

***This recommended draft for the Milton Village Mixed-use Planned Unit Development is based on input received throughout 9-month planning study facilitated by MAPC and follow-up studies by the Master Plan Implementation Committee***

## ***X. Milton Village Mixed-use Planned Unit Development***

In the Milton Village Business District on a lot of no less than 3,500 square feet of land, a mixed residential and business use may be permitted by a special permit for planned unit development issued by the Planning Board upon reasonable terms and conditions subject to the standards set out herein. In the event that a special permit for the Milton Village Mixed-use Planned Unit Development shall be issued for a lot of land, no use of the lot may be made except as specifically authorized by the special permit. As used in this subsection **X**, the "lot" shall be deemed to include a combination of adjacent lots in one ownership. As used in this subsection the Milton Village Business District shall mean that portion of the Milton Village/Central Avenue Business District which is to the east of a North/South line drawn through the point on Eliot Street which is equally distant from the points where Morton Road and High Street intersect Eliot Street. No lot outside of this boundary may be combined with a lot inside of this boundary to qualify as a Milton Village Mixed-use Planned Unit Development.

### **1. Purpose**

The purpose of this subsection is to allow high quality mixed-use development that enhances Milton Village's historic context, combines residential and commercial uses, contributes to revitalization of the business district, encourages investment near transit, supports preservation in the district, increases the range of town housing types, and strengthens the Town tax base.

### **2. Allowable Uses**

- a.** Business use otherwise permissible in the Business District shall be required in conjunction with residential use by a special permit for Milton Village Mixed-use Planned Unit Development except that none of the following uses shall be permitted: drive-through food establishments, used car lots, motor vehicle dealerships, gasoline stations, body shops, motor vehicle repair shops and sexually oriented businesses.
- b.** Residential use shall be permitted in conjunction with business use by a special permit for the Milton Village Mixed-use Planned Unit Development.

3. Use and Dimensional Requirements

- a. Business Use. In a Milton Village Mixed-use Planned Unit Development business use shall be required in at least half of the ground floor of the building. The ground floor may also include separate entrances for upper level uses, common areas, or lobbies. All such business use areas shall be designed so as to be appropriate and rentable space for use as either a retail store, restaurant, or other allowable business use. In no event shall the business use area be less than 50% of the net ground floor area of the building.
- b. Lot Coverage. In a Milton Village Mixed-use Planned Unit Development, buildings exclusive of parking structures used solely for parking, shall not cover in excess of 60% of the lot in the business district. The total coverage of parking structures, which are used solely for parking, together with other buildings shall not cover in excess of 90% of the lot in the business district. The area of historic structures preserved on site shall not be included in the calculation of lot coverage.
- c. Building Height. Except as otherwise permitted under Section 4 hereof, in a Milton Village Mixed-use Planned Unit Development, no building shall be erected or altered to exceed three (3) stories or thirty-five (35) feet in height. The height of the first floor shall be a minimum of twelve (12) feet clear to encourage and facilitate the use of the space for retail or restaurant use. The height of any building shall be measured from the mean grade of the natural ground contiguous to the building at the property's street frontage, as such ground exists at the sidewalk elevation. For example, a property between Adams Street and High Street would measure height from the Adams Street frontage at the elevation of the sidewalk.

The term "story," as used in this section, shall not include a basement so long as the finished floor height of the first story is no more than four (4) feet above the mean grade of the natural ground contiguous to the building at the property's street frontage, as such ground exists at the sidewalk elevation.

Height shall be measured to the midpoint of the slope of a pitched roof, or the parapet of a flat roof, excluding the items specifically defined as allowable projections herein. The Planning Board may permit protrusions of up to eight feet above the roofline, such as elevator shaft housings or chimneys, so long as the appearance of the building remains architecturally coherent, visually attractive and appropriate to its setting. The Planning Board may allow a cupola

or clock tower up to fifteen feet above the roofline so long as it has been shown to add significant merit to the building's design.

- d. Setbacks. No building shall be erected within six (6) feet of a side line of any lot unless the wall adjoining such side be either a party wall or a wall with its outer face coincident with the lot side line. No building shall be erected within twelve (12) feet of the rear lot line of any lot unless the wall adjoining such rear lot line be either a party wall or a wall with its outer face coincident with the rear lot line.

4. Bonus Incentives on Adams Street

In a Milton Village Mixed-use Planned Unit Development with property frontage on Adams Street, a bonus of additional allowable building height may be granted at the discretion of the Planning Board in exchange for district benefits in the form of only one of the following three bonus incentive options: District Improvement Incentive, Affordable Housing Unit Incentive, or Historic Preservation Incentive. The bonus of additional allowable height shall not exceed (1) additional story for a total of (4) stories or forty-five (45) feet in height. The height of the first floor shall be a minimum of twelve (12) feet clear. Including the bonus of additional allowable building height, a Milton Village Mixed-use Planned Unit Development exclusive of parking structures, shall have a maximum floor area ratio (FAR) of 1.65. A total gross building area that is a maximum of 1.65 times the area of the lot.

a. District Improvement Incentive

In a Milton Village Mixed-use Planned Unit Development with property frontage on Adams Street, a bonus of additional allowable building height may be granted at the discretion of the Planning Board in exchange for significant improvement to the public realm, or significant improvement to infrastructure and public amenities at Milton Landing.

The public realm improvements should significantly improve and enhance the appearance and amenities within the Milton Village Business District, including areas beyond the frontage of the property subject to the redevelopment investment. Public realm improvements may include, but are not limited to new sidewalks, new special features and pavers, new street trees, new street lights, new street furniture (trash receptacles, bike racks, benches, etc.), new district signage and new crosswalks. Public realm improvements shall match other recent improvements in the district. The amount of payment shall be at

the discretion of the Planning Board and shall be commensurate with the proposed development.

A bonus of additional allowable building height may also be granted at the discretion of the Planning Board if a payment is made into a newly established district fund, such as the Town's "Cooperative Tree Planting Account", to support significant improvement to infrastructure and public amenities at Milton Landing, consistent with the Town's vision and improvement plans. The amount of payment shall be at the discretion of the Planning Board and shall be commensurate with the proposed development.

**b. Affordable Housing Unit Incentive**

In a Milton Village Mixed-use Planned Unit Development with property frontage on Adams Street, a bonus of additional allowable building height may be granted at the discretion of the Planning Board in exchange for including additional affordable housing units to achieve an inclusionary amount between fifteen and twenty percent of the total number of units. Eligibility for the bonus requires between five and ten percent more than the ten percent baseline affordable housing unit requirement with the increase proportion to the scale of the project and/or a contribution to the Town's Affordable Housing Trust.

**c. Historic Preservation Incentive**

In a Milton Village Mixed-use Planned Unit Development with property frontage on Adams Street, a bonus of additional allowable building height may be granted at the discretion of the Planning Board in exchange for preservation of a historic structure. The area of historic structures preserved on site shall not be included in the calculation of maximum floor area ratio.

The height bonus shall be allowed for an addition to an existing historic structure on the property that preserves the exterior appearance of the structure and that is historically compatible according to the Secretary of Interior's Standards for Treatment of Historic Properties. The height bonus shall also be allowed for a new free-standing structure that is on the same property as a historic structure, but is independent from and complementary to the existing building. Or, the height bonus shall be allowed for new construction on a site with no historic structure if a payment is made into a district fund to support historic preservation activity in Milton Village.

**5. Historic Preservation**

Historic preservation is an important aspect of investment in Milton Village. Preservation is intended for any historic element, if it is included on any of the following lists or surveys: National Register of Historic Places, Massachusetts Cultural Resource Information System (MACRIS), or pending nominations in good standing to the National or State Register.

The purpose of the preservation incentive is to encourage the preservation of buildings, structures, sites and settings, and elements of historical or architectural significance and expand the economic options for historic properties in Milton Village. In addition to the height bonus, historic structures are also eligible for the permitted uses allowed under the Milton Village Mixed-Use Planned Unit Development district. The special permit may allow the renovation, repair, adaptive reuse, or addition to historic structures in the district. In order to grant a special permit, the proposed renovation, repair, adaptive reuse, or addition shall preserve, to the maximum extent feasible, the historical and architectural features of the building, structure, or element. At the discretion of the Planning Board, relief from dimensional or parking requirements may be granted, to accommodate the historic structure and property.

Priority in granting special permits under these historic preservation incentives shall, in all cases, be placed upon keeping buildings and structures in place, rather than moving them to other locations, provided that the existing siting can be shown to represent valid historical setting and context. Moving of buildings, structures and elements to other locations shall be considered only if no other preservation measures are practical or reasonable on the existing site, or if the proposed removal is to return a building, structure or element to an original or more historically accurate location. The Planning Board shall determine validity of any such requests.

6. Design Standards.

In a Milton Village Mixed-use Planned Unit Development, each building shall be designed to be architecturally coherent, well sited on its lot, visually attractive, and compatible with its neighborhood and nearby buildings. In addition each building shall meet the following design standards. The Planning Board has the discretion to accept design exceptions for any design standard, if a project design can justify an alternative form of compliance with the intent of the standards.

- a. New buildings shall be positioned on their sites to provide horizontal setback buffers for abutting existing historic single- and two-family residences.

Additionally, the building form, massing or roofline shall provide a vertical step-back to provide transition in scale to those abutting structures.

- b. Where the sidewalk width is less than 6 feet at the building frontage, provide a setback for expansion of the sidewalk width to a minimum of 10 feet to allow for additional sidewalk seating or activity.
- c. The building form, massing and roof lines shall reflect and reinforce the historic buildings and styles of the Milton Village district and shall complement the character of the district. Particular attention should be paid to the design elements of scale, proportion, overall style, façade design, windows, entrances, building materials and color.
- d. The building form shall provide step-backs in the façades that respond– to the surrounding context, to an extent that the Planning Board deems appropriate. The step-backs shall provide a change in the plane of the façade to provide visual relief to reduce the perceived building height. For example, if a 4-story building, after building height incentive, is adjacent to a 3-story existing building, the façade of the fourth story would step back from the façade of the lower three stories to reduce the visual prominence of the upper floor.
- e. Buildings more than forty (40) feet wide should be broken down into a series of smaller elements to evoke the rhythm of historic shop fronts and mixed-use town centers, add visual character and maintain the pedestrian scale of the streetscape. No uninterrupted length of any façade shall be permitted to exceed twenty (20) horizontal feet without incorporating at least one of the following massing elements: horizontal setbacks or vertical step-backs, architectural projections, recesses or arcades; and at least one of the following design elements: color change, material change, or texture change.
- f. The building façade shall integrate a higher proportion of transparent glass in the ground level frontage oriented to Adams Street including business and entryway storefronts, display windows, or other glazing elements.
- g. In general, all windows should be taller than they are wide. This is true of windows on the first as well as upper floors. Street front windows that are horizontally oriented may be broken up with the use of muntins.
- h. Recessed doorways are preferred, in order to break up the building façade, provide a welcoming space, and provide protection from sun and rain. Where a recessed doorway is not used, an awning can have a similar effect.

- i. Windows and doors shall be surrounded by appropriate architectural elements highlighting the windows and doors as features of the façade.
- j. The back and sides of each building shall be given as much architectural care as the front. The building, whether observed from the front, rear or sides shall present an attractive appearance and offer a unified architectural approach. Where windows are not possible or appropriate to the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls.
- k. Building finish materials shall be appropriate to traditional New England architecture, and may include, but shall not be limited to brick, stone, wood or composite materials with visual characteristics similar to wood.. Vinyl as a primary finish material shall not be used.
- l. Mechanical equipment, including metal chimneys, and elevator penthouses at grade, attached to, or on the roof of a building, shall be screened from view from streets; or they shall be integrated into the overall design of the building by use of materials, placement, roof shape or form, or other means.
- m. Parking structures shall be unobtrusive and designed to blend with the building and the neighborhood. There shall be convenient access from a parking structure to the business and residential uses which it serves.
- n. Surface parking areas shall be designed as flexible plaza space that could be temporarily used for other private purposes or events. This may include using permeable pavers, integrating landscape islands, or other design approaches to adding visual interest and flexibility to parking areas.
- o. Vehicular access to the site shall be integrated with the design of the public realm and property frontage to minimize the width and potential negative impacts on the pedestrian environment.
- p. Landscaping shall be used to enhance the design of the building, provide attractive outdoor features, and help to integrate the Milton Village Business District with nearby residential districts. Street trees shall be integrated with the design of extensions of the sidewalk at the Adams Street frontage with the use of flush tree grates or permeable pavers. Where space is limited, window boxes, trellises, green walls, or other compact landscape features shall be integrated with the building design.

- q. Lighting fixtures shall be appropriate to the architecture and provide suitable lighting without detriment to nearby residences. Light fixtures including site and street lights should match existing standards in the Town, for example matching street lights already installed in the Central Avenue Business District.
- r. Signs shall be integrated with the building design and placed consistently on the building at the top of the ground floor and coordinated among multiple tenants.
- s. In addition to the required Design Standards in this Section, the Milton Planning Board may from time to time adopt regulations establishing additional design guidelines for development in the Milton Village Mixed-use Planned Unit Development.

7. Affordable Housing Units

In a Milton Village Mixed-use Planned Unit Development, ten percent of the total housing units (computed to the nearest whole number) shall be affordable housing, subject to perpetual deed restrictions and a regulatory agreement; these units shall be affordable to and occupied exclusively by households whose annual income shall not exceed 80% of the area median income as determined by the United States Department of Housing and Urban Development adjusted for household size with reasonable asset limits, so that insofar as reasonably possible the housing qualifies for inclusion on the Subsidized Housing Inventory (SHI). The units must be subject to use restrictions to ensure they remain in the affordable housing stock, and must be sold or rented on a fair and open basis.

As a condition for granting of a Special Permit, all affordable housing units shall be associated with documentation sufficient for compliance with the "Requesting New Units Form" of the Massachusetts Department of Housing and Community Development. The form states that documentation evidencing the following must be submitted: the zoning or permitting mechanism under which the housing development is authorized; the units are subsidized by an eligible state or federal program; the units are subject to a long term use restriction limiting occupancy to income eligible households for a specified period of time (at least thirty years or longer for newly created affordable units, and at least fifteen years for rehabilitated units); the units are subject to an Affirmative Fair Housing Marketing Plan; and the last appeal has been fully resolved (where applicable).

Affordable Housing Units shall be subject to an affordable housing restriction and a regulatory agreement, such as an affordable housing deed rider, in a form

acceptable to the Planning Board. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development and shall ensure that affordable units can be counted toward the town's Subsidized Housing Inventory. The regulatory agreement shall record the restrictions in a manner recognized by the Commonwealth with the content varying depending on the type of housing (rental or ownership), the method of property transferal, the income limits, and the town's housing administrative structure. Each affordable ownership unit created in accordance with this bylaw shall have limitations governing its resale through the regulatory agreement. The Special Permit shall not take effect until the restriction, the regulatory agreement and the special permit are recorded at the Registry of Deeds and a copy provided to the Planning Board and the Inspector of Buildings.

#### **8. Business Parking**

In a Milton Village Mixed-use Planned Unit Development, parking for business use 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, two 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 (without a bar area) one parking space shall be provided for each four patron seats in the restaurant or such lesser number determined to be adequate for the particular restaurant use by the Planning Board considering all relevant circumstances.

If a particular business use is specified in an application, each such use shall have the number of parking spaces specified in Section VII.C or a number of spaces determined to be adequate for the particular use by the Planning Board considering all relevant circumstances. 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. One circumstance, which may be considered, is any availability of residence parking vacant and available for business use during normal business hours, sharing of residential parking spaces for business uses is allowed to reduce the number of required business parking spaces when determined that it is appropriate by the Board of Appeals.

#### **9. Residence Parking**

In a Milton Village Mixed-use Planned Unit Development, there shall be a minimum of one (1) parking space for each studio and each one-bedroom dwelling unit, one and one-half (1.5) parking spaces for each two-bedroom dwelling unit, and two (2) parking spaces for units with three or more bedrooms, provided on-site.

**10. Off-Site Parking**

In a Milton Village Mixed-use Planned Unit Development, safe and convenient parking may be provided off-site within the Milton Village Business District for the parking required to support business uses at other properties in the Milton Village business district. Off-site spaces used to fulfill parking requirements must be associated with a parking agreement between the project proponent and the property owner where the off-site spaces are proposed to be located. The parking agreement shall be submitted with the Site Plan Requirements.

**11. Other Parking Reductions**

A reduction in the calculated parking requirement may be allowed as deemed appropriate by the Planning Board for the provision of features which reduce automobile dependence for the development. These features may include the provision of on-site dedicated parking space(s) to car-share vehicles, such as Zipcar... The provisions shall be appropriately scaled to the scale of the development and the requested reduction in parking.

**12. Bicycle Parking**

Any new building containing more than one residential unit shall provide for convenient indoor parking of one bicycle per residential unit, and provision of exterior parking of bicycles for business uses near the entrance(s).

**13. Site Plan Requirements**

An application for a mixed-use planned unit development shall include a plan meeting the requirements for site plan specified in Zoning Bylaw Section VIII.D.2 and such other requirements as may be specified by the Planning Board. 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 Norfolk County Registry of Deeds at the applicant's expense. The plan on record shall be a part of the special permit. The plan shall show the development in all material detail. Any amendments or modifications to the plan shall be approved by the Planning Board and recorded with the Registry of Deeds at the applicant's expense. The applicant shall promptly provide to the Planning Board evidence of recording

of each 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.

An application involving a property with a historic element built 75 years prior to application shall be referred to the Milton Historical Commission in conjunction with application to the Planning Board. The Milton Historical Commission may offer findings and recommendations that are advisory to the Planning Board.

The application shall also include professional studies calculating the impacts of the development on town services, on parking in the Milton Village business district and adjacent streets, on traffic in the town, on existing nearby businesses, and on future business development.

The application shall include a narrative by an appropriate design professional describing the project relative to the historic context of Milton Village including how the project positively contributes to the character of the district, preserves the history of the district, and strengthens its streetscape and vitality. The application must include architectural renderings, elevations, existing conditions survey, photos, site plan, landscape plan and details, site/building sections with accurate topographic depiction, building material specifications and other pertinent details regarding the project architecture and its compliance with the Design Standards. A narrative describing the integration of the Design Standards and compliance with the Design Standards shall accompany the application materials. A narrative describing compliance with Secretary of the Interior Standards shall accompany the application materials where applicable. The application shall include a narrative describing the parking, ride sharing, bicycle storage, and other similar transportation infrastructure elements integrated with the project. This narrative shall include discussion of off-site transportation impacts, including a district parking impact analysis and traffic impact analysis for the proposed project. The narrative shall describe potential district mitigation that may be proposed to address the impacts identified.

Proposals seeking a District Improvement Incentive must submit detailed plans and supporting information on the proposed streetscape and public realm improvements that support granting the bonus. Proposals seeking a Historic Preservation Incentive must submit a historic building report, prepared by a qualified historic preservation consultant, documenting the condition of the historic structure with drawings and photographs as well as the proposal for re-use of that structure. All studies and narratives submitted to the Planning Board

must be supported by reliable data. The penalty for unsupported statements in the application is denial of the application. The three narratives required in this paragraph must reliably establish what is requested to be shown. If any of these narratives fails to do so, that failure should be cause for denial of the application.

### **13. Application Review Fees**

When reviewing an application for a special permit for a Milton Village Mixed-use Planned Unit Development, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of the proposed project or due to the project's potential impacts. In accordance with M.G.L. Chapter 44 Section 53G, the Planning Board may require that an applicant pay a review fee, consisting of the reasonable costs incurred by the Planning Board for employment of outside consultants engaged by the Planning Board to assist in the review of an application. In hiring outside consultants, the Planning Board may engage disinterested engineers, planners, architects, urban designers or other appropriate professionals who can assist the Planning Board in analyzing a project to ensure compliance with this bylaw and with other laws, regulations and requirements. Expenditures may be made at the direction of the Planning Board and shall be made only in connection with the review of the specific project for which the review fee has been collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the application. At the completion of the Planning Board's review of a project, any excess amount of the review fee shall be repaid to the applicant. A final report of expenditures shall be provided to the applicant.

### **14. Notice, Procedures and Standard for Decision**

The notice and procedural requirements set out in Section IX.B and C and the standard to be used in rendering a decision set out in Section IX.C shall apply to special permits for mixed-use planned unit development under this subsection.

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