

**About 40R/ 40S**

The Smart Growth Zoning Overlay District Act, Chapter 149 of the Acts of 2004, codified as M.G.L. chapter 40R (the Act), encourages communities to create dense residential or mixed-use smart growth zoning districts, including a high percentage of affordable housing units, to be located near transit stations, in areas of concentrated development such as existing city and town centers, and in other highly suitable locations.

Projects must be developable under the community's smart growth zoning adopted under Chapter 40R, either as-of-right or through a limited plan review process akin to site plan review.

Upon state review and approval of a local overlay district, communities become eligible for payments from a Smart Growth Housing Trust Fund, as well as other financial incentives.

Chapter 40R seeks to substantially increase the supply of housing and decrease its cost, by increasing the amount of land zoned for dense housing. It targets the shortfall in housing for low- and moderate-income households, by requiring the inclusion of affordable units in most private projects. Further information about 40R can be found here:

[http://www.mass.gov/?pageID=ehedterminal&L=3&L0=Home&L1=Community+Development&L2=Community+Planning&sid=Ehed&b=terminalcontent&f=dhcd\\_cd\\_ch40r\\_ch40r&csid=Ehed](http://www.mass.gov/?pageID=ehedterminal&L=3&L0=Home&L1=Community+Development&L2=Community+Planning&sid=Ehed&b=terminalcontent&f=dhcd_cd_ch40r_ch40r&csid=Ehed)

Chapters 40R and 40S serve to reimburse cities and towns for the additional costs of educating new school-age children in smart growth districts. The combination of 40R and 40S now tops the menu of choices available to communities seeking more efficient, fiscally stable growth. Further information about 40S can be found here:

[http://www.mass.gov/?pageID=ehedterminal&L=3&L0=Home&L1=Community+Development&L2=Community+Planning&sid=Ehed&b=terminalcontent&f=dhcd\\_cd\\_ch40s\\_ch40s&csid=Ehed](http://www.mass.gov/?pageID=ehedterminal&L=3&L0=Home&L1=Community+Development&L2=Community+Planning&sid=Ehed&b=terminalcontent&f=dhcd_cd_ch40s_ch40s&csid=Ehed)

**Select Smart Growth Overlay District Profiles**

**NORWOOD**



|   |                                     |                              |
|---|-------------------------------------|------------------------------|
| District Name: <i>St. George Avenue Smart Growth Overlay District</i> |                                     |                              |
| Location Type: ACD  | Future Zoned Units                  | 15                           |
| Size: 0.78 acres  | 40R Bonus Units                     | 11                           |
| Pre-40R Use: Church/rectory/convent                                   | Planned Units                       | 15                           |
| Pre-40R zoning :  | Affordable Units                    | 3 all @80% AMI in perpetuity |
| 40R Planning funds source: Developer                                  | Incentive Payment                   | \$10,000                     |
| Project Initiator: Developer  | Maximum Bonus Units Payment         | \$33,000                     |
| Construction: Adaptive Reuse  | State and Federal Housing Subsidies | \$0                          |
| Developer: Karsten Company  | Planning grants                     | \$0                          |
|   | 40S Eligible                        | TBD                          |

|   |  |
|---|--|
| Project Name(s): Courtyard at St. George (condos) |  |
|---|--|

**AMESBURY**

| District Name: <i>Gateway Village</i>                         |        |   |                                   |                              |                      |
|---|--------|---|-----------------------------------|------------------------------|----------------------|
| Location Type: Highly Suitable Location                       |        | Future Zoned Units                        |                                   | 225                          |                      |
| Size: 52 acres  |        | 40R Bonus Units                           |                                   | 326                          |                      |
| Pre-40R Use: vacant land, orchard, vacant industrial building |        | Planned Units                             |                                   |                              |                      |
| Pre-40R zoning : Office park                                  |        | Affordable Units                          |                                   | 65                           |                      |
| Funding for 40R Planning: PDF, developer                      |        | Incentive Payment                         |                                   | \$350,000                    |                      |
| Project Initiator: Developer                                  |        | Maximum Bonus Units Payment               |                                   | \$978,000                    |                      |
| Construction: New   |        | PDF planning grants                       |                                   | Yes                          |                      |
| Developer: Boston North Properties                            |        | State and Federal Housing Subsidies       |                                   | TBD                          |                      |
|   |        | 40S Eligible                              |                                   | TBD                          |                      |
| Project Name  | Tenure | Total Units                               | Affordable Units                  | Affordability details        | Housing Subsidy (\$) |
| Amesbury Heights  | Rental | 240<br>(76<br>1BR<br>159<br>2BR<br>5 3BR) | 48<br>(15 1BR<br>28 2BR<br>5 3BR) | In perpetuity – all @50% AMI | none                 |

**Bylaw/Design Standard features of note:** Requires upper story housing (above street level retail/commercial/live-work) in several of the subdistricts. Detailed design standards were created.

**8 Subdistricts:**

- Two are Mixed Use (allowed use – single or multifamily units, in some cases only above non-residential uses) – 38 units
- One is Single/Two Family – 13 units
- One is Multifamily (allowed uses: buildings with up to 48 units) – 240 units
- Three SDA (Substantially Developed Area) district – 34 units
- Future Open Space district

**Other 40R District/ Project Examples**



Meadow Walk, Lynnfield



Downtown Haverhill



The Residences at Martins Brook, North Reading