

Article \_\_\_\_\_. To see if the Town will vote to amend Section 10 of the General Bylaws, known as the Zoning Bylaws, by adding the following Subsection \_\_\_\_ to Section III:

\_\_\_\_. *Parkway Planned Unit Development.*

In accordance with the provisions of G.L. c. 40A, s. 9, a planned unit development is hereby authorized for the redevelopment of a lot with at least two hundred (200) feet of frontage on a state-owned parkway, which contains at least 80,000 square feet of land and which has contained an ice business and other non-conforming business uses. Such a development shall be known as a Parkway planned unit development (“Parkway PUD”) and may combine a food market with other new business uses and another use (including residential use and Open Space) under a special permit issued by the Planning Board upon such terms and conditions as the Planning Board shall deem to be reasonable and appropriate. In the event that a special permit for a Parkway PUD shall be issued, no use of the lot may be made except as specifically authorized by the special permit. As used in this subsection \_\_\_\_, the “lot” shall be deemed to include a combination of adjacent lots in one ownership.

1. Purpose

The purpose of this subsection is to encourage redevelopment of a lot which contains or has contained an ice house and other non-conforming business uses by converting to a new business use or uses and combining such use(s) with other uses so as to encourage reinvestment, provide amenities for surrounding neighborhoods, address environmental concerns, improve building façades and streetscapes, provide meaningful and usable Open Space, provide an added diversity of housing types in a Residence B district and provide housing for households unable to pay full market prices or rents, and/or generate new tax revenues for the Town.

2. Allowable Uses

- (a) Business uses, including a food market (which shall occupy at least fifty percent (50%) of the first floor space in the building in which it is located), small retail shops, restaurant/cafe, small bank (with drive-up teller machine) and offices, provided that offices may only occupy second floor space in the building containing the bank. Business uses may include public amenities such as meeting space and restrooms. The following business uses shall not be permitted: used car lots, motor vehicle dealerships, gasoline stations, car repair business and sexually-oriented businesses. In addition, the sales of tobacco products and lottery-type tickets shall also be restricted to the extent allowable. Provisions shall be made to screen any drive-up teller machine from abutting properties and residential units to the extent possible.
- (b) Residence use shall be required in the building containing the food market and may be included in the building containing the bank. In either case, residential units may occupy second and third floor space. There shall be a maximum number of twenty-four (24) residential units, which units may be either for sale or for rent. The average number of bedrooms for all units shall not exceed one and one-half (1.5) per unit.
- (c) At least thirty percent (30%) of the lot shall be used for Open Space, which if appropriate, shall be accessible to the public during daylight hours and without undue restriction. Care

will be taken to preserve significant natural features, including green space and specimen trees located proximate to the parkway.

**3. Dimensional Requirements/Operations**

- (a) **Buildings.** Business uses may be contained in one or more buildings. Each building shall be designed to be architecturally coherent, well-sited on the lot and compatible and complementary to its surroundings. The design shall provide small-scale, retail-oriented business development that is compatible with the parkway streetscape and the abutting conservation area in terms of building design and use of materials.
- (b) **Building Height.** New buildings shall not contain in excess of three (3) stories, not including any basement level, and shall not exceed a height of more than thirty (35) feet above the average elevation of the building footprint after construction, as determined by the Planning Board. If new construction is permitted, then the clear height of the first floor shall be a minimum of eleven (11) feet.
- (c) **Building and Parking Setbacks.** New buildings and parking areas shall be set back from the abutting residential properties by a minimum of thirty (30) feet and shall be screened from such properties by fencing, vegetation and landscape features.
- (d) **Dumpsters and Deliveries.** There may be no more than two (2) dumpsters as necessary to handle trash and refuse from the businesses, which shall be shared by multiple users. Dumpsters shall be screened from neighboring residential properties and public view with trees, shrubs, fencing and/or other landscaped features, shall be used in a quiet manner, and shall emit no noxious odors or attract vermin or insects. To the extent feasible, truck deliveries and the movement of and emptying of dumpsters shall be scheduled to occur between the hours of 9:00 am and 4:00 pm on weekdays.

**4. Building Design Standards**

- (a) Building mass shall be varied to create a logical hierarchy of forms, break up long unadorned expanses of façade, and create visual interest through shade, shadow and size and arrangement of fenestration. Buildings shall have no blank walls. Building walls shall not present unrelieved flat surfaces. Box-shaped structures without visual interest shall not be used.
- (b) In a development with more than one building, the buildings shall be designed and situated so that they work in harmony with each other. The back and sides of each building shall be given as much architectural care as the front. Each building, whether observed from the front, rear or sides shall present an attractive appearance and be an architectural whole.
- (c) Building façades shall include in their detailing some form of repeating pattern that includes window and door arrangement, and color, texture and material changes. Retail buildings are encouraged to incorporate some combination of façade recesses, projecting or recessed display windows, overhangs, canopies or porticos, arcades or colonnades, arches or decorative details. Entrances should create architectural focal points and break up large façades. Multiple entrances may be appropriate to facilitate pedestrian access to individual businesses.
- (d) The windows on the primary ground floor façade of the retail buildings shall be a minimum of fifty percent (50%) of the area of that primary façade. Windows shall generally be

recessed into the wall and have detailing around the openings such as sills and trim boards. Signs or other objects shall not obscure views into the interior of the retail space.

- (e) Roof lines shall be visibly coherent and architecturally well-defined. Roof edge treatments shall be coordinated with façade designs to provide emphasis to the building's primary entrances.
- (f) Exterior building materials and colors shall be well-designed. Materials and colors should be coordinated to create a comprehensive design that harmonizes with the surrounding area in order to instill a sense of place to the larger community. Interior finishes shall be reasonably consistent with the style of the exterior.
- (g) Exterior lighting fixtures shall be appropriate to the architecture, be compliant with the requirements of the Fixture Seal of Approval from the International Dark Sky Association and be appropriately shielded to avoid light spill-over or visible glare into adjoining residential properties, the conservation area or the parkway.
- (h) Building equipment such as air handling units, condensers, transformers, elevator housings and the like shall be placed on the roof or at grade in locations screened by building or landscape elements. Such equipment shall not be visible from abutting residential properties or from the parkway's public right-of-way.

## 5. Site Design Standards

The site shall be planned and designed in such a way to preserve existing features, including natural assets, viewsheds, and similar assets through harmonious and thoughtful design. Lighting, landscaping and signage shall complement the site's character and respect its relationship between the parkway and the conservation area. Site and building designs shall contain features that will encourage and facilitate access by foot and bicycle.

- (a) Open Space shall be an integral part of the development and shall be designed to enhance public access to the conservation resource area and to present an attractive appearance from the parkway and an attractive streetscape for the parkway. Open Space may include pedestrian walkways and passive recreational space open to the public with public amenities such as a children's play area and outdoor patios with benches and other seating. At least seventy percent (70%) of Open Space shall be comprised of permeable materials. Open Space shall not include paved sidewalks, parking areas or recreational space not dedicated to public use. Open Space may be utilized for the coursing or temporary retention of storm drainage. No structure shall be erected or maintained on the Open Space except as may be reasonably necessary for and incidental to the use of the Open Space, such as a shed to store maintenance equipment and outdoor furniture. The number, use, characteristics and location of structures shall be subject to approval by the Planning Board and the Conservation Commission, as appropriate.
- (b) Existing mature trees (consisting of pines and red oaks) and green space located on the portion of the property that is proximate to the parkway shall be preserved and incorporated into the development as Open Space to the extent reasonably possible. Planning and construction techniques that will best protect them shall be used. All new plant materials shall be sized so that the landscaping has a mature appearance within three years of planting. At least seventy-five percent (75%) of new plant materials shall be native species or species

adapted to the New England climate. Invasive species shall not be permitted. Plantings shall be maintained in a healthy condition and replaced if damaged or diseased.

- (c) Low Impact Design techniques for stormwater management are strongly encouraged. All stormwater will be retained onsite and will not be allowed to flow directly into the conservation resource area.
- (d) Bicycle parking shall be provided within thirty (30) feet of the main building entrance in a visible and prominent location with adequate lighting.
- (e) The site design shall provide for an area for storage of snow that is cleared from any paved area.
- (f) The development may contain a free-standing, two-sided sign that shall be set back from the state-owned parkway by at least ten (10) feet and which may contain one two-sided sign panel announcing the name of the development. The maximum height of such sign shall be four (4) feet, the maximum width of the sign shall be five (5) feet and the maximum area of the sign shall be twenty (20) square feet. The sign may be externally illuminated by white, steady, stationary light shielded and directed downward solely at the sign. Each business shall also be entitled to install a sign on its portion of building façades. All signage shall comply with the sign bylaw except as specifically provided in this paragraph.
- (g) Site design shall be coordinated with the Conservation Commission and the Department of Conservation and Recreation (DCR) so as to enhance and preserve the adjacent conservation areas and the parkway, including the parkway streetscape.

## 6. Parking

- (a) Business Parking. Parking for business uses shall be dependent on the type of business use. In the absence of specification of the business use in the application for a special permit, four (4) spaces per 1,000 square feet of business floor area shall be required; thereafter, each business use undertaken shall have the number of parking spaces specified in Section VII.C or a lesser number of spaces determined to be adequate for the particular use by the Planning Board considering all relevant circumstances. In the event of a restaurant use parking spaces shall be provided in such number as determined to be adequate for the particular restaurant use by the Planning Board considering all relevant circumstances, provided that there shall be at least one space for each three (3) seats in the restaurant. If a business use is changed, a new determination of an adequate number of parking spaces shall be made by the Planning Board in like manner. Provision shall be made for employee parking. Provision shall be made to discourage parking on the parkway by employees and customers.
- (b) Residence Parking. There shall be a minimum of one (1) parking space for each residential unit.
- (c) Parking Sharing. In determining the total number of parking spaces to be made available, the Planning Board may consider circumstances under which residence parking, which is vacant and available during business hours, may be allocated to business uses. In determining the minimum number of parking spaces shared between uses the Planning Board shall consider the uses proposed and determine the total number of spaces needed for residence and business uses at various times of the day. The highest number of needed spaces so computed for any of these times shall be the requisite number of parking spaces.

## 7. Affordable Housing

In a development containing fewer than ten (10) dwelling units, an application may provide for two dwelling units to be suitably restricted so as to count on the state's Subsidized Housing Inventory (SHI) or its future equivalent, or in lieu thereof the application may provide for a monetary contribution to the Town's Affordable Housing Trust Fund in an amount which is reasonable, as determined by the Planning Board under the relevant circumstances. In a development containing ten (10) or more dwelling units, twenty percent (20%) of the dwelling units (rounded to the nearest whole number) shall be suitably restricted so that the dwelling units shall count on the SHI or its future equivalent.

**8. Neighborhood Involvement**

Prior to submission of an application for a special permit, at a publicized meeting, the applicant shall meet with legal abutters and others from nearby neighborhoods to present and discuss the plan and to address concerns raised regarding potential impacts and benefits of the proposed development. Nearby neighborhood associations shall be invited. An application shall include a description of issues raised at such meetings and the means by which the application responds to such concerns.

**9. Site Plan**

An application for special permit shall include a plan meeting the requirements for site plan approval in Section VIII.D.2, a narrative explaining how the development proposal meets the objectives in paragraph 1, a statement of the impacts of the development on the neighborhood and the Town and a description how such impacts will be mitigated, and such other requirements as may be specified by the Planning Board. The plan shall include building elevations and a three-dimensional massing model showing the impact of the proposed new structures on the abutting properties and the parkway, as well as a landscaping plan, including a detailed plan of the proposed Open Space. The application shall also include professional studies calculating the impacts of the development on Town services, on parking, and on traffic in the Town. The plan shall be contained in various sheets suitable for recording with the Norfolk County Registry of Deeds. The plan shall show the development in all material detail.

**10. Application Filing Procedure**

Every application for a special permit shall be filed with the Town Clerk and ten (10) copies of the application (including the date and time of filing with the Town Clerk) shall be filed forthwith with the Planning Board. The Planning Board shall forthwith transmit a copy of the application to the Conservation Commission, the Historical Commission and the DCR and shall specify the date of the public hearing. After due publication and notice, the Planning Board shall hold a public hearing within sixty-five (65) days of filing of the application or within such further time as may be permitted by G.L. c. 40A, s. 9 (or successor statutory provision) or within such further time specified by written agreement between the applicant and the Planning Board filed with the Town Clerk. The Planning Board shall grant a special permit pursuant to the authority of and subject to the conditions and standards set out in Section IX.C if, in addition, it finds that the

requirements of this subsection have been met and that the development will serve a public need and provide a public amenity in a manner that is compatible with the area.

**11. Permit Amendment**

After a special permit has been granted, the development may be altered or amended only upon an application for such alteration or amendment complying with the pertinent requirements of this subsection and after notice and public hearing and a finding by the Planning Board that the alteration or amendment (a) meets the requirements and purposes of this subsection; (b) is financially practical and in reasonable probability will be completed; and (c) is desirable or reasonably necessary. In permitting an alteration or amendment, the Planning Board may impose such conditions or restrictions which it finds are reasonably necessary to accomplish the purpose or satisfy the requirements of this subsection.

**12. Expiration of Permit**

In the event no substantial use of the special permit granted under this subsection is made and no substantial construction has commenced within two (2) years of the Planning Board's decision (excluding any time involved in judicial review of the decision), the special permit shall expire, except for good cause. The Planning Board may set reasonable limits for completion of parts or of the whole of the development and may determine the order of construction.

**13. Recording of Permit**

The special permit issued by the Planning Board and the plans approved by the Planning Board shall be recorded with the Registry of Deeds by the applicant at the applicant's expense within thirty (30) days after the Town Clerk has certified that the time for appealing the special permit has expired. A copy of the recorded documents with the recording information shall be provided to the Town Planner promptly after recording.

and to act on anything related thereto.