

**PUBLIC HEARING
ZONING AMENDMENTS**

Notice is hereby given that the **Dedham Planning Board** will hold a public hearing in accordance with the provisions of M.G.L. Chapter 40A, s.5, in the O'Brien Meeting Room of Dedham Town Hall, 3rd Floor, 450 Washington Street, **Wednesday, March 22, 2023 at 6:00 p.m.**, to see if the Town will vote to amend the Dedham Zoning By-Laws by making the following changes, as follows:

ARTICLE TWELVE: *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Laws, Chapter 280, to regulate and define Electric Vehicle Charging Stations as accessory uses, as follows:

- A. Add new Use Category I.14. (“Electric Vehicle Charging Station – Levels 1 and 2”) with new footnote 31, and add new Use Category I.15. (“Electric Vehicle Charging Station – Level 3”) to Table 1 as follows [text to be inserted shown in *bold, italicized text*]:**

Principal Use	Districts												
	SRA SRB	GR	PR	PC ² ₃	RDO	AP	LMA	LMB	HB	LB ²⁰	GB	CB	
I. Table Of Accessory Uses - Residential													
<i>14. Electric Vehicle Charging Station – Levels 1 and 2³¹</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>
<i>15. Electric Vehicle Charging Station – Level 3</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>

Note 31. *Restricted to private use only, except as may be otherwise authorized by Special Permit for Mixed-Use.*

- B . Add new Use Category II.6. (“Electric Vehicle Charging Station – Levels, 1, 2, and 3”) to Table 1 as follows [text to be inserted shown in *bold, italicized text*]:**

Principal Use	Districts											
	SRA SRB	GR	PR	PC ²³	RD O	AP	LMA	LMB	HB	LB ²⁰	GB	CB
II. Table Of Accessory Uses - Nonresidential												
6. Electric Vehicle Charging Station – Levels 1, 2, and 3	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

C. Insert new definition in Section 10.1 following the definition of “Dwelling Unit”:

ELECTRIC VEHICLE CHARGING STATION - An electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle. There are three levels of electric vehicle charging stations:

- Level 1 charges through a 120-volt (V), alternating-current (AC) plug.
- Level 2 charges through a 240V, AC plug.
- Level 3 charges through a 480V, direct-current (DC) plug.

No additional parking spaces shall be required for electric vehicle charging stations and parking spaces associated with electric vehicle charging stations shall be counted as parking spaces for purposes of determining compliance with the minimum parking requirements under the Zoning Bylaw.

or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE THIRTEEN: *By the Planning Board.* To see if the Town will vote to amend Section 10.1 of the Dedham Zoning By-Laws by inserting the following definition:

Human Occupancy - Use of a building by people sleeping, cooking, bathing, using sanitary facilities, and similar dwelling purposes; for carrying out trade, profession, industry, or business but not including the portion of the building with more than one-half its height measured from finished floor to finished ceiling below the grade of the adjoining building and not considered a story when used exclusively for personal or commercial storage, mechanical, equipment and utilities, or where there is no common human presence.

or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE FOURTEEN: *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning Map to add a new overlay district entitled Multi-Family Housing Overlay District (MFHOD), consisting of sub-districts MFHOD-1 (Low Density) and MFHOD-2 (High Density), as depicted on a plan on file with the Town Clerk, and further to amend the Dedham Zoning By-Laws, Chapter 280, to establish requirements for such District for the purpose of complying with the Commonwealth’s Multi-Family Housing Requirement for MBTA Communities, as set forth in G.L. Chapter 40A, Section 3A, as follows:

A. Insert in Section 2.1(b) a new overlay district as follows:

(8) Multi-Family Housing Overlay District (MFHOD) superimposed over the other zoning districts or part thereof so that the provisions of this By-Law pertaining to such underlying districts remain in effect, except where the MFHOD regulations impose different or additional, greater or more restrictive requirements.

B. Insert a new Article XIV, as follows:

Article XIV Multi-Family Housing Overlay District (MFHOD)

§ 280-14.1 Purpose.

The Multi-Family Housing Overlay District (MFHOD) is established to allow for and encourage the development of multi-family housing by right, and to comply with the requirements for MBTA Communities as set forth in G.L. c.40A, §3A. The requirements set forth herein shall be applied so as to encourage the development of multi-family housing projects of a scale, density and aesthetic that are compatible with existing surrounding uses and minimize impacts to sensitive land. To the extent possible, multi-family housing shall allow for safe, accessible, and convenient access to transit stations for pedestrians and bicyclists.

§ 280-14.2 MFHOD Boundaries; Sub-Districts.

The boundaries of the MFHOD are depicted on the Zoning Map on file with the Town Clerk. The MFHOD is further divided into two subdistricts: MFHOD-1 and MFHOD-2, as depicted on the Zoning Map and described herein.

§ 280-14.3 Applicability.

The provisions of the Multi-Family Housing Overlay District (MFHOD) shall apply to all land within the MFHOD, and shall apply uniformly to subdistricts MFHOD-1 and MFHOD-2 except as expressly distinguished in this Article. Any matter not addressed herein shall be governed by the provisions of the Zoning Bylaw applicable to underlying zoning districts. In the event of any inconsistency between the provisions of the MFHOD and any other provisions of the Zoning Bylaw, the provisions of the MFHOD shall govern. The provisions of this Zoning Bylaw pertaining to those zoning districts underlying this overlay district shall remain in effect.

§ 280-14.4 Definitions.

The definitions set forth herein shall apply solely within the MFHOD, and shall control in any instance where they may be inconsistent or conflict with other definitions in the Zoning Bylaw.

Multi-Family Housing Overlay District (MFHOD) Affordable Unit

A multi-family housing unit that is subject to a restriction in its chain of title limiting the sale price or rent, or limiting occupancy to an individual or household of a specified income, or both. Affordable units may be, but are not required to be,

eligible for inclusion on DHCD's Subsidized Housing Inventory.

Multi-Family Housing

Shall have the meaning set forth in G.L. c.40A, §1A, as it may be amended. As presently defined, "Multi-family housing" means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

Residential Dwelling Unit

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

§ 280-14.5 Use regulation.

A. Allowed Use. Land within the MFHOD may be used for either:

- 1) Multi-Family Housing, as of right, subject to the requirements set forth herein and such further requirements of the underlying zoning district that are not inconsistent with the requirements of this MFHOD; or
- 2) A use allowed in the underlying district by right or by special permit, to which the requirements of the underlying district shall apply.

Multi-Family Housing in the MFHOD shall be not subject to the requirements for a Planned Residential Development, Planned Commercial Development, or a Major Nonresidential Development of this Zoning Bylaw.

B. Site Plan Review. Site plan review shall apply to all uses in the MFHOD in accordance with § 280-9.5 Site Plan Review of the Dedham Zoning Bylaw. Where site plan review applies to Multi-Family Housing use in the MFHOD, the following further requirements shall apply in addition to those in § 280-9.5:

- 1) The Planning Board may enlist a peer review architect during the site plan review process to ensure the building design of a MFHOD project is compatible with existing community characteristics and representative of building design best practices.

§ 280-14.6 Dimensional requirements.

The following dimensional requirements shall govern Multi-Family Housing within the MFHOD. These requirements shall supersede any contrary or inconsistent requirements in the Zoning Bylaw including, but not limited to, the requirements set forth in Article IV. The requirements of § 280-4.4 and § 280-4.7 shall not apply to Multi-Family Housing in the MFHOD.

Table 11 - Multi-Family Housing Dimensional Requirements

Minimum Lot Area	MFHOD-1: 43,560 sq. ft. MFHOD-2: 43,560 sq. ft.
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Table 11 - Multi-Family Housing Dimensional Requirements

Minimum Lot Frontage	MFHOD-1: 150 ft. MFHOD-2: 150 ft.
Minimum Lot Width	MFHOD-1: 105 ft. MFHOD-2: 105 ft.
Maximum Lot Coverage	MFHOD-1: 50% MFHOD-2: 80%
Maximum Floor Area Ratio	MFHOD-1: .4 MFHOD-2: 1.0
Minimum Front, Side, and Rear Yard Requirements	MFHOD-1: 30 ft., 15 ft., 25 ft. MFHOD-2: 30 ft., 15 ft., 25 ft.
Maximum Height	MFHOD-1: 45 ft. MFHOD-2: 45 ft.
Space Between Buildings	MFHOD-1: 15 ft. MFHOD-2: 15 ft.

§ 280-14.7 Off-Street Parking Requirements. Within the MFHOD, Multi-Family Housing shall provide one off-street (1) parking space per dwelling unit.

§ 280-14.8 Parking & Loading Requirements. Within the MFHOD, Multi-Family Housing shall reasonably comply with the Parking & Loading Requirements of §280-4.1 of the Zoning Bylaw.

§ 280-14.9. Landscaping and Screening Requirements. Within the MFHOD, Multi-Family Housing shall reasonably comply with the Landscaping and Screening Requirements of § 280-5.2 of the Zoning Bylaw.

§ 280-14.11 Multi-Family Housing Overlay District (MFHOD) Inclusionary Housing. Within the MFHOD, Multi-Family Housing shall be subject to the following definitions, requirements, and preferences.

A. Definitions. The following definitions shall apply in this **§ 280-14.11**:

MULTI-FAMILY HOUSING OVERLAY DISTRICT (MFHOD) AFFORDABLE HOUSING

Shall mean housing affordable to moderate income households, as defined below.

AFFORDABLE TO PERSONS OR FAMILIES QUALIFYING AS MODERATE INCOME or MODERATE-INCOME HOUSEHOLDS

Shall mean affordable to persons in the Dedham area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development not earning more than 80% of the AMI, adjusted for household size.

MULTI-FAMILY HOUSING OVERLAY DISTRICT (MFHOD) PROJECT

A Multi-Family Housing Project developed under § 280-14.

B. Requirements. The following requirements shall apply in this **§ 280-14.11**:

- 1) All MFHOD Projects with rental dwelling units shall provide 10% of their units as Affordable Units for Affordable Housing.
- 2) The Affordable Units shall be constructed on the same site as market rate units and indistinguishably interspersed throughout the MFHOD Project. The Affordable Units shall be equal in quality, materials and character to the base level market rate units in a development.
- 3) In determining the number of moderate-income units to be provided, a fractional share of 0.4 or more shall be regarded as a whole unit and a fractional share of 0.3 or less shall require no contribution to satisfy the fractional share.

C. Preference.

- 1) The Affordable Units may be Local Action Units developed in compliance with and approved pursuant to the requirements for the same as specified by Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or successor agency, or (if approved by the Planning Board) affordable dwelling units developed under such additional programs adopted by the Commonwealth of Massachusetts or its agencies. All such affordable dwelling units shall count toward the Town of Dedham's requirements under Sections 20-23 of Chapter 40B of the General Laws of Massachusetts, and shall be listed on the Subsidized Housing Inventory (SHI) maintained by DHCD. The developer shall assist the Town in the preparation of any forms required.
- 2) To the extent permitted by applicable law, and after approval by DHCD, otherwise qualified Dedham residents shall have a first opportunity and preference for the affordable dwelling units in an Inclusionary Project. For purposes of this requirement, "Dedham residents" shall be defined as a current Town of Dedham resident (as established through certification by the Dedham Town Clerk based on census, voting registration, or other acceptable evidence), or a current employee of the Town of Dedham or business establishment located in Dedham, or households with children attending the Dedham Public Schools.

§ 280-14.12 Modification of dimensional, landscaping and parking requirements.

Where soil conditions, lot shape, topography, architectural or structural conditions make literal compliance with the dimensional, landscaping and/or parking of this Zoning Bylaw

as they concern Multi-Family Housing in the MFHOD impracticable or infeasible, the Planning Board may approve a site plan showing alternative means of complying with the objectives of the Zoning Bylaw, and may allow the use of alternative land-scaping, buffers, or parking, provided it determines that such alternatives to be in the public interest and not inconsistent with the intent and purpose of the Zoning Bylaw. For any modification, the Planning Board shall make detailed written findings of:

- A. Specific conditions that render literal compliance with the terms of this Bylaw impracticable or infeasible.
- B. The specific alternative means of complying with the terms of this Bylaw.
- C. An analysis of the manner in which the modification is in the public interest and not inconsistent with the intent and purposes of this Bylaw.

or take any other action relative thereto. *Referred to Planning Board for study and report.*

ARTICLE FIFTEEN: *By Citizens Petition of Richard Irving, et al.* To see if the Town will vote the following language, as submitted by petitioner; the Dedham Protected Aquifer Buffer for the Bridge Street Well Field should be restored to the boundaries documented by Weston & Sampson Engineers, Inc. on page 24 Figure III-H in the 1991 Dedham Open Space and Recreation Plan, or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE SIXTEEN: *By Citizens Petition of Richard Irving, et al.* To see if the Town will vote the following language, as submitted by petitioner; 280-3.1 F. Residential special permit requirement: Development projects in residential areas that meet the threshold for a Major Site Plan Review (280-9.5) shall require the applicant to present conceptual plans to Town Meeting prior to either the application for, or issuance of, a special permit, or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE SEVENTEEN: *By Citizens Petition of Richard Irving, et al.* To see if the Town will vote the following language, as submitted by petition; 280-3.1 G. Residential special permit requirement: Upon receipt of an application for a Special Permit that meets the threshold for a Major Site Plan Review (280-9.5), the Planning Department will immediately notify all residents within a 1 mile radius of the proposed project through both the Town Website and US Mail. All expenses related to such notifications shall be the responsibility of the Special Permit applicant, or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE EIGHTEEN: *By Citizens Petition of Richard Irving, et al.* To see if the Town will vote the following language, as submitted by petition; 280-3.1 H. When Zoning Bylaw legislation is to be proposed that changes the existing Zoning Bylaws of specifically identified Zoning Districts (280-2.1) the Planning Department shall have the responsibility of proactively notifying residents/occupants of the specifically identified Zoning Districts of the proposed changes at least 1 month prior to submission of such

for approval by Town Meeting, or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE NINETEEN: *By District Three Town Meeting Representatives Jason Brogan and Nancy Knight and District Seven Town Meeting Representative Steve Gasbarro.* To see if the Town will vote to amend the Dedham Zoning Bylaws, Chapter 280, modifying the definition of "MOTEL OR HOTEL", by deleting the text shown in ~~strikethrough~~ and text to be inserted showed in ***bold, italic text***, as follows:

SECTION 280-10.1 TERMS DEFINED: MOTEL OR HOTEL

A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. ~~If such hotel or motel has independent cooking facilities, such u~~ **Units** shall not be occupied by any guest for more than four continuous months, nor may the guest reoccupy any unit within 30 days of a continuous four-month stay, nor may the guest stay more than six months in any calendar year. No occupant of such hotel or motel may claim residency at such location. ***Each violation of this by-law shall be subject to a penalty of \$300 per violation, per day, and shall otherwise be enforced in accord with Section 1-6 of the General By-laws.***

or take any other action relative thereto. ***Referred to Planning Board for study and report.***

ARTICLE TWENTY: *By District One Town Meeting Representative William Shaw McDermott.* To see if the Town will vote to impose a Moratorium that is limited in duration, scope and purposes as follows:

In view of the report of the Planning Board in 1980, reflected in the Town Report of 1989; the Open Space Plan of 1991; the build out study prepared by the Metropolitan Area Planning Council ("MAPC") in 2001; the analysis prepared in the 2009 Master Plan of areas of Potential Development on vacant Residential Lane (Table 3.3); the analysis of potential development on vacant land being refined by the MAPC for the "Designing Dedham 2030" Master Plan, in light of the 26 house Planned Residential Development on Lowder Street in the SRA zoning district;

In consideration of the 43 years history since 1980 of the reduction of undeveloped land from the then calculated 2000 acres and the reduction of potentially developable residential acres in 2001 from over 880 acres to under 200 acres today, with today's remaining undeveloped acreage more evenly distributed as between zoning district Single Resident A on one hand and zoning districts Single Resident B and General Resident on the other;

In light of population trends for the town for 2020 to 2050, as reflected in the foregoing town reports and studies and, the 2014 housing study entitled "The Town of Dedham: Yesterday, Today and Tomorrow" prepared by the Northeastern University School of

Public Policy & Urban Affairs, and data from the United States Census Bureau;

And in further consideration of the need to study the effects of land development on the increased burden of traffic and constraints on water usage in the Town;

And in further consideration of the availability of federal and local sources of funding to study these critical issues of traffic and water;

Be it resolved that the Town imposes a limited Moratorium of one year in duration from the enactment of this Article on the issuance of special permits for new development projects on undeveloped residential land exceeding five acres in size, for the purpose of evaluating the impacts of land development in the town on traffic and water, or take any other action relative thereto. ***Referred to Planning Board for study and report.***

If you are unable to participate, but would like to comment or have questions, or would like to request text of the proposed amendments, please email jrosenberger@dedham-ma.gov or call 781-751-9240.