

**Proposed Zoning Bylaw and Zoning Map Amendments**  
**Recommended by the Zoning Advisory Committee to the Planning Board**  
**for 2015 Annual Town Meeting**

The following proposed zoning bylaw and zoning map amendments have been recommended to the Planning Board by the Zoning Advisory Committee. A public hearing will be held on these proposals on Monday, Feb. 23 at 7:30 pm in the Town Hall.

**Downtown Business (BD) District/Residence A (RA) District Boundary Adjustment**

*Description:* At the present time, the five lots are in both the Downtown Business and Residence A districts. The original district line was drawn several years ago, and runs 300 feet parallel to Main St.

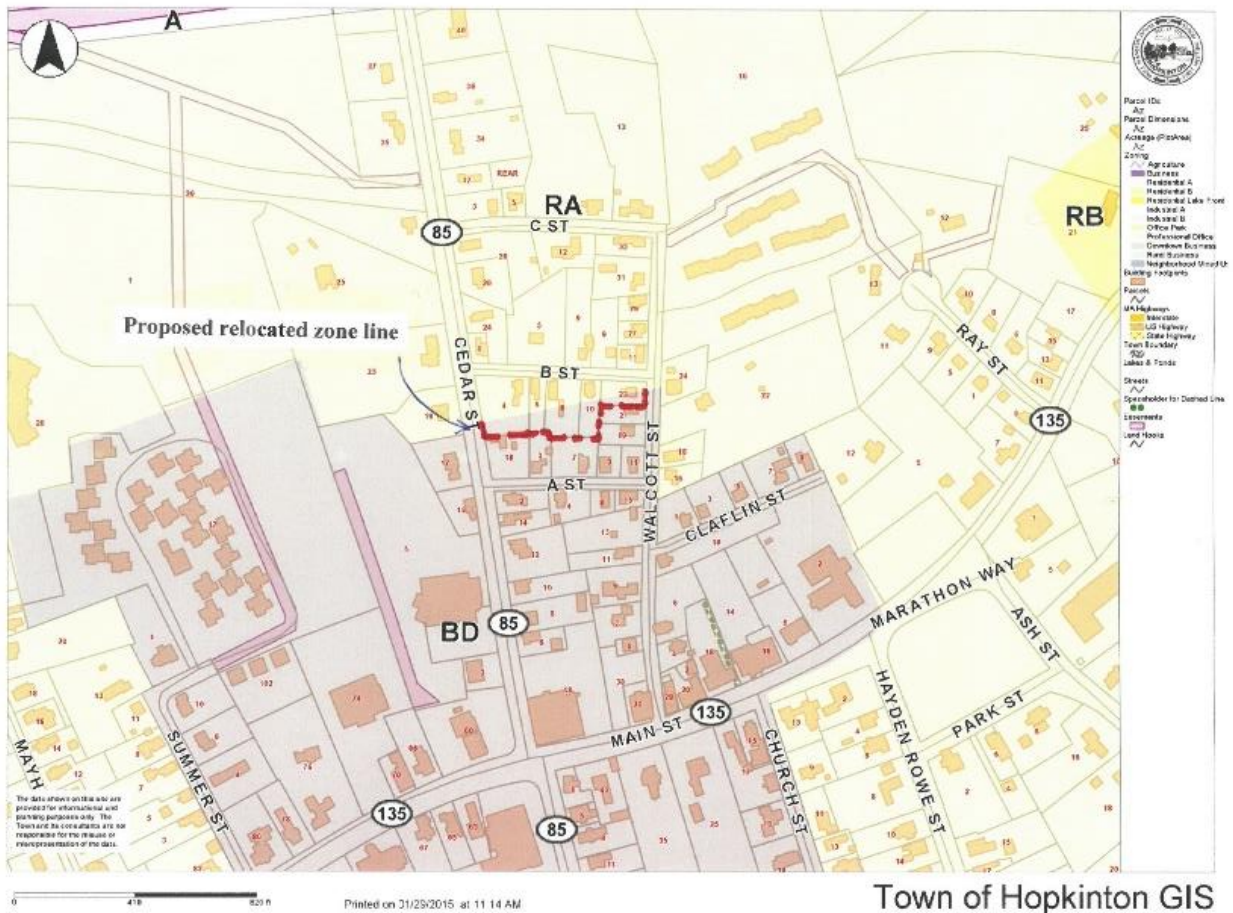
The zoning regulations only apply to the land within each physical district. In the case of these lots, most of them have BD zoned land at the rear of the property. If a use is allowed in the BD district and not in the RA district, one may not use the RA district to access the use in the BD district, which means that the BD district land at the rear of the lots can't be used for many of the uses allowed in the BD district. All of the lots are in residential use.

*Draft Article:*

To see if the Town will vote to amend the Zoning Map by changing the boundary between the Downtown Business (BD) District and the Residence A (RA) District to run concurrently with existing property lines on the following parcels:

<i>Parcel Location</i>	<i>From</i>	<i>To</i>
4 B Street (Assessors Map U16 Block 103 Lot 0)	Downtown Business (BD) and Residence A (RA)	Residence A (RA)
6 B Street (Map U16 Block 102 Lot 0)	Downtown Business (BD) and Residence A (RA)	Residence A (RA)
8 B Street (Map U16 Block 101 Lot 0)	Downtown Business (BD) and Residence A (RA)	Residence A (RA)
10 B Street (Map U16 Block 100 Lot 0)	Downtown Business (BD) and Residence A (RA)	Residence A (RA)
23 Walcott Street (Map U16 Block 98 Lot 0)	Downtown Business (BD) and Residence A (RA)	Residence A (RA)

*Current Zoning Map and proposed change:*



**Downtown Business (BD) District Off-Street Parking Location**

*Description:* At the present time, off-street parking between a principal building and a street is prohibited in the BD District. The provision was adopted in order to ensure that the downtown area remains a visually classic downtown as properties are developed or redeveloped, with buildings located at the street rather than set back as one might see in a newer strip development. The proposed change would allow off-street parking between the principal building and a street by special permit, recognizing that the blanket prohibition does not offer any flexibility should it be desirable and visually acceptable to locate parking in front of a building. For example, a variance from the provision was granted to allow the parking in front of the Police Station. The proposed language would allow for a deliberative process where the Planning Board could ensure that the downtown streetscape is retained if parking is proposed to be located in the front of a building.

*Draft Article:*

To see if the Town will vote to amend Article VIA, Downtown Business (BD) District, of the Zoning Bylaws by deleting subsection A from Section 210-20.4. Off-Street Parking, in its entirety, and inserting a new subsection A as follows:

- A. Off-street parking may only be located between the principal building and a street upon the grant of a special permit by the Planning Board. The Planning Board may grant the special permit only if it finds that: 1) the proposed parking will not be detrimental to the surrounding neighborhood, and 2) the proposed location and design of the parking will enhance the downtown streetscape. The term “streetscape” shall refer to a design term meaning all elements that constitute the physical makeup of a street, and that as a group, define its character, including building facades, frontage and placement, the paved street, street furniture, landscaping, including trees and other plantings, awnings, signs and lighting.

**Indoor Recreation; Industrial B District**

*Description:* This article would adopt a new definition of “indoor recreation” and allow the use by special permit in the Industrial B District. At the present time, there is no defined use and there has been interest expressed in the last few years regarding such uses.

*Draft Article:*

To see if the Town will vote to amend the Zoning Bylaw as follows:

- 1. Insert the following new definition in § 210-4, Definitions, in appropriate alphabetical order:

INDOOR RECREATION – A facility, within a permanent building or structure, designed and equipped for the conduct of sports, athletic and other leisure time activities, and where all activities are conducted entirely within the building and no noise generated by the facility within the building may be heard at the property line. Such activities may include swimming, skating, indoor skydiving, soccer, bowling and other similar uses. Such facilities shall not include arcades and billiard halls unless accessory to any of the aforementioned allowed primary uses.

- 2. Amend § 210-37.9, Uses allowed by special permit, by inserting a new subsection K as follows:

K. Indoor recreation uses.

**Signs**

*Description:* Proposed changes to the existing Sign bylaw would add regulations pertaining to the lighting of signs and the design and placement of signs on buildings, clarify that off-premises signs are prohibited, increase the size of temporary signs advertising work being performed on the premises, and provide information about the current permitting process for signs. There is no change to the review or permitting process.

*Draft Article:*

To see if the Town will vote to amend Article XXVII, Signs, as follows:

1. Insert new subsections H, I, J and K in § 210-178 as follows:

H. Signs may be externally illuminated by steady, stationary light shielded and directed solely at the sign, signs may be reverse lit or backlit, or signs may consist of translucent channel lit letter/characters. Internally illuminated signs are prohibited, except for signs consisting of translucent channel lit letters/characters.

I. For signs on buildings, sign placement and alignment shall serve to define or enhance architectural elements of the building. Sign design shall have reasonable continuity with the mounting location, height, proportions and materials of other signage on the same lot.

J. Unless specifically authorized by this Article, there shall be no signs displayed off the premises of the use which is the subject of the sign.

K. No sign which is mounted to be flush with a building wall shall be more than 6 inches in depth.

2. Delete the last sentence of § 210-179.D and insert a new last sentence as follows:

Such signs shall not exceed 5 square feet in area in the Residence A, Residence B, Residence Lake Front and Agricultural zoning districts. Such signs shall not exceed 32 square feet in area in the Downtown Business, Business, Rural Business, Industrial A, Industrial B, and Professional Office zoning districts.

3. Insert a third paragraph in § 210-176, Purpose, as follows:

For signs requiring a building permit pursuant to the State Building Code, the procedure for obtaining a permit for a sign which complies with the provisions of this Article is as follows:

- 1) The applicant should review the provisions of this Article to ensure that the proposed sign conforms to the requirements;
- 2) Application for a building permit for the sign is submitted, and includes such information as required as to the size, design and location of the sign;
- 3) Review by the Design Review Board;
- 4) Issuance of the permit by the Director of Municipal Inspections.

### **Site Lighting – Site Plan Review**

*Description:* This article would amend the Site Plan Review bylaw to expand the standards pertaining to site lighting. Site plan review applies only to new commercial development projects. The proposed standards include maximum pole height for light fixtures, a change to the level and manner of site lighting, and a special permit procedure for applicants who may be able to make the case for a modification of the standards.

*Draft Article:*

To see if the Town will vote to amend Article XX, Site Plan Review, by deleting subsection N from § 210-136.1 in its entirety and inserting a new subsection N as follows:

N. Levels of illumination shall be provided as follows:

1. No property may have exterior lighting that exceeds the minimum illumination level recommended by the Illuminating Engineering Society of North America for such use.
2. Parking lot lighting shall be designed to minimize illumination levels and the height of light sources, to the maximum extent consistent with the purpose of the lighting. In order to establish that this requirement is satisfied, an applicant shall demonstrate that illumination levels and the height of light sources cannot be reduced by utilizing a greater number of fixtures and lamps.
3. For pole mounted lights, the height of the light source shall not exceed 15 feet, which shall be measured from the ground at the base of the pole to the bottom of the fixture.
4. Pedestrian area lighting shall utilize fully shielded fixtures, and the height of light source shall not exceed 12 feet, measured from the ground at the base of the pole to the bottom of the fixture.
5. No exterior lighting may interfere with the safe movement of motor vehicles on publicly traveled ways.
6. Mercury vapor lamps are prohibited.
7. Uplighting is permitted only when used as follows:
  - (a) To light a primary entrance, when the fixture or lamp is wall-mounted under an architectural element (e.g., roofs over walkways, entries or overhanging, nontranslucent eaves) so that the uplighting is fully captured.
  - (b) To light local, state or national flags.
  - (c) To highlight or illuminate a building façade and/or landscaping, and to highlight or illuminate statues and monuments.
8. Floodlighting is permitted only if a fully shielded fixture is utilized and no lighting will fall onto the property of others.
9. Safety and security lighting shall use motion sensors, photocells, or photocell/timers to control duration of nighttime illumination.

10. Exterior lighting of recreation facilities shall utilize fully shielded fixtures and, except as authorized by Special Permit or Site Plan Approval, shall be turned off by 10:00 p.m., or at the conclusion of an activity begun before 10:00 p.m.; provided, however, that in any case the exterior lighting shall be turned off by midnight.
11. Blinking, flashing, moving, revolving and flickering lights, as well as lighting that changes intensity or color shall be prohibited except for lighting for public safety or traffic control and lighting required by the U.S. Federal Aviation Administration for air traffic control and warning purposes.
12. Notwithstanding any provisions to the contrary, sidewalks exterior to the site may be illuminated, and illumination may spill onto abutting non-residential property if requested in writing by the abutting property owner.

Exterior lighting that does not conform to the provisions of this Section may be allowed by special permit from the Planning Board if the Planning Board finds that such exterior lighting is consistent with the Purpose of this Article, or that there are other demonstrable community, health, safety or welfare benefits that will be served by the exterior lighting. No special permit may be granted pursuant to this Section unless the Board determines that the proposed exterior lighting is appropriate for the size and use of the property, the building(s) thereon, and the neighborhood setting.

#### **Open Space and Landscape Preservation Development (OSLPD)**

*Description:* The OSLPD bylaw requires a 100 foot wide perimeter buffer around a proposed residential subdivision, which is set aside as common open space open to the public. One proposed change clarifies that trails and trailheads are allowed within the perimeter buffer area. This does not represent a change in policy or interpretation, and clarifies an issue that was raised during the Planning Board's plan review process. Another proposed change corrects an omission relative to minimum parcel size, and language would be inserted to match an existing provision elsewhere in the bylaw.

*Draft Article:*

To see if the Town will vote to amend Article XVII, Open Space and Landscape Preservation Development, as follows:

1. Delete subsection A of § 210-110 in its entirety and insert a new subsection A as follows:
  - A. **Size:** The total area of the tract proposed for open space and landscape preservation development shall be at least 10 acres or 5 acres if located adjacent to permanent open space which will be expanded by the proposed plan.
2. Delete the first sentence of § 210-113.C(4) and insert a new first sentence as follows:

Buffer areas shall remain in their current natural state and may include new trails and trailhead parking areas approved by the Planning Board.

### **Move Zoning Bylaw Provision**

*Description:* This proposal is a housekeeping change, and would move a provision contained in the Definitions section into the Supplementary Regulations section of the Zoning Bylaw. Only the location of the provision, and not the meaning, would change. The “lots in two or more residence districts” provision is currently located in the Definitions section, but it is not a term used elsewhere in the bylaw, and is not actually a definition. Instead, the provision describes what zoning regulations apply when a lot is split by residential zoning districts, and is often missed by applicants because it is not appropriately located. Moving it to a section with other regulations will improve its visibility and will improve the organization of the Zoning Bylaw.

*Draft Article:*

To see if the Town will vote to amend the Zoning Bylaws by deleting the definition of “Lots in Two or More Residence Districts” from Section 210-4, Definitions, in its entirety and inserting a new Section 117.1 in Article XVII, Supplementary Regulations, as follows:

§ 210-117.1 Lots in two or more residence districts

If a lot is located in two or more residence districts, all of the lot shall be considered as lying entirely within the district having the largest area and frontage requirements.

### **Special Permits**

*Description:* This housekeeping article would reorganize and consolidate language pertaining to special permits and special permit granting authorities. The statutory requirements pertaining to special permits are the same regardless of whether the Planning Board or Board of Appeals is the designated special permit granting authority. Hopkinton’s zoning bylaw language was adopted over time, based on the original platform where only the Board of Appeals granted special permits. For that reason, Article XXII (“Appeals”) addresses the establishment and organization of the Board of Appeals, and includes a description of its responsibilities regarding administrative appeals, special permits and variances. It appears as though the Planning Board began issuing special permits in the 1980’s, and there is no central language in the bylaw which specifically addresses its responsibilities in this regard. Creating one section pertaining to special permits in the Zoning Bylaw that pertains to both boards would allow repetitious language in the bylaw to be deleted, will allow for better organization of the bylaw, and will make it easier for those applying to the Planning Board for a special permit to determine what the requirements and standards are. The changes are purely organizational and do not change the uses for which special permits may be granted, the responsible board or the criteria for issuing special permits.

*Draft Article:*

To see if the Town will vote to amend the Zoning Bylaw as follows:

1. Amend Article XXII, Appeals, as follows:
  - A. Change the title of the Article from “Appeals” to “Board of Appeals”.
  - B. Delete item (2) of § 210-146 in its entirety and insert a new item (2) as follows:
 

(2) Special Permits. Pursuant to MGL c.40A, § 9, to act as the Special Permit Granting Authority in accordance with Article XXXIV.
  - C. Delete the first sentence of § 210-149 in its entirety and insert a new first sentence as follows:
 

Public hearings shall be held pursuant to MGL c.40A, § 11, on all appeals and applications or petitions for variance.
  - D. Delete subsection B of § 210-151 in its entirety and insert a new subsection B as follows:
 

B. The decision of the Board of Appeals shall be made within 100 days after the date of filing.
  - E. Delete subsection A of § 210-152 in its entirety and re-number the section appropriately.
2. Insert a new Article XXXIV, Special Permit Granting Authority, as follows:

ARTICLE XXXIV  
Special Permit Granting Authority

§ 210-222. Special Permits.

- A. Pursuant to MGL c. 40A, § 9, the Special Permit Granting Authority (SPGA) shall hear and decide applications for special permits for which express provision is made in this Chapter. The SPGA may be the Board of Appeals or the Planning Board.
- B. The SPGA shall adopt rules not inconsistent with the General Laws and the provisions of this Chapter for conducting its business and shall file a copy thereof with the Town Clerk.
- C. A special permit shall lapse within two years of the grant thereof unless good cause is shown why substantial use thereof, or related construction, has not been begun. An applicant must request the extension of a special permit from the SPGA, and the SPGA may extend the special permit for such period of time as it deems appropriate.
- D. Public hearings shall be held pursuant to MGL c. 40A, § 11 on all applications for special permits.



- E. The decision of the SPGA shall be made within 90 days after the close of the public hearing. The required time limits for a public hearing and the filing of a decision may be extended by written agreement between the petitioner and the SPGA, and shall be filed with the Town Clerk.
  - F. Failure of the SPGA to act within the specified period shall be deemed to be the grant of the relief, application or petition sought.
  - G. Special permits, where granted, must be in harmony with the general purpose and intent of this Chapter, and they shall be subject to whatever appropriate conditions and safeguards the Special Permit Granting Authority may prescribe. In reviewing an application for a special permit, the SPGA shall give due consideration to promoting the public health, safety, convenience and welfare; and shall not permit a use that is injurious, noxious, offensive or detrimental to its neighborhood. Certain provisions of this Chapter may include additional criteria and standards for the granting of specific special permits.
3. *(see attached tables "Related Amendments for Consistency") – not put into warrant article form yet)*

**Crossroads Redevelopment District**

*Description:* This article would adopt a new Crossroads Redevelopment District (CRD), new definition of “licensed medical care facility for inpatient and outpatient services”, change the zoning district of about 57 acres from Industrial B to CRD and remove the area from the Hotel Overlay District. The CRD includes dimensional requirements for lots and structures, including a maximum floor area ratio, pervious surface area, and three building height zones with maximum heights ranging from 25 to 100 feet. New uses would be permitted, including up to 375 multifamily dwelling units. The CRD would contain site and building design principles, and a two-step process for project approval that includes approval of a district-wide site plan and site plan review. The new zone is intended to facilitate redevelopment of an old office park. The Zoning Advisory Committee noted that a pending report will provide additional information as to the market feasibility and fiscal impacts of the proposed project, but it was not received during the period of time that the Committee met and reviewed the proposal. The Committee’s recommendation was made without the benefit of having received the report.

*Draft Article:*

To see if the Town will vote to amend the Zoning Bylaw as follows:

- 1. Adopt a new Article XXXII, Crossroads Redevelopment District, as follows:

Article XXXII  
Crossroads Redevelopment District

§ 210-205. Purpose.

The intent and purpose of this Article is to implement the following policies, principles and objectives within the Crossroads Redevelopment District:

- A. Redevelop the land within the District so that it contains a mix of uses;
- B. The land within the District will be organized in a pattern which encourages pedestrian and non-motorized access within the District and connects to adjacent open space, commercial, residential and recreational areas;
- C. Transportation access will be planned and designed to coordinate with and facilitate the redevelopment;
- D. Buildings and landscaping will contribute to the character of the Town and enhance the District;
- E. Located at Hopkinton's highly visible "front door" on I-495, exceptional architectural form and design are critical components of the District;
- F. Building design and location will be respectful of existing neighborhood settings, encourage entry of sunlight into interior spaces and minimize interference with distant views into and out of the District;
- G. Site design and building design will utilize energy efficient design and execution and low impact development techniques and principles;
- H. The entire District will be planned, and will be developed in accordance with the design principles contained and expressed in this Article.

§ 210-206. Definitions.

**FLOOR AREA RATIO (FAR)** – The total gross floor area of all buildings and structures within the District divided by the total land area of the District, provided, however, that the gross floor area of parking structures, interior parking, bicycle storage structures, temporary seasonal structures, loading facilities and structures designed for pedestrian access such as pedestrian bridges, enclosed walkways or bus shelters shall not be included in FAR calculations.

**MULTIFAMILY DWELLING** – A building containing three or more dwelling units, including units that are located one over the other.

**PERVIOUS SURFACE** – Land area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

**PERVIOUS SURFACE AREA (PSA)** – The total area of pervious surface within the District divided by the total area of the District.

§ 210-207. Dimensional and Intensity of Use Requirements.

- A. The following dimensional and intensity of use requirements shall apply:

- (1) Minimum lot frontage on a street: 50 feet. Upon the grant of a special permit from the Planning Board, lot frontage may be less than 50 feet, provided that adequate access and egress to the lot is ensured.
- (2) Minimum lot area: 45,000 square feet
- (3) Minimum setback from street line: 40 feet. Upon the grant of a special permit from the Planning Board, the street line setback may be less than 40 feet in order to achieve the intent and purposes of this Article.
- (4) Minimum side yard and rear yard width: 0 feet to property lines within the District. 50 feet to lot lines of property outside the District. Upon the grant of a special permit from the Planning Board, the side yard or rear yard setbacks may be less than 50 feet to lot lines of property outside the District in order to achieve the intent and purposes of this Article.
- (5) Maximum FAR as calculated for the entire District: 1.0. The Planning Board may, upon the grant of a special permit, allow FAR of up to 1.2.
- (6) Minimum PSA as calculated for the entire District: 0.4
- (7) Maximum number of multifamily dwelling units within the entire District: 375
- (8) Maximum building height: It is the intent that the heights of buildings within the District shall be varied, and that the tallest buildings shall have architectural and design qualities that render them “iconic” and especially unique, creating a special place and identity within the community.
  - (a) Height Zone A: 25 feet (*show on map – area north of the end of Parkwood Dr.*)
  - (b) Height Zone B: 45 feet (*show on map – area east of Parkwood Dr.*)
  - (c) Height Zone C: 100 feet (*show on map – area west of Parkwood Dr.*). Within Height Zone C, buildings which are more than 40 feet in height, not connected to each other and which are within 80 feet of each other shall not be the same vertical height as measured from the average finished grade. Such buildings shall have a difference in vertical height of a minimum of 20 feet. When a building is comprised of sections with different heights, the vertical measurement used in this calculation shall be the tallest section. For the purposes of this determination, the term “connected” shall mean joined by occupiable space.

§ 210-208. Uses Permitted by Right.

The following land uses are permitted by right in the District:

- A. Research and development; research centers and laboratories; associated manufacturing processes and facilities.
- B. Professional and medical offices; licensed medical care facility for inpatient and outpatient services; health services facility.
- C. Financial institutions and banks.

- D. Athletic club/health and fitness club; health club.
- E. Health and wellness facilities; spas.
- F. Restaurants.
- G. Retail stores up to 15,000 square feet in area, with the exception that food markets and grocery stores may not exceed 30,000 square feet in area.
- H. Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 1 (involving specific combinations of work, practices, safety equipment and facilities appropriate for infectious agents that do not ordinarily cause human disease) or Level 2 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that can cause human disease, but whose potential for transmission is limited, as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.
- I. Hotels and inns.
- J. Multifamily dwellings.
- K. Conference centers.
- L. Public and private educational uses.
- M. Child care facilities.
- N. Agriculture, horticulture and viticulture.
- O. Recreational facilities, indoor or outdoor.
- P. Museums, libraries and visual and performing arts galleries and facilities.
- Q. Theaters and halls for public gatherings; movie theaters.
- R. Places of worship and other religious uses.
- S. Municipal uses.
- T. Registered Marijuana Dispensary.
- U. Accessory uses, including above or below ground parking structures.

§ 210-209. Uses Permitted by Special Permit.

The following uses may be allowed upon the grant of a special permit by the Planning Board:

- A. Retail stores which contain more than 15,000 square feet and food markets or grocery stores which contain more than 30,000 square feet.

- B. Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 3 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that may be transmitted by the respiratory route which can cause serious infection), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.

§ 210-210. Site Design.

- A. Site design and landscaping within the District shall complement the District's characteristics and enhance and/or screen the buildings, roadways and parking facilities. The design of the District shall utilize the site features, complement the terrain, fit the scale and architecture of proposed buildings within the District, and use natural and native drought tolerant plant materials with low water consumption and maintenance requirements whenever possible.
- B. Landscape elements shall reinforce the character of the District through streetscape details, street furniture (such as lighting, signage and seating), grading, and the use of a variety of plant materials to separate uses, frame vistas and direct views. Strategic plantings shall shade buildings and paved areas to decrease building cooling loads and mitigate the heat island effect created by buildings and pavement.
- C. Landscaping shall be used to strengthen or buffer the visual relationship with the surrounding area. Existing trees should be retained whenever possible, especially those which have the potential to be as tall as, or taller, than the tallest buildings in the District.
- D. Naturalized plant groupings shall be included in landscape plans and designed to effectively break up paved areas and facades, strengthen vistas and provide shade.
- E. Buildings and impervious surface areas shall be sited to minimize disruption to existing ecosystems and to preserve wooded areas and mature trees.
- F. Street furniture and sidewalk enhancements such as benches, trash receptacles, recycling bins, planters and bicycle racks shall be provided within the District. Distribution shall be appropriate to the function of the streets.
- G. Paved surfaces shall be designed to accommodate the everyday needs of the uses within the District, including use by pedestrians, bicyclists, automobiles and service and delivery vehicles. Paved surfaces should not be the dominant visual feature.
- H. Surface parking lots are accessory and not primary uses, and as such shall be located and designed so as not to be visually or physically prominent.

§ 210-211. Building Design.

Given the prominent location of the site and the maximum building height allowed, building design is a critical component of the anticipated vision for this District. The following principles are intended to guide building design.

- A. Building facades facing the street should enhance the streetscape. Buildings facing more than one street should present high quality and architecturally related faces to all of the streets. Blank facades are not permitted.

- B. Parking garages and interior parking areas are accessory and not primary uses, and as such shall be located and designed so as not to be visually more prominent than buildings containing occupiable space or open and landscaped areas. Parking facilities shall be architecturally screened and/or sheltered by building or landscape elements so their visibility from roads or adjacent zoning districts is mitigated.
- C. Variety in building styles is critical, and variation of detail, form, siting and massing shall be used to provide visual interest. Variable siting and orientation of individual buildings is encouraged to respond to site specific features.
- D. The scale of large buildings shall be broken up by providing roofline, height and bulk variations.
- E. Buildings shall be designed to accommodate locations for building mounted signage, as needed, within a sign band or other such element on the façade.

§ 210-212. Administration.

A. District Site Plan.

A District Site Plan which is reviewed and approved by the Planning Board will guide the development of the entire District. The District Site Plan shall be a conceptual plan which establishes building and open areas, and general building and infrastructure locations. The approved District Site Plan will be used as the basis for the preparation of individual Site Plans for separate components of development within the District. The District Site Plan shall include all of the land within the District.

- (1) Prior to the submission to the Planning Board for Site Plan Review pursuant to Article XX within the District, a District Site Plan shall be prepared and submitted to the Planning Board for approval. The Planning Board shall adopt submission requirements and procedures for the District Site Plan, which shall be filed with the Town Clerk within 120 days of the adoption of this Article.
- (2) An applicant for approval of the District Site Plan shall file with the Planning Board an application and submission materials as required by the adopted submission requirements and procedures. The submission requirements and procedures shall require the submission of draft Design Guidelines with the application.
- (3) The Planning Board shall, within 5 days of receipt of a District Site Plan Review application, transmit copies of the application and the Site Plan to the local boards, committees and officials identified in the adopted submission requirements and procedures, for comments and recommendations.
- (4) The Planning Board shall hold a public hearing within 65 days of the filing of a complete application and file a decision with the Town Clerk within 21 days of the close of the public hearing. Notice of the time, place and subject matter of the public hearing shall be given by the Planning Board, at the expense of the applicant, to the applicant and to all owners of land abutting the land being subject of such application as appearing on the most recent tax list on file at the Assessor's Office, and shall also give notice of the time, place and subject matter of the public hearing, at the expense of the applicant, by advertisement in a newspaper of general circulation in the Town, once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing.

- (5) The time within which the Planning Board must act on any application may be extended by mutual agreement between the Planning Board and the applicant. Failure to act within the time limitations established in this Article shall be deemed constructive approval of the application.
- (6) Final action shall be a “Decision of District Site Plan Review” that is filed with the Town Clerk.
- (7) A majority vote of the membership of the Board shall be sufficient to approve or disapprove a Decision of District Site Plan Review”.
- (8) The Planning Board shall approve an application for District Site Plan Review if the Board finds that the District Site Plan complies with the intent, purpose and design provisions of this Article, and applicable Design Guidelines.

**B. Site Plan Review**

- (1) After a District Site Plan is approved, an application for Site Plan Review shall be submitted to the Planning Board if a project comprises a Major Project or a Minor Project pursuant to § 210-134.
- (2) All provisions of Article XX, Site Plan Review, shall apply. However, the Planning Board may determine that a Site Plan need not conform to a specific Site Plan Standard contained in § 210-136.1 if the Board determines that such Standard conflicts with the approved District Site Plan, the adopted Design Guidelines or the intent of this Article.

**C. Existing Buildings and Uses.**

If a District Site Plan has not been submitted and approved for the District, existing buildings and structures may be modified, renovated and added to upon approval of a Site Plan by the Planning Board, if such project is subject to Site Plan Review. However, no new building or structure may be constructed within the District prior to the approval of a District Site Plan. The provisions of Article VIIIA, Industrial B District, pertaining to dimensional requirements and uses permitted by right and by special permit shall constitute the dimensional and use regulations within the Crossroads Redevelopment District until a District Site Plan has been approved.

**§ 210-213. Design Guidelines.**

To ensure that development within the District is of quality design, the District Site Plan and subsequent Site Plans submitted within the District shall be based on Design Guidelines adopted by the Planning Board during the District Site Plan approval process. The Design Guidelines shall accomplish the policies, principles and intent set forth in this Article.

2. Include the following definition of Licensed Medical Care Facility for Inpatient and Outpatient Services in § 210-4, in alphabetical order:

**LICENSED MEDICAL CARE FACILITY FOR INPATIENT AND OUTPATIENT SERVICES** - A building that contains establishments dispensing health services for health maintenance and the diagnosis and treatment of medical, dental and physical conditions,

including surgery. The term shall not include urgent medical care requiring emergency transportation, nursing homes or extended-care facilities.

3. Change the zoning district of the following parcels of land, totaling approximately 57 acres, from Industrial B to Crossroads Redevelopment District:

86, 88 & 90 Elm St. (Assessors Map R23 Block 10 Lot 0), 87 Elm St. (Map R23 Block 39 Lot 0), 5 Parkwood Dr. (Map R23 Block 11 Lot 0), 68 Elm St. (Map R23 Block 12 Lot 0), 12 Parkwood Dr. (Map R17 Block 13 Lot 2), 35 Parkwood Dr. (Map R17 Block 13 Lot 4), Map R17 Block 13 Lot 3, Map R17 Block 1 Lot A, and Map R23 Block 9 Lot 0.

4. Amend the Zoning Map to remove the following parcels from the Hotel Overlay District:

Assessors Map R23 Block 10 Lot 0, Map R17 Block 13 Lot 4, Map R23 Block 11 Lot 0, Map R17 Block 13 Lot 2, Map R17 Block 13 Lot 3, and Map R23 Block 9 Lot 0.

### **Open Space Mixed Use Development Overlay District**

*Description:* Amend the Open Space Mixed Use Development (OSMUD) Overlay District, which is applicable to the Legacy Farms project. Proposed changes include increasing the maximum number of dwelling units from 940 to 1,120, requiring that 180 of the units are age-restricted, adding a definition of Senior Housing, allowing multifamily dwellings by right in the Commercial Subdistrict, and increasing the number of affordable dwelling units required.

*Draft Article:*

To see if the Town will vote to amend Article XXVI, Open Space Mixed Use Development Overlay District, of the Zoning Bylaws as follows:

1. Amend § 210-163(B) by inserting the following item 1:

(1) Article XVIA (Senior Housing Development) and renumbering the remaining items appropriately.

2. Insert in alphabetical order into § 210-164, Definitions, the following definition:

**SENIOR HOUSING DEVELOPMENT** - A multifamily residential land use consisting of multiple dwelling units on one single contiguous parcel, operated with the intent that at least one resident of every unit be 55 years of age or older.

3. Amend the table in § 210-165, Uses, by deleting the row beginning with the term “Multifamily Dwellings” and inserting, in place thereof, a row beginning with the term “Multifamily Dwellings other than Senior Housing Developments” that has a “Y” in the columns for the Residential Subdistrict, the Commercial Subdistrict and the Village Center Subdistrict.



4. Further amend the table in § 210-165, Uses, by deleting the “SP” in the Commercial Subdistrict column for the row beginning with the term “Attached dwellings including garden apartments”, and insert therefore a “Y”.
5. Further amend the table in § 210-165, Uses, by deleting the row beginning with the term “Senior Housing” and inserting, in place thereof, a row beginning with the term “Senior Housing Development” that has a “Y” in the column for the Residential Subdistrict, a “Y” in the column for the Commercial Subdistrict and a “Y” in the column for the Village Center Subdistrict.
6. Amend § 210-166, Intensity of Use Limitations, by deleting the first paragraph of subsection A and inserting a new subsection A as follows:

A. Dwelling Uses within the OSMUD District shall be limited to 940 new Dwelling Units constructed after May 5, 2008, plus 180 Dwelling Units in Senior Housing Developments constructed after May 4, 2015, provided, however, that the owner or owners of any such additional Dwelling Unit in Senior Housing Developments shall require, through deed restrictions, condominium documents, leases, rental agreements or other appropriate instruments, the form and adequacy of which has been approved by the Planning Board, that no child under the age of 18 may be a resident in any such Dwelling Unit. No more than 50 of the 1120 new Dwelling Units so constructed may be single-family dwellings, and the remainder shall be multi-family dwellings, including attached dwellings, garden apartments, units in mixed-use buildings and Senior Housing Developments.

Neither the dwellings located at 80, 82, 83 nor 90 East Main Street or 26 Clinton Street, nor the Group Home located at 44 Wilson Street, all of which were in existence as of the effective date of this Article, shall be deemed to be a Dwelling Unit for the purposes of this Intensity of Use limitation. However, in the event that any such dwelling is converted to or reconstructed as a multi-family dwelling use, the resulting number of Dwelling Units in excess of one (1) on any such property shall be counted towards the Intensity of Use limitation.

No Accessory Family Dwelling Unit for which the Board of Appeals grants a Special Permit pursuant to § 210-126 shall be deemed to be a separate Dwelling Unit for purposes of this Intensity of Use limitation.

7. Amend § 210-167, Affordable Housing, by deleting subsection A in its entirety and inserting a new subsection A as follows:

A. Except as otherwise provided in the following paragraph of this Section, not fewer than sixty (60) Dwelling Units within the OSMUD District shall be Affordable Housing, which shall be located within one or more Development Projects containing, in the aggregate, not fewer than two hundred forty (240) Dwelling Units eligible for inclusion in the Massachusetts Department of Housing and Community Development’s Subsidized

Housing Inventory. These requirements shall be in addition to the Affordable Housing requirements provided in Subsection C of this Section.

Notwithstanding the foregoing, if, prior to the issuance of a building permit for a Development Project that contains Affordable Housing, either (i) M.G.L. c. 40B, §§ 20 through 23 is no longer in effect, or (ii) the rules, regulations or guidelines of the Massachusetts Department of Housing and Community Development issued pursuant to M.G.L. c. 40B, §§ 20 through 23 no longer provide that all of the units in a rental development that contains at least 25% affordable housing units are eligible for inclusion on the Subsidized Housing Inventory, then not fewer than ninety-four (94) Dwelling Units within the OSMUD District shall be developed as Affordable Housing, in addition to the Affordable Housing requirements provided in Subsection C of this Section.

8. Add a new subsection C to § 210-167 as follows:

C. In addition to the Affordable Housing requirements provided in Subsection A of this Section, to the extent that the Senior Housing Developments create a total number of Dwelling Units within the OSMUD District in excess of 940, those Senior Housing Developments shall require the provision of, in the aggregate, one Dwelling Unit of Affordable Housing for every 10 Dwelling Units in Senior Housing Developments, but not to exceed twenty (20) Dwelling Units of Affordable Housing in the aggregate. The additional Dwelling Units of Affordable Housing required under this section may be provided anywhere within the OSMUD District.

9. Amend § 210-168, Dimensional Requirements by changing the tables in subsections A and B by altering the column headings to read “Residential Subdistrict (R) and Commercial Subdistrict (C) [Dwelling Uses]”, “Commercial Subdistrict (C) [Commercial Uses]” and “Village Center Subdistrict (VC)”.
10. Further amend § 210-168, subsection A by deleting the second sentence following the table and beginning with the words “When a Commercial Subdistrict...” in its entirety and replacing it with the following:

When a Commercial Subdistrict abuts a Residential Subdistrict within the OSMUD District, a setback of at least 50 feet between buildings in the Commercial Subdistrict used for commercial purposes and the boundary of the Residential Subdistrict shall be provided.

11. Amend § 210-168, subsection C by deleting the first sentence in its entirety and replacing it with the following:

All buildings in the Commercial Subdistrict used for commercial purposes shall be located a minimum of 100 feet from any lot outside the OSMUD District used for residential purposes at the time of the Site Plan Review application.

12. Delete subsection C of § 210-175 in its entirety and inserting, in place thereof, a new item subsection C as follows:

C. All land within the OSMUD District shall be subject to the provisions of this Chapter as in effect on the effective date of the amendments added to this Chapter by the 2015 Annual Town Meeting.

**Special Permit Consolidation Article continued - Related Amendments for Consistency**

**Article VI. Business (B) District**

Existing	Proposed
<p>§ 210-19. Uses allowed by special permit.</p> <p>The following uses shall be allowed in a B District upon the granting of a special permit by the Board of Appeals:</p> <p>A. Gasoline service stations and automobile repair garages, expressly including the accessory use of retail sale of propane, provided the maximum size of a propane storage tank does not exceed 2,000 gallons, and also provided there is compliance with all other federal, state, and municipal regulatory requirements.</p> <p>B. Single and multifamily residences; buildings used for dwelling purposes. All residential uses must comply with the dimensional requirements contained in Article II, Residence A (RA) District.</p> <p>C. Live commercial entertainment.</p> <p>D. Drive-in, drive-through, or drive-up uses, but excluding the dispensing of food or drink, provided that: 1) an adequate dedicated area for at least four vehicles to queue shall be provided on the premises, 2) notification of the public hearing for such special permit shall be mailed to the owners of all properties within 1,000 feet of the premises, and 3) The Planning Board shall grant the Special Permit only if it finds that the proposed use will not be detrimental to the surrounding neighborhood. The Planning Board and not</p>	<p>§ 210-19. Uses allowed by special permit.</p> <p>A. The following uses shall be allowed in a B District upon the granting of a special permit by the Board of Appeals:</p> <p>(1) Gasoline service stations and automobile repair garages, expressly including the accessory use of retail sale of propane, provided the maximum size of a propane storage tank does not exceed 2,000 gallons, and also provided there is compliance with all other federal, state, and municipal regulatory requirements.</p> <p>(2) Single and multifamily residences; buildings used for dwelling purposes. All residential uses must comply with the dimensional requirements contained in Article II, Residence A (RA) District.</p> <p>(3) Live commercial entertainment.</p> <p>(4) Car wash facilities.</p> <p>(5) Theaters, halls and clubs.</p> <p>B. <u>The following uses shall be allowed in a B District upon the granting of a special permit by the Planning Board:</u></p> <p>(1) Drive-in, drive-through, or drive-up uses, but excluding the dispensing of food or drink, provided that: 1) an adequate dedicated area for at least four vehicles to queue shall be provided on the premises, <u>and</u> 2) notification of the public hearing for such special permit shall be mailed to the owners of all properties</p>

<p>the Board of Appeals shall be the Special Permit Granting Authority for such uses.</p> <p>E. Car wash facilities.</p> <p>F. Theaters, halls and clubs.</p> <p>G. Off-street parking facility. The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such facilities.</p> <p>H. Registered Marijuana Dispensary (RMD). The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for any such RMD.</p>	<p>within 1,000 feet of the premises, <del>and 3) The Planning Board shall grant the Special Permit only if it finds that the proposed use will not be detrimental to the surrounding neighborhood. The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such uses.</del></p> <p>(2) Off-street parking facility. <del>The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such facilities.</del></p> <p>(3) Registered Marijuana Dispensary (RMD). <del>The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for any such RMD.</del></p>
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**Article VIA. Downtown Business (BD) District**

Existing	Proposed
<p>§ 210-20.3. Uses allowed by special permit.</p> <p>The following uses shall be allowed in a BD District upon the granting of a special permit by the Board of Appeals:</p> <p>A. Gasoline service stations and automobile repair garages, expressly including the accessory use of retail sale of propane, provided the maximum size of a propane storage tank does not exceed 2,000 gallons, and also provided there is compliance with all other federal, state, and municipal regulatory requirements.</p> <p>B. Single and multifamily residences; buildings used for dwelling purposes. All residential uses must comply with the dimensional requirements contained in Article II, Residence A (RA) District.</p> <p>C. Live commercial entertainment.</p> <p>D. Drive-in, drive-through, or drive-up uses, but excluding the dispensing of food or drink, provided that: 1) an adequate dedicated area for at least four vehicles to queue shall be provided on the premises, 2) notification of the public hearing for such special permit shall be mailed to the owners of all properties within 1,000 feet of the premises, and 3) The</p>	<p>§ 210-20.3. Uses allowed by special permit.</p> <p>A. The following uses shall be allowed in a BD District upon the granting of a special permit by the Board of Appeals:</p> <p>A. Gasoline service stations and automobile repair garages, expressly including the accessory use of retail sale of propane, provided the maximum size of a propane storage tank does not exceed 2,000 gallons, and also provided there is compliance with all other federal, state, and municipal regulatory requirements.</p> <p>B. Single and multifamily residences; buildings used for dwelling purposes. All residential uses must comply with the dimensional requirements contained in Article II, Residence A (RA) District.</p> <p>C. Live commercial entertainment.</p> <p>D. Car wash facilities.</p> <p>E. Theaters, halls and clubs.</p> <p><u>B. The following uses shall be allowed in a BD District upon the granting of a special permit by the Planning Board:</u></p> <p>(1) Drive-in, drive-through, or drive-up uses, but excluding the dispensing of food or drink,</p>

<p>Planning Board shall grant the Special Permit only if it finds that the proposed use will not be detrimental to the surrounding neighborhood. The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such uses.</p> <p>E. Car wash facilities.</p> <p>F. Theaters, halls and clubs.</p> <p>G. Off-street parking facility. The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such facilities.</p>	<p>provided that: 1) an adequate dedicated area for at least four vehicles to queue shall be provided on the premises, <u>and</u> 2) notification of the public hearing for such special permit shall be mailed to the owners of all properties within 1,000 feet of the premises, <del>and 3) The Planning Board shall grant the Special Permit only if it finds that the proposed use will not be detrimental to the surrounding neighborhood. The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such uses.</del></p> <p>(2) Off-street parking facility. <del>The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such facilities.</del></p>
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**Article VII. Rural Business (BR) Districts**

Existing	Proposed
<p>§ 210-24. Uses allowed by special permit.</p> <p>The following uses shall be allowed in the BR District upon the granting of a special permit by the Board of Appeals:</p> <p>A. Filling station and routine automobile maintenance, but not including major repairs.</p> <p>B. Single-family residence.</p> <p>C. Live commercial entertainment and places of assembly.</p> <p>D. Veterinary clinic.</p> <p>E. Continuing Care Retirement Community Facilities/Assisted Living Facilities/Nursing Home Facilities.</p> <p>F. Drive-in, drive-through, or drive-up uses, but excluding the dispensing of food or drink, provided that: 1) an adequate dedicated area for at least four vehicles to queue shall be provided on the premises, 2) notification of the public hearing shall be mailed to the owners of all properties within 1,000 feet of the premises, and 3) The Planning Board shall grant the Special Permit only if it finds that the proposed use will not be detrimental to the surrounding</p>	<p>§ 210-24. Uses allowed by special permit.</p> <p>A. The following uses shall be allowed in the BR District upon the granting of a special permit by the Board of Appeals:</p> <p>(1) Filling station and routine automobile maintenance, but not including major repairs.</p> <p>(2) Single-family residence.</p> <p>(3) Live commercial entertainment and places of assembly.</p> <p>(4) Veterinary clinic.</p> <p>(5) Continuing Care Retirement Community Facilities/Assisted Living Facilities/Nursing Home Facilities.</p> <p>B. <u>The following uses shall be allowed in a BD District upon the granting of a special permit by the Planning Board:</u></p> <p>(1) Drive-in, drive-through, or drive-up uses, but excluding the dispensing of food or drink, provided that: 1) an adequate dedicated area for at least four vehicles to queue shall be provided on the premises, <u>and</u> 2) notification of the public hearing shall be mailed to the owners of all properties within 1,000 feet of the premises, <del>and 3) The Planning Board shall grant the Special Permit only if it finds that the</del></p>

<p>neighborhood. The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such uses.</p> <p>G. Registered Marijuana Dispensary (RMD). The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for any such RMD.</p>	<p><del>proposed use will not be detrimental to the surrounding neighborhood. The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such uses.</del></p> <p>(2) Registered Marijuana Dispensary (RMD). <del>The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for any such RMD.</del></p>
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**Article VIII. Industrial A (IA) Districts**

Existing	Proposed
<p>§ 210-35. Uses allowed by special permit.</p> <p>The following uses shall be allowed in an IA District upon the grant of a special permit by the Board of Appeals.</p> <p>A. Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 3 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that may be transmitted by the respiratory route which can cause serious infection), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.</p> <p>B. Conference centers with or without a residential dormitory component.</p> <p>C. (Reserved)</p> <p>D. Veterinary clinics.</p> <p>E. Automobile and truck rental and repair, but not including automobile and truck sales.</p> <p>F. Facilities for storage as an accessory use of gasoline, kerosene, fuel oil, volatile gases and other such substances, unless prohibited elsewhere in this Chapter.</p> <p>G. Recycling centers, provided that such activities on the lot are not located within 100 feet of a residential zoning district, and a buffer area containing natural material will</p>	<p>§ 210-35. Uses allowed by special permit.</p> <p>A. The following uses shall be allowed in an IA District upon the grant of a special permit by the Board of Appeals.</p> <p>(1) Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 3 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that may be transmitted by the respiratory route which can cause serious infection), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.</p> <p>(2) Conference centers with or without a residential dormitory component.</p> <p><del>(Reserved)</del></p> <p>(3) Veterinary clinics.</p> <p>(4) Automobile and truck rental and repair, but not including automobile and truck sales.</p> <p>(5) Facilities for storage as an accessory use of gasoline, kerosene, fuel oil, volatile gases and other such substances, unless prohibited elsewhere in this Chapter.</p> <p>(6) Recycling centers, provided that such activities on the lot are not located within 100 feet of a residential zoning district, and a buffer area containing natural material will form an effective year-round screen between the industrial uses and the residential zone.</p>

<p>form an effective year-round screen between the industrial uses and the residential zone.</p> <p>H. Continuing care retirement community/assisted living facility/nursing home facility.</p> <p>I. Registered Marijuana Dispensary (RMD). The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for any such RMD.</p>	<p>(7) Continuing care retirement community/assisted living facility/nursing home facility.</p> <p>B. <u>The following uses shall be allowed in an IA District upon the grant of a special permit by the Planning Board:</u></p> <p>(1) Registered Marijuana Dispensary (RMD). <del>The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for any such RMD.</del></p>
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**Article VIIIA. Industrial B (IB) District**

Existing	Proposed
<p>§ 210-37.9. Uses allowed by special permit.</p> <p>The following uses shall be allowed in an IB District upon the grant of a special permit by the Board of Appeals:</p> <p>A. Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 3 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that may be transmitted by the respiratory route which can cause serious infection), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.</p> <p>B. Conference centers with or without a residential dormitory component.</p> <p>C. Parking Facilities for Public School Buses Serving Hopkinton Residents</p> <p>D. Restaurants where all patrons are seated, and (1) that contain more than 100 seats; or (2) that are open for business after 11:00 PM.</p> <p>E. Veterinary clinics.</p> <p>F. Automobile and truck rental and repair, but not including automobile and truck sales.</p>	<p>§ 210-37.9. Uses allowed by special permit.</p> <p>A. The following uses shall be allowed in an IB District upon the grant of a special permit by the Board of Appeals:</p> <p>(1) Genetic, biological and chemical research centers, laboratories and manufacturing and processing plants with a Biosafety Level of Level 3 (involving specific combinations of work practices, safety equipment and facilities appropriate for infectious agents that may be transmitted by the respiratory route which can cause serious infection), as determined in accordance with the Guidelines of the U.S. Centers for Disease Control.</p> <p>(2) Conference centers with or without a residential dormitory component.</p> <p>(3) Parking Facilities for Public School Buses Serving Hopkinton Residents</p> <p>(4) Restaurants where all patrons are seated, and (1) that contain more than 100 seats; or (2) that are open for business after 11:00 PM.</p> <p>(5) Veterinary clinics.</p> <p>(6) Automobile and truck rental and repair, but not including automobile and truck sales.</p> <p>(7) Facilities for storage as an accessory use of gasoline, kerosene, fuel oil, volatile gases and</p>

<p>G. Facilities for storage as an accessory use of gasoline, kerosene, fuel oil, volatile gases and other such substances, unless prohibited elsewhere in this Chapter.</p> <p>H. Recycling centers, provided that such activities on the lot are not located within 100 feet of a residential zoning district, and a buffer area containing natural material will form an effective year-round screen between the industrial uses and the residential zone.</p> <p>I. Continuing care retirement community/assisted living facility/nursing home facility.</p> <p>J. Registered Marijuana Dispensary (RMD). The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for any such RMD.</p>	<p>other such substances, unless prohibited elsewhere in this Chapter.</p> <p>(8) Recycling centers, provided that such activities on the lot are not located within 100 feet of a residential zoning district, and a buffer area containing natural material will form an effective year-round screen between the industrial uses and the residential zone.</p> <p>(9) Continuing care retirement community/assisted living facility/nursing home facility.</p> <p>B. <u>The following uses shall be allowed in an IB District upon the grant of a special permit by the Planning Board:</u></p> <p>(1) Registered Marijuana Dispensary (RMD). <del>The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for any such RMD.</del></p>
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**Amend Article XI, Flexible Community Development Bylaw, as follows:**

§ 210-59. Administration.

A development shall require the grant of a Special Permit from the Planning Board. A Special Permit shall be granted if the proposal meets the requirements of this ~~Article~~Chapter. ~~The Planning Board shall hold a public hearing in accordance with the requirements of MGL c.40A §9.~~ If a development requires a special permit pursuant to ~~Articles XIII, XVI, or XVII~~any other provision of this Chapter, a separate special permit shall not be required. After the adoption of this Article, the Planning Board shall prepare, adopt and file with the Town Clerk Regulations which include submission requirements, timelines, procedures and provisions necessary to implement this Article, after holding a public hearing on the same.

**Amend Article XII, Water Resources Protection Overlay District, as follows:**

§ 210-71. Special Permits

C. Application.

- (4) The SPGA shall hold a public hearing ~~on the application in conformity with MGL c.40A sec. 9 within 65 days after the date of filing of the application. Notice of the public hearing shall be given in conformity with MGL c.40A sec. 11. The SPGA shall~~and issue a decision ~~no later than 90 days following the close of the hearing. The required time limits for a public hearing and said action may be extended by written agreement between the SPGA and the applicant. The agreement shall be filed in the office of the Town Clerk in accordance with the provisions of this Chapter.~~

**Amend Article XIII, Garden Apartments in Residential Districts, as follows:**



§ 210-75. Administration.

Amend Section A(1)(c):

- (c) The Planning Board will hold a public hearing and will file its decision in accordance with the ~~Town Clerk as required by MGL c.40A, § 9~~provisions of this Chapter.

And Amend Section A(1)(g):

- (g) ~~A garden apartment concept plan special permit shall become void within two years from the date of issue, which two years shall not include time required to pursue or await determination of an appeal referred to in MGL c. 40A, § 17. If any construction work contemplated by such special permit shall have commenced and proceeded in good faith continuously, except for good cause, but notwithstanding, the project shall not have been completed within such two year period, the applicant must request extension of the special permit from the Board, in which case the Board shall extend the special permit for such period of time as it deems appropriate.~~

**Amend Article XIII A, Village Housing in Residential Districts, as follows:**

§ 210-75.4. Administration.

Amend Section A(1)(c):

- (c) The Planning Board will hold a public hearing and will file its decision in accordance with the ~~Town Clerk as required by MGL c.40A, § 9~~provisions of this Chapter.

And amend Section A(1)(g):

- (f) ~~A village housing concept plan special permit shall become void within two years from the date of issue, which two years shall not include time required to pursue or await determination of an appeal referred to in MGL c. 40A, § 17. If any construction work contemplated by such special permit shall have commenced and proceeded in good faith continuously, except for good cause, but notwithstanding, the project shall not have been completed within such two year period, the applicant must request extension of the special permit from the Board, in which case the Board shall extend the special permit for such period of time as it deems appropriate.~~

**Amend Article XIV, Campus Style Development, as follows:**

~~§ 210-88. Duration of approval.~~

~~Notwithstanding anything to the contrary either within this article or elsewhere, any special permit granted by the Planning Board for a campus style development shall become void within two years from the date of issue, which two year period shall not include time required to pursue or await determination of an appeal under MGL c. 40A, § 17, unless the construction work contemplated by such special permit shall have commenced promptly and proceeded continuously in good faith to completion, except in the event such work is delayed by circumstances constituting good cause, which must be demonstrated to the satisfaction of the Planning Board.~~

**Amend Article XVII A, Senior Housing Development, as follows:**

§ 210-105.4. Administration.

Amend Section A(1)(c):

- (c) The Planning Board will hold a public hearing and will file its decision in accordance with the ~~Town Clerk as required by MGL c.40A, § 9~~provisions of this Chapter.

And Amend Section A(1)(g):

- ~~(g) — A senior housing concept plan special permit shall become void within two years from the date of issue, which two years shall not include time required to pursue or await determination of an appeal referred to in MGL c. 40A, § 17. If any construction work contemplated by such special permit shall have commenced and proceeded in good faith continuously, except for good cause, but notwithstanding the project shall not have been completed within such two year period, the applicant must request extension of the special permit from the Board, in which case the Board shall extend the special permit for such period of time as it deems appropriate.~~

**Amend Article XVII, Open Space and Landscape Preservation Development, as follows:**

~~§ 210-116. Duration of approval.~~

~~Notwithstanding anything to the contrary within/without this article, any special permit granted by the Planning Board for an open space and landscape preservation development shall become void within two years from the date of issue, which two years shall not include time required to pursue or await determination of an appeal referred to in MGL c. 40A, § 17, unless any construction work contemplated thereby shall have commenced and proceeded in good faith continuously to completion, except for good cause. All open space shall be dedicated at the time the permit holder proceeds with construction under a building permit.~~

**Amend Article XVIII, Supplementary Regulations, as follows:**

§ 210-117.2. Lots with Historic Structures

- C. The special permit shall be subject to such conditions and safeguards as the Planning Board may prescribe, including the recording of an historic preservation restriction. ~~In reviewing any application for such special permit, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the most appropriate use of land and shall permit no building or use that is injurious, noxious offensive or detrimental to its neighborhood.~~

**Amend Article XVIII, Supplementary Regulations, as follows:**

§ 210-120. Common Driveways.

D. Administration

- (2) The Planning Board shall conduct its review, hold a public hearing and file its decision with the Town Clerk as required by ~~MGL c.40A § 9~~the provisions of this Chapter.

**Amend Article XVIII, Supplementary Regulations, as follows:**

§ 210-124. Off-street parking.

C. Shared and Off-Site Parking

- (1) The parking required by the uses located on a lot shall be provided on that lot, unless a special permit has been issued by the Planning Board. The Planning Board may issue a special permit to:
  - (a) Reduce the required number of parking spaces when there will be mixed uses on a lot by activities having clearly different peak demand times;
  - (b) Locate some required parking spaces on a separate lot under an agreement between property owners; and
  - (c) Locate some required parking spaces in a separate shared parking lot under an agreement between property owners, when the parking lot is shared by mixed uses having clearly different peak demand times.
  
- (2) Before granting the special permit, the Planning Board shall determine that ~~the provision of parking spaces proposed will be in harmony with the general purpose and intent of this chapter and adequate for all parking needs, and that~~ all parking spaces associated with a use are within practical walking distance. The Planning Board may issue the special permit with conditions, which may include, but not be limited to, the following:
  - (a) A requirement that shared and off-site parking arrangements between property owners be formalized in an instrument that runs with the land and is recorded at the Registry of Deeds;
  - (b) That adequate space is set aside on the lot to construct additional parking spaces in the future should the mix of uses and peak demand times change and require additional parking.

D. Parking space reduction.

A special permit may be issued to reduce the number of parking spaces required for any use. The Planning Board shall be authorized to issue such special permits for uses that are allowed by right or by special permit from the Planning Board; the Board of Appeals shall be authorized to issue such special permits for uses that are allowed by special permit from the Board of Appeals. Before granting the special permit, the authorized Board shall determine that the provision of parking spaces proposed will be ~~in harmony with the general purpose and intent of this Chapter~~ ~~and~~ adequate for all parking needs. The special permit may be issued with appropriate conditions, which may include, but not be limited to, provisions for additional parking should uses change over time.

**Amend Article XXVI, Open Space Mixed Use Development Overlay District (OSMUD), as follows:**

§ 210-172. Master Plan Special Permit

- A. Except as otherwise provided in this Section, no Construction Activity for any Development Project to be located on land within the OSMUD District may commence unless authorized by a Master Plan Special Permit, issued pursuant to the provisions of this Article ~~and M.G.L. c.40A, §9.~~

B. Prior to the commencement of any Construction Activity for any Development Project approved under an OSMUD District Master Plan Special Permit, the applicant may continue to exercise its rights under the underlying zoning and may elect not to exercise the rights granted in the OSMUD District Master Plan Special Permit. If the applicant elects to exercise the rights granted in the OSMUD District Master Plan Special Permit and pursue development as shown on the approved Master Plan, a Notice to such effect shall be filed with the Town Clerk, Planning Board and Department of Municipal Inspections prior to the issuance of any building permit pursuant to such Master Plan Special Permit. From and after the filing of such Notice, all Construction Activity within the OSMUD District shall be in accordance with the approved Master Plan Special Permit. Activities that do not constitute Construction Activity may be undertaken prior to the filing of the Notice under this Section.

C. Application for Master Plan Special Permit

- (1) A record owner desiring an OSMUD District Master Plan Special Permit shall file with the Planning Board an application therefor in accordance with any applicable regulations adopted pursuant to §210-171.
- (2) At a minimum, the application for the Master Plan Special Permit shall contain the following information relating to development of the OSMUD District:
  - (a) Identification of the entire area of land to be developed;
  - (b) The existing topography of the land, vegetative cover, soil types, wetlands and water bodies, roads and ways, the general location, size and shape of structures to be removed and the location, size and shape of structures to remain;
  - (c) The general proposed location within which structures will be constructed, including a schedule of various land use types including Dwelling Uses, Commercial Uses, mixed use buildings, and/or buildings accessory to Restricted Land uses;
  - (d) The general proposed location, size and intended use of all Restricted Land, including pedestrian, bicycle and equestrian trails, and the Landowners' Association or other entity intended to own, operate and/or maintain such Restricted Land;
  - (e) The general proposed location of all existing and proposed roads, water supply systems, wastewater systems, storm water drainage, utilities, and connections to existing infrastructure, and the Landowners' Association or other entity intended to own, operate and/or maintain such facilities;
  - (f) An analysis of the impact of implementing the Master Plan on surface and ground water quality, groundwater recharge, wildlife habitat and corridors, wetlands and bodies of water, including streams and rivers, both localized and general, and an evaluation of pre-development conditions and post-development conditions;
  - (g) A traffic impact and access study on the impact of implementing the Master Plan-on the operation, safety and overall convenience of the roadway system providing access to the OSMUD District, including impacts on both vehicular and pedestrian travel, and proposed mitigation and trip reduction techniques, if applicable;

- (h) An analysis of the projected economic impact of implementing the Master Plan on the Town, prepared by a qualified independent economic research consultant;
  - (i) A phasing projection indicating the general proposed times within which construction of improvements within the OSMUD District in accordance with the Master Plan is anticipated, which schedule may be subject to variation depending on market forces;
  - (j) Proposed Design Guidelines for the OSMUD District; and
  - (k) Proposed forms of the Restricted Land Covenants.
- (3) Within seven (7) days of receipt of the application, the Planning Board shall transmit copies of the application material to the Board of Selectmen, Director of Public Works Conservation Commission, Fire Department, Police Department, Board of Health, Design Review Board, and Director of Municipal Inspections for review and comment. The Planning Board shall not approve any such application until the final reports of such departments have been submitted to it or until 35 days have elapsed after the transmittal of the application without such report being submitted.
  - (4) The Planning Board shall hold a public hearing and file its decision with the Town Clerk in conformance with the requirements of ~~M.G.L. c.40A §9~~this Chapter.

D. Master Plan Special Permit Approval Criteria

No Master Plan Special Permit shall be granted unless the Planning Board finds that:

- (1) The Master Plan complies with the provisions of this Article and of the Design Guidelines.
- (2) The Master Plan serves the purposes of the OSMUD District as described in §210-162 ~~and will be in harmony with the general purpose and intent of this Chapter~~.
- (3) The impact of the development activities shown on the Master Plan is anticipated to be of benefit to the Town.
- (4) The major intersections and roadways providing access to the OSMUD District will continue to operate at an acceptable level of service (LOS) based on the anticipated impact of vehicular traffic from any previously approved uses within the OSMUD District that will remain plus all new proposed development within the OSMUD District.
- (5) The Master Plan provides adequately for the convenience and safety of vehicular and pedestrian movement within the OSMUD District and in relation to streets, property or improvements outside of the OSMUD District.
- (6) The Master Plan provides for the adequacy of the methods of disposal of sewage, refuse, and other wastes, provision of utilities, and the methods of drainage for surface water and seasonal flooding, if any, and protection of water sources for the Town.

**Amend Article XXIX, Hotel Overlay District, as follows:**

§ 210-194. Special Permits.

- A. The special permit granting authority shall be the Planning Board.

B. Special Permit Criteria. No special permit shall be granted unless the Planning Board finds that:

~~(1) The proposed use is in harmony with the general purpose and intent of this Article.~~

~~(2)~~(1) The proposed use complies with the provisions of this Article.

~~(3)~~(2) The major intersections and roadways providing access to the use will operate at an acceptable level of service based on the anticipated impact of vehicular traffic.

~~(4)~~(3) There will be adequate methods for the disposal of sewage and refuse, provision of utilities, and water supply.

~~(5)~~(4) The design of the site and the architecture of the buildings will be compatible with surrounding structures and landscape features.

~~C. In reviewing any application for such special permit, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; and shall not permit a use that is injurious, noxious, offensive or detrimental to its neighborhood or sensitive environmental resources.~~

~~D.C.~~ The Planning Board shall deny an application for special permit if the number of hotels within the HOD would exceed one on the east side of Rt. 495 and one on the west side of Rt. 495, even if the application would meet the Special Permit Criteria.

~~E.D.~~ Any such special permit shall be subject to such conditions and safeguards as the Planning Board may prescribe.

**Amend Article XXX, Wind Energy Systems, as follows:**

§ 210-199. Administration

Amend section C:

C. The Board of Appeals shall conduct its review, hold a public hearing and file its decision with the Town Clerk as required by ~~MGL c. 40A, § 9 and Article XXII~~ the provisions of this Chapter.

**Amend Article XXXI, Commercial Solar Photovoltaic Installations, as follows:**

§ 210-203. Administration

(Amend sections C – F)

C. ~~When acting on a special permit application pursuant to this Article, the~~ The Planning Board shall conduct its review, hold a public hearing and file its decision with the Town Clerk as required by ~~MGL c. 40A § 9~~ the provisions of this Chapter.

D. Approval Criteria. ~~In reviewing any application for a special permit pursuant to this Article, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the most appropriate use of land and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood.~~ Before the Planning Board may issue such a special permit, it shall determine each of the following:

- (1) The commercial solar photovoltaic installation conforms to the provisions of this Article.
- (2) The commercial solar photovoltaic installation will not be detrimental to the neighborhood or the Town.
- (3) Environmental features of the site and surrounding areas are protected, and specifically surrounding areas will be protected from the proposed use by provision of adequate surface water drainage.

~~(4) The proposed use is in harmony with the general purpose and intent of this Chapter.~~

E. Any special permit issued pursuant to this Article shall be subject to such conditions and safeguards as the Planning Board may prescribe. Such conditions may include the requirement of a performance bond, secured by deposit of money or negotiable securities, posted with the Town to guarantee proper maintenance and/or removal of the commercial solar photovoltaic installation. The amount of the performance bond shall not exceed the estimated cost of the commercial solar photovoltaic installation's removal. Such conditions may also include additional screening of the facility.

~~F. In reviewing any application for a special permit, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the most appropriate use of land and shall permit no building or use that is injurious, noxious, offensive or detrimental to its neighborhood.~~