front Yard Depth 25 feet
Minimum Side Yard Depth 15 feet

Minimum Rear Yard Depth 15 feet
Minimum Distance Between Building 30 feet
Maximum Percentage Lot Coverage 30 percent
Maximum Dwelling Units Per Buildings 1
Maximum Building Height 35 feet

Dimensional Requirements for Townhouses and Multi-Dwelling Units

Table 2
Townhouses and Multi-Dwelling Units in Residence District and Open Residential District

Net Buildable Site Area per dwelling unit 4,000 square ft.
Minimum Street Frontage per dwelling unit
For Townhouses and Multi-Dwelling (see Note 1) 20 feet
Minimum Front Yard Depth To be Determined by SPGA
Minimum Side Yard Depth To be Determined by SPGA
Minimum Rear Yard Depth To be Determined by SPGA
Minimum Distance Between Buildings 15 feet
Maximum Percentage Lot Coverage 35 percent
Maximum Dwelling Units Per Building 3
Maximum Building Height 35 feet
Minimum living area per Dwelling unit 1,200 square feet

Note No. 1 - Frontage on internal access private roadways as distinguished from frontage of a publicly accepted street.

8.5.2 Site Capacity Calculation. In determining the maximum number of dwelling units to be permitted in an: Open Space Community, the area of the site covered by wetlands (based on a vegetative analysis as prescribed by Mass. General Law Chapter 131, S. 40), slopes greater than 15 percent, utility rights of way and roads shall be calculated and deducted from the Base Site Area. Construction shall be allowed by special permit on the remaining Net Buildable Site Area. Notwithstanding anything herein to the contrary, when constructing Townhouses, Multi-Unit dwellings, the overall site density shall not be more than three (3) dwelling units per acre.

Somerville

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

2.2.165. TOWNHOUSE. Attached dwelling units completely separated by a continuous vertical fire wall which are constructed so that each unit (a) has two (2) building faces with outside exposure; (b) has separate entrances from the outside; (c) reaches from foundation to roof line; and (d) each unit is arranged, intended and designed as a residence for one (1) family. NOTE: See Figure 2K.

The following types of dwellings are allowed in the following zones BY RIGHT:

RA: 2 unit townhouses
RB: 3 unit multifamily dwelling, 2 -3 unit townhouses
RC: 3-6 unit multifamily dwelling, 2-6 unit townhouses
NB: 3 unit multifamily dwelling, 2 -3 unit townhouses
CBD: 3 unit multifamily dwelling
BA: 3-6 unit multifamily dwelling, 2-3 unit townhouses
BB: 3-6 unit multifamily dwelling, 2-3 unit townhouses

The following types of dwellings are allowed in the following zones BY SPECIAL PERMIT (by special permit with site plan review where indicated):

RA: by right only
RB: by right only
RC: 7 or more unit multifamily dwelling (site plan review), 7 or more unit townhouses (site plan review)
NB: 4-6 unit multifamily dwelling, 7 or more unit multifamily (site plan review), 4-6 unit townhouses, 7 or more unit townhouses (site plan review)
CBD: 4-6 unit multifamily dwelling, 7 or more unit multifamily (site plan review), 4-6 unit townhouses, 7 or more unit townhouses (site plan review)
BA: 7 or more unit multifamily dwelling (site plan review), 4-6 unit townhouses, 7 or more unit townhouses (site plan review)
BB: 7 or more unit multifamily dwelling (site plan review), 4-6 unit townhouses, 7 or more unit townhouses (site plan review)

Southboro

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Sterling

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Town of Sterling Protective Zoning Bylaw, 2002

MULTIFAMILY shall mean three or more dwelling units on a single lot, including any mix of single-family, two-family or multifamily structures, whether or not attached, and regardless of form of tenure.

Stoneham

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

The Land Use Ordinance of Stoneham (Town of)
MIDDLESEX COUNTY, MASSACHUSETTS
CHAPTER 15 ZONING
4.0 USE REGULATIONS

4.3 Residence B District:

4.3.3 Uses Permitted on a Special Permit granted by the Planning Board and Site Plan Approval by the Board of Selectmen: (5-1-95, Art. 11)

4.3.3.1 Multiple family dwellings, including apartment houses, garden apartments, and town houses, provided that:

Stoughton

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

MULTIFAMILY APARTMENT HOUSE : Any building or portion thereof used as a multiple dwelling for the purpose of providing three (3) or more separate dwelling units with shared means of egress. Added by action of Town Meeting, June 23,1975, Article #15.

MULTIFAMILY ROWHOUSE (TOWNHOUSE, CONDOMINIUM) : An attached or semidetached building or structure with continuous or common walls containing three or more dwelling units. Added by action of Town Meeting, April 26,1976, Article #39;

According to the Table of Use Regulations, the following multifamily uses are allowed:

"Multifamily dwelling provided that no more than 10% of the total number of units at any one time be units of three or more bedrooms" ... by right in R-M and by special permit in CBD.

"Conversion of existing (as of September 8, 1970) dwelling structure to multifamily dwelling provided that the total number of units in the converted dwelling structure shall not exceed four dwelling units"... by right in R-M and special permit in R-U, CBD, GB.

"Planned multifamily development provided that no more than 10% of the total number of units at any one time be units of three or more bedrooms"... by right in R-M and special permit in CBD.

"Housing for the Elderly and Congregate Housing constructed under the provisions of Chapter 667, Acts of 1954, and Chapter 689, Acts of 1974 and amendments thereto, of the Commonwealth of Massachusetts"... by right in R-M and special permit in R-U, R-C, and GB.

"Conversion of existing nonresidential structures to multifamily structures containing five or more dwelling units"... by special permit in R-M and HB.

Stow *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Sudbury *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes 5336. Building and Dwelling Unit Requirements. The following requirements shall apply to all buildings and dwelling units in a Senior Residential Community:
a. Dwelling units can be attached, or detached as single units, or a combination of these types.

5435. Building and Dwelling Unit Requirements. The following requirements shall apply to all buildings and dwelling units in an Incentive Senior Development:
a. Dwelling units can be attached or detached, or a combination of these types.

Sutton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Sutton Zoning Bylaw, 2004

"Dwelling, Multifamily: A building containing two (2) or more dwelling units."

Multifamily dwelling are allowed in R-2 and V by special permit.

Survey received from Sutton in July 2005 marked the answer as yes: "We don't differentiate between condos & attached s.f." Survey completed by Jen Hager, Planning Coordinator.

Swampscot *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Swansea *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Taunton

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

According to table of uses:

"Apartment/rowhouse" ... by special permit from municipal council in URD.

"Cluster, multifamily/rowhouse"... by special permit from the planning board in RRD, SRD.

Tewksbury

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Topsfield

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Townsend

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Tyngsboro

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Tyngsborough Zoning Bylaw (2003)

2.11.40 Principal Use Definitions

2.11.42 Residential Uses - No more than one building for dwelling purposes shall be located upon a lot.

Multi-Family Dwelling - Dwelling attached or detached designed for the residence of three or more families.

4.12.00 Special Permits - Multifamily Development.

4.12.10 Applicability and Objectives. A plan submitted under this section shall require Town Meeting approval. The issuance of a Special Permit can only be granted following Town Meeting approval. The construction of any structure designed for the occupation and habitation of three or more families by virtue of separate and complete living quarters containing kitchen facilities, bathroom facilities and sleeping quarters shall be deemed a multi-family development for purposes of this section. The objectives of this section are to allow controlled multifamily development in Tyngsborough so as to: promote and provide a greater variety and choice in housing types; to broaden the availability of housing for persons and families of limited income; to focus development at locations able to support such development with minimal environmental or municipal cost; and to protect the Town's natural environment, its existing character and its ability to provide public services.

4.12.20 Submittals Generally. The applicant for a special permit as required under this section shall submit appropriate materials as per the regulations adopted by the Special Permit Granting Authority pursuant to section 1.16.00 of this By-law and who shall be the Planning Board for the purpose of this section in its entirety. 4.12.21 Specific Requirements - The application for a special permit for multifamily development under this section shall provide to the Planning Board: 1. A site plan as per section 1.16.20. 2. Materials indicating; the number of proposed dwelling units; a development schedule for

dwelling and improvements; proposed form of tenure, whether rental, condominium, cooperative, or other; means, if any, of providing for design control; and means, if any, of providing assurance of long term conformity to present proposal. 3. Analysis of the consequences of the proposed development, evaluating the following impacts at a level of detail appropriate to the number of units proposed; a. Natural Environment: groundwater and surface water quality, ground-water level, stream flows, erosion and siltation, vegetative removal (especially unusual species and mature trees), and wildlife habitats. b. Public Services: analysis of traffic conditions existing and post development including levels of service, analysis of water system capacity, analysis of public sewerage capacity, need for additional public recreation facilities, need for additional school facilities. c. Economics: municipal costs and revenues, local business activity, local jobs. d. Social Environment: effect of the proposal upon the general character of the town and how the proposed units enhance the range of housing choice and affordability in the town. e. Visual Environment: visibility of buildings and parking, visual consistency with existing development in the area. 4. A development phasing schedule indicating the maximum number of dwelling units proposed to be erected in each calendar year, and the timing of construction of any proposed community facilities. All applicants for a special permit under this section are encouraged to consult with the Planning Board at a regularly convened meeting prior to formal application.

4.12.30 Decision Criteria A special permit for multifamily development shall be approved only upon determination of the Planning Board that the requirements of section 1.16.00 Special Permit including section 1.16.14 "Mandatory Finding of Special Permit Granting Authority" and the following additional criteria have been met: 1. The site contains a minimum of five acres pursuant to Section

2.12.00 Intensity of Use (Dimensional Requirements) through and including Section 2.12.50 of this By-law. 2. The proposed development makes use of public sewer and water and has demonstrated said public sewer and water systems to be of sufficient capacity to service the proposed development without added cost to the public or that the developer is willing to underwrite said cost or improvements/or on site systems can be proven adequate. 3. Project generated traffic does not increase the peak A.M. and P.M. hour traffic on the street through which access to and from the project site is provided in

excess of 20% if said street is operating at a level of service of C or better or 10% if said street is operating below level of service C. (Said levels are to be determined using methods and definitions as outlined by the Transportation Research Board Highway Capacity Manual, Special Report #209 or later edition.) 4. Site design and storm water facilities shall be so designed that in a twenty-five year storm the peak storm water flows leaving the site will not be increased above current flows or cause the design capacity of receiving structures or channel capacity of receiving streams to be exceeded. 5. Departure from the scale of single family development is minimized through including not more than 24 dwelling units in a single structure, serving not more than eight dwelling units from a single entrance, limiting building length to not more than 200 feet, having unbroken roof area of not more than 3,000 square feet, and having parking areas individually contain not more than 36 parking spaces and be separated from all other parking areas by at least 50 feet. 6. Visual separation from nearby premises is assured through providing yards of at least 4 times building height measured from each lot line which shall contain no parking areas, and through use of outdoor lighting fixtures not higher than 15 feet. 7. The total number of dwelling units is limited to the resultant of the total area of the parcel as measured pursuant to Section 2.12.20 and 2.12.30 of this By-law rounded to the nearest 1,000 square feet divided by 20,000.

4.12.40 Additional Dwelling Units - Upon petition to the Planning Board the number of dwelling units allowed pursuant to Section 4.12.30 paragraph 7 may be increased by 25 % provided the applicant meets the requirements of this section. 4.12.41 Specific Requirements 1. The applicant by means of a recordable instrument agrees to offer- for sale or rent at an acquisition price or rent level deemed "affordable" as hereinafter defined, not less than 50% of the additional units granted pursuant to this section or; not less than 20% of the additional units granted by virtue of this section the ownership of said unit to be transferred by deed-or by a recordable irrevocable instrument, to the Tyngsborough Housing Authority who shall thus maintain and use said units in accordance with Massachusetts General Laws Chapter 121B Section 11. 2. The applicant meets the conditions and terms concerning, but not limited to, resale restrictions, tenant-purchaser selection and eligibility, resident priority and other administrative rules and regulations as promulgated by the Planning Board which are designed to insure the goal of providing affordable housing is continued. 3. All units provided pursuant to this section shall not be less than the average size of all other units in the same development and shall be similar in terms of siting, style and quality of construction.

4.12.42 Determination of Affordability - The term "affordable" shall be defined as the maximum purchase price or less allowed by the Massachusetts Housing Finance Agency through said Agency's First Time Homebuyer Program for the Lowell, MA - NH Primary Metropolitan Statistical Area for newly constructed condominium units. The term "affordable" for rental units shall be defined to be the Fair Market Rent or less as established by the Department of Housing and Urban Development for the Lowell, MA - NH Primary Metropolitan Statistical Area for the purpose of determining eligibility in the Section 8 Housing Rental Program. In all cases the most recent published figures shall apply.

Upton *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Town of Upton Zoning Bylaw (Amended 2002)

SECTION III USE REGULATIONS
B. Single Residence District Uses.

11. Any of the following additional uses, if authorized by the Board of Appeals, after a hearing at which it is found that such additional use will not be detrimental to the public good and a finding that such additional use will not derogate from the intent of the Zoning Bylaw.

h. Townhouses and garden apartments within a Residence A or B District provided that there be the equivalent of

fifteen thousand (15,000) square feet of lot area per dwelling unit in Residence A and an equivalent of twentyfive thousand (25,000) square feet of lot area per dwelling unit in Residence B and provided that there are no more than eight (8) dwelling units in any one townhouse building and no more than twelve (12) dwelling units in any garden apartment building and subject to the following restrictions:

1. Each dwelling unit shall have two exposures.
2. Each dwelling unit shall have two separate exits.
3. There shall be one off-street parking space of two-hundred fifty (250) square feet per dwelling unit plus one offstreet parking space per bedroom over and above that area needed for access roadways and maneuvering to a maximum of three (3) spaces per unit. No more than fifty (50) spaces may be allowed in any one parking lot, each of which shall be adequately screened from view from exterior streets by appropriate landscaping. No parking spaces shall be located within thirty feet (30') of that part of a building containing windows of habitable rooms at the basement or first story level. Unless such rooms are protected from headlight glare by at least a four (4), but not more than five foot (5')high densely planted landscaped strip or fence placed at the periphery of the parking area. Such parking spaces which are screened as above mentioned may be located up to, but not within, ten feet (10') of that part of a building containing habitable rooms at the basement or first story level.
4. Each dwelling unit shall be connected to Town water in Residence A, or supplied by a water source as approved by the Town Board of Health in Residence B.
5. In cases of seventy-five (75) dwelling units or more each dwelling shall be connected to a packaged on-site sewage treatment facility as approved by the Town Board of Health and the State Department of Health. Such treatment facility shall be constructed concomitantly with the dwelling units and shall be fully operable before the occupancy of any of the dwelling units. In the case of a single owner of all of the dwelling units, such owner shall be responsible for the maintenance of the treatment plant in a manner prescribed by the State Department of Health. In the case of more than one owner, each owner shall, as a condition of purchase, be required to join a homeowner's association for the purpose of maintaining the treatment plant in a manner prescribed by the State Department of Health, and each owner shall be required to pay a periodic assessment to the association for the maintenance of said sewage treatment plant. The organization of such homeowner's association shall be on file with the Town Clerk along with an annual report including the names and addresses of officers, to be submitted to the Town Clerk by February 15 of each year.
6. There shall be adjacent to the exterior walls of each residential building, except at entrances, at least a three-foot (3') wide area of landscaping.
7. There shall be eight thousand (8,000) square feet of usable common open space per dwelling unit. Usable common open space shall mean areas left substantially in a natural state or improved by landscaping and primarily designed and intended for the active and passive recreation of the occupants of the dwellings. Usable common open space shall not include street right-of-ways, open parking, or service areas, driveways, easements for above-ground utilities, laundry drying areas, required front yards, landscaped area around the buildings or any other land deemed unsuitable by the Planning Board for reasons of excessive slope or poor drainage.
Upton Zoning Bylaws Page 7 of 52 12/2/2004
In case of rental property, the Owner shall assume the responsibility for maintaining the open space. In cases of the sale of individual units, there shall be included in the deed a requirement obligating the purchasers to participate in a non-profit homeowner's association and to support the maintenance of the common open space accessible and available for the purchasers only, by paying assessments to the association. This association may be one and the same as that referred to in sub-section (5) above. In cases of public open space dedicated in fee to the Town, such open space shall be maintained as a public park, accessible to the public. This shall not preclude the Town from refusing to accept such land without a favorable report from the Planning Board.
8. There shall be a satisfactory design and location of collection points for the disposal of garbage and trash, adequately screened for reasons of health and safety, as determined by the Planning Board and the Board of Health.
9. All proposed utilities should be installed underground at the time of initial construction.
10. A site plan prepared in accordance with the provisions of Section V-D, has been submitted and approved.
11. If there is more than one (1) such structure on a lot of record there shall be at least forty feet (40') between each structure.
12. Each applicant who seeks a special permit from the Zoning Board of Appeals for construction of townhouses, garden apartments, condominiums or a planned unit development shall also file a Definitive Plan with the Planning Board and otherwise comply with all the procedures contained therein for the submission of a Definitive Plan and all design and construction specifications shall apply to all interior streets (considered minor streets unless otherwise designated by the Planning Board), public walkways (sidewalks) and parking areas, the latter to be constructed to the same construction specifications as a street.

D. General Business Districts.

m. Any of the following additional uses, if authorized by the Board of Appeals, after a hearing at which it is found that such additional use will not be detrimental to the public good and a finding that such additional use will not derogate from the intent of the Zoning Board.

1. Any of the uses permitted with Board of Appeals authorization in Single Residence A, B, C, and D Districts subject to the same conditions as herein specified.

Town House: A single family dwelling consisting of no more than two bedrooms attached by a party wall to another single family dwelling, in such a manner that each dwelling has a floor at ground level and front and rear access to the outside of the ground level.

Garden Apartment:

A single family dwelling of one (1) or more rooms on one floor, but to consist of not more than two (2) bedrooms, but not necessarily having an entrance or exit on the ground level of a garden apartment building.

Garden Apartment Building:

A structure of more than one (1) story but not more than three (3) stories containing garden apartment dwellings grouped around a central stairwell.

From ordinance.com (with 2004 amendments):

SECTION XV - DEFINITIONS

PLANNED VILLAGE DEVELOPMENT : A development proposed for a single tract of land, authorized by Special Permit in Commercial and Industrial District, specifying a mixture of land uses, including residential uses such as single family, multifamily, townhouses, and other uses such as commercial, municipal, civic, or other uses permitted in Single Residence, Agricultural Residential, General Business Districts, and Special Use District.

**Webmasters Note: The previous definition has been added as per an update approved at a town meeting held on 11/30/04.

SECTION III - USE REGULATIONS

E. Commercial and Industrial District.

1. Permitted Uses.

j. The following use(s) if authorized by a Special Permit granted by the Planning Board:

1. Planned Village Development.

**Webmasters Note: The previous subsection, j., has been added as per an update approved at a town meeting held on 11/30/04.

Uxbridge

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

The only references to townhouses is in the 1985 moratorium on multifamily, which included townhouses in the definition.

Town of Uxbridge Zoning Bylaws (Revised 2004)

APARTMENT HOUSE : A building containing three (3) or more apartments or an independent family above the second floor.

SECTION VII Permitted Uses in Various Zones

a. RESIDENCE A: In those portions of the Town so indicated on the accompanying zoning by-law map as RESIDENCE A districts, no building, structure, or premises shall be constructed, altered or used for any industry, trade, manufacturing, of commercial purpose or any purpose except one or more of the following specified uses:

8. Any of the following uses, provided that they are not injurious or offensive to the neighborhood, and subject to appropriate conditions and safeguards, and only if approved by the Board of Appeals:

1. Conversion of a single family dwelling for occupancy by not more than three (3) families provided that the exterior design of the structure is not changed from the character of a single family dwelling and further provided that the particular dwelling and premises meet the lot and interior area requirements as set forth in this zoning by-law.

**Webmasters Note: The previous subsection (8) has been amended as per Case No. 2360 from special town meeting dated 11/19/02.

9. Apartments provided that the minimum lot size for the first unit must be equal to the minimum lot size for a single family residence and that for each additional apartment dwelling unit, eight thousand (8,000) square feet additional land area would be required and provided also that the front yard must be

landscaped and that one and one-half (1 - 1/2) paved off-street auto parking spaces be required for each apartment dwelling unit. The maximum number of dwelling units per habitable building shall not be greater than four (4). (Amended on December 3, 1985, and on May 13, 1986.)

**Webmasters Note: The previous subsection has been amended as per an update approved at a town meeting held on 6/15/04.

(NOTE: On October 17, 1985 the following by-law was adopted:)

There shall be a moratorium on the construction of multi-family dwellings (including, but not limited to, town houses, apartments and all high density residential developments and other multi-family dwellings irrespective of the form of ownership) in any district for a period not to exceed two (2) years after date of adoption. This moratorium shall not apply to a proposal to construct a single two family dwelling on a single lot or to any addition or renovation to an existing structure.

SECTION VII Permitted Uses in Various Zones

a. RESIDENCE A: 8. Any of the following uses, provided that they are not injurious or offensive to the neighborhood, and subject to appropriate conditions and safeguards, and only if approved by the Board of Appeals:

12. Open Space Development

a. An Open Space Development, for the purpose of this By-Law is a development intended to encourage:

- i. Optimum utilization of natural land features and characteristics through a greater design flexibility, and
- ii. The preservation of open spaces for conservation, outdoor recreation or park purposes; and
- iii. Efficient provision of municipal services; and
- iv. The retention of the rural setting.

b. Definition - For the purposes of this section, an Open Space Development shall mean a tract of land to be developed as an entity by a Landowner with residential buildings comprising two (2) to four (4) dwelling units per building and having an exterior entrance serving no more than two (2) dwelling units.

c. Basic Requirements - A proposed planned Open Space Development shall meet the following basic requirements:

- i. The minimum tract size shall be ten (10) acres.
- ii. All dwelling units shall be served by municipal water and sewerage which shall be installed at the expense of the developer.
- iii. No building shall contain more than four (4) dwelling units.
- iv. No dwelling shall be closer than three hundred (300) feet from a lake or pond and one hundred (100) feet from a running, natural stream or river.

d. Number of Dwelling Units Permitted - The number of dwelling units in a tract shall not exceed three (3) dwelling units per acre inclusive of open space.

Wakefield *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Section 190-6. General description.
(4) Multiple Residence (MR). The Multiple Residence District is composed of those specific areas potentially suitable for multifamily dwellings and attached dwellings (townhouses). It is divided into two (2) parts. MR-1 allows garden apartments and attached dwellings at a maximum density of fourteen (14) units per acre. A special permit is required.

Walpole *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Attached units are allowed in the Age Qualified Village.

(35) Building and Dwelling Unit Requirements - the following requirements shall apply to all buildings and dwelling units in an Age Qualified Village:

- (a) Dwelling units can be attached, or detached as single units, or a combination of these types.
 - (b) Dwelling Units Per Building - no building shall contain more than four dwelling units.
-

Waltham *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Multifamily housing is defined in Waltham in the General Ordinances of the City of Waltham, Article III, Section 3.24, as "a structure for more than two dwellings units under one roof, including row houses, townhouses, garden apartments, and apartment houses."

Watertown *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes From ordinance.com, Section 5.01 Table of Use Regulations:

- k. Row houses... by special permit in CR, R.75, R1.2, NB, LB, I-3.

Wayland *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes DWELLING UNIT, ATTACHED -- A building designed or occupied as a residence and separated from another attached dwelling on one or both sides, either by a vertical party wall or walls or by a contiguous wall or walls, without side yards. [Added 5-5-1999 STM by Art. 11]

ARTICLE 20, Southeast Wayland-Cochituate Planning District [Amended 6-16-1987 STM by Art. 3; 6-16-1987 STM by Art. 4]

§ 198-2001. Statutory authority; objectives.

2001.1. In accordance with the provisions of MGL c. 40A, MGL c. 41, § 8II, the Home Rule Amendment (Article 89) to the Constitution of the Commonwealth of Massachusetts and every other power that the Town of Wayland may exercise, the Planning Board may grant special permits exempting developments that satisfy the terms and conditions that may properly be imposed pursuant to this article from certain regulations and restrictions contained in this Zoning Bylaw for the purposes set forth in Chapter 808 of the Acts of 1975, Sections 2A and 6, and to achieve the following objectives:

2001.1.1. Development that conserves environmental features, woodlands, wetlands and areas of scenic beauty and preserves sites and structures of historical importance.

2001.1.2. Development that encourages the construction and location of attached single-family dwellings, or multifamily condominium dwellings, in certain sites, to preserve the residential characteristics of Wayland for all its inhabitants.

2001.1.3. Development that provides for a variety of housing in Wayland.

2001.1.4. Development that will permit the Town to continue to provide the same quality of municipal services without imposing an increased financial burden on its citizens.

2001.1.5. Development that will provide at least 10% of the dwellings constructed to be made available for sale at affordable prices.

2001.1.6. Development that will protect the environment and preserve open spaces by granting conservation and recreation restrictions to the Conservation Commission for certain buffer areas and wet areas.

2003.1.3. Provided that a special permit is obtained from the Planning Board in accordance with the provisions of this article, attached single-family dwellings or multifamily condominium dwellings shall be the only permitted uses therein. In the event that a special permit is abandoned, as provided in § 198-2009 herein, or the time for application for a special permit has lapsed, as provided in § 198-2006.7 herein, the uses set forth in § 198-2003.1.1 and 2003.1.2 above shall be the permitted uses in a Southeast Wayland-Cochituate Planning District.

2004.9.1. No multifamily condominium dwelling or attached single-family dwelling grouping in a Southeast Wayland-Cochituate Planning District development shall contain more than six dwelling units.

2005.1. An application for a special permit for construction of attached single-family dwellings and/or multifamily condominium dwellings in a Southeast Wayland-Cochituate Planning District shall be submitted to the Planning Board on forms furnished by the Planning Board. Written notice containing a copy of said plan shall be given by the applicant to the Town Clerk, the Conservation Commission, the Finance Committee, the Fire Chief, the Board of Health, the Building Commissioner, the Park and Recreation Commissioners, the School Committee, the School Building Planning Committee, the Selectmen, the Commissioners of the Water Department and the Zoning Board of Appeals. Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of MGL c. 41, §§ 81O and 81T, as the same may be amended from time to time, a filing fee determined in accordance with § 198-2012 below and a development plan containing the following information and data:

Wellesley *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IA (Amended 2003)

Defintions

Town House - A dwelling containing two or more dwelling units, each sharing one or more party walls with another dwelling unit, and each having at least one floor at ground level with direct access to open space on two or more sides.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IIIA (Amended 2003)

SECTION IIIA. TOWN HOUSE DISTRICTS.

18

SECTION IIIA. TOWN HOUSE DISTRICTS.

A. In Town House Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. One-family dwelling and with respect thereto any of the purposes authorized in accordance with and subject to the provisions of SECTION II.; in addition, with regard to the multi-family uses hereinafter provided, the Special Permit Granting Authority may grant a special permit in this district for any other purpose authorized by right or by special permit in Single Residence Districts.

2. Town houses and, in connection therewith, the parking of motor vehicles and other accessory uses as are customary, all subject to conformity with the following requirements:

19

a. MINIMUM LOT OR BUILDING SITE AREA: No such building or group of buildings or other structures shall be erected or placed on a lot containing less than twenty thousand (20,000) square feet in area.

b. MINIMUM OPEN SPACE: There shall be provided for each lot a minimum open space of not less than 55%, 65% or 75% of the lot area in accordance with c.

below.

c. MINIMUM LOT AREA PER DWELLING UNIT: There shall be provided for each dwelling unit contained in the building or buildings a lot area of not less than 6,000 square feet, 5,000 square feet or 4,000 square feet as follows:

A development having not less than 6,000 square feet per dwelling unit shall have not less than 55% open space in accordance with b. above,

A development having not less than 5,000 square feet per unit shall have not less than 65% open space in accordance with b. above,

A development having not less than 4,000 square feet per unit shall have not less than 75% open space in accordance with b. above.

d. MAXIMUM LOT COVERAGE: No building or addition to any building, including accessory buildings, shall be erected or placed on a lot which will result in the covering by buildings or more than twenty five percent (25%) of the lot area.

e. HEIGHT OF BUILDING OR STRUCTURE: No building shall exceed a maximum of three stories or forty (40) feet in height.

f. YARDS: No building or structure shall be located within thirty (30) feet of any property boundary line abutting a Single Residence District or within twenty (20) feet of any other property boundary line.

g. SEPARATION BETWEEN BUILDINGS: No building or structure shall be located within thirty (30) feet of any other building or structure on the same lot.

h. LENGTH OF ROW: No building or structure shall contain less than four (4) or more than eight (8) dwelling units.

i. FRONTAGE: No such building or structure shall be erected on a lot with less than one hundred (100) feet of frontage on a public way or a way shown on a plan approved in accordance with the Subdivision Control Law or otherwise qualifying a lot for frontage under the Subdivision Control Law.

j. PARKING: Off-street parking shall be provided in accordance with SECTION XXI.

k. SITE PLAN APPROVAL: The provisions of SECTION XVIA. SITE PLAN APPROVAL. shall apply.

SECTION IV. GENERAL RESIDENCE DISTRICTS.

A. In General Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence Districts;
2. Two-family dwelling;
3. Town house of three or more units subject to the following:

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section IV (Amended 2003)

Section IV. General Residence Districts.

A. In General Residence Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence Districts;
2. Two-family dwelling;
3. Town house of three following:

In this section, town houses are put into three categories.

CATEGORY A CONVENTIONAL UNITS(with or without assisted units not qualifying as Category B)
CATEGORY B CONVENTIONAL & 25% ASSISTED UNITS*
CATEGORY C 100% ASSISTED UNITS*

The zoning bylaw allows greatest density for Category C and least density for Category A.

Zoning Bylaws of the Town of Wellesley, Massachusetts, Section VA (Amended 2003)

Wenham *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes K. The term NON-RESTRICTED MULTI-FAMILY RESIDENCE shall mean multi-family dwellings, each of which contains two or more independent dwelling units consisting of a suite of rooms, its own bath and toilet facilities and its own kitchen facility; residence in such non-restricted multi-family residences shall not be restricted to persons sixty (60) years of age or over. The terms "town houses," "row houses," "attached houses" and like terms shall be interpreted as being synonymous with the term "multi-family residence." (as amended 8/19/87)

West Boys *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes D. Types of Dwellings, Uses And Associated Services Permitted

1. A CCRC may contain any or all of the following housing types, attached or detached, in any combination:
 - a. Detached single family;
 - b. Multi-family;
 - c. Congregate: a structure which provides a range of housing and support services. The structure may contain, but is not limited to, the following uses: dwelling units with kitchen facilities; bedrooms with a bathroom and sitting area or without kitchen facilities; common, social and recreational areas such as dining rooms, libraries, an indoor and outdoor recreation facilities and gardening areas;
 - d. Assisted or Catered Living; buildings or structures other than a hospital or nursing home/institution designed to accommodate assistance with one or more activities of daily living, such as dressing, eating, bathing, walking or toileting;
 - e. Nursing care: a facility which must be licensed by the Department of Public Health;
 - f. Living quarters for support staff.

West Bridg *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

West Newb *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

No

Westborou *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Westborough Zoning Bylaw (2004)

APARTMENT, GARDEN shall mean premises not over three (3) stories high, accommodating three (3) or more dwelling units, irrespective of ownership or tenure. Includes town houses.

APARTMENT, HIGH RISE shall mean premises over three (3) stories high, accommodating three (3) or more dwelling units, irrespective of ownership or tenure.

TOWN HOUSE shall be synonymous with "Garden Apartment".

4640. Permitted Uses. Each Planned Parcel Development shall be designated either Mixed Use or Industrial by the developer. In any Planned Parcel Development, no building or other structure shall be erected, altered or used and no land shall be used or occupied for any purpose except one or more of the following:

a. In Mixed Use Planned Parcel Developments:
Those uses permitted in Section 2300 for single Residential (R) and,

1. Multi-family dwelling for three or more families, including town houses, row houses, garden apartments and high-rise apartment buildings;

According to the table of uses:

"Multifamily dwelling" by right in AA, AB; by special permit from the planning board in DPOD.

Westford *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Definition of multifamily development:

MULTIFAMILY DEVELOPMENT A building or buildings containing two (2) or more attached dwelling units or more than one (1) dwelling unit, whether or not attached, on a single lot, and the buildings accessory thereto

Weston *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Definition from ordinance.com:

MULTIPLE DWELLING : A building containing dwelling units providing independent living facilities, including an apartment house, group houses, and row houses.

Westwood

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Senior Residential Development 7.3 Senior Residential Development (SRD)

"7.3.1 Special Permit. The development of a SRD requires the issuance of a special permit by the Planning Board in compliance with the provisions of this Section.

7.3.2 Conditions.

7.3.2.1 Occupancy shall be limited to persons who have reached the age of fifty-five (55) years and their spouses residing with them, respectively, and any physically or mentally handicapped close relative of a person who has reached the age of fifty-five (55) years, residing with such person. For purposes hereof, "close relative" shall mean a parent, grandparent, brother, sister, aunt or uncle, and shall include a person so related by legal adoption and by the half blood.

7.3.2.2 There shall be not more than two (2) bedrooms in any dwelling unit.

7.3.2.3 The SRD shall be developed as a Coordinated Unit, which shall mean a building or group of buildings under common management and serving a common function.

7.3.2.4 No building shall have more than two (2) stories unless the topography of the land so permits three (3) stories provided that at least two (2) stories have entrances at ground level and all dwelling units shall have at least one (1) exterior wall entirely above ground level.

7.3.2.5 There shall be provided in all cases suitable means of access and egress to and from dwelling units for handicapped persons.

7.3.3 Types of Dwelling Permissible. The following types of dwellings may be authorized by special permit granted hereunder:

7.3.3.1 single-family detached houses;

7.3.3.2 two-family houses;

7.3.3.3 two-family semi-detached houses;

7.3.3.4 townhouse-type dwelling units;

7.3.3.5 garden apartments;

7.3.3.6 duplex-over-duplex type dwelling units; or

7.3.3.7 any combination of such housing types or other housing types determined by the Special Permit Granting Authority to be appropriate for SRD."

Weymouth

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

No

Whitman

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

Town of Whitman Zoning Bylaw

MULTI-FAMILY DWELLING : A dwelling, including a single-family attached units, designed for, or occupied by three or more families.

Multifamily in the form of "Multi-family apartment dwellings on a single lot of not less than eighty-seven thousand (87,000) square feet, and subject to the conditions set forth in Section VII 7-3" is allowed by special permit in General Residence (GR), Highway Business (HB), and Flood Plain and Watershed Protection (FP) districts.

Wilmington *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Wilmington Zoning Bylaw (2003)

8.2.6 Permissible Uses: Land uses within a CSD development may include the following: single-family homes, both attached and detached; two-family structures; and multifamily structures (townhouses, apartments, condominiums). The mix of housing types shall be in accordance with the Site Specific Design Standards outlined in 8.10.2.1 below. Within CSD developments of more than 50 housing units, the CSD application may also include no more than 1000 square feet for a convenience retail business catering primarily to residents of the development and the surrounding neighborhood.

8.10.2.1 Mix of Housing Types. The CSD may consist of single-family (attached or detached), two-family and multifamily residential structures, or a combination of these housing types. A multifamily structure shall not contain more than 6 dwelling units.

Winchester *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Winchester Zoning Bylaw (2003)

Table of Use Regulations:

Town houses by special permit with site plan review in: PRD, RB, CBD, RA, GBD-2, GBD-3

Winthrop *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes Definitions

ATTACHED DWELLING -- A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire-resistant walls. Attached dwellings are also referred to as "townhouses," "townhouse dwellings" or "row houses."

TOWNHOUSE -- See "attached dwelling."

Zoning Bylaw of the Town of Winthrop, Massachusetts, Chapter 145 of the Winthrop Town Code, Section 145-23(H): "Multifamily dwellings. (See Article II for the definition of "multifamily dwellings" and "attached dwellings.")

(1) Garden apartments or attached dwellings may be allowed by special permit by the Planning Board in the Residential B District or in Residential C District. Mid-rise apartments or a combination of mid-rise and garden apartments and attached dwellings may be allowed by special permit by the Planning Board in the Residential C District. High-rise apartments constructed prior to January 1, 1988, are allowed in the Residential C District. Additional high-rise apartments are prohibited. It is the intent of this subsection to encourage the development (in appropriate locations) of attractive, functional low-density multifamily and attached dwellings which respond to the social and economic characteristics and needs of the present and future Winthrop population.

(2) In order to grant a special permit for a multifamily or attached dwelling development in districts where permitted, the Planning Board must find that

the developer has met all of the general requirements for a special permit set forth in Article VII and has conformed to the environmental design review requirements of Section 145-37. In addition, the following specific requirements shall also be met:

- (a) The minimum lot size for multifamily dwellings, where permitted, shall be 20,000 square feet.
- (b) The maximum overall density for garden apartments and attached dwellings in the Residential B District shall be one unit per 2,500 square feet of lot area. The maximum overall density for mid-rise apartments or a combination of mid-rise and garden apartments or attached dwellings in the Residential C District shall be one unit per 2,000 square feet of lot area.
- (c) Where a development containing multifamily or attached dwellings is adjacent to a single-family district or preexisting commercial or industrial development, a buffer strip as described in Subsection F above shall be required.
- (d) Any proposed multifamily or attached dwelling development shall be served by public water and sewerage systems. "

According to the table of use regulations, garden apartments, attached dwellings, and apartment houses (mid rise) are all allowed by special permit by the planning board with environmental design review. Garden apartments are allowed in RB, RC. Attached dwellings are allowed in RB, RC. Apartment houses are allowed in RC.

Woburn *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes City of Woburn 1985 Zoning Ordinances (amendments through 2004) Section 5.1 "Table of Use Regulations" and Section 6.1 "Table of Dimensional Regulations"

Townhouse Development in R-1 and R-2 Districts (18 acres); Townhouse or Garden Apartments in R-3 District (first unit: 12,000 sq. ft., each additional unit 5,000 sq. ft); Townhouse Development in S-1 District (first unit: 12,000 sq. ft, additional unit 5,000 sq. ft); and Townhouse Development in B-N District (first unit: 12,000 sq. ft, additional unit: 4,000 sq. ft.).

Townhouses constructed in the Woburn Loop Bikeway/Greenway Overlay District:

Minimum Lot Size: the minimum lot size for the construction of Townhouse dwellings shall be 22,000 square feet.

Construction of Townhouses in the Woburn Loop Bikeway/Greenway Overlay District (City of Woburn 1985 Zoning Ordinances, Section 20 (amendments through 2004):

5. Townhouse Requirements

- a. Minimum Lot Size: the minimum lot size for the construction of Townhouse dwellings shall be 22,000 square feet.
- b. Density: the maximum allowed density for townhouse dwelling under this section shall be 3,600 square feet of gross lot area per dwelling unit.
- c. Maximum Height: the maximum height of townhouse dwellings under this section shall be 2 and on-half stories, and thirty (35) feet.
- d. Maximum Attached Units: the maximum number of townhouse dwelling units which may be attached in a single structure under this section shall be five units. Each townhouse dwelling unit shall have a separate entry.
- e. Open Space: the minimum percentage of landscaped usable open space shall be 50 percent.
- f. Setbacks: townhouse structures shall be separated from each other, and front yard, side yard, and rear yard setbacks shall be a minimum distance of 30 feet.
- g. Parking: each townhouse dwelling unit shall have its own off-street parking or garage. Two parking spaces per unit shall be provided. All parking and circulation roadways shall meet the design and dimensional requirements of Section 8 of this Ordinance.
- h. Building Ground Coverage: the maximum building ground coverage under this section shall be 20 percent, including garage parking.
- i. Frontage: the minimum street frontage for a townhouse development under this section shall be 100 feet.

SECTION 14 TOWNHOUSE DEVELOPMENT IN RESIDENTIAL DISTRICTS R-1 AND R-2

14.1 Purpose

The purpose of a townhouse development in residential districts is to provide for residential development which:

1. Results in the permanent preservation of open space which is of use and value to the City and which would not normally be preserved under development undertaken according to other sections of the ordinance.
2. Encourages creative site planning which is sensitive to the natural characteristics of the land.
3. Provides for economical development, efficient provisions of public services and minimizes road and driveway construction and paving.
4. Promotes aesthetics and other amenities.

14.2 Procedures

Per Section 5 of this Ordinance, application for a townhouse development in R-1 and R-2 residential zoning districts shall require a Special Permit in accordance with Section 12.3.2, which constitutes Site Plan Review of the application by the Planning Board, as specified in Section 11.3.2, and the City Council shall be the Special Permit Granting Authority. The procedural review of the Special Permit Granting Authority; Planning Board and other boards and departments of the City shall be in accordance with said Sections. Density provisions for townhouse developments in R-1 and R-2 zones are provided in Section 6.1 - Table of Dimensional Regulations.

14.4 General Requirements

1. Townhouse development in the R-1 and R-2 zoning districts shall require a minimum tract size of 18 acres and be comprised of clustered townhouse dwellings, which shall be separated from the dedicated open space parcel.
2. The total allowed number of units for a townhouse development shall be 2.5 units per acre, multiplied by the total area (i.e., 5 units per acre of the tract to be developed)
3. No dwelling unit shall exceed two and one half stories, nor be greater than thirty feet in height.
4. Any part of the developed tract that abuts the open space tract shall be subject to a minimum of a 25 foot setback.
5. Each unit shall have separate entries and off-street parking or garages. Two parking spaces per unit shall be provided.
6. Townhouse clusters shall consist of no more than 6 townhouses per cluster.
7. Townhouse clusters shall be separated from each other by a minimum distance of 30 ft. in all directions.

Worcester *Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?*

Yes City of Worcester Zoning Ordinance (Adopted 1991, Amended 2004)

According to the table of uses:

Single family attached dwelling by special permit in RL7, and by right in RG5, BO1.0, BO2.0, BL1.0, BG2.0, BG3.0, BG4.0, INS, INH.

DWELLING, SINGLE FAMILY ATTACHED – A building consisting of not less than three (3) dwelling units, each unit of which is separated from the other by a vertical party wall or double wall, and each unit of which has a separate, ground floor entrance; includes townhouse.

Wrentham

Are attached single family houses (townhouses, 3+ units) listed as an allowed use (by right or special permit)?

Yes

DWELLING, MULTIPLE ATTACHED : An attached residential BUILDING containing two or more separate DWELLING UNITS.

ROW HOUSE : A MULTIPLE ATTACHED DWELLING which is designed to contain two or three DWELLING UNITS, where each unit is attached one to another, and where no unit is entirely above the first floor.

According to the Use Regulation Schedule, "Multiple Attached Dwelling, pursuant to Article 13 4" is allowed by special permit with site plan approval by the planning board in R-30, R-43, and R-87.

ARTICLE 13 MULTIPLE ATTACHED HOUSING

13.1 Multiple attached dwelling units

This Article sets forth requirements for MULTIPLE ATTACHED DWELLING UNITS which may be constructed in the Town of Wrentham.

13.2 Wrentham Housing Authority

The Wrentham Housing Authority shall be exempt from the minimum LOT size requirements of Article 3 and the area, width, FRONT, SIDE, REAR YARD SETBACK requirements and the OPEN SPACE provisions of Article 6. The Housing Authority shall comply with all other ZONING requirements and is limited to DEVELOPMENT in ZONING DISTRICTS R-30, R-43, R-87. Any DEVELOPMENT proposal by the Housing Authority shall be subject to SITE PLAN APPROVAL by the Planning Board under Article 7.

13.3 Low or Moderate Income Housing

Low or moderate income housing shall be allowed only as authorized by M.G.L ch.40B, s.20 et seq. and is excluded from ZONING DISTRICTS B-1, C-1. Any application to the Board of Appeals for a permit to construct shall comply with the SITE PLAN APPROVAL requirements of Article 8, the WATERSHED protection requirements of Article 5, all statutory requirements of M.G.L ch.40B, and all other requirements of these ZONING bylaws insofar as these are consistent with G.L Ch.40B.

13.4 ROW HOUSE

A ROW HOUSE shall be permitted subject to the site approval by the Planning Board under Article 7, SPECIAL PERMIT approval by the Planning Board under Article 9, and the following provisions:

a. For a two-unit ROW HOUSE, the FRONT, SIDE and REAR YARD SETBACK and LOT area requirements shall be increased to two (2) times those of a SINGLE DETACHED DWELLING within the ZONING DISTRICT. The FRONTAGE requirement shall be that of a SINGLE DETACHED DWELLING.

b. For a three-unit ROW HOUSE, the FRONT, SIDE and REAR YARD SETBACK and LOT area requirements shall be increased to three (3) times those of a SINGLE DETACHED DWELLING within the ZONING DISTRICT. The FRONTAGE requirement shall be one and four tenths (1.4) times that of a SINGLE DETACHED DWELLING in the ZONING DISTRICT.

R-30 (30,000 sq. ft. x 3=90,000 sq. ft.)

R-43 (43,560 sq. ft. x 3=130,680 sq. ft.)

R-87 (87,120 sq. ft. x 3=261,360 sq. ft.)

b. A SENIOR LIVING COMMUNITY shall consist of attached single story single family residential dwelling units arranged in buildings containing no more than six (6) dwelling units per building; provided that accessory buildings for recreation, meals and social purposes may also be included within a SENIOR LIVING COMMUNITY. Each such dwelling unit shall contain no more than two (2) bedrooms and no more than three (3) additional rooms, excluding kitchen, bathrooms and utility rooms.