

Town of Lunenburg

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I, Kathryn M. Herrick, Town Clerk, hereby certify that at the Annual Town Meeting of the inhabitants of the Town of Lunenburg held November 18, 2025 the following action was taken:

ARTICLE 13. VOTED (Yes 67, No 9, Abstain 1) to amend the Code of Lunenburg, Chapter 250, being the Town's "Protective Bylaw," so as to bring it into compliance with the MBTA Communities Act, being M.G.L. Chapter 40A, Section 3A, by adding a new Section 4.19 thereto, entitled "Multi-family Overlay District," as printed in the November 18, 2025 Special Town Meeting Warrant Booklet, but with the following additional amendments: (i) replacing all references to "site plan review" with references to "site plan approval"; (ii) deleting Subsection D(2)(b), relative to certain as-of-right accessory uses; and (iii) adding to the end of Subsection G(6), relative to waivers, the phrase "with a finding that the requested waivers serve a public good." Act, being M.G.L. Chapter 40A, Section 3A, by adding a new Section 4.19 thereto, entitled "Multi-family Overlay District," as follows:

Section 250-4.19 Multi-family Overlay District.

A. Purpose

The purpose of the Multi-family Overlay District (MOD) is to allow multi-family housing at a density of 26.1 units per acre as of right per Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. Promote public health, safety and welfare by encouraging the production of various housing sizes and types to provide equal access to new housing throughout the community to meet the various needs for people and households of all incomes, ages and sizes.
2. Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.
3. Increase the municipal tax base through private investment in new residential developments.

B. Establishment and Applicability

This MOD is an overlay district superimposed over the underlying zoning district and is shown on the Zoning Map.

1. **Underlying Zoning.** The MOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right in the MOD. Uses not identified in Section 250-4.19 are governed by the underlying zoning district(s) requirements.

2. Density Protection. The Planning Board shall have the authority to modify any conflicting dimensional or design standards imposed by other sections of the zoning by-law if such standards would result in a reduction of the base density of 26.1 units per acre for multifamily housing within the MOD.

C. Definitions.

For Section 250-4.19, the following definitions shall apply. See Section 250-2 of the Zoning By-laws for all other definitions.

1. Affordable unit. A multi-family housing unit that is subject to a use restriction recorded 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.
2. Affordable housing. Housing that contains Affordable Units eligible for listing in the EOHLC's Subsidized Housing Inventory.
3. Applicant. A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
4. Area Median Income (AMI). The median family income for the Fitchburg-Leominster, MA statistical region includes the Town of Lunenburg as defined by the U.S. Department of Housing and Urban Development (HUD).
5. As of right. Development that may proceed under the Zoning in place at the time of application without needing a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
6. Building coverage. The maximum area of the lot can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
7. Compliance Regulations. Compliance Regulations for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time - see 760 CMR 72.00: MULTI-FAMILY ZONING REQUIREMENT FOR MBTA COMMUNITIES.
8. EOHLC. The Executive Office of Housing and Livable Communities (formerly Department of Housing and Community Development, also known as DHCD) or any successor agency.
9. Development standards. Provisions of Section 250-4.19.G. General Development Standards made applicable to projects within the MOD.
10. MBTA. Massachusetts Bay Transportation Authority.
11. 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.
12. Multi-family zoning district. A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
13. Open space. Contiguous undeveloped land within a parcel boundary.
14. Parking, structure. A building used for the storage of motor vehicles in two or more tiers or levels. Parking Structure does not include underground parking.
15. Parking, surface. One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for this definition.
16. 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.
17. Section 3A. Section 3A of Chapter 40A of the Massachusetts General Laws.

18. Site plan review authority. The Planning Board is responsible for Site Plan Approval within the MOD.

19. Special permit granting authority. The Special Permit Granting Authority shall be the Zoning Board of Appeals for the issuance of special permits in the MOD.

20. Subsidized Housing Inventory (SHI). A list of qualified Affordable Housing Units maintained by the Executive Office of Housing and Livable Communities (EOHLC) used to measure a community's stock of low-or moderate-income housing for M.G.L. Chapter 40B, the Comprehensive Permit Law.

D. Permitted Uses

1. Uses Permitted As of Right. The following uses are permitted as of right within the MOD: Multi-family housing, up to 26.1 units per acre. See Section 4 of the Zoning By-laws for all other uses allowed as of right in the underlying zones.

2. Accessory Uses. The following uses are considered accessory as of right to any of the permitted uses in Section 250-4.19.D.

a. Parking, including surface parking on the same lot as the principal use.

b. As of right accessory uses appropriate to the above permitted uses, per Section 3 of the Zoning By-laws for uses allowed as a right or special permit in the underlying zones.

E. Dimensional Standards

1. Dimensional Standards. Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the MOD are as follows:

Minimum Front Yard: 40 feet

Minimum Side Yard: 25 feet

Minimum Rear Yard: 25 feet

Maximum Height: 38 feet

Minimum Open Space: At least 10% of the total site area shall be devoted to open space; required setbacks shall be considered as part of the total area required for open space. The required open space shall not be used for parking or loading purposes and shall be open and unobstructed to the sky. Items such as benches, walkways, planters, landscaping, kiosks, gazebos and similar structures shall not be considered obstructions.

2. Multi-Building Lots. In the MOD, lots may have more than one principal building.

3. Exceptions. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.

F. Off-Street Parking

Multifamily development in the MOD shall provide two parking spaces per dwelling unit. Stand-alone Parking Structures are prohibited.

G. General Development Standards

1. Development standards in the MOD are applicable to all multi-family and mixed-use development. These standards are components of the Site Plan Review process in Section 250-4.19.J. Site Plan Review.

2. Site Design.

a. Connections. Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.

- b. **Vehicular Access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
- c. **Screening for Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than 6 (six) feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
- d. **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure. Pervious materials are encouraged.
- e. **Open Space and Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- f. **Lighting.** All exterior lighting shall be Dark Sky-compliant, employing fully shielded, full-cutoff LED luminaires and meeting current Illuminating Engineering Society (IES) design recommendations for the intended use; fixtures shall be mounted and aimed to prevent glare, light trespass onto adjoining properties, and skyglow, and shall utilize controls (timers, dimming and/or motion sensors) to reduce illumination outside operating hours.
- g. **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.
- h. **Dumpsters.** Outdoor dumpsters will be enclosed on all sides by a building, fence, and/or wall that has a landscaping buffer on at least 2 of the non-gated sides.
- i. **Stormwater Management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, the Town's Stormwater Bylaw, as amended, and, if applicable, additional requirements under the Town of Lunenburg MS4 permit.

3. **Buildings: Multiple Buildings on a Lot.**

- a. **Parking and circulation on the site** shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way. The minimum horizontal distance between any two curb cuts on the same lot shall be no less than 100 feet.
- b. **A paved pedestrian network** shall connect parking to the entries to all buildings and the buildings to each other and all walkways and connections shall meet accessibility standards.
- c. **The orientation of multiple buildings on a lot** should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials. The relationship of the buildings to the site, including the siting of buildings, structures and open spaces, shall be designed to permit passive solar energy and to permit maximum protection of pedestrian areas from adverse impact of winds, vapors or other emissions, shadows and/or noise. The minimum horizontal distance between any two principal buildings on the same lot shall be no less than 40 feet.
- d. **The building(s) adjacent to the public street** shall have a pedestrian entry facing the public street.

4. Buildings: Shared Outdoor Space. Multi-family housing shall have common outdoor space that all residents can access. Such space may be in any combination of the courtyard, rooftop, or terrace.
5. Buildings: Principal Façade and Parking. Parking shall be subordinate in design and location to the principal building façade while minimizing the extent of impervious surface. Vehicular parking spaces and garage doors shall be located behind the primary plane of the principal building façade.
 - a. Surface Parking. Surface parking shall be located at the rear or side of the principal building. For the purposes of this section, a side location must be behind the primary plane of the principal building façade and must be screened from the public right-of-way by landscaping or fencing. Parking shall not be located in the required front setback between the building and any lot line adjacent to the public right-of-way.
 - b. Integrated Garages. Garage doors for residential units are prohibited on any principal façade that faces a public street. Integrated garages are permitted on a side or rear façade, including garage doors for ramps to underground parking.
6. Waivers. Upon the request of the Applicant and subject to compliance with the Compliance Regulations, the Site Plan Review Authority may waive the requirements of this Section 250-4.19.G. General Development Standards.

H. Affordability Requirements.

1. Purpose.
 - a. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
 - b. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
 - c. Increase the production of affordable housing units to meet existing and anticipated housing needs; and
 - d. Work to overcome economic segregation allowing the Town of Lunenburg to be a community of opportunity in which low and moderate-income households have the opportunity to advance economically.
2. Applicability. This requirement is applicable to all residential and mixed-use developments with 2 or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion. No project may be divided or phased to avoid the requirements of this section.
3. Affordability requirements. Subsidized Housing Inventory: All units affordable to households earning 80% or less of AMI created in the MOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory.
4. Provision of Affordable Housing. In Applicable Projects, 10% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to 80% of the AMI.
5. Development Standards. Affordable Units shall be:
 - a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
 - b. Dispersed throughout the development;

- c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
- d. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
- e. Distributed proportionately among unit sizes; and
- f. Distributed proportionately across each phase of a phased development.
- g. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

6. Administration. The Lunenburg Housing Authority or another qualified housing entity as designated by the Planning Board shall be responsible for administering and enforcing the requirements in this section.

J. Site Plan Review

1. Applicability. Site Plan Review is required for any multifamily projects in the MOD. An application for Site Plan Review shall be reviewed by the Planning Board for consistency with the purpose and intent of this Section.

2. Submission Requirements. As part of any application for Site Plan Review for a project within the MOD submitted under this Section, the Applicant must submit the following documents:

- a. Application and fee for Site Plan Review.
- b. Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by Lunenburg for Site Plan Review.
- c. Elevations of the building(s) showing the architectural design of the building.
- d. All site plans shall be prepared by a certified architect, landscape architect, and a registered professional engineer registered in the Commonwealth of Massachusetts. A certified landscape architect registered in the Commonwealth of Massachusetts shall prepare all landscape plans. A certified architect registered in the Commonwealth of Massachusetts shall prepare all building elevations. All plans shall be signed and stamped, and drawings prepared at a scale of one-inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the Permitting Authority.

3. Site Plan Approval. Site Plan approval for uses listed in Section 250-4.19.D. Permitted Uses shall be granted upon the determination by the Planning Board that the following conditions have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the applicant's expense, to ensure that these conditions have been satisfied.

- a. The Applicant has submitted the required fees and information as outlined in Lunenburg's requirements for a Building Permit and Site Plan Review
- b. The project described in the application meets the development standards outlined in Section 250-4.19.G. General Development Standards.

4. Project Phasing. An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Section 250-4.19.H. Affordability Requirements.

K. Severability.

If any provision of this Section 250-4.19 is found to be invalid by a court of competent jurisdiction, the remainder of Section 250-4.19 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 250-4.19 shall not affect the validity of the remainder of Lunenburg's Zoning. Or take any other action relative thereto. Finance Committee: No Direct Financial Impact. Select Board recommends Approval (4-1).

A true copy attest:

Kathryn M. Herrick, Town Clerk

November 19, 2025