

Article __ MBTA Communities Multi-family Overlay District (MOD)

To see if the Town will vote to amend the Zoning Bylaw and Zoning District Map as follows to create a new MBTA Communities Multi-family Overlay District or to take any other action related thereto:

1. Add a new Section 6.12:

Section 6.12 **MBTA Communities Multi-family Overlay District**

6.12.1 Purpose.

The purpose of the MBTA Communities Multi-family Overlay District ("MOD") is to allow multifamily housing as-of-right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A).

6.12.2 Establishment and Applicability.

This MOD is an overlay district having a land area of approximately 65 acres in size that is superimposed over the underlying zoning districts and is shown on the Zoning Map.

6.12.2.1. Applicability of MOD. An applicant may construct multi-family housing and mixed-use development within the MOD in accordance with the provisions of this Section 6.12.

6.12.2.2. Underlying Zoning. The MOD is an overlay district superimposed on underlying zoning districts as shown on the Town's zoning map. The provisions of the Zoning Bylaw relative to use, dimensional requirements, and all other provisions of the Zoning Bylaw governing the respective underlying zoning districts shall remain in full force, except for uses allowed as of right in the MOD as established in Section 6.12.4, which shall be subject to the dimensional requirements set forth in Section 6.12.5. Uses that are not identified in Section 6.12.4.1 are governed by the requirements of the underlying zoning districts.

6.12.2.3. Sub-districts. The MOD contains the following sub-districts, all of which are shown on the Zoning Map: Main Street Mixed Use Sub-District, Burlington Avenue Sub-District, Deming Way Sub-District, and West Street Sub-District.

6.12.3 Definitions.

The following definitions apply to Section 6.12:

6.12.3.1 MBTA. Massachusetts Bay Transportation Authority.

6.12.3.2 Mixed-use development. Development containing a mix of residential uses and nonresidential uses, including, but not limited to the commercial and/or educational uses described in Section 6.12.4.1.2.

6.12.3.3 Multi-family housing. A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

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

6.12.4 Permitted Uses

6.12.4.1. Uses Permitted As-of-Right. The following uses are permitted as-of-right within the MOD.

6.12.4.1.1 Multi-family housing is permitted as-of-right in all sub-districts.

6.12.4.1.2 Mixed-use development is permitted as-of-right in the Main Street Mixed Use Sub-district, Burlington Avenue Sub-district, and West Street Sub-district. Residential use is a required component and is allowed on any floor. Ground Floor as-of-right commercial uses in a mixed-use development are as follows:

Retail store under 30,000 s.f., personal service shop, limited-service restaurant without a drive through, general service restaurant without a drive through, business/professional office, and/or educational uses.

6.12.4.2. Main Street Mixed Use Sub-district. Within the Main Street Mixed Use Sub-District, mixed-use development with a ground floor commercial use consistent with Section 6.12.4.1.2. is allowed as-of-right and encouraged to preserve the commercial, active nature of Main Street and maintain a pedestrian friendly streetscape. A height increase from two (2) to three (3) stories is allowed per Section 6.12.5.9 when the ground floor is dedicated exclusively to commercial uses per Section 6.12.4.1.2.

6.12.5 Dimensional Standards

The following dimensional standards apply to development within the MOD:

6.12.5.1 Minimum Lot Area = None

6.12.5.2 Minimum Lot Frontage in FT = None

6.12.5.3 Minimum Lot Width = None

6.12.5.4 Minimum Front Yard Setback = 20'

6.12.5.5 Minimum Side and Rear Yard Setbacks = 20'

6.12.5.6 Minimum Open Space = 20% of lot area

6.12.5.7 Maximum Building Cover = None

6.12.5.8 Maximum Height in FT = 35' in the Burlington Avenue Sub-District and Deming Way Sub-District; 40' in the Main Street Mixed Use Sub-District and West Street Sub-District.

6.12.5.9 Maximum Height in Stories = 3 stories in the Burlington Avenue Sub-District, Deming Way Sub-District and West Street Sub-District.; 2 stories in the Main Street Mixed Use Sub-District with residential only use and 3 stories in the Main Street Mixed Use Sub-District with mixed-use development when the ground floor is dedicated exclusively to commercial uses per Section 6.12.4.2.

6.12.6 Off- Street Parking Requirements and Design

The following parking requirements apply to multi-family housing and mixed-use development in the MOD.

6.12.6.1. Parking Requirements and Design Standards. The parking requirements and parking design standards of Section 6.4.1, Section 6.4.2, and Section 6.4.3 shall apply to development in the MOD except as otherwise specified below.

6.12.6.2. Main Street Mixed Use Sub-District. Multi-family housing requires one and one-half (1.5) spaces per dwelling unit, rounding up to the nearest whole number. Ground floor commercial uses per Section 6.12.4.2 have no minimum parking requirement.

6.12.6.3 Burlington Avenue Sub-District. Multi-family housing requires one and one-half (1.5) spaces per dwelling unit, rounding up to the nearest whole number. Ground floor commercial uses per Section 6.12.4.1.2 shall follow the minimum parking requirements in Section 6.4.1.1.

6.12.6.3 Deming Way Sub-District. Multi-family housing requires one and one-quarter (1.25) spaces per dwelling unit, rounding to the nearest whole number.

6.12.6.4 West Street Sub-District. Multi-family housing requires two (2) parking spaces per dwelling unit. Ground floor commercial uses per Section 6.12.4.1.2 shall follow the minimum parking requirements in Section 6.4.1.1.

6.12.7 Site Plan Review and General Development Standards

6.12.7.1 Applicability of Site Plan Review. All development within the MOD shall be subject to Site Plan Review in accordance with Section 6.5.

6.12.7.2 General Development Standards. All development within the MOD shall be subject to the following development standards.

6.12.7.2.1 Connections. Site Design shall focus on optimizing pedestrian experience. Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.

6.12.7.2.2 Vehicular access. Where feasible, curb cuts shall be minimized, and shared driveways encouraged.

6.12.7.2.3 Streetscape. Buildings shall be oriented toward the street, creating pedestrian focused frontage with amenities, and a public facing façade with primary entrances.

6.12.7.2.4 Parking. Surface parking shall be located to the rear or side of buildings. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way. Parking shall be designed in accordance with Section 6.4.2 and Section 6.12.6 as applicable.

6.12.7.2.5 Plantings. Plantings shall include species that are native or adapted to the region, and preferably drought tolerant. Shade trees shall be provided in parking areas to combat heat island effect.

6.12.7.2.6 Lighting. Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.

6.12.7.2.7 Mechanicals. Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.

6.12.7.2.8 Dumpsters. Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.

6.12.7.2.9 Waivers. Upon the request of the Applicant, the Planning Board may waive the requirements of this Section 6.12.7.2 General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MOD.

6.12.8 Affordability Requirement

6.12.8.1 Affordability Requirement. All development within the MOD shall comply with Section 6.11.

6.12.9 Severability

If any provision of this Section 6.12 is found to be invalid by a court of competent jurisdiction, the remainder of Section 6.12 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 6.12 shall not affect the validity of the remainder of the Town of Wilmington Zoning Bylaw.

2. Amend the Zoning District Map by superimposing the MBTA Communities Multi-family Overlay District on the underlying zoning on the following parcels:

Main Street Mixed Use Sub-district:

Map 42, Parcels 22, 22E, 22F, 22H, 22K, 22J, 24

Map 43, Parcels 1, 2, 3, 3A, 4, 4A, 4B

Burlington Avenue Sub-district: Map 29, Parcel 1

Deming Way Sub-district: Map 30, Parcel 1

West Street Sub-district: Map 71, Parcels 3, 5, 6, 7, 18

3. Amend Section 2.1 by adding a new category “Mixed Use Districts” after “Over 55 Housing District (O55H)”, adding “MBTA Communities Multi-family Overlay District (MOD)” to Mixed Use Districts, and moving Neighborhood Mixed Use (NM) after MOD under “Mixed Use Districts” ;
4. Amend Section 2.2, first subparagraph to read as follows: Zoning District Map of the Town of Wilmington, January 1983 revised through May 2024 (Scale 1”=1200’ consisting of a single sheet);
5. Amend Table II Standard Dimensional Regulations by adding “MBTA Communities Multi-family Overlay” between “Over 55 Housing” and “Neighborhood Business” as follows:

TABLE II STANDARD DIMENSIONAL REGULATIONS

NOTES: (1) All Standard Dimensional Regulations are subject to the definitions and conditions in corresponding provisions for dimensional regulations contained in Section 5 of this Bylaw.
(2) Special exceptions to these Dimensional Regulations are contained in Subsection 5.3 of this Bylaw.

ZONING DISTRICTS	MIN. LOT AREA SQ FT	MIN. LOT FRONTAGE IN FT	MIN. LOT WIDTH IN FT	MIN. FRON YARD IN FT	MINIMUM SIDE & REAR YARD IN	MINIMUM OPENSOURCE (%)	MAX BLDG COVER (%)	MAX HGT IN FT	MAX HGT IN STORIES
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RESIDENCE 10	10,000	100	100	30	15	--	--	35	2½
RESIDENCE 20	20,000	125	125	40	20	--	--	35	2½
RESIDENCE 60	60,000	200	200	50	25	--	--	35	2½
OVER 55 HOUSING	10 ACRE	50	50	50	50	35%	--	36	2½
MBTA COMMUNITIES MULTI-FAMILY OVERLAY	None	None	None	20	20	20%	None	See Section 6.12	See Section 6.12
NEIGHBORHOOD BUSINESS	10,000	100	100	30	15	30% in all cases and where a business or industrial use abuts a residential district or use, a landscape buffer shall be provided	35%	35	2½
NEIGHBORHOOD MIXED USE	20,000	125	125	20	20' side and rear yard in all cases provided that where such use abuts a residential district, the yard shall be increased to 50'	20% in all cases and where a business or industrial use abuts a residential district or use, a landscape buffer shall be provided	35%	35	3
GENERAL BUSINESS	20,000	125	125	20	20' side and rear yard in all cases provided that where such use abuts a residential district, the yard shall be increased to 50'	20% in all cases and where a business or industrial use abuts a residential district or use, a landscape buffer shall be provided	35%	35	3
CENTRAL BUSINESS	10,000	40	40	5	20' where such use abuts a residential district, 20' rear yard in all cases, 0 ft for a side yard where such a use abuts a commercial use	None, however, where such use abuts a residential district or use a landscape buffer consistent with §5.2.6.1 shall be provided	50%	40	3

GENERAL INDUSTRIAL	20,000	125	125	50	20' side and rear yard that where such use abuts a residential district the yard shall increase to 50'	30% in all cases and where a business or industrial use abuts a residential district, a landscape buffer shall be provided	35%	40	3
HIGHWAY INDUSTRIAL 80,000	80,000								
LIGHT INDUSTRIAL/OFFICE	20,000								

6. Amend Table 1 Principal Use Regulations by inserting the MOD between NM and NB and adding corresponding as of right uses (shown in red) as follows:

TABLE 1 PRINCIPAL USE REGULATIONS

NOTE: All principal uses are subject to definitions and conditions in corresponding classification of uses contained in Section 3 of this Bylaw. Further, special permits allowed by this bylaw may be subject to minimum special permit; see Section 3.8.

PRINCIPAL USES		RESIDENTIAL DISTRICTS				MIXED USE		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS			SITE PLAN REV	GW PD
		R10	R20	R60	O55	NM	MOD	NB	GB	CB	GI	HI	LI/O		
3.2		EXTENSIVE USES													
3.2.1	Agriculture	Yes	Yes	Yes		Yes		Yes	Yes	No	Yes	Yes	Yes	NR	*
3.2.2	Greenhouses	No	SP	SP		Yes		SP	Yes	No	Yes	Yes	Yes	R	*
3.2.3	Conservation	Yes	Yes	Yes		Yes		Yes	Yes	No	Yes	Yes	Yes	NR	*
3.2.4	Recreation	SP	SP	SP		Yes		SP	Yes	No	Yes	Yes	Yes	R	*
3.2.5	Earth Removal	Yes	Yes	Yes		Yes		Yes	Yes	No	Yes	Yes	No	NR	*
3.3		RESIDENTIAL USES													
3.3.1	Single Family Dwelling	Yes	Yes	Yes		No		Yes	No	No	No	No	No	NR	*
3.3.2	Accessory Apartments	Yes	Yes	Yes		No		Yes	No	No	No	No	No	N	*
3.3.3	Community Housing Facility	SP	SP	SP		SP		SP	SP	SP	No	No	No	NR	*
3.3.4	Municipal Building Reuse	SP	SP	SP		SP		SP	SP	SP	No	No	No	NR	*
3.3.5	Multi-Family Housing	No	No	No		PB	Yes	No	No	PB	No	No	No	R	*
3.3.6	Over 55 Housing	No	No	No	PB	No		No	No	No	No	No	No	R	*
3.4		GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES													
3.4.1	Municipal Use	Yes	Yes	Yes		Yes		Yes	Yes	Yes	Yes	Yes	Yes	NR	*
3.4.2	Educational	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR	*
3.4.3	Religious	Yes	Yes	Yes		Yes		Yes	Yes	Yes	Yes	Yes	Yes	NR	*
3.4.4	Philanthropic	SP	SP	SP		Yes		Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.4.5	Nursery School	SP	SP	SP		Yes		Yes	Yes	Yes	No	No	No	R	*
3.4.6	Hospital & Nursing Home	No	No	No	No	No		No	No	No	SP	SP	No	R	*
3.4.7	Public Service Utility	SP	SP	SP		Yes		Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.4.8	Wireless Communications **	No	No	No		No		No	SP	No	SP	SP	SP	R	*
3.5		BUSINESS USES													
3.5.1.1	Retail Store under 30,000 sf	No	No	No		Yes	Yes	Yes	Yes	Yes	SP	SP	SP	R	*
3.5.1.2	Retail Store over 30,000 sf	No	No	No		No		No	No	No	No	SP	SP	R	*
3.5.2	Business/Professional Office	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.3	Bank	No	No	No		Yes		Yes	Yes	Yes	Yes	Yes	Yes	R	*
3.5.4	Limited Service Restaurant	No	No	No		SP	Yes	No	SP	Yes	SP	Yes	SP	R	*
3.5.5	General Service Restaurant	No	No	No		Yes	Yes	No	Yes	Yes	No	Yes	No	R	*
3.5.6	Hotel or Motel	No	No	No		SP		No	SP	SP	SP	SP	SP	R	*
3.5.7	Lodge and Club	No	No	No		Yes		SP	Yes	Yes	Yes	Yes	Yes	R	*

3.5.8	Funeral Home	PB	No	No	Yes	No	Yes	No	No	No	No	No	R	*
3.5.9	Veterinary Care	No	No	No	SP	No	SP	SP	SP	SP	SP	SP	R	*
3.5.10	Personal Service Shop	No	No	No	Yes	Yes	Yes	Yes	No	Yes	No	R	*	*
3.5.11	Craft Shop/Bldg Trade	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	*	*
3.5.12	Commercial/Trade School	No	No	No	Yes	SP	Yes	SP	Yes	Yes	Yes	R	*	*
3.5.13	Amusement Facility	No	No	No	No	No	Yes	SP	Yes	Yes	Yes	R	*	*
3.5.14	Auto Service /Car Wash	No	No	No	No	No	SP	No	No	No	No	R	*	*
3.5.15	Auto Repair/Body Shop/Rental	No	No	No	No	No	SP	No	SP	SP	No	R	*	*
3.5.16	Vehicular Dealership	No	No	No	No	No	SP	No	No	No	No	R	*	*
3.5.17	Parking Facility	No	No	No	Yes	No	Yes	Yes	Yes	Yes	Yes	R	*	*
3.5.18	Adult Uses***													
3.5.19	Pet Care Facility	No	No	No	PB	No	PB	No	PB	PB	No	R	*	*
3.5.20	Reg. Marijuana Dispensary	No	No	No	No	No	No	No	PB	PB	No	R	*	*
3.5.21	Brew Pub	No	No	No	Yes	No	Yes	Yes	No	Yes	No	R	*	*
3.6	INDUSTRIAL USES													
3.6.1	Warehouse	No	No	No	No	No	No	No	Yes	Yes	Yes	R	*	*
3.6.2	Bulk Material Storage/Sales	No	No	No	No	No	No	No	Yes	Yes	No	R	*	*
3.6.3	Heavy Vehicular Dealer/Repair/Rental	No	No	No	No	No	No	No	SP	SP	No	R	*	*
3.6.4	Light Industrial	No	No	No	No	No	No	No	Yes	Yes	Yes	R	*	*
3.6.5	Limited Manufacturing	No	No	No	No	No	No	No	SP	SP	SP	R	*	*
3.6.6	General Manufacturing	No	No	No	No	No	No	No	SP	SP	No	R	*	*
3.6.7	Research and Development	No	No	No	No	No	No	No	SP	Yes	No	R	*	*
3.7	PROHIBITED USES													
3.7.1	Prohibited Uses	No	No	No	No	No	No	No	No	No	No	NR	*	*
3.7.2	Marijuana Establishments	No	No	No	No	No	No	No	No	No	No	NR	*	*

*Uses within the Ground Water Protection Districts may be subject to additional regulation. See Section 6.6 Ground Water Protection Districts.

**Monopoles allowed by SP on Town-owned land; and attachments allowed by SP on existing structures in all zoning districts.

***Overlay District. See Section 6.7

7. Amend Section 6.5.3 by adding the following to the end of the second paragraph: "Final action on site plans for allowed uses per Table 1 Principal Use Regulations shall be limited to approval or approval with the imposition of reasonable conditions."

8. Remove current Section 6.11 Inclusionary Housing and replace with the following:

6.11 **Inclusionary Housing**

6.11.1 **Purpose and Intent**

The purpose of this Inclusionary Housing Bylaw is to:

- a. Expand and diversify the Town of Wilmington's housing stock to provide more varied housing options;
- b. Increase the supply of housing that is affordable to low-income and very low-income households;
- c. Develop and maintain housing that is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

It is the intent of this Section that affordable housing units created pursuant to this Bylaw shall qualify for inclusion in the Chapter 40B Subsidized Housing Inventory (SHI) under the regulations and guidelines of the Massachusetts Executive Office of Housing and Livable

Communities (EOHLC). It is the intent that all housing will comply with federal and state fair housing laws.

6.11.2 Definitions

In this Section the following terms shall have the following meanings:

- 6.11.2.1 **Affordable Housing Units** – Housing units that are restricted for sale or rent to individuals and families within specific income ranges and sales prices which meet the EOHLC and M.G.L. Chapter 40B requirements for inclusion in the Town's SHI.
- 6.11.2.2 **Applicant** – A person or entity who applies for a special permit under this Section. "Applicant" shall include an owner, or his/her/their agent or representative, or his/her/their assigns.
- 6.11.2.3 **Area Median Income** – The median income for households within the designated metropolitan statistical area that includes the Town of Wilmington, as reported annually and adjusted for household size by the United States Department of Housing and Urban Development for the Boston Metropolitan Statistical Area.
- 6.11.2.4 **Board** – Town of Wilmington Planning Board, who shall serve as the Permit Granting Authority for projects subject to this Section.
- 6.11.2.5 **Eligible Household** – Any household whose total income is at or below eighty (80) percent of the area median income adjusted for household size.
- 6.11.2.6 **EOHLC – Massachusetts Executive Office of Housing and Livable Communities**
- 6.11.2.7 **Local Initiative Program (LIP)** – A program administered by EOHLC pursuant to 760 CMR 45.00 to develop and implement local housing initiatives that produce low- and moderate-income housing, with or without a comprehensive permit as defined in M.G.L. Chapter 40B, Sections 20-23.
- 6.11.2.8 **Low-Income Household** – Household with income that does not exceed eighty (80) percent of the area median income adjusted for household size as determined by the United States Department of Housing and Urban Development, then in effect.
- 6.11.2.9 **Market-Rate Housing Units** – Housing units that are not restricted to certain rent or sale prices.
- 6.11.2.10 **M.G.L.** – The General Laws of Massachusetts. In case of a rearrangement of the General Laws, any citation or particular sections of the General Laws shall be applicable to the corresponding sections in the new codification.
- 6.11.2.11 **Off-Site Unit** – An affordable housing unit produced by the applicant on a site other than the primary residential development.
- 6.11.2.12 **Subdivision** – Any subdivision as defined in the Subdivision Control Law (M.G.L. Chapter 41, Sections 91K-GG), or any division of land under M.G.L. Chapter 41, Section 81P, into lots for residential use, and as defined in the Town of Wilmington Subdivision Rules and Regulations.
- 6.11.2.13 **Subsidized Housing Inventory (SHI)** – The EOHLC Chapter 40B Subsidized Housing Inventory as provided in 760 CMR 31.04.
- 6.11.2.14 **This Section** –Section 6.11 of the Town of Wilmington Zoning Bylaws in its entirety.

6.11.2.15 **Town** – The Town of Wilmington.

6.11.2.16 **Very Low-Income Household** – Household with income that does not exceed fifty (50) percent of the area median income adjusted for household size as determined by the United States Department of Housing and Urban Development, then in effect.

6.11.3 **Applicability**

This Section applies to construction of at least six (6) new dwelling units in the Neighborhood Mixed Use District, Central Business District, or MBTA Communities Multi-family Overlay District (MOD).

New residential development in a Conservation Subdivision Design can provide affordable housing units should the applicant volunteer, and therefore be subject to this Section.

Developments may not be segmented or phased to avoid compliance with this Section. Unless otherwise directed by the Board as a condition of approval, all affordable housing units shall be developed/provided concurrently and proportionately with the development of market-rate housing units. Segmenting land or properties over any ten-year period with the effect of avoiding inclusionary housing requirements by either subdividing one parcel of land into two parcels of land or dividing a project that would otherwise be subject to this Section into phases in such a way that would not result in the creation of affordable housing units shall be prohibited. Said ten-year period shall be measured from and to the dates of Building Permit applications.

A Building Permit will not be issued for a development subject to this Section unless the applicant provides the percentage of the total dwelling units in the development as affordable housing units as described herein.

6.11.4 **Site Plan Review**

The development of any project under this Section shall be reviewed by the Planning Board during the Site Plan Review process.

6.11.5 **Provision of Affordable Housing Units**

Affordable housing units shall be provided at a minimum for low-income households, and providing housing units for very low-income households is strongly encouraged when possible. Nothing in this Section shall preclude an applicant from providing additional affordable housing units, or greater affordability, or both, than the minimum requirements.

6.11.5.1 **Percentage Requirement**

In any development subject to this Section at least fifteen (15) percent of the dwelling units shall be affordable to eligible households. If EOHLC determines in writing that the Town has not shown this 15% requirement to be feasible in the MOD, at least 10% of the dwelling units in any development containing 10 or more units in the MOD shall be inclusionary dwelling units with household income limited to 80% of the area median income and eligible for inclusion on the Subsidized Housing Inventory.

The affordability requirements of this Section do not apply to density bonus unit(s) (Section 6.11.5.2).

In the event that a development providing on- or off-site units has a fractional affordable housing unit of 0.5 or greater, it shall be rounded up to the next whole number. In the

event that the fractional affordable housing unit is less than 0.5, the applicant may choose whether or not to round up to the next whole number.

6.11.5.2 Density Bonus

The Board may allow an increase in the total number of market-rate housing units by a number equal to the required affordable housing unit(s), not to exceed ten (10) bonus market-rate housing units. The allowed units per acre or lot coverage may be increased, parking requirements may be decreased, and/or open space may be reduced by the amount necessary to permit the bonus market-rate housing units. The affordability requirements of this Section do not apply to density bonus unit(s). Provided, however, the open space should not be reduced to an amount less than twenty (20) percent of the lot.

A density bonus is not permitted within the MOD.

The chart below illustrates the calculation of new market-rate, affordable and bonus housing units.

Total Number of Housing Units Proposed	Number of Affordable Housing Units Required	Number of Market-Rate Housing Units	Bonus Market-Rate Housing Units	New Total Market-Rate Housing Units (with Bonus)	New Total Units (Market-Rate & Affordable)	Effective Affordable Housing Unit Percentage
6	1	5	1	6	7	14.3%
10	2	8	2	10	12	16.7%
12	2	10	2	12	14	14.3%
15	2	13	2	15	17	11.8%
20	3	17	3	20	23	13%
25	4	21	4	25	29	13.8%
30	5	25	5	30	35	14.3%

6.11.5.3 Methods of Providing Affordable Housing Units

On-site units are the preferred method of providing affordable housing units under this Section.

As an alternative to on-site provision of affordable housing units, an applicant subject to this Section may also be allowed by the Board to develop, construct, rehabilitate or dedicate affordable housing units off-site, only in unique and extraordinary circumstances, for which the applicant must provide a narrative to meet this criterion.

All requirements of this Section that apply to on-site provision of affordable housing units shall apply to provision of off-site affordable housing units, except as provided for in Section 6.11.6.2.b.

6.11.6 Siting and Design

6.11.6.1 Siting and Type of Affordable Housing Units

On-site affordable housing units constructed or otherwise provided under this Section shall be proportionately distributed throughout the project in terms of both location and unit size/type. For example, a development consisting of a mix of single-family homes, townhouses, and a small apartment building shall include affordable housing units of each housing type. On-site affordable housing units shall also, on average, be as

accessible to common amenities, such as open space or services, as the market-rate housing units in the same development.

Applications to the Planning Board shall include a plan showing the proposed locations of the affordable housing units.

6.11.6.2 Minimum Design and Construction Standards

On- and off-site affordable housing units shall comply with the EOHLC LIP's minimum design and construction standards for SHI as they may be amended. Requirements for the following conditions shall be complied with as specified, in addition to compliance with the above.

- a. New construction of market-rate and affordable housing units. Affordable housing units shall be comparable in size, number of bedrooms, design, appearance, construction and quality of materials with market-rate housing units, though designer and high-end finishes, fixtures and appliances are not required. Mechanical systems and energy efficiency shall conform to the same specifications as apply to the market-rate housing units. Affordable housing units shall have the same floor area as the median market-rate housing units of the same number of bedrooms. The number of bedrooms in affordable housing units shall be comparable to the bedroom mix in market-rate housing units in the development, unless otherwise required to count on the SHI.
- b. Affordable housing units provided on- or off-site by restricting existing homes as affordable housing units, rather than creating new construction. Units do not have to appear similar in terms of design and appearance to market-rate housing units. Home inspections by a licensed inspector are required, and all systems and major items must have more than ten (10) years of useful life remaining.

6.11.7 Marketing and Affordability of Affordable Housing Units

6.11.7.1 Marketing Plan

Applicants under this bylaw shall submit a marketing plan which describes how the affordable housing units will be marketed to potential homebuyers. The plan shall meet all requirements of EOHLC and applicable state and federal laws and regulations so that the affordable housing units are eligible to be placed on the Town's SHI. No Building Permit for any units in the development subject to this Section shall be issued until the marketing plan is approved by EOHLC.

6.11.7.2 Local Preference

The maximum local preference units under EOHLC guidelines shall be provided.

6.11.7.3 Income Requirements and Selling/Renting Prices

The maximum housing purchase price or rent for affordable housing units created under this Section shall be consistent with affordability guidelines established by EOHLC or a successor agency for eligible households, and shall not exceed the maximum purchase price or rent guidelines of the program used to qualify affordable housing units for inclusion on the SHI.

6.11.7.4 Preservation of Affordability

As a condition of development, all affordable housing units provided under this Section shall be subject to an affordable housing restriction in a form consistent with LIP or any other applicable guidelines issued by EOHLC, acceptable to the Planning Board, and that ensures affordable housing units can be counted toward Wilmington's SHI. The affordable housing restriction shall run with the land and be in force in perpetuity or for the maximum period allowed by law, and be enforceable under the provisions of M.G.L. Chapter 184, Section 26 or Sections 31 and 32.

The affordable housing restriction shall contain limitations on use, occupancy, resale price and rents, and provide for periodic monitoring, by the Town or its designee as named in the deed rider as the monitoring agent, to verify compliance with and enforce said restriction. The purchaser of an affordable housing unit developed under this Section shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by EOHLC, granting, among other things, the Town, or its designee, a right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

The affordable housing restriction shall provide that in the event that any affordable rental unit is converted to a condominium unit, the condominium unit shall be restricted in perpetuity to ensure that it remains affordable to households in the same income range as prior to the condominium conversion.

The occupancy permit for any units in the development shall not be issued until the Regulatory Agreement in a form and format acceptable to the Town and EOHLC is recorded at the Registry of Deeds or Registry District of the Land Court, and a copy provided to the Planning Board.

The affordable housing restriction shall provide that initial sales and rentals of affordable housing units and subsequent re-sales and re-rentals shall comply with federal, state and local fair housing laws, regulations, and EOHLC LIP guidelines.

The applicant shall be responsible for preparing and complying with any documentation that may be required by EOHLC to qualify affordable units for listing on the Chapter 40B SHI as LIP units.

6.11.8 Fees

The applicant shall be responsible for all consultant fees, including engineering, architectural, legal, housing consultant and planning fees, incurred by the Planning Board in connection with the application, review of relevant plans and documents, and ensuring that the affordable housing units are included on the Town's SHI.

6.11.9 Conflict with Other Bylaws or Sections

The provisions of this Section shall be considered supplemental of existing sections of the Wilmington Zoning Bylaw. To the extent that a conflict exists between this Section and others, the more restrictive section, or provisions therein, shall apply.

6.11.10 Severability

In the event that one or more of the provisions of this Section are found or determined to be illegal or unenforceable, or held invalid by a court of competent jurisdiction, such finding shall not affect the validity of any other provisions of this Section, which provisions will remain in full force and effect.