

**Planning Board Draft Zoning for 487 Blue Hills Parkway/Ice House**  
**December 15, 2016 BWF EDITS**

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:

In a residence district on a lot which contains no less than 2 acres of land exclusive of wetlands with frontage of no less than 200 feet on a state-owned parkway and which contains one or more nonconforming business uses and which has contained one or more of such uses for at least 30 years, a planned unit development (as defined in G.L.C. 40A § 9) with commercial, residential and open space uses may be authorized by a special permit from the Planning Board issued in accordance with the provisions herein set out. Such a development may be referenced as a "Parkway PUD."

**1. Purpose.**

The purpose of this subsection is (1) to permit development of a well-designed **mixed-use property with one or two building(s) containing up to 16,000 square feet of commercial and retail space which shall include a high-end** food market containing between 10,000 and 14,000 square feet including or associated with a coffee shop and certain other business uses on a lot with current and past business use; (2) to permit development of **5 to 12 up to 12** well-designed units of housing on the lot; (3) to permit development of adequate parking for the business and residential uses; and (4) to ensure that all the development is **compatible with the sited in a park-like setting of the surrounding parkway setting** with frontage on a state-owned parkway and is a harmonious whole suitable to its site and the surrounding area.

**2. Development Components.**

Any development shall include a food market which shall have a **first** floor area of at least 10,000 square feet but not more than 14,000 square feet. The food market building may contain a full or partial, below-grade basement which shall be used exclusively for heating- **and** cooling **equipment, and refrigeration equipment and storage of food and merchandise to be sold in the food market.** A food market is a market primarily selling meat, vegetables, fruit, other edible items, items used for food preparation or service (such as oils, spices and sauces) and non-alcoholic beverages to customers for consumption off the premises together with cleaning supplies, food storage supplies, paper supplies and such other household items commonly sold in such a market. **The market may also sell high-quality wines and beers in not more than 5% of the public shopping area for off-site consumption in accordance with all laws and regulations.** The food market (herein referenced as "food market" or "market,") may include an area with seating in which donuts, muffins, sandwiches and/or other foods and non-alcoholic beverages are available to customers for their consumption on the premises (herein referenced as "coffee shop"). In the event that the food market itself does not contain such an area, a separate area for such a coffee shop shall be provided elsewhere on the site. **provided that the food market and any separate coffee shop area shall not exceed a total of 14,000 square feet.**

**In the event that the food market and any separate coffee shop area have a total floor area (exclusive of basement) less than 14,000 square feet, other retail stores, banks, including ATMs, and office space may be provided up to a combined total of 164,000 square feet for the market, any separate coffee shop, and these other business uses. Any business use on site shall not include any sexually oriented business, gas station, repair shop, liquor store, or marijuana dispensary. Additionally, drive through facilities and restaurant uses above and beyond the coffee shop expressly permitted above shall not be allowed.**

In addition to the food market commercial building areas, any development shall include a separate, primarily permit residential uses above the commercial uses. Buildings containing such uses may allow a 2 story building with a floor area of between 3,000 and 5,000 square feet per story. This second building may contain a full or partial below grade basement which shall be used exclusively for heating, cooling and refrigeration equipment and storage for the exclusive use of residents and for storage of merchandise to be sold by any business tenant in any basement areas. This second building may contain business uses up to a total of 14,000 square feet for the total business uses in this building and in the food market building. The total business use square footage in the two buildings subtracted from 20,000 square feet shall be the allowable square footage for residential use in the second building. Residential use shall be in studio, one-bedroom, one-bedroom with den and two-bedroom apartments averaging at least 750 square feet. Three bedrooms shall not be permitted.

**10% of any residential unit count shall be ("affordable apartment") of which and shall be restricted and rented to a low or moderate income household so that it is perpetually restricted and includable in the Subsidized Housing Inventory maintained by the state's Department of Housing and Community Development or future equivalent. Each one bedroom apartment shall contain not less than 900 square feet of floor area, and each two bedroom apartment shall contain not less than 1,100 square feet of floor area.**

In the event that fewer than six apartments are developed, in lieu of provision of one affordable apartment, the developer may provide a payment to the Town's Affordable Housing Trust in an amount that the Planning Board determines to be reasonable, both financially and otherwise.

**In the event that the residential use includes at least three affordable rental apartments (25% or more of the total number of apartments) which are suitably restricted so that all the apartments in the second building are includable in the Subsidized Housing Inventory, then the total floor area of the second building may be increased by up to 6,000 square feet of residential use beyond what would otherwise be permissible and a third story shall be permissible. If an increase of 1,500 square feet (or less) of residential square footage in the second building is needed in order to make development of an affordable apartment or affordable apartments financially feasible, upon a reliable showing of this need, the Planning Board may authorize such an increase.**

**The total Floor to Area Ratio (FAR) (the total square footage of building(s)/total acreage) of any development shall not exceed 33%. No building may have a footprint of more than 14,000 square feet and no building shall be more than 2.5 stories tall.**

**3. Setbacks**

~~The market building shall be set back from the parkway and any side lot line by at least 60 feet. The second building(s) shall be set back at least 60 feet from lot line along the parkway, at least 30 feet from any lot line and at least 60 feet from any residential dwelling on an abutting lot. Such building shall be set back at least 40 feet from the rear lot line by at least 40 feet.~~

The parking shall **primarily** be located to the rear of the market building when viewed from the parkway **with not more than 30% of the total parking in front of the market building**. ~~It~~ **Parking** shall be set back at least 30 feet from any side lot line provided ~~that no~~ the parking setback from a side lot line ~~is necessary if the lot is 10' if the abutting~~ such side lot line does not contain a dwelling. Parking shall be set back from the rear lot line by at least 40 feet provided that this setback may be reduced to 30 feet if open space of equal amount is provided elsewhere on the site to protect mature trees outside of the setback areas.

The setback area along the parkway and along any lot line abutting a lot with a residential dwelling shall be landscaped with trees, grass and shrubs so as to create a carefully designed park-like setting compatible with the parkway. Existing trees with a caliper in excess of 8 inches shall be preserved in these setback areas. The setback area along the parkway may be broken by a driveway right of way with a width of no more than 50 feet as may be necessary for a paved driveway and adjoining sidewalks providing access from the parkway for vehicles, bicyclists and pedestrians. The driveway right of way may be located in a side lot line setback area, provided that the abutting lot does not contain a residential dwelling. **The driveway right of way shall be designed to protect existing trees with a caliper in excess of 8".**

The rear lot line setback area shall be landscaped so that the view of the development from any conservation area abutting this setback area is partially obscured; there shall be provision for park benches and recreational paths in this setback area but its primary purpose shall be to provide a visual and noise buffer between any conservation area and new development under this subsection. Except as otherwise provided the setback areas not used for driveway or parking purposes shall be open space and shall have no other use.

**4. Building Design**

The façade of the market building as viewed from the parkway shall abut the open space in the setback area along the parkway. The façade of the market building facing the parkway and the façade facing any dwelling on an adjacent lot shall be of a traditional design in keeping with the design of existing residential buildings on the parkway. These façades shall be architecturally coherent and provide visual interest and not be blank walls. Architectural features, such as projecting or recessed, operational or decorative windows, overhangs, porticos, arcades, arches, cornices, columns and dormers together with use of color and varied materials should be used

to create such visual interest. Any arcade to a depth of 10 feet under an overhang of the roof shall not be included in the square footage of the building. The market building shall have a pitched, hip, or mansard roof. It may contain a well in which heating, cooling and refrigeration equipment may be installed. Overall height of the market building above grade shall not exceed 325 feet.

The façade of the market building facing the driveway and the façade facing the parking lot shall be of a similar traditional design as the parkway façade but they may contain entryways and have a window treatment suitable for the business use or uses contained in the market building provided that the design of the entryways and windows shall be compatible with the other façades and provided that all façades are designed to ~~keep any prevent~~ direct light overspill onto adjacent property ~~to a reasonably low level consistent with the needs of the business uses~~.

The façades of ~~the second~~ any additional building shall be of a traditional design in keeping with the design of existing residential buildings on the parkway. These façades shall be architecturally coherent and provide visual interest and not be blank walls. Architectural features, such as projecting or recessed windows, overhangs, porticos, arcades, arches, cornices, columns and dormers together with use of color and varied materials should be used to create such visual interest. Any arcade to a depth of 10 feet shall not be included in the square footage of the building. The second building shall have a pitched or mansard roof into which may be incorporated a well for heating, cooling and refrigeration equipment. The façades of the second building facing the parking lot or driveway may contain entry ways and include a window treatment suitable for the use or uses in the second building provided that these façades are compatible with the other façades and that all façades are designed to ~~keep prevent~~ any direct light overspill into adjacent property ~~to a reasonably low level consistent with the needs of the uses in the building~~. ~~The second~~ Additional buildings, if it contains 2 stories, shall not exceed 350 feet in height ~~and, if it contains 3 stories, shall not exceed 35 feet in height~~.

##### 5. General Building Standards.

(a) ~~The market building and the second bBuildings~~ 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 architecturally consistent.

(b) Roof lines shall be visibly coherent and architecturally well-defined. Roof edge treatments shall be coordinated with façade designs. Chimneys may protrude above the roof in keeping with good design.

(c) Exterior building materials and colors shall be coordinated to create a comprehensive design that harmonizes with the surrounding area in order to instill a sense of place. Interior finishes shall be reasonably consistent with the style of the exterior.

(d) 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 **or similar agency if the International Dark Sky Association no longer exists** and be appropriately shielded to **avoid prevent** significant light spill-over or visible glare onto adjoining properties.

(e) Building equipment such as air handling units, condensers and transformers shall be placed in the well on the roof, in the basement or at grade in locations screened by building or landscape elements. Noise shall be buffered. Such equipment shall not be visible from abutting properties or from the parkway.

**6. Site Design Standards.**

The site shall be planned and designed in such a way to preserve **existing large trees of 8" caliper or greater**. Through harmonious and thoughtful design, buildings, lighting, landscaping and signage shall enhance the site. Site and building designs shall contain features that will encourage and facilitate access by foot and bicycle.

(a) Open Space in the setback areas shall be designed as an integral part of such development and shall enhance the development and the area in which the development is located. The open space adjacent to a conservation resource area shall include some public access to such resource area and include a pedestrian walkway and benches. Open Space may be utilized for the coursing or temporary retention of storm drainage.

(b) **Large trees of 8" caliper or greater** outside of the setback area shall be incorporated into the development to the extent practical by using planning and construction techniques to protect them. All plant materials installed on open space and elsewhere shall be sized so that the landscaping has a reasonably mature appearance within three years of planting. At least seventy-five percent (75%) of new plant materials shall be native 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. **New tree plantings shall have a minimum caliper of 3" as measured 4" from the base of the tree, shall be comprised of a variety of species, and the species shall be approved by the shade tree committee.**

(c) Bicycle parking for 12 or more bicycles shall be provided convenient to the market building.

(d) The site design shall provide for a sufficient area for storage of snow that is cleared from any paved area.

**7. Parking.**

Parking for the development shall be provided in an area to the rear of the market building when viewed from the parkway. The standards for parking areas set out in Section VII shall not be applicable. Parking shall be provided at the rate of **45** spaces per 1,000 square feet of commercial space and 1 space for each **studio or** one-bedroom apartment and **1 1/2** spaces for

each two-bedroom apartment. ~~The Board may require additional spaces for the coffee shop use as necessary to accommodate employees and users and may require additional spaces for any other use reasonably anticipated to need additional spaces.~~ Parking spaces shall be no less than ~~8.5~~ feet by ~~18~~ feet. Aisles shall be ~~22~~ feet wide one way and ~~24~~ feet wide two way. The driveway accessing the parking lot shall have vehicle lanes at least ~~124~~ feet wide and provision shall be made for bicyclists. There may be two lanes at the outgoing approach to the parkway, one for left turns and the other for right turns.

Parking areas and the sidewalks and driveway shall be lit with lighting ~~compliant with the requirements of the Fixture Seal of Approval from the International Dark Sky Association or similar agency if the International Dark Sky Association no longer exists which is dark sky compliant~~ and prevents direct light overspill onto abutting properties while providing adequate light for safety. Any lighting in the Open Space shall be at a low level meeting the same standards.

~~Insofar as space permits, the parking shall contain one or more landscaped islands for visual relief from the expanse of pavement, with not more than 15 parking spaces being adjacent without a landscape island equivalent to one parking space in size to provide separation.~~ The edges of the parking area including the sidewalk areas adjacent to the buildings shall also contain landscaping if consistent with good design and functional use.

#### 8. Fences.

In the event that the parking lot abuts conservation land without a setback a solid fence shall be provided as a visual and noise buffer. The fence shall be designed with a band of landscaping on either side and shall have a visually appropriate unobtrusive design. Visually unobtrusive, non-solid fencing may be used on the perimeter of the lot provided that there shall be no fence along the parkway and that if there is a fence along the rear lot line there shall be an appropriate break or breaks to provide trail access to any nearby conservation area.

**Commented [BF1]:** Can this happen?

#### 9. Signs.

The development may contain a free-standing, two-sided sign in the setback area next to the driveway. The sign shall be set back from the state-owned parkway by at least ten (10) feet. It may contain on each side the name of the development, the name of each business located within the development, and the name of the residences (if they have a common name). The maximum height of such sign shall be nine (9) feet, the maximum width of the sign shall be ten (10) feet. The sign may be externally illuminated by white, steady, stationary light shielded and directed downward solely at the sign. The design, materials and appearance of the sign shall be consistent with the appearance of the parkway and shall be approved pursuant to the Town's sign review procedures. In addition to this sign, each business shall be entitled to a sign on its portion of the façade facing the parking lot. Each such sign shall be compatible with its setting, sized similar to a sign for a similar business in the business district, and approved pursuant to the Town's sign review procedures.

**10. Hours of Operation.**

The business may conduct retail operations between the hours of 8:00 AM and ~~89~~:00 PM. The Planning Board shall specify reasonable operating hours with respect to any non-retail business operations on the site.

**11. Deliveries and Dumpsters.**

To the extent feasible, truck deliveries and movement of and emptying of dumpsters shall be scheduled to occur between the hours of 10:00 AM and 2:00 PM on weekdays. The application shall specify a safe and convenient traffic pattern for use by truck traffic. There may be one or more dumpsters as necessary to handle trash and refuse from the businesses, provided that there shall be the fewest number of dumpsters necessary to service the approved uses, which shall be shared by multiple users if practical. Dumpsters shall be screened from neighboring residential properties and public view with fencing and/or other landscaped features, shall be used in a quiet manner, and shall emit no noxious odors. Dumpsters shall be of state of the art design and shall be kept closed when not in active use. Dumpsters shall be kept clean and free from insects and rodents. They shall not be overfilled at any time.

**12. Traffic Safety.**

**[Add a requirement for a traffic study](#)**

Provisions shall be made for safe entry into and safe exit from the development by pedestrians, bicyclists, cars and trucks. In the event that changes to the parkway are necessary, any such proposed changes shall be designed for maximum compatibility with the design and appearance of the parkway. The design of any proposed changes shall be in keeping with the historical significance of the parkway and shall be reviewed by the Historical Commission and subject to the approval of the owner of the parkway.

**13. Application.**

Every application for a special permit for a Parkway PUD shall be filed with the Town Clerk and thirteen (13) copies of the application (including the date and time of filing certified by the Town Clerk) shall be filed forthwith with the Planning Board. The Planning Board shall forthwith transmit copies of the application to the Conservation Commission, the Board of Health and the Historical Commission. Every application shall include a plan meeting the requirements for site plan approval in Section VIII.D.2, a narrative explaining how the development proposal serves the purpose of this subsection, a statement of any impacts of the development on the neighborhood and the Town and a proposal for mitigation of any adverse impacts, and such other requirements as may be specified by the Planning Board. The plan shall show the development in all material detail and include building elevations, building and parking layout, three-dimensional massing model and a landscaping plan, including detailed plans for the proposed open space in the setback areas. The application shall also include professional studies calculating the impacts of the development on Town services, on parking, and on traffic on the parkway and in the neighborhood. The plan shall be contained in various

sheets, all of which, after approval, shall contain the written approval of the Planning Board and shall be recorded with the special permit with the Norfolk County Registry of Deeds at the applicant's expense. The plan on record shall be a part of the special permit. The special permit including the plan specified in the prior paragraph shall be recorded with the Norfolk County Registry of Deeds at applicant's expense. The applicant shall provide to the Planning Board evidence of recording of such approved plan, amendment or modification. When each such recorded document has been returned to the applicant, the applicant shall promptly provide a copy thereof to the Planning Board, which shows the book and page of recording.

**14. Issuance and Modification.**

The Planning Board shall grant a special permit of a Parkway PUD if it finds that the requirements and conditions in Section IX.C have been met, that the proposed Cluster Development meets the requirements set out in this Subsection and that the development will meet one or more public needs and be of public benefit. The Planning Board may permit modification of the requirements if it finds that such modifications are needed to enable the application to go forward and if it finds that modifications are reasonable, consistent with the purpose of this Subsection and in the public interest without adverse or undesirable impacts. In granting a special permit for Cluster Development, the Planning Board shall impose any reasonable restrictions or requirements requested by the Conservation Commission, Historical Commission, and/or Board of Health and shall impose such additional conditions or restrictions which it may deem reasonably necessary or appropriate to accomplish the purpose or satisfy the requirements of this Subsection.

**15. Amendment of Permit.**

After a special permit for a Parkway PUD 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 a public hearing and a finding by the Planning Board that the alteration or amendment is reasonable, consistent with the purpose of this subsection, desirable, reasonably necessary, and in the public interest without adverse or undesirable impacts. In permitting an alteration or amendment, the Planning Board may impose such conditions or restrictions which it finds are necessary or appropriate to accomplish the purpose or satisfy the requirements of this subsection. Any amendment shall be recorded with the Registry of Deeds in the same manner as the permit.

**16. Commencement of Construction.**

In the event no substantial construction has commenced within **32** years of the Planning Board's decision (excluding any time involved in judicial review of the decision), the special permit shall expire unless the time for commencement is extended by the Planning Board. The Planning Board may set reasonable time limits for completion of parts or of the whole of the development and may determine the order of construction. **Construction shall be completed within 5 years of issuance of the special permit.**

**17. Neighborhood Involvement**

Prior to submission of an application for a special permit, at a publicized meeting, the applicant shall meet with abutters and others from nearby neighborhoods to present and discuss a proposed development. Applicant shall 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 and concerns raised at such meetings and the means by which the application responds to such issues and concerns.

**Add requirement for a bond or a restriction of Certificate of Occupancy until project and punch list is complete**