

Planning-Related Warrant Articles

2/14/24 Draft

ARTICLE: Zoning Bylaw – Sections 7-03-030 and 7-050-010.A Use Variances

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Sections 7-03-030 and 7-05-010.A by deleting the text shown below in strikethrough, and adding the text shown as underlined, or take any action relative thereto.

Part 1: Amend Section 7-03-030 Board of Appeals.

B. Powers. The Board of Appeals shall have and exercise all the powers granted to it by MGL C. 40A, C. 40B, and C. 41 and by this bylaw. The Board's powers are as follows:

(2) To hear and decide appeals or petitions for variances from ~~the use,~~ dimensional or density requirements of this bylaw, with respect to particular land or structures, as set forth in MGL C. 40A, § 10. Use variances are prohibited.

Part 2: Amend Section 7-05-10 General provisions.

A. No building or structure shall be erected and no building or structure or land or water area shall be used for any purpose or in any manner except in accordance with this chapter. Use variances are prohibited.

Planning Board Chair's Rationale: Eliminates the Zoning Board of Appeals' power to issue use variances

- ▶ *This refers to an action by the ZBA to allow a use not otherwise allowed by our bylaws*
- ▶ *“Granting (a use variance) will likely conflict with the community’s comprehensive plan or master plan”*
- ▶ *“Use variances circumvent the statutory procedure for changing zoning (G.L. c. 40A, §)”*
- ▶ *“The zoning adoption and amendment process at Annual Town Meeting is considered thorough and procedurally fair”*
- ▶ *By contrast, when granted by a five-member ZBA - “neither legislative action (2/3 vote at ATM) nor Attorney General review is required. The intentionally deliberative process for changing zoning is absent in the variance process”.*

ARTICLE: Zoning Map –Re-Zoning Industrial District off of Southwest Connector

To see if the Town will vote to amend the Northborough Zoning Map by rezoning to the Highway Business Southwest (HBSW) District that portion of the Industrial District and the Major Commercial Development Overlay (MCDOD) District that is located in the vicinity of the Southwest Connector, as shown on the map entitled “Southwest Cutoff Rezoning Map” on file with the Town’s Planning Department, or take any action relative thereto.

(INSERT MAP)

ARTICLE: Zoning Bylaw Section 7-03-060 Design Review, Section 7-04-010 Classification of Districts, Section 7-05-030, Table of Uses, Table 1, Part B. Commercial and Industrial Districts, Section 7-06-020, Table 2. Table of Density and Dimensional Regulations, Section 7-09-020 Site design standards, Section 7-09-030 Off-street parking and loading, Section 7-09-040 Signs, Section 7-07-030 Major Commercial Development Overlay District

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Sections 7-03-060, 7-04-010, 7-05-030, 7-06-020, 7-09-020, 7-09-030, and 7-09-040 by adding the text shown below as underlined, and amend Section 7-07-030 Major Commercial Development Overlay by deleting the Section in its entirety, or take any action relative thereto.

Part 1: Amend Section 7-03-060 Design review.

B. Applicability.

- (1) Design review by the design review committee shall be required as part of the site plan approval or a special permit with site plan approval for any of the following:
 - (a) In any business district, new construction or exterior alterations or expansion of any commercial, municipal, institutional or multifamily structure;
 - (b) In the Downtown Neighborhood District, new construction or exterior alterations or expansion of any multifamily structure or any structure requiring a special permit;
 - ~~(c) In the Major Commercial Development Overlay District, new construction or exterior alterations or expansion of any multifamily structure or any structure requiring a special permit;~~
 - ~~(d)~~ (c) In any industrial district, new construction of any extensive uses, institutional uses, mixed uses, business uses, public service or public utility, or industrial uses; ~~or~~
 - ~~(e)~~ (d) In the RC, GR, MSR, and DN districts, any special permit application to the Planning Board for a two-family dwelling;

Part 2: Amend Section 7-04-010 Classification of districts.

A. Districts

(2) Nonresidential districts.

(a) Business districts.

- [1] Downtown Business (DB).
- [2] Business East (BE).
- [3] Business West (BW).
- [4] Business South (BS).
- [5] Highway Business (HB).
- [6] Highway Business Southwest (HBSW)

B. Overlay districts. There are hereby established the following overlay districts:

- (1) Groundwater Protection Overlay District (GPOD).
- (2) Floodplain Overlay District (FOD).
- ~~(3) Major Commercial Development Overlay District (MCDOD).~~
- (34) Residential- Open Space Planning Overlay District (ROPOD).

Part 3: Amend Section 7-05-030, Table 1. Table of Uses. Part B. Commercial and Industrial Districts.

USES	DB	BE	BW	BS	HB	<u>HBSW</u>	I
EXEMPT USES							
See Section 7-05-020(A)	Y	Y	Y	Y	Y	<u>Y</u>	Y
RESIDENTIAL USES							
A. Principal Uses							
Single-family dwelling, attached	BA	N	N	N	N	<u>N</u>	N
Multifamily dwelling ¹⁰	BA	N	BA	N	N	<u>N</u>	N
Congregate residence	BA	BA	BA	N	N	<u>N</u>	N
Assisted living facility	BA	BA	BA	N	N	<u>Y</u>	N
B. Accessory Uses							

Accessory dwelling unit	BA	BA	BA	N	N	<u>N</u>	N
Boarding house	BA	N	N	N	N	<u>N</u>	N
Solar photovoltaic installation, roof-mounted	Y	Y	Y	Y	Y	<u>Y</u>	Y
Solar photovoltaic installation, canopy-mounted ¹¹	Y	Y	Y	Y	Y	<u>Y</u>	Y
Small-scale ground-mounted solar photovoltaic installation	Y	Y	Y	Y	Y	<u>Y</u>	Y
Home occupation							
Home professional office	N	N	N	N	N	<u>N</u>	N
Home personal service	N	N	N	N	N	<u>N</u>	N
Home business workshop	N	N	N	N	N	<u>N</u>	N
Home hospitality or tourism establishment	N	N	N	N	N	<u>N</u>	N
Home specialty retail	N	N	N	N	N	<u>N</u>	N
EXTENSIVE USES							
Golf course	N	N	N	N	BA	<u>N</u>	PB
INSTITUTIONAL USES							
Cultural use	Y	Y	Y	N	BA	<u>PB</u>	N
Hospital	N	N	N	N	N	<u>PB</u>	PB
Medical clinic or ambulatory surgery center	N	N	BA	BA	Y	<u>Y</u>	Y
Nursing home or rest home	BA	BA	BA	N	BA	<u>PB</u>	N
Adult day care	BA	BA	BA	BA	BA	<u>PB</u>	BA
Non-profit club or membership organization	Y	Y	Y	Y	BA	<u>PB</u>	N
MIXED USES							
Limited mixed-use building	Y	Y	Y	BA	N	<u>N</u>	N

Artist live/work unit	Y	BA	BA	BA	N	<u>N</u>	N
Shop for custom work	Y	Y	Y	BA	BA	<u>PB</u>	PB
Vertical mixed-use development	Y	Y	Y	BA	N	<u>N</u>	N
Horizontal mixed-use development	BA	N	BA	BA	N	<u>N</u>	N
Farm business	N	Y	Y	N	N	<u>N</u>	N
Continuing care retirement community	N	N	BA	N	N	<u>PB</u>	N
BUSINESS USES							
Trade							
Retail store ¹²	Y	Y	Y	Y	Y	<u>Y</u>	N
Drive-through retail ¹³	N	BA	BA	BA	BA	<u>PB</u>	N
Art studio or gallery	Y	Y	Y	N	Y	<u>Y</u>	N
Commercial greenhouse	N	Y	Y	BA	Y	<u>PB</u>	N
Wholesale trade	N	N	BA	BA	Y	<u>PB</u>	Y
Grain, lumber, construction or garden supply sales	N	N	BA	N	Y	<u>PB</u>	Y
Temporary outdoor sales of holiday horticultural products	Y	Y	Y	Y	Y	<u>Y</u>	Y
Hospitality and Food Services							
Bed and breakfast; inn	Y	Y	Y	BA	BA	<u>PB</u>	N
Hotel, motel or conference center	BA	N	BA	BA	Y	<u>Y</u>	PB
Restaurant, excluding alcoholic beverages	Y	Y	Y	BA	Y	<u>Y</u>	N
Restaurant, including alcoholic beverages	BA	BA	BA	BA	Y	<u>Y</u>	N
Nanobrewery or brew pub	BA	BA	BA	BA	BA	<u>Y</u>	PB
Microbrewery	N	BA	BA	BA	BA	<u>Y</u>	PB
Brewery, distillery, or winery	N	N	N	N	N	<u>Y</u>	PB

Deli, sandwich shop, pizza shop	Y	Y	Y	Y	Y	<u>Y</u>	N
Drive-through food service	N	BA	BA	BA	BA	<u>PB</u>	N
Catering service	BA	Y	Y	Y	Y	<u>Y</u>	N
Recreation and Entertainment							
Commercial recreation, indoor	BA	BA	BA	BA	BA	<u>Y</u>	Y
Commercial recreation, outdoor	N	N	BA	N	BA	<u>PB</u>	PB
Commercial amusement	BA	BA	BA	BA	BA	<u>PB</u>	N
Financial or Professional Services							
Bank	Y	Y	Y	BA	Y	<u>Y</u>	N
Automated teller machine ¹⁴	Y	Y	Y	BA	Y	<u>Y</u>	N
Professional or business office	Y	Y	Y	Y	Y	<u>Y</u>	Y
Medical or dental office	Y	Y	Y	Y	Y	<u>Y</u>	Y
Services							
Personal service establishment	Y	Y	Y	Y	Y	<u>Y</u>	N
Postal service	Y	Y	Y	BA	N	<u>N</u>	N
Educational use, nonexempt	N	N	BA	BA	N	<u>Y</u>	PB
Repair shop	BA	Y	Y	BA	Y	<u>PB</u>	N
Vehicle Sales and Service							
Auto filling or service station	N	N	N	N	BA	N	PB
Auto repair shop	N	N	N	BA	BA	<u>PB</u>	PB
Auto body shop	N	N	N	N	BA	<u>PB</u>	PB
Auto sales	N	N	N	N	BA	<u>PB</u>	PB
Commercial parking	N	BA	BA	N	BA	<u>PB</u>	PB
Other Business Uses							

Veterinary clinic	N	BA	BA	BA	BA	<u>Y</u>	N
Kennel	N	N	BA	N	N	<u>PB</u>	Y
Funeral home	BA	BA	BA	N	N	<u>N</u>	N
Adult uses	N	N	N	N	BA	<u>N</u>	N
Commercial storage facility	N	N	N	BA	N	<u>N</u>	PB
Marijuana establishment ¹⁵	N	N	N	N	N	<u>N</u>	N
Medical marijuana treatment center ¹⁵	N	N	N	N	N	<u>N</u>	N
PUBLIC SERVICE OR PUBLIC UTILITY							
Bus stop, sheltered	BA	BA	BA	BA	BA	<u>PB</u>	PB
Public transportation terminal	N	N	N	N	BA	<u>PB</u>	PB
Public service or public utility	BA	BA	BA	BA	BA	<u>PB</u>	Y
Communication tower (including wireless communication facility)	PB	PB	PB	PB	PB	<u>PB</u>	PB
INDUSTRIAL USES							
Light manufacturing	N	N	N	BA	N	<u>N</u>	PB
Research and development	N	N	N	N	N	<u>PB</u>	Y
Data processing center and records storage	N	N	N	BA	N	<u>N</u>	Y
Printing and publishing	N	N	N	N	N	<u>N</u>	Y
Large-scale ground-mounted solar photovoltaic installation	N	N	N	N	N	<u>N</u>	Y
Transportation and Distribution Uses							
Warehouse	N	N	N	BA	N	<u>N</u>	PB
Trucking, rail or freight facility, or parcel distribution facility	N	N	N	N	N	<u>N</u>	PB
Other Industrial Uses							

Natural resource extraction	N	N	N	N	N	<u>N</u>	PB
Fuel storage	N	N	N	N	N	<u>N</u>	PB
Contractor's yard or lumber yard	N	N	N	N	N	<u>N</u>	PB
Heliport	N	N	N	N	N	<u>N</u>	PB
Accessory uses; see Section 7-05-020(J)	N	N	N	BA	N	<u>N</u>	Y
Hazardous waste facility	N	N	N	N	N	<u>N</u>	PB
Solid waste disposal facility	N	N	N	N	N	<u>N</u>	PB

Part 4: Amend Section 7-06-020, Table 2. Table of Density and Dimensional Regulations. ¹

District	Minimum Lot Area (sq. ft.)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Yard Setbacks			Maximum Front Setback ²	Maximum Lot Coverage	Minimum Open Space	Maximum Height	
				Front	Side	Rear				Stories	Feet
RA	80,000	200	200	30	15	25	-	25%	-	-	35
RB	40,000	150	150	30	15	25	-	25%	-	-	35
RC³	20,000	100	100	30	15	25	-	30%	-	-	35
GR³	15,000	100	100	30	15	25	-	30%	-	-	35
MSR³	15,000	100	100	30	15	25	-	30%	-	-	35
DN³	10,000	50	None	15	20	20	30	30%	20%	-	35
DB	4,000	50	None	6	None	None	20	-	15%	-	45
BE	20,000	150	None	15	20	25	75	-	20%	3.0	45
BW	20,000	150	None	15	20	25	75	-	20%	3.0	45
BS	40,000	150	None	40	25	25	-	-	25%	3.0	45
HB	40,000	150	None	50	25	25	-	-	25%	-	-
<u>HBSW</u>	<u>40,000</u>	<u>150</u>	<u>None</u>	<u>50</u>	<u>25</u>	<u>25</u>	<u>-</u>	<u>-</u>	<u>25%</u>	<u>-</u>	<u>-</u>
<u>I⁴</u>	60,000	150	None	40	20	25	-	50%	25%	-	60

Part 5: Amend Section 7-09-020 Site design standards.

D. Additional standards for business uses. New construction or substantial alteration of existing nonresidential buildings in the Downtown Business District, the Business East District, Business West District, Business South District, Highway Business District, Highway Business Southwest

District, or the Downtown Neighborhood District shall conform to the following standards. Where any of the standards in this subsection conflict with subsection (C) of this section, this subsection shall govern.

Part 6: Amend Section 7-09-030 Off-street parking and loading.

C. Off-street parking design standards. The following design standards shall apply in the Downtown Business, Business East, Business West, Business South, Highway Business, Highway Business Southwest, and Downtown Neighborhood Districts to all uses except detached single-family or two-family dwellings, and shall be addressed in any plans submitted under Section 7-03-050. Where physical constraints on a site make it infeasible to comply with any standard in this section, the proponent may request a modification or waiver and propose an alternative design. In such cases, it shall be the proponent's burden to demonstrate that it is infeasible to comply and that the proposed alternative meets the intent of the standard for which a waiver has been requested.

Part 7: Amend Section 7-09-040 Signs.

G. Signs in business districts.

(c) Highway Business and Highway Business Southwest Districts.

Planning Director's Rationale: The purpose of the Major Commercial Overlay District was to provide options for large-scale commercial development in an area zoned Industrial District. This proposed amendment would eliminate the industrial zoning while keeping an array of commercial uses that are compatible with the current surroundings. It is important to note that most of the existing land within the subject area is currently occupied by multi-family residential uses and a variety of commercial uses. Most commercial uses would be allowed by right or by special permit in the new proposed Highway Business Southwest District. The following three uses would be classified as legal nonconforming uses under the new zoning scheme as they currently exist but would not be allowed under the new zoning scheme: the gravel pit, a commercial self-storage facility, and an auto filling station. A legally nonconforming use can continue until the use is abandoned for a period of two or more years or the subject property is changed to a conforming use.

ARTICLE: Zoning Bylaw Section 7-03-060, Design Review

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw Section 7-03-060, by adding the text shown below as underlined and deleting the text shown with strike-through, or take any action relative thereto.

B. Applicability.

- (1) Design review by the design review committee shall be required as part of sign permit approval in the Downtown Business District, the and site plan approval or a special permit with site plan approval for any of the following:
 - (a) In any business district, new construction or exterior alterations or expansion of any commercial, municipal, institutional or multifamily structure;
 - (b) In the Downtown Neighborhood District, new construction or exterior alterations or expansion of any multifamily structure or any structure requiring a special permit;
 - (c) In the Major Commercial Development Overlay District, new construction or exterior alterations or expansion of any multifamily structure or any structure requiring a special permit;
 - (d) In any industrial district, new construction of any extensive uses, institutional uses, mixed uses, business uses, public service or public utility, or industrial uses; ~~or~~
 - (e) In the RC, GR, MSR, and DN districts, any special permit application to the Planning Board for a two-family dwelling;
 - (f) In the DB District, any Electronic Message Center, wall, projecting, freestanding, awning, or permanent window sign;
 - (g) In the Multifamily Development Overlay District, new construction or expansion of any structure.
- C. Submission requirements and procedures. The submission requirements and procedures for design review shall be in accordance with the Design Review Committee’s rules and regulations.
- (1) As a part of the sign permit, site plan approval or special permit with site plan approval process, the Design Review Committee shall review a proposed project and provide written recommendations to the applicable issuing authority within the review periods prescribed in Section 7-03-050. The Design Review Committee may conduct one (1) or more pre-application meetings with the proponent.
- E. Appointment of the Design Review Committee.
- (1) The Planning Board shall appoint a Design Review Committee. Such Committee shall be chaired by a member of the Planning Board, and shall additionally consist of four (4) members, who shall be residents or employed within the Town of Northborough, with a preference given to the following disciplines for three-year terms:
 - (a) ~~Two (2)~~ One (1) degreed architects;
 - (b) One (1) degreed landscape architect or person qualified by training in landscape design; and
 - (c) ~~One (1)~~ Two (2) residents of the town with a related background such as real estate development, landscape design, architecture, historic preservation, interior design, graphic design, lighting design, civil engineering, or building/construction; or
 - (d) A balance of representation as close as possible to this mix.

Planning Board Vice Chair's Rationale: The Town recently completed a Downtown Revitalization Plan Report with the assistance of a consultant team led by Weston & Sampson Inc. Page 26 states: Business signage in the Downtown is inconsistent in its age, quality, design, location, and size. This amendment gives the Design Review Committee the ability to review signs within the Downtown Business District only, and provide their recommendation to the Building Inspector. It also provides flexibility in the composition of the Design Review Committee while helping to ensure that most members have professional expertise in design and/or development-related disciplines. Note that the Design Review Committee has had at least one member opening for multiple years.

ARTICLE: Zoning Bylaw Section 7-05-020, Classification of uses and Section 7-05-030, Table 1. Table of Uses. Part B. Commercial and Industrial Districts

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Sections 7-05-020 and 7-05-030 by adding the text shown below as underlined, or take any action relative thereto.

Part 1: Definitions

Section 7-05-020G.(4)(e) Co-working space: A building or part thereof consisting of a shared office environment, which contains desks or other workspaces and facilities, including but not limited to, dedicated workstations, office suites, meeting rooms, event space, resource libraries, and business or administrative support services, and is used by a recognized membership who share the site to interact and collaborate with each other as part of a community. Rules for membership and participation in the co-working space are explicit, transparent, and available to the public. Co-working spaces may host classes or networking events which are open either to the public or to current and prospective members.

7-05-020 I.(1)(a) Maker space: A building or part thereof used for the on-site production of parts or finished products by individual or shared use of hand-tools, mechanical tools, and electronic tools. Maker Spaces may include space for design and prototyping of new materials, fabrication methodologies, and products, as well as space for packaging, incidental storage, sales, and distribution of such projects. Typical uses include but are not limited to: electronic goods; printmaking; leather products; jewelry and clothing/apparel; metal work; furniture; woodworking and cabinet shops; glass or ceramic production; and paper manufacturing. Maker Spaces may host classes or networking events which are open to the public. Maker Spaces may also include a membership component.

Part 2: Amend Section 7-05-030, Table 1. Table of Uses. Part B. Commercial and Industrial Districts.

Financial or Professional Services							
	DB	BE	BW	BS	HB	<u>HBSW</u>	I
<u>Co-working space</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

INDUSTRIAL USES							
	DB	BE	BW	BS	HB	<u>HBSW</u>	I
<u>Maker space</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>BA</u>	<u>N</u>	<u>N</u>	<u>PB</u>

Planning Director’s Rationale: This proposed amendment aims to add new definitions for Co-working space and Maker space, which are popular uses at this time, as well as appropriate locations in Town where they will be allowed.

ARTICLE: Zoning Bylaw Section 7-07-010, Groundwater Protection Overlay District

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw Section 7-07-010D, by adding the text shown below as underlined and deleting the text shown with strike-through, or take any action relative thereto.

Subsection (1)(c)[3]:

Commercial development as allowed per underlying zoning that does not involve as accessory uses the manufacture, storage, application, transportation and/or disposal of toxic or hazardous materials, limited to retail shopping, business or professional office, on lots of at least twenty thousand (20,000) square feet in area where sewage disposal is on-site, such that the impervious cover of the building lot is increased over existing conditions by no more than forty percent (40%) or there is no restriction of lot coverage beyond that provided by underlying zoning where the proponent can demonstrate and certify that runoff waters leaving the developed site via surface flow will not violate Class B water quality standards (314 CMR 4.00) and runoff waters leaving the site via groundwater recharge will not violated Class I groundwater quality standards (314 CMR 6.00), the increase in post-development net runoff volume shall not exceed existing conditions by more than fifteen percent (15%), and any on-site sewage disposal is less than or equal to one hundred ten (110) gallons per day per ten thousand (10,000) square feet of lot area, such determination to be made by the Building Inspector in conjunction with other relevant Town staff.

Subsection (3)(c)[3]:

~~[3] Commercial development as allowed per underlying zoning, such that the increase in post-development net runoff volume shall not exceed existing conditions by more than fifteen percent (15%), the impervious cover of the building lot is increased over existing conditions by no more than forty percent (40%) or there is no restriction of lot coverage beyond that provided by underlying zoning where proponent can demonstrate and certify that runoff waters leaving the developed site via surface flow will not violate Class B water quality standards (314 CMR 4.00) and runoff waters leaving the site via groundwater recharge will not violated Class I groundwater quality standards (314 CMR 6.00), and any on site sewage disposal is less than or equal to one hundred ten (110) gallons per day per ten thousand (10,000) square feet of lot area.~~

*Planning Director's Rationale: The current Bylaw requires many commercial uses in Area 3, including banks, personal service establishments, bed & breakfasts, day care centers, and commercial storage facilities, that do not deal with toxic and hazardous wastes and have impacts similar to retail shops and offices, to obtain a Groundwater special permit. This proposed change treats all commercial uses that do not deal with toxic and hazardous wastes as by-right uses, but requires new construction/significant additions to adhere to the same performance requirements as if they WERE special permit uses (i.e. applicants must infiltrate stormwater on-site, minimize the amount of impervious surface, and restrict septic system capacity). This proposed change also eliminates the mandatory increase in lot area to 20,000 square feet for commercial uses that are served by public sewer. Area 3 covers the bulk of Northborough Center, which includes the only commercial districts in Town with minimum lot sizes smaller than 20,000 square feet. A portion of the Downtown Business District also lies within Area 2. Minimum lot sizes are 4,000 square feet in the Downtown Business District and 10,000 square feet in the Downtown Neighborhood District. **The mandatory upsize to 20,000 square feet is a huge impediment to the type of medium to high density commercial and mixed-use development called for by the underlying zoning, especially since it renders as many as 47 parcels in the Downtown Business District and 11 parcels in the Downtown Neighborhood District nonconforming.** It is likely that the original purpose of the mandatory minimum lot area increase to 20,000 square feet was to provide sufficient land area for a septic system. But all roadways within these districts are sewered so septic systems and the 20,000/40,000 sq ft minimum lot size requirement to accommodate those septic systems are unnecessary. However, this amendment does provide for any lots that may not have connected to public sewer as of yet. If the property is not served by public sewer, they must either adhere to the 20,000 square foot minimum lot size requirement or connect to public sewer.*

ARTICLE: Zoning Bylaw Section 7-07-010, Groundwater Protection Overlay District

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw Section 7-07-010D, by adding the text shown below as underlined and deleting the text shown with strike-through, or take any action relative thereto.

Subsection (1)(c)[2]

Residential development of single-family, two-family and multifamily dwellings as allowed in the underlying district on lots of at least twenty thousand (20,000) square feet in area where sewage disposal is on-site, such that the increase in post-development net runoff volume shall not exceed existing conditions by more than fifteen percent (15%) or such that the impervious cover of the building lot is increased over existing conditions by no more than fifteen percent (15%) and any on-site sewage disposal is less than or equal to two hundred twenty (220) gallons per day per ten thousand (10,000) square feet of lot area, such determination to be made by the Building Inspector ~~Department~~ in conjunction with other relevant Town staff. ~~the Town Engineer.~~

Subsection (3)(c)[6]

~~[6]—Two family and multifamily residential development on lots of at least twenty thousand (20,000) square feet in area, such that the increase in post development net runoff volume shall not exceed existing conditions by more than fifteen percent (15%) or such that the impervious cover of the building lot is increased over existing conditions by no more than fifteen percent (15%) and any on site sewage disposal is less than or equal to two hundred twenty (220) gallons per day per ten thousand (10,000) square feet of lot area.~~

~~[7]~~

*Planning Director's Rationale: This proposed change adds two-family and multi-family dwellings to the list of by-right uses in Area 3 of the Groundwater Protection Overlay District, but requires new construction/significant additions to adhere to the same performance requirements as if they WERE special permit uses (i.e. applicants must infiltrate stormwater on-site, minimize the amount of impervious surface, and restrict septic system capacity). This proposed change also eliminates the mandatory increase in lot area to 20,000 square feet for two family and multi-family dwellings that are served by public sewer. Note that the current minimum lot size for two-family dwellings permitted within the underlying zoning districts varies from 20,000 to 30,000 square feet. Therefore, **eliminating the minimum lot size requirement of 20,000 square feet within Area 3 of the Groundwater Protection Overlay District has no impact on two-family dwellings.** It also has no impact on multi-family dwellings permitted within the Business West District as the minimum lot size for that district is already 20,000 square feet. It WILL impact three and four-unit multi-family dwellings on public sewer where they are allowed within the Downtown Business (DB) and Downtown Neighborhood (DN) Districts. Currently, the DB District requires lot sizes of 13,500 square feet for a 3-unit multi-family structure and 17,000 sq ft for a 4-unit multi-family structure; the DN District requires lot sizes of 14,500 square feet for a 3-unit multi-family structure and 19,000 sq ft for a 4-unit multi-family structure. The mandatory upsize to 20,000 square foot lot sizes currently limits the ability to accommodate three and four-unit multi-family structures within these districts. But, as previously pointed out, all roadways within these districts are sewered so*

septic systems and the 20,000/40,000 sq ft minimum lot size requirement to accommodate those septic systems are unnecessary.

ARTICLE: Zoning Bylaw Section 7-09-020, Site design standards

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw Section 7-09-020C.(2), by adding the text shown below as underlined and deleting the text shown with strike-through, or take any action relative thereto.

- (2) Outdoor lighting. In the area of the new construction or addition, outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be full cutoff and conform to “Dark Skies” guidelines, as stated by the International Dark Sky Association (IDA); arranged to minimize glare and light spilling over to neighboring properties. Energy-efficient lighting with timers or motion sensors are strongly encouraged. ~~Except for low level intensity pedestrian lighting with a height of less than eight (8) feet, all outdoor lighting shall be designed and located so that the luminaire has an angle of cutoff less than seventy six degrees (76 degrees) and a line drawn from the height of the luminaire along the angle of cutoff intersects the ground at a point within the development site.~~

Planning Director’s Rationale: This amendment updates the design standard to reflect today’s trends in exterior lighting and the Planning Board’s desire to promote energy efficiency.

ARTICLE: Zoning Bylaw Section 7-09-020, Site design standards

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw Section 7-09-020D.(1), by adding the text shown below as underlined, or take any action relative thereto.

- (1) Building placement, design, and orientation.
- (e) Building finish materials shall be appropriate to traditional New England architecture and may include, but shall not be limited to brick, high-quality brick face, wood, high-quality cement-fiber siding, stone or high-quality stone-face. Metal or fiberglass as a primary finished surface shall not be used;
- (f) Flat roofs may be allowed on buildings as long as the roofline projects upward from the building surface as a decorative cornice or parapet;

Planning Board Vice Chair’s Rationale: The 2012 Northborough Design Guidelines state: Materials used for building exteriors and landscaping features (e.g., fences) should be consistent with the traditional New England building vernacular. There is a strong preference for authentic natural materials, specifically brick, stone, wooden shingles, and clapboard, or synthetic materials that mimic natural materials, such as high-quality cement-fiber siding. This article adds these

preferences into the bylaw. These proposed design standards apply to new construction or significant expansions of commercial uses that trigger site plan review only.

ARTICLE: Zoning Bylaw Section 7-09-030, Off-street parking and loading

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw Section 7-09-030C.(2)(a), by adding the text shown below as underlined and deleting the text shown with strike-through, or take any action relative thereto.

- (a) Off-street parking spaces shall be located behind or beside the principal structure on the lot. No parking shall be located closer to the front lot line than the nearest point ~~front line~~ of the principal structure nearest to the front lot line. However, the applicable special permit granting authority may grant a special permit to locate up to twenty-five percent (25%) of the required off-street parking spaces in front of a principal structure, except in the Downtown Business District, and may also authorize a change in any maximum front yard setback where necessary to accommodate such parking. In granting a special permit, the special permit granting authority may impose design, surface treatment, landscaping, lighting and other requirements to mitigate the visual impact of parking areas on views from the road, and may regulate the location of the remaining parking to achieve the purposes of this section.

Planning Director's Rationale: This proposed modification clarifies where off-street parking spaces can be located relative to the front lot line and buildings. It takes into account the fact that buildings are not always located parallel to the street that provides frontage to the lot.

ARTICLE: Zoning Bylaw – Section 7-09-040, Signs

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw, Section 7-09-040 Signs, by adding the text shown below as underlined and deleting the text shown below in strikethrough, or take any action relative thereto. The numbered bullets before all definitions in Section 7-09-040B shall be deleted.

7-09-040 Signs.

A. Purpose. Signs are a necessary means of communicating information. Since signs are intended to be seen, they attract attention and are one (1) of the most visible and apparent aspects of a town's character. They tend to produce a lasting impression on residents and visitors, and they provide an indication of the commercial health of a business area and a town as a whole. Simplicity in design and restrained use of signs are necessary to prevent a sign overload, which creates clutter and is as confusing as no signs at all.

B. Definitions. For the purpose of this section, the following terms shall have the following meanings:

~~(3)~~BANNER SIGN – A temporary sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, vinyl, or fabric of any kind. National flags, flags of political subdivisions, and flags with insignia of any government and symbolic flags of any institution or business shall not be considered banners for the purpose of this section.

~~(14)~~FLAG - A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol, standard, signal, or emblem.

GASOLINE CANOPY SIGN - A permanent sign consisting of letters and or logo surrounding the covering structure placed over the gasoline pumps.

MONUMENT SIGN – A sign which is attached to and in contact with the ground over the full width of its display area.

~~(25)~~PROJECTING OR BLADE SIGN - A sign which is permanently affixed to the exterior surface of a building or structure with the display area positioned perpendicular to the wall to which the sign is mounted.

~~(27)~~ ROOF SIGN - A sign attached to or erected wholly upon and over the roof of any building and supported solely on the roof structure; including a parapet or the lower slope of a gambrel or mansard roof.

SANDWICH BOARD SIGN – A single or double-faced temporary sign, that is self-supported, easily moved, and not affixed to a building, base structure, or the ground; this definition shall include signs commonly referred to as A-frame and T-frame.

~~(33)~~TEMPORARY SIGN - A sign that is used only temporarily, for a specific length of time, and is not permanently mounted, including sandwich board signs.

~~(36)~~WALL SIGN - A sign which is painted or otherwise permanently affixed to a vertical exterior surface of a building or structure with the display area positioned parallel with the wall to which the sign is mounted. and including such a sign affixed to a parapet or to the lower slope of a gambrel or mansard roof.

C. Sign permits. Non-Conformity and Compliance.

(2) Design review by the Design Review Committee is required for any electronic message center, wall, projecting, or freestanding sign in the Downtown Business District. The Design Review Committee shall prepare, and the Planning Board shall approve, guidelines relating to appropriate sign design for the Downtown Business District. The Design Review Committee shall review the sign permit application for compliance with those Guidelines and send its written review letter with recommendations regarding sign design to the Building Inspector within twenty (20) days of receipt of the sign permit application. Failure of the Design Review Committee to act within twenty (20) days of receipt of the application shall be deemed a lack of opposition thereto. The deadline may be extended by mutual agreement of the Design Review Committee and the applicant.

(23) All signs erected hereunder shall be erected in the exact location and manner described in the permit.

(34) The re-lettering of a sign shall be equivalent to the erecting of a new sign, except when the original wording is reproduced. Any new sign shall comply with this Bylaw.

(5) Nonconforming signs shall not be altered, enlarged, redesigned, or structurally altered except in conformity with this bylaw.

D. Basic requirements.

(3) No sign shall be part of or attached to roofs, including such a sign affixed to a parapet or to the lower slope of a gambrel or mansard roof, marquees, or awnings gasoline canopies.

(4) Flashing, moving and animated signs are prohibited. No sign shall move or flash or be designed to attract the eye by intermittent or repeated motions.

(6) Changeable copy signs that provide a variable message, the content of which is changed manually, are allowed. In the Downtown Business District (DB), they are allowed only where used for gasoline filling stations and municipal or institutional purposes.

(12) Electronic message centers are specifically prohibited in Downtown Business, Business East, Business West, Business South, and all residential districts except where used for municipal or institutional purposes.

(13) Signs shall not be made of vinyl in any district.

(14) Plastic signs, excluding sandwich board signs, are specifically prohibited in the Downtown Business District.

(15) No sign shall be illuminated by exposed neon or fluorescent tubes.

(16) Awnings are allowed for first floor businesses only and shall not extend above or beyond any top or side edge of the façade, cornice, moldings or trim of the building to which the awning is attached. Signs are allowed on the apron of the awning only.

(17) Projecting signs are subject to a minimum height requirement of ten (10) feet from grade level to the bottom of the sign. A projecting sign shall not extend vertically above the highest point of the building façade upon which it is mounted and shall not extend over a walkway in excess of two-thirds (2/3) of the width of the sidewalk.

(18) Window signs are allowed in business districts only. All combined window signage shall be limited to 10% of the total glass area on any one façade/side of a building.

(19) Signs attached to any utility box or pole, tree, or hydrant are prohibited.

E. Construction and maintenance of signs.

(1) All signs shall be constructed of durable and weatherproof material. They shall be maintained in safe structural condition and good visual appearance at all times, and no sign or awning shall be left in a dangerous or defective state. The Building Inspector shall have the authority to inspect any sign or awning and order the owner to paint, repair or remove a sign which constitutes a hazard or a nuisance due to improper or illegal installation, dilapidation, damage, or inadequate maintenance.

(3) Any sign, together with its structural elements, which advertises or calls attention to any business or services of owner or tenant which are no longer operational shall be removed by the owner within thirty (30) days of the date on which the operation ceased.

F. Signs in residential districts.

(3) In a residential district, no internally illuminated signs shall be permitted except when associated with an allowed-nonresidential use or a lawfully pre-existing nonconforming business use. Externally illuminated signs are permitted. Lighting of signs for nonresidential uses shall comply with subsection (D)(5) of this section.

G. Signs in business districts.

(1) Type, size and number of signs. Unless otherwise provided herein, each business establishment shall be allowed not more than two of the following types of signs: wall, projecting/blade, free-standing, or awning.

There shall not be more than the following on each lot:

(a) Downtown Business District.

[1] Lot with one (1) or two (2) tenants:

[a] Freestanding sign: one (1) freestanding sign; size not to exceed thirty-two (32) square feet, height not to exceed ten (10) feet as measured from the ground to the highest point of the sign or twelve (12) feet to the top of the sign structure. The freestanding sign shall indicate the name(s) of tenant(s) and address of the facility, in a fixed manner. Auto filling stations ~~and~~ may have an additional sixteen (16) square feet of space for changeable copy message.

[b] Wall sign: one (1) wall sign not to exceed 10% of the wall size of the unit or thirty-two (32) square feet in area (whichever is smaller) for each tenant. ~~or two (2) wall signs with a combined total area not to exceed thirty two (32) square feet.~~

[c] Directory sign: one (1) directory of the tenants of the building, affixed to the exterior wall. The area of the directory sign shall not exceed one (1) square foot for each tenant of the building.

- [d] Projecting Sign: one (1) sign for each tenant on each elevation of a building with a customer entrance.
 - [e] Sandwich Board Sign: one (1) sandwich board sign not to exceed fifteen (15) square feet may be used for each tenant provided that it does not interrupt the safe flow of ADA/AAB, pedestrian, cyclist or automobile traffic. The sign shall be brought in at the close of business each day.
- [2] Lot with three (3) or more tenants.
- [a] Freestanding sign: one (1) freestanding sign for each ten (10) tenants; size not to exceed forty (40) square feet, height not to exceed ten (10) feet as measured from the ground to the highest point of the sign or twelve (12) feet to the top of the sign structure. The freestanding sign shall indicate the name and address of the facility in a fixed manner, and may include space for listing of individual tenants. Auto filling stations ~~, and~~ may have an additional twenty (20) square feet of space for changeable copy message. When more than one (1) freestanding sign on a lot, there shall be not less than fifty (50) feet between signs and no sign shall be located so as to obstruct the viewing of any other sign.
 - [b] Wall sign: one (1) wall sign not to exceed 10% of the unit wall space of the unit or thirty-two (32) square feet, whichever is smaller, for each tenant, attached to the wall of the store, ~~or two (2) wall signs with a combined total area not exceeding thirty two (32) square feet.~~
 - [c] Directory sign: one (1) directory of the tenants affixed to the exterior wall of the building. Such directory sign shall not exceed an area determined on the basis of one (1) square foot for each tenant of the building.
 - [d] Projecting Sign: one (1) sign for each tenant on each elevation of a building with a customer entrance.
 - [e] Sandwich Board Sign: one (1) sandwich board sign not to exceed fifteen (15) square feet may be used for each tenant provided that it does not interrupt the safe flow of pedestrian, cyclist or automobile traffic. The sign shall be brought in at the close of business each day.
- (b) Business East, Business West, and Business South Districts.
- [1] Lot with one (1) or two (2) tenants.
 - [a] Freestanding sign: one (1) freestanding sign, size not to exceed thirty-two (32) square feet in area, height not to exceed ten (10) feet as measured from the ground to the highest point of the sign or twelve (12) feet to the top of the sign structure. The freestanding sign shall indicate the name(s) of the tenant(s) and address, in a fixed manner and may have an additional sixteen (16) square feet of space for changeable-copy message.
 - [b] Wall sign: one (1) wall sign not to exceed 10% of the wall size of the unit or thirty-two (32) square feet in area, whichever is smaller, for each tenant, or two (2) wall signs with a combined total area not to exceed thirty-two (32) square feet for each tenant.
 - [c] Directory sign: one (1) directory of the tenants of the facility, affixed to the exterior wall. Such directory sign shall not exceed an area determined on the basis of one (1) square foot for each tenant of the building.

[d] Sandwich Board Sign: one (1) sandwich board sign not to exceed fifteen (15) square feet may be used for each tenant provided that it does not interrupt the safe flow of pedestrian, cyclist or automobile traffic. The sign shall be brought in at the close of business each day.

[2] Lot with three (3) or more tenants.

[a] Freestanding sign: one (1) freestanding sign for each ten (10) tenants located on the lot; size not to exceed fifty (50) square feet, height not to exceed ten (10) feet as measured from the ground to the highest point of the sign or twelve (12) feet to the top of the sign structure. The freestanding sign shall indicate the name of the facility and address in a fixed manner and may have space for listings of individual tenants. and may have an additional twenty-five (25) square feet of space for changeable-copy message.-When there is more than one (1) freestanding sign on a lot, there shall be not less than fifty (50) feet between signs, and no sign shall be located to obstruct the viewing of any other sign.

[b] Wall sign: one (1) wall sign not to exceed 10% of the wall size of the unit or thirty-two (32) square feet, whichever is smaller, for each tenant, attached to the wall of the store, or two (2) wall signs with a combined total area not exceeding thirty-two (32) square feet for each tenant.

[c] Directory sign: one (1) directory of the tenants of the building affixed to the exterior wall of the building. Such directory sign shall not exceed an area determined on the basis of one (1) square foot for each tenant of the building.

[d] Sandwich Board Sign: one (1) sandwich board sign not to exceed six (6) square feet may be used for each tenant provided that it does not interrupt the safe flow of pedestrian, cyclist or automobile traffic. The sign shall be brought in at the close of business each day.

(c) Highway Business District.

[1] Lot with one (1) or two (2) tenants.

[a] Freestanding sign. Not more than one (1) freestanding sign, size not to exceed one hundred (100) square feet, height not to exceed twenty (20) feet as measured from the ground to the highest point of the sign. The freestanding sign shall indicate the name(s) of the tenant(s), in a fixed manner and may have an additional fifty (50) square feet of space for changeable-copy message. Electronic message centers may be used as part of a freestanding sign.

[b] Wall sign: one (1) wall sign, size not to exceed 10% of the wall size to which the sign is affixed or two ~~one~~ hundred fifty (250~~100~~) square feet, whichever is smaller, for each tenant, or two (2) wall signs with a combined total area not to exceed two hundred fifty (250) ~~one hundred (100)~~ square feet for each tenant.

[c] Directory sign: one (1) directory of the tenants of the building affixed to the exterior wall. Such directory sign shall not exceed an area determined on the basis of one (1) square foot for each tenant of the building.

[2] Lot with three (3) or more tenants.

[a] Freestanding sign. Not more than one (1) freestanding sign for each ten (10) tenants located on the lot; size not to exceed one hundred (100) square feet, height not to exceed twenty (20) feet as measured from the ground to the highest point of the sign. The freestanding sign shall indicate the name of the facility and address in a fixed manner and may have space for listings of individual tenants—and may have an additional fifty (50) square feet of space for changeable-copy message. When there is more than one (1) freestanding sign on a lot, there shall be not less than fifty (50) feet between signs, and no sign shall be located to obstruct the viewing of any other sign.

~~[3]~~[b] Wall sign: one (1) wall sign, size not to exceed 10% of the wall size to which the sign is affixed or two-one hundred fifty (250+00) square feet, whichever is smaller, for each tenant, or two (2) wall signs with a combined total area not to exceed two hundred fifty (250) one hundred (100) square feet for each tenant.

~~[4]~~[c] Directory sign. There may be not more than one (1) directory of the tenants of the building affixed to the exterior wall of the building. Such directory sign shall not exceed an area determined on the basis of one (1) square foot for each occupant or tenant of the building.

(3) Temporary signs. Signs for the purpose of announcing a special day or event and not to exist more than ~~fifty six (56)~~ thirty (30) days per calendar year shall be permitted. The Board of Selectmen may grant an extension of this time period. One (1) exterior movable sign shall be limited to fifteen (15) square feet. One (1) temporary sign shall be permitted for each freestanding sign as permitted by this section. Temporary signs shall be placed a minimum distance of thirty (30) feet apart from each other. Temporary signs affixed to the inside of a window shall not exceed thirty percent (30%) of the window area of the storefront. To place a temporary sign on property other than that which is being advertised, the applicant must have written permission from the landowner and the Board of Selectmen.

H. Signs in the Industrial District.

(1) Signs shall be allowed that advertise the name of the firm or goods or services available or manufactured on the premises; provided, that:

(a) No sign shall project over a street or way used by the public.

(b) The total area of all signs shall not exceed two hundred (200) square feet.

~~(c) No sign shall move or flash or be designed to attract the eye by intermittent or repeated motions.~~

~~(d) No sign shall be illuminated by exposed neon or fluorescent tubes.~~

(ce) No sign shall constitute a hazard to vehicular traffic by the direction of and amount of its illumination.

(d~~f~~) The length of the sign shall not exceed thirty percent (30%) of the total width of the wall to which it is attached.

(e~~g~~) All lettering is to be open and the height of the letters shall be limited to eight (8) feet.

(f~~h~~) Such signs shall be attached and parallel to a building wall or roof, and the top of the sign shall not project higher than forty-two (42) inches above the main cornice line of the building or extend beyond the end of the building or project more than twenty-four (24) inches out from the building wall.

K. Permit not required. The following types of signs do not require a permit from the Building Inspector:

(10) Historic Signs, markers and municipal plaques. Signs and markers signifying historical importance and municipal plaques shall not be subject to this Bylaw and shall be permitted in all use districts without permit.

Planning Board Vice Chair's Rationale: The Town recently finished a Downtown Revitalization Plan Report. Pg 26 states: "Business signage in the Downtown is inconsistent in its age, quality, design, location, and size. The Town does have a sign bylaw that limits the type, location, and size of signs permitted in all the business districts, although, there are no provisions that require the replacement of signs that are nonconforming or deteriorated". These proposed changes will update the sign bylaw to take some of the consultants' comments into account. The size limitations were expanded in the Highway Business District to account for the larger retail buildings at Northborough Crossing. Window signs, awning signs, and projecting signs are currently not allowed and were added into the bylaw to increase signage options and maximize flexibility.

ARTICLE: Zoning Map – Multi-family Development Overlay District

To see if the Town will vote to amend the Northborough Zoning Map to create the "Multi-family Development Overlay District (MDOD)" to include the areas identified and as shown on the map and titled "Southwest Connector Multifamily Development Sub-District" and "Downtown Multifamily Development Sub-District" on file with the Town's Planning Department, or take any action relative thereto.

(INSERT MAP)

ARTICLE: Zoning Bylaw Section 7-04-010 Classification of districts and Section 7-07-050, Multifamily Development Overlay District

To see if the Town will vote to amend Part 7 of the Northborough Town Code, the Northborough Zoning Bylaw Sections 7-04-010 and 7-07, by adding the text shown below as underlined, or take any action relative thereto.

Part 1: Amend Section 7-04-010 Classification of districts.

B. Overlay districts. There are hereby established the following overlay districts:

- (1) Groundwater Protection Overlay District (GPOD).
- (2) Floodplain Overlay District (FOD).
- (3) Major Commercial Development Overlay District (MCDOD).
- (4) Residential- Open Space Planning Overlay District (ROPOD).
- (5) Multifamily Development Overlay District (MDOD).

Part 2: Add Section 7-07-050 Multifamily Development Overlay District.

7-07-050 Multifamily Development Overlay District.

A. Purposes. The purposes of the Multifamily Development Overlay District, hereinafter referred to as the “MDOD”, are:

- (1) To comply with the requirements for MBTA communities as set forth in MGL c. 40A, § 3A;
- (2) To diversify the Northborough housing stock and create pedestrian-friendly development by promoting the creation of multi-family housing within close proximity to shopping, eateries, local services, and major transportation corridors;
- (3) To encourage the adaptive reuse, development and redevelopment of vacant and underutilized buildings and properties;
- (4) To support local businesses and promote the revitalization of downtown Northborough by increasing the size of the customer base;
- (5) To respond to the local and regional need for affordable housing by requiring housing options that are affordable and add to the Northborough SHI (Subsidized Housing Inventory);
- (6) To meet the housing and economic development goals articulated in the 2020 Master Plan.

B. Applicability. The MDOD is an overlay district superimposed over the underlying zoning districts as set forth on the map entitled “Multifamily Development Overlay District Map”. This map is hereby made part of the Zoning Bylaw and is on file in the Office of the Town Clerk.

The MDOD contains the following sub-districts:

- (1) Southwest Connector Multifamily Development Sub-District

(2) Downtown Multifamily Development Sub-District

- C. Relationship to existing zoning. In the MDOD, all requirements of the underlying district shall remain in effect except where these regulations provide an alternative to such requirements, in which case these regulations shall supersede. Where the provisions of the MDOD are silent on a zoning regulation that applies in the underlying district, the requirements of the underlying district shall apply.
- D. Procedures and Regulations. Development under this section requires Site Plan Review by the Planning Board under Section 7-03-050 and design review by the Design Review Committee under Section 7-03-060. The Planning Board shall adopt design guidelines for the MDOD that are not inconsistent with this Section or other applicable sections of the Northborough Zoning Bylaws.
- E. Use regulations.
- (1) Permitted uses. The following uses shall be permitted by-right in the MDOD, subject to site plan approval under Section 7-03-050. Uses are as defined in Section 7-05-020:
- (a) Attached single-family dwelling or townhouse.
 - (b) Multifamily dwelling.
 - (c) Mixed-Use Development. Developments in the MDOD may include the following non-residential uses within a vertical or horizontal mixed-use development provided that non-residential uses are located on the first floor and, when combined, do not exceed 8,000 square feet within the Southwest Connector Multi-family Development Sub-District. Non-residential uses that require a special permit in the underlying district shall require a special permit in the MDOD.
 1. Retail store.
 2. Personal service establishment.
 3. Professional, medical and dental, or business office.
 4. Bank or automated teller machine.
 5. Deli, sandwich shop, pizza shop, or take-out food service.
 6. Restaurant, excluding alcoholic beverages.
 7. Restaurant, including alcoholic beverages.
 8. Brew pub.
 9. Commercial recreation, indoor.
 10. Cultural use.
 11. Co-Working space.
 12. Artist studio or gallery.
 13. Catering services.
 14. Educational uses, nonexempt.
 15. Exempt uses in accordance with MGL C. 40A, § 3.
- (2) The following accessory uses are permitted by-right in the MDOD:
- (a) Clubhouse for residents of the development.

- (b) Home professional office with no employees and who do not have regular customers/clients come to the office.
- (c) Parking.
- (d) Garage or carport.
- (e) Solar photovoltaic installation, roof-mounted.
- (f) Solar photovoltaic installation, canopy-mounted.
- (g) Passive recreation, open space or conservation.

F. Density and dimensional regulations. The density and dimensional regulations of the underlying zoning districts are to be adhered to within the MDOD, except as follows:

Southwest Connector Multifamily Development Sub-District:

<u>Use</u>	<u>Maximum Height (stories)</u>	<u>Maximum Height (feet)</u>	<u>Maximum Density (dwelling units per acre)**</u>
<u>Attached single-family or townhouse</u>	<u>3</u>	<u>40</u>	<u>8</u>
<u>Multi-family dwelling</u>	<u>5</u>	<u>60</u>	<u>15</u>
<u>Vertical mixed-use development</u>	<u>5</u>	<u>60</u>	<u>15</u>
<u>Horizontal mixed-use development</u>	<u>5</u>	<u>60</u>	<u>15</u>
<u>Clubhouse</u>	<u>-</u>	<u>35</u>	<u>N/A</u>

Downtown Multifamily Development Sub-District:

<u>Use</u>	<u>Maximum Height (stories)</u>	<u>Maximum Height (feet)</u>	<u>Maximum Density (units per acre)**</u>
<u>Attached single-family or townhouse</u>	<u>2.5</u>	<u>35</u>	<u>8</u>
<u>Multi-family dwelling</u>	<u>3</u>	<u>35*</u>	<u>15</u>
<u>Vertical mixed-use development</u>	<u>4</u>	<u>45</u>	<u>15</u>
<u>Horizontal mixed-use development</u>	<u>4</u>	<u>45</u>	<u>15</u>
<u>Clubhouse</u>	<u>-</u>	<u>35</u>	<u>N/A</u>

*Where parking is to be provided on the first floor of a multi-family dwelling, the maximum height may increase to 45 feet.

**For adaptive reuse or substantial restoration of existing buildings, the proposed residential density shall be based upon the demonstrated ability of the existing building to accommodate such density or intensity of use.

G. Affordable housing.

- (1) Number of Affordable Dwelling Units. For all MDOD Projects containing a minimum of 10 dwelling units, not less than 10% of dwelling units constructed shall be permanently restricted to households who qualify as low income, as that term is defined for the area by the Massachusetts Executive Office of Housing and Liveable Communities, or successor agency. For purposes of calculating the number of units of Affordable Dwelling Units required within the Project, any fractional unit shall be deemed to constitute a whole unit.
- (2) Affordable Dwelling Units shall be constructed on the same site as market rate units and shall be indistinguishably interspersed throughout the MDOD Project. The Affordable Dwelling Units shall be equal in quality, layout, construction materials, fixtures, and interior and exterior finishes to the base level market rate units in the MDOD.
- (3) Occupants of Affordable Dwelling Units shall have the same access to common areas, facilities and services as occupants of market rate units in the MDOD.
- (4) The total number of bedrooms in Affordable Dwelling Units shall be proportionate to the total number of bedrooms in all units of the MDOD Project.
- (5) In Projects that are constructed in phases, Affordable Dwelling Units shall be constructed and occupied in proportion to the number of units in each phase of the Project.
- (6) To the extent permitted by applicable law, otherwise qualified Northborough residents shall have a first opportunity and preference for the Affordable Housing Dwelling Units in the MDOD. For the purposes of this requirement, "Northborough residents" shall be defined as a current Town of Northborough resident (as established through certification by the Northborough Town Clerk based on census, voting registration, or other acceptable evidence), or a current employee of the Town of Northborough or business establishment located in Northborough, or household with children attending the Northborough/Southborough Regional Public School District.
- (7) Affordable Housing Restriction. Each Affordable Dwelling Unit shall be subject to an Affordable Housing Restriction, consistent with the universal deed rider used in the Local Initiative Program, 760 CMR 56.00, which shall be recorded with the Worcester Registry of Deeds or district registry of the Land Court. The term of the Affordable Housing Restriction shall be in perpetuity. Each Affordable Dwelling Unit shall comply with MA Executive Office of Housing and Livable Communities' Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines. No certificate of occupancy for a dwelling unit in a MDOD Project shall be issued until the Affordable Housing Restriction is recorded.

H. Design Standards. In addition to the Site Design Standards set forth in Section 7-09-020 and the Off-street parking and loading requirements set forth in Section 7-09-030, the following standards shall apply to any use or activity approved under this Section.

(1) Buildings

- a. Multiple buildings are allowed on one lot.
- b. The front façade of new building(s) shall be oriented parallel to the public street that provides the lot with frontage. For a MDOD Project with buildings set back from the public street, buildings shall face the access way that serves them or a courtyard.
- c. New building(s) parallel to the public street shall be compatible with the height and architecture of noteworthy buildings that share a functional or visual relationship to the proposed buildings. For a MDOD Project with multiple buildings, taller buildings shall be set back from the public street. To create a unified and defined street, consistent alignment of buildings is encouraged.
- d. Building finish materials shall be appropriate to traditional New England architecture and may include, but shall not be limited to, brick or high-quality brick face, wood, stone or high-quality stone face. Any synthetic materials used should closely approximate natural materials. Vinyl, stucco, metal or fiberglass as a primary finished surface shall not be used.
- e. Front building facades shall be modulated with horizontal offsets, recessed entries, or protrusions, where applicable. Vertical articulation may include colonnades, bay windows, porches or balconies, architectural detailing, and fenestration patterns.
- f. Buildings with multiple non-residential tenants on the first floor shall articulate the façade in a manner that distinguishes the location of tenants through the use of decorative raised or depressed vertical surfaces, variations in signage, awnings marquees, colonnades or arcades.
- g. Blank walls adjacent to streets, parking lots or open spaces shall not be permitted. Where windows are not possible or appropriate given the intended use, vertical articulation in the form of raised or recessed surfaces, shall be used to break up blank walls.
- h. Flat roofs shall only be allowed if they are capped by an architectural parapet or cornice that acts as a structural expression of the building façade and materials.
- i. Rooftop mechanical equipment shall be screened so it is not visible from the pedestrian level. It can be integrated into the overall design of the building by use of materials, placement, roof shape or form, or other means.
- j. The placement of gas meters, electric meters, compressors, transformers, etc. along the street-facing façade should be avoided unless there are compelling reasons to do so and they are screened from view.

(2) Site Design

- a. Clearly delineated pedestrian walkways or pathways shall be provided between buildings on the same lot and between buildings and parking areas, recreation facilities, and adjacent lots to ensure a continuous pedestrian pathway throughout the district. All new sidewalks and pedestrian walkways shall be designed and constructed to be accessible in accordance with applicable laws,

including the Rules and Regulations of the Massachusetts Architectural Access Board (AAB).

- b. Primary entrances to buildings shall be situated on pedestrian ways (i.e. sidewalks, plazas or open space) and shall have a minimum width of seven feet.
- c. New sidewalks shall be composed of 4-inch thickness of reinforced cement concrete, however they may include a decorative band of brick or pavers.
- d. Curbing shall be either vertical granite or vertical concrete with a minimum reveal of 6 inches.
- e. No use other than landscaping, pedestrian amenities, outdoor dining, sidewalks, and signs shall be permitted within the minimum required front yard of any lot.
- f. Outdoor lighting for streets, parking areas, walkways, and gathering spaces shall be decorative and of a scale that is appropriate for a multi-family or mixed-use development. Light poles and fixtures shall not exceed 20 feet in height measured from the base to the highest point of the fixture.

(3) Off-Street Parking

- a. Parking requirements shall be consistent with Section 7-09-030 except MDOD Projects approved under this section may provide fewer parking spaces where, in the determination of the Planning Board, proposed parking is found to be sufficient to meet the needs of the Project. The Planning Board may consider proximity to municipal and on-street parking, mixed uses, as well as the existence of a reciprocal agreement for shared parking that is consistent with Section 7-09-030C.(3). The Applicant shall demonstrate that parking will meet demand by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).
- b. Parking areas shall be located to the side and rear of buildings, underground, within a parking garage, or on the first floor of multifamily structures.
- c. Abutting property owners are encouraged to coordinate parking layouts, including combining and connecting with adjacent parking lots, and coordinating access to their parking lots, including utilizing common curb-cuts and driveways under reciprocal agreements. The Planning Board may permit such shared driveways, curb cuts and combined parking lots if the applicant can demonstrate that the proposed design improves on-site and off-site circulation and/or results in a small parking area.

(4) Common Open Space

Within the Southwest Connector Multifamily Development Sub-District, common open space requirements shall be as follows:

- a. Common open space shall comprise a minimum of 40% of the tract.
- b. Common open space shall be large, contiguous and of a location suitable to assure its use for conservation, park and recreation purposes.
- c. Common open space shall not include parking lots, driveways, roads, or ways necessary for access and egress to the site.

- d. Common open space shall be left in its natural state, landscaped or developed for outdoor recreational facilities. Outdoor recreational facilities may include features and incidental recreational structures such as courtyards, boardwalks, walkways, trails, a clubhouse, swimming pools, decks, patio areas, grill stations, fire pits, seating and tables, playgrounds, basketball courts, tennis courts and/or bocce courts, dog parks, gardens, boat launch and fishing areas, and other similar features.
- e. MDOD Projects containing 40 or more dwelling units shall include an appropriate outdoor amenity.

Within the Downtown Multifamily Development Sub-District, common open space requirements shall be as follows:

- a. Common open space shall comprise a minimum of 20% of the tract.
- b. Common open space should be visible to the public wherever possible.
- c. Common open space shall not include parking lots, driveways, roads, or ways necessary for access and egress to the site.
- d. Common open space shall be left in its natural state, landscaped, or developed for outdoor recreation purposes. Outdoor recreation amenities may include features and incidental recreational structures such as courtyards, gardens, walkways, trails, decks, patio areas, seating, pocket parks, and similar amenities. MDOD Projects containing 40 or more dwelling units shall include an appropriate outdoor amenity such as boardwalks, grill stations, tables, fire pits, playgrounds, boat launch and fishing areas, dog parks, community gardens, and similar amenities.

- I. Waivers. The Planning Board is authorized to waive any requirements of this Section for compelling reasons of safety, aesthetics, site design, or to lesson environmental, neighborhood or public service impacts.

Planning Director's Rationale: This proposed Overlay District aims to comply with changes to the Zoning Act (Chapter 40A of Mass General Laws) that were signed into law on January 14, 2021. The Town of Northborough is one of 175 Massachusetts communities impacted by this new law. Classified as an "MBTA Adjacent Community", Northborough must create a multi-family district that has the following characteristics:

- *It must be a minimum of 50 acres in size, half of which must be contiguous land;*
- *Multiple sub-districts can be included within the district, but one sub-district must contain at least 25 acres of land and no sub-district can contain less than 5 acres of land;*
- *Multi-family dwellings must be allowed by-right at a minimum gross density of 15 units/acre;*
- *The units must be suitable for families with children;*
- *The district should be near an existing downtown, village center or area of underutilized/abandoned structures with redevelopment potential.*

Northborough's deadline for compliance with the new law is December 31, 2024. Failure to comply will make Northborough ineligible for many state grants and at risk of civil enforcement action under federal and state fair housing laws.

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