

Proposed Zoning Bylaw Amendment
Mill Conversion Overlay District, Definitions, Use Chart
For Fall 2020 Town Meeting

To see if the Town will vote to amend the Dudley Zoning Bylaws, Section 3.10.00, Mill Conversion Overlay District. by amending Subsections 3.10.05, 3.10.07.L, 3.10.08.D and 3.10.10; Section VI, Definitions, Subsection 6.01.00; and Section II, Use and Density Restrictions, Subsection 2.03.02, Use by District Chart,

By deleting text that is struck-through and inserting text that is underlined as follows, or take any other action relative thereto:

Subsection 3.10.05 Permitted Uses

Within a MCP, residential use or assisted living facility shall be permitted in conjunction with one or more of the following specified non-residential uses, by special permit:

- A. Commercial (restaurant, retail sales or services, business or professional offices, bank or financial office, indoor commercial recreation, event center, community facility, or office establishment);
- B. Institutional (museum, educational use, charitable or philanthropic institution, municipal use, club or lodge);
- C. Recreational (indoor commercial recreation); and
- D. Appropriate accessory uses.

3.10.07 Standards

- L. Affordable Dwelling Units: For a period not less than thirty (30) years, a minimum of ten percent (10%) of the total number of dwelling units shall be restricted to persons qualifying as low or moderate income in accordance with the Massachusetts Department of Housing and Community Development definitions of low and moderate income. The following additional criteria shall apply:
 - 1. Affordable units shall be integrated into the overall development of the MCP so as to prevent the physical segregation of units.
 - 2. Town Counsel shall approve the use restriction or re-sale controls as to form. The restriction or re-sale controls shall adequately specify material provisions for affordability, monitoring and enforcement. A right of first refusal upon the transfer of such restricted ownership units shall be granted to the Dudley Housing Authority for a period not less than one hundred- twenty (120) days after notice thereof.
 - 3. If no federal or state subsidy is used to fund the creation of the affordable units, the Planning Board may require the applicant to submit an application to the Local Initiatives Program so that the units can be added to the Chapter 40B Subsidized Housing Inventory maintained by the Massachusetts Department of Housing and Community Development (DHCD).

4. An Applicant may, in conjunction with filing a complete application for a Special Permit for a MCP, submit a written request to the Board of Selectmen and Planning Board seeking a waiver from the requirements for Affordable Dwelling Units as set forth in this Subsection. The waiver request shall first be submitted to the Board of Selectmen for a favorable recommendation to the Planning Board. Following receipt of such favorable recommendation from the Board of Selectmen, the Planning Board may grant such waiver by a majority vote. Such waiver shall be based upon a favorable finding of one or more of the following factors which consider the extent to which a proposed Mill Conversion Project (MCP):
- will preserve some or all of an historic building(s);
 - is suitable for the site for the proposed use(s);
 - serves the social, economic, or housing needs of the Town;
 - is compatible with the character of neighboring properties; and
 - impacts the Town's fiscal responsibilities; including impact on Town services, tax base, and employment.

3.10.08 Number of Dwelling Units

- D. Number of affordable units, beyond the minimum required, proposed by the applicant unless a waiver is granted pursuant to Section 3.10.07(4) above.

3.10.10 Action by the Planning Board

The Planning Board must act on the special permit application within ninety (90) days of ~~submittal of the completed application~~ the close of the public hearing. A four-fifths (4/5) vote of the Planning Board shall be required to grant the special permit. The Planning Board may grant a special permit for a Mill Conversion project if it determines that the proposed project complies with the requirements of this Bylaw. The Planning Board shall consider the following when making its determination:

- Degree to which the proposed project complies with the goals of the *Dudley, Massachusetts Master Plan*;
- Suitability of the site for the proposed use(s);
- Social, economic, or community needs which are served by the proposal;
- Impact on traffic and pedestrian flow and safety;
- Adequacy of utilities and other public services;
- Impact on the neighborhood visual character;
- Impact on the natural environment; and
- Potential fiscal impact₃, including impact on Town services, tax base and employment.

Section VI Definitions, Subsection 6.01.00

Insert new definitions for Community Facility and Event Center, as follows:

Community Facility - A public or private-non-profit use which is primarily intended to serve the recreational, educational, cultural, administrative, or entertainment needs of the community. (See also Public Utility in the Use by District Chart.)

Event Center –A multi-purpose venue for hosting special events such as graduations, weddings, anniversaries, holiday gatherings, trade shows, corporate functions, parties, concert settings, and similar affairs. An event center may have a catering kitchen, indoor and/or outdoor seating and a stage or event area.

Section II, Use and Density Restrictions, Subsection 2.03.02, Use by District Chart

Activity or Use	RES 10	RES 15	RES 30	RES 43	RES 87	BUS 15	IND 43	IND 130	LI 43	LI 87
COMMERCIAL										
<u>Community Facility</u>	<u>P-SPR</u>									
<u>Event Center</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>P-SPR</u>	<u>P-SPR</u>	<u>P-SPR</u>	<u>P-SPR</u>	<u>P-SPR</u>