

# **DRAFT PROPOSAL (Dec 10, 08)**

## **ASHLAND, MA**

### **“Pond Street Mixed Use Overlay District” (PSMUOD)**

#### **1.0 Purpose**

The purpose of establishing the “Pond Street Mixed Use Overlay District” (PSMUOD) Zoning Bylaw is to promote economic development, encourage more efficient use of infrastructure, add vitality to the corridor and provide better access to employment opportunities and services by allowing high density mixed residential and commercial uses within the same building. The benefits of the PSMUOD Bylaw accrue only to those parcels located entirely within the boundaries of the PSMUOD. The PSMUOD shall hereby be established as designated on the zoning map dated-----

#### **2.0 Relationship to Underlying Districts and Regulations**

The PSMUOD shall overlay all underlying districts so that any parcel of land lying in PSMUOD shall also lie in one or more of the other zoning districts in which it was previously classified, as provided for in the Ashland Zoning Bylaws. The underlying zoning district permitted or allowed uses remain permitted or allowed. Any development proposed under the PSMUOD bylaw, is not subject to the regulations of the underlying zoning district.

#### **3.0 Special Permit Granting Authority**

Any development pursuant to the PSMUOD shall be allowed only by special permit. The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA). A simple majority shall be required for plan approval. (Steve K. to check MGL) All Special Permit applications made pursuant to the PSMUOD by-law shall conform to the standards and criteria and procedural provisions of the PSMUOD by-law and all relevant procedural provisions in the current Ashland zoning by-laws. Said Special Permit may be issued subject to such conditions as the Planning Board may deem appropriate.

#### **4.0. Development Criteria**

In addition to the specific requirements contained within this Bylaw, the Ashland Planning Board shall issue a special permit for development within the PSMUOD only after consideration of the following:

1. Adequacy of the site in relation to the size of the proposed structure(s);
2. Adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;
3. Suitability of the site for the proposed uses(s);
4. Impact on traffic, pedestrian flow and safety and access for emergency vehicles;
5. Impact on the visual character of the neighborhood;
6. Adequacy of utilities, including sewage disposal, water supply and storm water drainage;

7. Degree to which the proposed project complies with the stated purpose of this bylaw;
- 8 Impact of the proposal on the existing mix of structures and businesses in the PSMUOD.

## **5.0 Permitted Uses**

Within the PSMUOD, the Planning Board may issue a special permit for the following uses either solely or in combination:

### **5.1 Residential**

1. Dwelling units located above or adjacent to a building containing non-residential uses.
2. Dwelling units above or adjacent to non-residential uses may be connected for access if both are owned by the same entity and occupied by the owner or manager of the business (Sarah – live work language????)
3. Special use provisions: Ground floor uses;
  - a) Ground floors of buildings fronting streets or public access ways shall be reserved for non residential uses except as specified below.
  - b) Dwelling units shall be allowed on ground floors of buildings only where:
    - the building is set behind another building which has non residential uses on the ground floor; or
    - the residential portion of the first floor of a building is set behind street-front non residential uses within the same building; or,in other cases where the SPGA feels that street-front residential uses will not have an adverse impact on the continuity of the non residential street front uses.

### **5.2 Non-Residential**

1. Retail stores and offices including salesrooms and showrooms, consumer service establishments, business and professional offices, executive and administrative offices, banks etc.
2. Drive through service windows.
3. Non-noxious light industrial/manufacturing uses.
  4. Research/development and biotech uses.
  5. All uses allowed by right or by special permit in the underlying zoning district.

## **6.0 Dimensional Regulations**

### **1. Minimum Lot Size**

- a. Minimum Lot Size is 30,000 sf. (discuss?) of "buildable lot area". The lot must contain the "buildable lot area" in a single, contiguous site within the boundaries of the PSMUOD.

b.. No portion of a street, as defined by the by-law may be included in computing the minimum required "buildable lot area".

## 2. Minimum Lot Frontage

Minimum lot frontage is one hundred fifty (150') feet (discuss?) Must have at least one means of ingress/egress.

## 3. Density

No buildings(s), structure(s) or land shall be used, in whole or in part, which exceeds the densities specified below for residential uses and non residential uses. For the purpose of this section, "gross square feet of non-residential floor area" means the total non-residential floor area contained within exterior walls but does not include basement space used solely for heating/cooling, utilities, storage or for automobile parking.

1. One residential dwelling unit per 2,000 sf. of "buildable lot area".

2. Commercial (Do we need commercial language here? If not, why do we need non residential language above?)

## 4. Setbacks and Yard Regulations for Buildings

1. Following are the setback requirements:

a. Required Setback Distance: Min. 15 feet and Max. ??? feet. (none?)

b. Required Side Yard Width: 10 feet min.

c. Required Rear Yard Depth: Min 25 feet (?????????)

2. The required setback distance shall be measured from the nearest exterior line of the street in question.

## 5. Display/Storage

No storage or permanent display of goods, products, materials or equipment, vending machines or similar commercial devices shall be located nearer to the line of any street than the permitted setback distance for a building on the lot.

## 6. Height Regulations

Building heights up to five (5) stories are allowed by right in the PSMUOD, and, as a development incentive, the SPGA may allow buildings higher than five (5) stories if the developer can demonstrate to the SPGA's satisfaction, that the increased height is in keeping with the purpose of the by law.

## 7. Common Open Land

1. The Developer is encouraged to have Common Open Land for use by the general public. The Common Open Land shall have a shape, dimension, character and location suitable to assure its use for park or open space purposes by the general public.

2. The SPGA may permit a density bonus of one (1) dwelling unit per 2,000 sf of Common Open Land provided the area of Common Open Land shall equal at least ten (10) percent of the total parcel area.

3. Any required takings for Right of Way (ROW) improvements including sidewalks along a public street, will not impact the minimum required "buildable lot area" for the development. Said area may be included in the Common Open Land calculation. Land must be transferred to the Town or State as the case may be, free of charge.

## **7.0 Affordable Housing**

1. As a condition of the grant of any special permit in the PSMUOD creating more than ten (10) residential units, a minimum of the following total number of dwelling units shall be restricted as affordable for a period of not less than ninety-nine (99) years. Fractions of .49 shall be rounded down and .50 rounded up. The form of the ninety-nine year restriction shall be approved by legal counsel to the SPGA, and a right of first refusal upon the transfer of such restricted units shall be granted to the Town of Ashland for a period of not less than 90 days after notice thereof.

a. 10% of the units shall be affordable to persons or families qualifying as low to moderate income. Low to moderate income shall mean affordable to persons in the area under the applicable guidelines of the DHCD earning less than 80% of the median area income.

b. The SPGA may grant a density bonus in the event the developer proposes more affordable units than required. Said bonus shall be negotiated between the SPGA and Developer.

2) The affordable units shall be developed under the Local Initiative Program of the Massachusetts Department of Housing and Community Development or another subsidy program that allows housing to count towards the statutory affordable housing requirement of Chapter 40B of Massachusetts General Law.

3) The affordable units must be subject to use restrictions, deed restrictions, or other legally binding instruments to ensure that the units remain affordable and available for the term, exclusively to people with qualifying incomes. The units must be sold or rented on a fair and open basis, and the owners of the units must adopt an affirmative fair marketing plan.

4) Affordable residential units shall be subject to a Monitoring Agreement to ensure continued compliance with these provisions. The Town may require, for itself or its designee, an option to purchase or lease affordable units for rents, sale prices, or resale prices that are affordable to eligible households. The option shall apply to the initial and any subsequent sale or lease of affordable units.

## **8.0 Parking Requirements**

In the PSMUOD, off street parking shall be provided as follows:

1. For dwelling units, one (1) parking space per each studio or one bedroom unit and one and one half (1 ½) parking spaces per each unit having two bedrooms or more.

2. For non residential uses; one parking space for each two hundred fifty (250) square feet of gross floor area. For the purpose of this section, "gross floor area" means the total floor area contained within exterior walls, but does not include basement space used for heating and utilities, storage or for automobile parking.

3. Uses not listed in this section shall comply with the parking space requirements of the Ashland Zoning Bylaws

4. In the case of mixed uses, the parking spaces required shall be the sum of the requirement for the various individual uses, computed separately in accordance with this section. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use unless it can be clearly demonstrated to the Planning Board that the need for parking occurs at different times, in which event the SPGA may waive this requirement.

5. Off-street automobile parking spaces, to the extent required in this section, may be provided either on the same lot or premises with the parking generator or on any lot or premises associated therewith a substantial portion of which at least is within three hundred (300) feet of the generator.

6. Off-street parking facilities and connecting drives between such facilities and the street shall be designed to insure the safety and convenience of persons traveling within or through the parking area, and between the parking facility and the street. The provisions of Section 5.1 Off Street Parking Requirements, shall be considered the minimum criteria for evaluating such design.

## **9.0 PSMUOD Review Standard**

The Review Standards are established for the accomplishment of the following purposes:

- Ensure that the PSMUOD becomes a unique and identifiable place and destination for residents, visitors and business affairs;
- Enhance the social and economic viability of the PSMUOD by preserving property values and promoting the attractiveness of PSMUOD as a place in which to live, work, visit and shop;
- Enhance the PSMUOD economic resources;
- Promote and encourage building design and building alterations that are of high quality and appearance;
- Promote flexibility and variety in the development to enhance the natural and aesthetic qualities of the PSMUOD.

### **1. Administrative Procedures**

a) All applications made pursuant to the PSMUOD by-law shall be subject to Design Review by the SPGA in accordance with the following Design Review Standards:

#### **1. Scale**

a) Buildings shall relate well to the pedestrian scale.

1. Include appropriate architectural details to add visual interest to all facades that face streets, pedestrian pathways, parking lots, or other significant pedestrian spaces;

b) Continuous length of flat, blank walls adjacent to streets, pedestrian pathways, or open spaces shall not be permitted.

## **2. Entrances**

- a) For visibility and accessibility, all primary commercial and residential building entrances shall be visible from either the right-of-way or the parking area shall have an entrance directly accessible from the sidewalk.
- b) Air Lock entrances shall not extend beyond the exterior facade into pedestrian pathways.
- c) Where parking is located to the rear of a building, entrances to dwelling units within the building are to be visible and accessible from the parking lot. All entrances are to have sufficient illumination at night time.

## **3. Architectural Details – Existing Buildings**

If a proposed development includes alteration of, or addition to, an existing building, the change shall employ materials, colors, and textures as well as massing, size, scale and architectural features which show consideration for the original structure, if applicable and appropriate. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a building shall be preserved whenever possible, if applicable and appropriate.

## **4. External Materials and Appearance**

- a) Ground floor portion of commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 50% of the facade surface.
- b) Predominant wall materials are encouraged to have the appearance of wood, brick, stone or EFIS (stucco).

## **5. Roof form**

- a) New construction may incorporate flat or pitched roofs.
- b) Flat roofs shall be concealed with parapets along the front and sides of the structures and shall not include scuppers or downspouts that outlet above ground level directly into any pedestrian ways.
- c) Mechanical equipment shall be screened, organized and designed as a component of the roofscape, and not appear to be leftover or add-on element.

## **6. Service Areas, Utilities and Equipment**

Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets or primary public open spaces and shall incorporate effective techniques for noise buffering from adjacent uses.

## **7. Sustainable Building Design**

New buildings constructed in the PSMUOD shall be Energy Star rated. Consideration must be given to using sustainable building practices such as the LEED rating system. (Expand this – Mike)