Town of Bolton Commercial Development Design Review Guidelines and Village Overlay District

MAPC; Updated 5/9/11 based upon input Planning Board

MAPC has been asked to assist the Bolton Planning Board in preparing Design Review Guidelines for all commercial developments in the Town of Bolton, and in preparing new bylaw to establish a Village Overlay District for a specific location in the town.

The Design Review changes to zoning were previously prepared and were approved by Town Meeting on 5/2/11.

Bolton Village Overlay District

The Bolton Village Overlay District is proposed to include all properties zoned as Business, Limited Business, and Residential shown on the accompanying map.

Goals are:

- to establish a mixed use district that will meet the community's goals (as expressed in the master plan) for a village center
- to have this new village area in close proximity to the historic, largely residential, village center that also includes the municipal facilities
- to have this new village area be connected, via sidewalks and off-road trails, to the existing residential areas and schools, to provide for walkability and convenience for residents and students, and to provide potential shoppers for the businesses located in the village
- to provide commercial areas within walking distance to senior citizens living in the Bolton Country Manor housing facility, and
- to provide a location for mixed use development that includes housing

See below for a new language and zoning amendments that would be necessary to establish the new Bolton Village Overlay District.

Bolton Village Overlay District
Updated 5/9/11 based on input from Planning Board.

The zoning bylaw would need to be amended to allow for establishment of this Village Overlay District, and to provide the parameters under which the developments could be approved. Likely changes that would be required to zoning include:

Add to Section 2.3.3 Mixed Uses:
In order to allow for mix of residential and commercial developments, language would need to be added to 2.3.3: "except as may be permitted by the Planning Board via Special Permit within the Village Overlay District"

Add to Section 2.3.5.2 Dimensional Schedule:
Add at the beginning of Note A: "Except as may be permitted by the Planning Board under Special Permit under Section 2.5.10, the Bolton Village Overlay District, of this zoning bylaw, the"....

Add a footnote relating to the 150-foot "front setback" and 50-foot "other setback" in the column labeled "Other Uses i.e. Business, Industrial or Commercial", to be "****Except as may be permitted by Special Permit under Section 2.5.10, the Bolton Village Overlay District, to improve site design and pedestrian accessibility".

Add to Section 2.3.5.3 One Building per lot
"Except as may be permitted by Special Permit under Section 2.5.10, the Bolton Village Overlay District, to improve site design of the development"

Add to Section 2.4.1.3 Parking:
(c) The Planning Board, via Special Permit under 2.5.10, the Bolton Village Overlay District, may lower the required area of parking.

Add to Section 2.6 Definitions:
Mixed Use: A combination of residential and business uses, arranged vertically (in multiple stories of a structure) or horizontally (adjacent to one another in one or more buildings on a lot)

Add to Inclusionary Zoning Section 2.5.9.3:
5. This bylaw shall apply to all units in mixed use developments approved by the Planning Board under a Special Permit under 2.5.10 Bolton Village Overlay District.

Add a new Section 2.5.10 Bolton Village Overlay District
1. The Bolton Planning Board is hereby designated the Special Permit Granting Authority (SPGA) to grant special permits for mixed use development under the provisions of this Article.

2. The SPGA may grant a special permit that
- allows for mixed use development,
- decreases the required parking,
- increases the percent of impervious surface, and/or
- decreases the required front or other setbacks,

only upon finding that such use is in harmony with the general purpose and intent of the zoning bylaw and the proposal meets the specific provisions set forth under the Bolton Village Overlay District bylaw. In granting the special permit, the SPGA may also specify conditions, safeguards and limitations concerning the use of the property associated therewith.

3. Site Plan Review, pursuant to Section 2.5.5.6, is required for all Mixed Use developments. To facilitate the review process and enable the public to provide input to both Boards, the Selectmen shall coordinate the Site Plan Review process with the Special Permit application review and public hearing held by the Planning Board.
~~*(QUESTION FOR PLANNING BOARD: In order to streamline permitting within the BVOD, do you wish to recommend that the Site Plan Review for developments within the BVOD be granted by the Planning Board as part of the Special Permit process, or do you wish to have the Selectmen have an additional level of review, in order to allay concerns that the residents may have about approving this bylaw?)*~~

Comment [mgr1]: Seems like the best way to keep the roles as they are now, with the Planning Board reviewing special permits and the Selectmen undertaking Site Plan Review, but allow for easier public input/streamlined review.

4. Mixed Use development projects shall be granted special permits only in conformity with the following:

A. Suitability of the site for Mixed Use development, including:
- adequacy of the site in terms of the density of proposed uses,
- Impact on the visual character of the business district and surrounding neighborhood,
- Adequacy of pedestrian access to buildings, public spaces, and between adjacent uses, and
- Degree to which the proposed project complies with the goals of the Bolton Master Plan.

B. Mixed Use developments may include the following: studio, 1 and 2 bedroom units. Contribution for Open Space Protection: Since one goal of the Village Overlay District is to promote development in the designated village and to protect undeveloped land outside of the village, for each dwelling unit established in a mixed use development approved under this bylaw, the town shall receive as a condition of the Special Permit, a monetary contribution from the developer (upon the sale or occupancy of the units) to be used for open space protection. The amount of the contribution shall be determined by the Planning Board, and shall be calculated and posted annually by the Planning Board. In setting the amount of the expected contribution, the Board may take into account such factors as the average per-acre assessed value of undeveloped land in the Town of Bolton (for parcels greater than 20 acres), the assessed value of land under the Chapter 61A Agricultural Lands Assessment Program, or the cost per acre of recent open space acquisitions by the town. The amount of the expected monetary contribution may be reduced if the developer provides more than the minimum required publicly accessible open space as part of the mixed use development.

Comment [mgr2]: This language is meant to provide some guidance but also leave flexibility in the criteria to be used to set this expected contribution. Note that in the Berlin case, the community expects to receive $500,000 over 5 years to be used for public safety infrastructure improvements for the 205 total units proposed (about $2,440 per unit). This is in the same range of $2,000 per unit cited by the Planning Board as a contribution related to 40B developments in Bolton.

This seems more workable than inserting a figure ($2,500?) into the bylaw and then needing to go to town meeting every few years to adopt changes to update it.

C. The mix of uses shall be balanced and compatible and shall contribute to a vibrant village atmosphere, including a combination of ground floor street front uses such as retail, restaurant and offices.

D. Ground floors of buildings fronting streets or public access ways shall be reserved for commercial uses except as specified below.

Dwelling units shall be allowed on ground floors of buildings as follows:
- The building is set behind another building that has commercial uses on the ground floor, or

Comment [mgr3]: Note that this bylaw does not specify a maximum number of units per acre. The estimated maximum number, assuming 2.5 story structures with 1.5 stories of residential over first floor commercial, 1,000 square feet of built space per residential unit, 1 parking space per 200 square feet of business use, 1.5 parking spaces per residential unit, and 50% maximum impervious coverage, (i.e., the parameters of this bylaw) is approximately 8 units per acre.

- The residential portion of the ground floor of a building is set behind street-front retail/office/restaurant uses within the same building, or
- The Planning Board determines that street-front residential uses will not have an adverse impact on the continuity of the commercial street front uses, and where such street-front residential uses will not be adversely affected by proximity to street and adjacent commercial uses.

E. Parking requirements. Entrances to dwelling units shall be visible and accessible from any parking areas located in the rear of a mixed-use building. All entrances are to have sufficient illumination at night time.

The Planning Board, consistent with Section 2.4.1.3 and this section, will consider the following parking requirements for developments within the Bolton Village Overlay District:

1.5 spaces per dwelling unit for 1 and 2 bedroom units
1 space per 200 sq ft of retail

The Planning Board may further reduce the total amount of parking required in mixed use developments if the developer shows that, based upon the expected temporal use of the parking by the various uses, there is not a need for the total number of spaces that would otherwise be calculated based upon the square footage of uses proposed.

Vehicle and Pedestrian Features:
Vehicle, pedestrian and bicycle features shall be designed to provide a network of pathways, and promote walking within the Bolton Village Overlay District. Curb cuts shall be minimized.

To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Parking located directly between the building and the street alignment shall be strongly discouraged.

5. Planning Board may grant a special permit allowing for a higher percentage of impervious surface (including both structures and other impervious surfaces), provided that the development incorporate best practices for Low Impact Development techniques for infiltration of storm-water on site, and provided that sufficient undeveloped open space is preserved on nearby properties such that the extra area preserved plus the open space on the development parcel would equal 50% of the total land area of the development parcel plus the additional open space. To the maximum extent possible, the Board will emphasize the goal of providing public access to open space both on the development parcel and on any such open space protected on nearby properties.

6. All developments approved under the BVOD shall contain a minimum of 10% publicly-accessible open space, located on the site to promote pedestrian and shopper accessibility. These areas may include pedestrian-friendly amenities, such as wide sidewalks/pathways, outdoor seating, patios, or courtyards. Links/sidewalks designed to connect parking areas with adjacent developments are encouraged to further the goal of providing safe pedestrian access to businesses within Bolton. Site landscaping shall be maximized. All improvements to this publicly accessible open space shall be installed and maintained as part of the development by the project proponent.

7. Within the Bolton Village Overlay District, the Planning Board, as part of the Special Permit, may approve decreased front yard or side yard setbacks to improve site design, promote pedestrian and bicycle

Comment [mgr4]: Note that the Berlin bylaw sets a minimum of 25% and maximum of 65% of total floor area for the amount of residential uses within a mixed use development. This is an alternative, but MAPC has instead emphasized that the first floors of street-facing structures must be for "active street fronts". Note that if all of the first floor spaces in a 2.5 story development were business uses, this would constitute 40% of the total floor area

Comment [mgr5]: Note that Berlin's new bylaw is even more aggressive for alternative transportation methods, and has 1 space per unit for residential and 1 space per 400 feet of commercial space

Comment [mgr6]: This allows for additional development where the Planning Board feels that it would be appropriate, but only on the condition that additional area of open space is protected. This could allow for accumulation of larger open space areas, but still keep some open space on the development parcel.

accessibility, or allow for consistency with the setbacks of abutting properties to allow new buildings to relate to existing adjacent structures. In order to promote accessibility from sidewalks along Main Street, front yard setbacks may be reduced to 40 feet, but may not be more than 80 feet, for developments proposed under this bylaw. In cases where more than one structure is placed on a parcel, not all structures need to be within the 40 – 80 foot setback; structures may be placed farther back on the site to establish courtyards or other open spaces, and to allow for appropriate layout and site design. Side yard setbacks may be reduced, especially where the abutting property is in business or mixed use. In all cases where a lesser setback is allowed, the Planning Board may impose such conditions as it deems necessary. Such circumstances may include landscaping, consistency with existing street setbacks, and design that encourages a pedestrian environment.

Comment [mgr7]: This language was inserted to meet the Board's goal for site design flexibility.

8. The Planning Board may utilize provisions of Chapter 44 section 53G to hire consultants to assist the Planning Board in review of the proposed developments. In addition, the Planning Board may, at its option, appoint a Design Advisory Team to assist in the review of any project in the Bolton Village Overlay District (see Section 2.5.5.7 Design Review Criteria). ~~Members of the DAT shall include: one or more Planning Board member(s), Bolton energy Committee member(s), Bolton Conservation Commission member(s); professional architect(s), landscape architect(s) or design related professional(s); Historical Commission member(s), business owner(s).~~

~~The DAT will provide advisory professional design review assistance to the Planning Board.~~
~~The DAT may also submit a written report to the Planning Board. The DAT will be appointed at a regularly scheduled meeting where public notice has been provided.~~

~~At the direction of the Planning Board, a project applicant may be required to meet with the DAT to discuss resolution of design concerns.~~