

**Planning Board Draft Zoning for 487 Blue Hills Parkway/Ice House
February 6, 2017**

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 containing two building(s); (2) to permit development containing up to 14,500 square feet of commercial space in one or two buildings on the lot; (2) to permit development of up to 12 well-designed units of housing in one building 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 a park-like 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 floor area of at least 8,000 square feet but not more than 12,500 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. 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 five percent (5%) of the public shopping area for off-site consumption in accordance with all laws and regulations. Any development shall include a coffee shop or café with seating in which donuts, muffins, sandwiches and/or other prepared foods and non-alcoholic beverages are available to customers for their consumption on the premises (herein referenced as “coffee shop”). The food market itself may contain such an area, or a separate area for such a coffee shop shall be provided elsewhere on the site. One other retail use including a store, bank, including an ATM, or office space may be provided up to a combined total of 14,500 square feet for the market, any separate coffee shop, and other business use. Any business use on site shall not include any sexually oriented business, gas station, motor vehicle repair shop, liquor store, or marijuana establishment. Tobacco and lottery sales shall be expressly prohibited on the site. Additionally, drive through facilities are prohibited. Restaurant uses above and beyond the coffee shop expressly permitted above shall not be allowed.

In addition to the commercial areas, any development shall permit up to 12 residential units in a separate building not to exceed 10,000 square feet (herein after referred to as “residential building”). The residential building may contain up to 2,000 square feet of business uses as described in this subsection on the ground floor, and may allow storage for the exclusive use of residents in any basement areas. Residential use shall be in studio, one-bedroom, or one-bedroom with den apartments averaging at least 750 square feet. Two or more bedrooms shall not be permitted.

At least ten percent (10%) of a development containing 10 to 12 residential units shall be suitably 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. In the event that fewer than ten apartments are developed, in lieu of provision of one affordable apartment, the developer shall 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.

The total Floor to Area Ratio (FAR) (the total square footage of building(s)/total acreage) of any development shall not exceed 30%. The market building footprint may not exceed 12,500 square feet and the residential building footprint may not exceed 6,000 square feet. No building shall be more than 2.5 stories tall.

3. Setbacks.

Building(s) shall be set back at least 60 feet from lot line along the parkway, at least 25 feet from any side lot line and at least 50 feet from any residential dwelling on an abutting lot and at least 40 feet from the rear lot line.

Parking areas shall be set back at least 25 feet from any side lot line, provided the parking setback from a side lot line may be 10 feet if such side lot 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 and to provide a suitable noise and light buffer and to reasonably obscure the view of the development from the residential dwelling. 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 inches.

The rear lot line shall be landscaped so that the view of the development from that area is obscured to provide a visual, light 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 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 historic 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 25 feet and shall not exceed one and one-half floors.

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 prevent direct light overspill onto adjacent property.

The façades of the residential building shall be of a traditional design in keeping with a historic parkway setting. 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 residential 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 prevent any direct light overspill into adjacent property. The residential building shall not exceed 35 feet in height.

The Planning Board may require the applicant to participate in a materials conference to ensure that the materials used for the development match the character of the historic parkway setting.

5. General Building Standards.

(a) 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 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 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 or the nearby conservation areas.

6. Site Design Standards.

In keeping with the parkway's historic status and the parkway's significance as a purposefully designed gateway to the Blue Hills Reservation, the site shall be planned and designed so as to preserve the design and character of the parkway.

The site shall be planned and designed in such a way to preserve existing trees of 8 inch 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. Open space may be utilized for the coursing or temporary retention of storm drainage. Open space along the side or rear lot lines may include a limited number of picnic tables for public use, however picnic tables are not permitted in the open space along the lot containing a residential dwelling unit or along the parkway.

(b) Trees of 8 inch 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 inch as measured 4 inches 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.

(e) The site shall be designed in a way that mitigates any existing conditions on the site that have created adverse impacts onto any conservation land, as approved by the Conservation Commission.

7. Parking.

Parking shall primarily be located to the rear of the market building when viewed from the parkway, unless the Board determines that the applicant has offered a superior design alternative that is more consistent with the character of the Parkway, improves open space preservation, provides protections for the nearby conservation areas, and improves traffic flow and pedestrian and bike access to the development and in the vicinity of the site. The standards for parking areas set out in Section VII shall not be applicable. Parking shall be provided at the rate of 5 spaces per 1,000 square feet of commercial space, 1 space for each studio or one-bedroom apartment and 1 space for every 2 units reserved for guests of the residential building. 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 12 feet wide and provision shall be made for bicyclists.

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, and that 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.

Parking areas 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. Parking areas shall not be tracts of unrelieved asphalt but will contain landscaped areas sufficient to make the areas visually harmonious with surroundings.

Resident or customer parking on Blue Hills Parkway adjacent to the development will be prohibited, unless otherwise directed by the state.

8. Fences.

Subject to conditions established by the conservation commission, a solid fence shall be provided as a visual and noise buffer set back from the rear lot line. The fence shall be designed with a band of landscaping on both sides 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.

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. The maximum height of such sign shall be four (4) feet, and the maximum width of the sign shall be five (5) 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 historic 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. A small placard demarking the historic significance of the former ice house on the site shall be erected in a prominent location on the lot at the direction of the Historic Commission.

10. Hours of Operation.

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

11. Deliveries and Waste Management.

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. Trash, recycling, and other similar receptacles 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.

Provisions shall be made for safe entry into and safe exit from the development by pedestrians, bicyclists, cars and trucks. The site shall be designed for maximum compatibility with the design and appearance of the historic parkway, and must demonstrate an improvement to pedestrian and bicycle safety at the development site and in the surrounding neighborhood, and shall not cause significant adverse traffic impacts on the state owned parkway, surrounding roadways or nearby intersections. The applicant must demonstrate that the project will secure the safe circulation of traffic, including safe turning movements for vehicles traveling to the site from points north and south on the parkway, and for vehicles exiting the site traveling north and south on the parkway. The Planning Board may establish conditions that they deem appropriate to achieve maximum safety of vehicular, bicycle and pedestrian traffic, and to improve traffic conditions on the parkway or surrounding areas. The applicant shall establish a safe and convenient route for truck traffic necessary to serve the development. All truck traffic shall follow this route during construction and thereafter.

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 traffic study shall provide a comprehensive assessment of potential impacts on the state owned parkway, nearby intersections and any additional roadways or intersections in the vicinity of the proposed development site that may experience any adverse impact over existing conditions as a result of the development, as deemed appropriate by the Board. The traffic study shall consider all impacts to vehicular, pedestrian and bicycle traffic. Once a traffic study is completed and submitted by the applicant, the Town will conduct an independent third party review of the traffic study at the applicant's expense. 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 Parkway PUD meets the requirements set out in this Subsection and that the development will serve one or more public needs and be of public benefit without any substantial adverse effects. The Planning Board may permit modification of the requirements if it finds that such modifications are needed to enable a well-designed development 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 a Parkway PUD, the Planning Board shall impose any reasonable restrictions or requirements requested by the Conservation Commission, Historical Commission, Board of Health, and the Massachusetts Department of Conservation and Recreation 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 2 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. The Planning Board shall require the filing of a bond or provide for a restriction on the issuance of certificates of occupancy until all work required under a special permit, including punch list items, is completed.

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. The applicant shall record neighborhood concerns raised at the neighborhood meeting regarding potential impacts of the proposed development for submission to the Planning Board, and the applicant will be required to address each concern during the Planning Board's public hearing process. Nearby neighborhood associations and abutters within 300 feet shall be invited, but the meeting shall be public and open to all residents. The Planning Board shall consider these comments as part of the deliberation process.