

The following article is hereby submitted for consideration of the Town Meeting to be held on February ___, 2016:

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 Q to Section III:

Q. 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 60,000 but not more than 90,000 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 with an Open Space use 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 Q, 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 an Open Space use so as to encourage reinvestment, provide amenities for surrounding neighborhoods, address environmental concerns, improve building façades and streetscapes, provide meaningful and usable Open Space, and/or generate new tax revenues for the Town.

2. Allowable Uses

- (a) The primary business use shall be a food market, which shall occupy at least sixty percent (60%) of the ground floor space. Other business uses may include a small bank (with drive-up teller), small retail shops, restaurants/cafe, and offices, provided that office uses may only occupy second floor space. Business uses may include public amenities such as meeting space and restrooms.
- (b) 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. There shall be dedicated Open Space between the parkway and the development which shall be designed to enhance both.

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, the abutting conservation area and the surrounding neighborhood in terms of building design and use of materials.

- (b) **Building Height.** New buildings shall not contain in excess of one and one-half (1½) stories, not including any basement level, and shall not exceed a height of more than thirty (30) 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. The Planning Board may allow a cupola or clock tower at a reasonable height above the roofline so long as it has been shown to add significant merit to the building's design.
- (c) **Building Setbacks.** The building that will house the food market shall be sited parallel to the parkway and shall be set back from the parkway by a minimum of one hundred fifty (150) feet, from the abutting residential lot line by a minimum of thirty (30) feet and from the rear lot line by a minimum of ninety (90) feet. There may be a smaller second building, which may include a small bank and/or offices, which may be set perpendicular to the parkway and shall be set back from the parkway by a minimum of thirty (30) feet and from the abutting residential property line by a minimum of fifty (50) feet. There may also be a small building which may contain a non-franchised café, coffee shop or similar use which may be located toward the rear of the property, and shall be set back and screened from the rear lot line by a minimum of seventy (70) feet and from the abutting residential lot line by thirty (30) feet.
- (d) **Parking Setbacks.** Parking areas shall be set back from the state-owned parkway and from the rear lot line by a minimum of sixty (60) feet and from the abutting residential property by a minimum of fifty (50) feet, provided that if the smaller second building is not constructed, then parking may be placed in the area proposed for that building. Parking areas that are located along the northerly property line shall be set back a minimum of five (5) feet from that property line. Parking areas and site driveways shall be landscaped with vegetation. Landscaping may include fences and other landscaped features, if appropriate.
- (e) **Lot Coverage/Floor Area Ratio.** Buildings shall not cover in excess of fifteen percent (15%) of the lot and shall not have a floor area ratio in excess of twenty percent (20%) of the area of the lot. For purposes of this paragraph, the lot area shall be defined as the area of the lot in one ownership as of January 1, 2016.
- (f) **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 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 designed as an integral part of such development and shall enhance the development and the area in which the development is located. Significant portions of the Open Space 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 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

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.

7. Neighborhood Involvement

Prior to submission of an application for a special permit, at a publicized meeting, the applicant shall meet with legal abutters, DCR and others from the nearby neighborhood 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.