

ARTICLE XX: AMEND CHAPTER 125-52, AYER ROAD VILLAGE SPECIAL PERMIT, OF THE PROTECTIVE BYLAW

To see if the Town will vote to amend Chapter 125-52, Ayer Road Village Special Permit, of the Protective Bylaw, by making the following revisions thereto, or pass any vote or votes in relation thereto.

[Key to revisions; underlining = additions; strikethrough = deletions]

§ 125-52 Ayer Road Village Special Permit (ARV-SP).

A. Purpose and objectives.

- (1) The purpose of this section is to provide an opportunity to present viable alternatives to conventional commercial sprawl-type development; specifically, to assist the Town in creating and maintaining a village identity for commercial properties on Ayer Road. A further purpose of this section is to discourage property owners from subdividing commercial lots into multiple parcels, which may result in multiple curb openings, uncoordinated access, circulation and signage, and less coherent design, and to encourage the merging of smaller parcels into well-planned sites.

Additional objectives of this section include:

- (a) Promotion of mixed use development.
 - (b) Promotion of shared access in properties, with appropriate links to adjoining properties, lessening the need for curb openings on Ayer Road.
 - (c) Promotion of development that emphasizes pedestrian accessible walkways, benches, pathways, bicycle racks, and pedestrian-scale lighting and signage.
 - (d) Encouragement of building and site designs compatible with the local architecture, rather than generic designs.
 - (e) Avoidance of excessive building massing and unbroken building facade treatments.
 - (f) Subordination of parking, loading docks, on-site utilities, heating, ventilation and air conditioning equipment (HVAC), utility lines, and solid waste dumpsters to building form.
- (2) In order to promote the creation of a village commercial identity for commercial properties located on Ayer Road, and to accomplish the goals and objectives set forth for this area in the Town's Master Plan adopted by the Planning Board (as may be amended, and as described in this section), the Planning Board may more flexibly apply dimensional regulations and site standards as set forth below.

- B. Applicability.** An applicant who is the owner (or with the permission of the owner) of land that is zoned Commercial C, with a minimum of 300 feet of frontage on Ayer Road, may apply for an Ayer Road Village Special Permit (ARV-SP). Selected mixed-use village development uses also require a special permit under this section and pursuant to § **125-13**. The Planning Board is the

special permit granting authority for special permits issued pursuant to this section and § 125-46.

- C. **Submittal requirements.** An application for an ARV-SP, together with an application for site plan approval, shall be filed with the Town Clerk and submitted to the Planning Board in accordance with § 125-38 and any additional site plan rules and regulations adopted by the Planning Board. A registered landscape architect, architect and professional engineer must participate in the preparation of such site plan.
- D. **Review criteria and considerations.** In reviewing a proposed development pursuant to this section, the Planning Board may adopt design guidelines to assist it in the review of applications, and shall give due consideration to the following considerations and criteria:
- (1) In mixed-use projects, new development should be located, grouped and sited in a manner to respect the context of any adjoining existing residential uses. All uses in the new development should be clustered appropriately.
 - (2) Where appropriate, historical significance shall be considered with special consideration for preservation of historic buildings on the site or on adjacent or neighboring properties.
 - (3) Development should be designed for pedestrian and bicycle passage.
 - (4) Building and site design should mitigate potential adverse impacts of a proposed development upon neighboring properties and the streetscape. Such mitigation efforts may include but not be limited to the following:
 - (a) Parking lots shall not dominate the front yards of properties and shall be broken into small increments with internal landscaping. Not more than 25% of parking spaces proposed to serve the development shall be located in front of a building or buildings.
 - (b) Landscaped, required open space and green areas, in addition to their aesthetic value, shall be designed to reduce the rate and volume of stormwater runoff compared to pre-development conditions. Massachusetts Department of Environmental Protection (DEP) Stormwater Best Management Practices and other measures to minimize such runoff and improve water quality shall be implemented.
 - (c) Solid waste shall be handled so as to avoid negative off-site impacts (noise, odor, and visual) on neighbors and neighboring properties. The use of trash compactors, fencing and screening, or the containment of all solid waste storage and handling within the building(s) of the development is encouraged.
 - (d) Loading docks shall be located and designed to minimize negative off-site impacts (visual and operational) on neighbors and neighboring properties.
 - (e) Proposed structures shall be designed and sited to minimize scale-related impacts on neighboring lots and any adjacent open space.

- (f) Changes in grade on the lot shall be designed to minimize the need for structural retaining walls close to neighboring properties and property lines.
- E. **Sewage disposal.** Privately owned and maintained on-site sewage disposal or treatment systems may be approved to serve buildings and lots in an ARV-SP development, if maintained and operated by an owner, notwithstanding the provisions of § **125-32D** of this Bylaw, if such disposal or treatment facility or system is approved by the Town's Board of Health and in compliance with the requirements of Title 5, 310 CMR 15.00, or is approved in accordance with the requirements of 314 CMR 5.00 (the Ground Water Discharge Permit Program). Such an approved system may be located on land owned in common by the owners of the building(s) or lots within the development. The minimum setbacks of such system and any absorption area can be different from the minimum setback distance set forth in § **125-32C(2)(b)**, provided that such setback complies with Title 5, 310 CMR 15.00, the Town Board of Health's regulations, or is approved in accordance with the requirements of 314 CMR 5.00 (the Ground Water Discharge Permit Program).
- F. **Hearing and decision.** After notice and a public hearing in accordance with Massachusetts General Laws Chapter 40A, Sections 9, 11 and 15 and after following the procedure outlined in this Bylaw, the Planning Board may grant such a special permit with any appropriate conditions, safeguards, and limitations.
- G. **Incentives for specific uses.**
 - (1) In reviewing and acting on applications for an ARV-SP and for mixed-use village development special permits pursuant to § **125-13**, and in order to provide for flexible zoning requirements in such developments, notwithstanding any provisions of this Bylaw to the contrary, the Planning Board may:
 - (a) Permit alternative building siting without regard to a lot width circle.
 - (b) Permit more than one structure or main building on a lot.
 - (c) Apply alternative building and structure setback requirements, except where lot boundaries abut property in the AR District, where a minimum of a sixty-foot setback shall apply.
 - (d) Apply alternative site standards relative to parking, loading and driveways, including the establishment of minimum and maximum parking ratios.
 - (e) Apply alternative site standards relative to lighting and signs, including the imposition of more restrictive requirements than those set forth in this Bylaw.
 - (2) Additionally, in reviewing and acting on applications for special permits issued pursuant to this section for a mixed-use village development, the Planning Board may authorize the following:
 - (a) Up to 10% more floor area than allowed under § **125-30B**.

- (b) Greater total building size than allowed under § **125-37**, Subsection **A**, provided that no building shall exceed 30,000 square feet of gross floor area.
- (3) The variations enumerated in Subsection **G(1)** and **(2)** above may be authorized by the Planning Board upon it finding that the purposes and objectives and the review criteria of this section have been met by the subject ARV-SP development proposal, and that such development, when completed, will result in one or more of the following:
 - (a) Preservation of an agricultural use, natural resources, including but not limited to woodlands, wetlands, streams and/or fields, or land with historic structures or other unique features.
 - (b) Connectivity between adjoining sites, or provisions for curb-cut reduction, shared access, and shared parking.
 - (c) Inclusion of multifamily use with a set aside of affordable housing units.

H. **Waiver of site plan requirement.** In cases where a use is proposed to be located on a site subject to an existing ARV-SP, or within an existing building that has been approved as part of an ARV-SP, and no changes are proposed to the site plan, the Planning Board may waive the requirement for a new, additional site plan submission in conjunction with such a special permit application, and require the applicant to add an appropriate notation to the previously approved plan.

~~I. **Assisted living facility.** An assisted living facility may be permitted in an ARV-SP as a stand-alone use or as part of a mixed-used development. The lot on which an assisted living facility is located shall have a minimum land area of 1.5 acres and at least 3,500 square feet of land area for each assisted living unit, inclusive of the 1.5 acres minimum land area, within the Commercial District and shall comply with all dimensional requirements for lots set forth in § **125-29**. The maximum building size shall be 55,000 square feet of gross floor area. The following additional standards shall apply: [Added 4-5-2016 ATM by Art. 52]~~

- ~~(1) At least 50% of the development shall be open space, of which not more than half shall be wetland. The open space calculation may include land within required setbacks.~~
- ~~(2) Unless otherwise modified by the Planning Board per § **125-52G(1)(c)**, no building shall be located closer than 100 feet to an AR District boundary, and no parking area or accessory structure shall be located closer than 60 feet to an AR District boundary.~~
- ~~(3) Permitted accessory structures include maintenance buildings, and other customary accessory structures for use of the residents and staff.~~
- ~~(4) The proponent shall be required to pay for an independent fiscal impact analysis, to be contracted by the Planning Board, which shall demonstrate likely revenues generated by the development and the estimated costs of providing municipal services. The Select Board may negotiate and enter into an agreement with the developer or owner of an assisted living facility which provides for, among other things, for payments to the Town to offset the Town's costs of providing services to the~~

~~development and/or for the provision of services to the development by service providers other than the Town at the developer's expense. [Amended 10-22-2018 STM by Art. 2]~~