

# A GLOSSARY OF PLANNING TERMS FOR MASSACHUSETTS CITIES

*Joel Russell, October 2009*

This glossary of planning terms is intended to be used as a reference for the layperson in understanding zoning and related planning documents. It is a work-in-progress and subject to correction, addition, and revision as necessary.

**"AS-OF-RIGHT," "BY RIGHT," OR "PERMITTED" USES:** Uses allowed with only a building permit and/or zoning permit, or only requiring site plan review but not a special permit.

**CLUSTER DEVELOPMENT/SUBDIVISION:** Arranging the same number of units that would otherwise be allowed on a parcel on smaller lots on one or more portions of the parcel, leaving portions of the property with important open space value as protected open space (usually protected by conservation restrictions) Other variations of this basic concept are called open space residential development and conservation subdivision. (*See also: FLEXIBLE DEVELOPMENT*)

**COMPREHENSIVE PLAN:** A concept or vision for the future development and preservation of an area, town, village, county, or region, expressing community goals, identifying preferred locations for intensive development, public improvements, and open space protection, describing necessary investments in infrastructure and community facilities, and providing recommendations for implementation. While a comprehensive plan does not have the force of law, zoning ordinances and other municipal regulations are supposed to be consistent with it. (Also known as a Master Plan.)

**CONSERVATION RESTRICTION:** A perpetual restriction on the use or development of land to protect important scenic, ecological, historic, or water resource values, enforced by the Town or by a non-profit land trust. A conservation restriction does not affect ownership of the land. It may be granted voluntarily by a landowner, purchased from a landowner, or required as a condition of a development approval to protect identified environmental or other resources. *Variations on this are called watershed protection restrictions, historic preservation restrictions, and agricultural preservation restrictions (APRs).*

**DENSITY:** The number of houses, dwelling units, or square feet of building allowed per acre of land. This is not the same as *minimum lot size* which determines the size of each lot. Zoning conventionally treats density and lot size as the same, but clustering and other techniques separate these concepts.

**DESIGN CHARRETTE:** A continuous three- to six-day planning and design process in which a team of design professionals such as architects, landscape architects, planners, and engineers work intensively with local community residents to design a development plan for a specific area. The outcome of a design charrette is usually a specific physical plan or plan options, sometimes accompanied by zoning changes required to implement the plan. (*See also: PLANNING CHARRETTE*)

**DESIGN GUIDELINES:** Illustrated guide showing what the community wants in terms of street design, building layouts, location of parking lots, landscaping, and sometimes architectural characteristics. These are usually advisory. They may be used to illustrate pictorially the standards contained in zoning, site planning or subdivision requirements. When mandatory, guidelines are generally referred to as "standards." (*See "FORM-BASED CODE."*)

**DOWNZONING:** Reducing the permitted density (or increasing the minimum lot size) for development within a zoning district, or rezoning from more to less intensive use (sometimes called "upzoning.")

**FLEXIBLE DEVELOPMENT/SUBDIVISION:** Similar to clustering, except that the parcel can be divided into a combination of large and small parcels, with all or most of the protected open space in privately owned large lots (protected by conservation restrictions). Other variations of the same concept are called open space residential development and conservation subdivision.

**FORM-BASED CODE:** A method of regulating development to achieve a specific urban form. Form-based codes shape the public realm primarily by controlling physical form, with a lesser focus on land use. Form-based codes address the relationship between building facades and streets, sidewalks, parks, and other public spaces, regulating the form and mass of buildings in relation to one another and the spaces they shape, as well as the scale and types of streets and blocks. A form-based code combines elements typically found in zoning, subdivision regulations, and public works standards. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a *regulating plan* that designates the appropriate form and scale (and therefore, character) of development at the scale of the street and block. This is in contrast to the usual focus in zoning on the precise definition and segregation of land uses in larger zoning districts, and the control of development intensity through abstract numerical parameters (e.g., lot size, frontage, lot area per dwelling unit, setbacks, parking ratios) that do not create a coherent built form. A form-based code is based upon a place-based design process rather than pre-conceived use and dimensional regulations. (see [www.formbasedcodes.org/definition.html](http://www.formbasedcodes.org/definition.html) )

**IMPACT FEE:** Fee charged to a development to cover the public capital improvement costs created by that development. Such fees are generally not permitted without special state legislation authorizing their imposition (which Massachusetts does not have). They must be directly related to the impacts and roughly proportional to the specific costs imposed by the development or activity.

**INCENTIVE ZONING:** Allowing a developer to have additional density, flexibility, or expedited approval in return for a public amenity such as dedicated parkland, additional water or sewer capacity, affordable housing, or land for public buildings.

**INFRASTRUCTURE:** Public water and sewer service, road construction or improvement, mass transit, pedestrian and bicycle paths, electric, gas, and communications utilities, and other public improvements that are needed to support intensive development of land. The term "infrastructure" is sometimes used more broadly to mean all of the services that are necessary to serve development, such as parks, schools, police, firefighting, libraries, and other municipal services. Even more than zoning, the location of public infrastructure determines where growth will occur. In areas served by infrastructure, land use regulations are especially important to assure that growth benefits the community. Large-scale commercial, office, and industrial uses normally need direct access to major roads and usually require public water and sewer.

**MEDIATION:** A process in which someone who wants to develop land meets informally with neighbors and other concerned citizens to work out a compromise development plan with the help of a neutral third party. This plan is then presented to the appropriate board for formal review and approval. Mediation can avoid lengthy adversarial proceedings and the litigation that often ensues. Mediation can be included in a zoning bylaw as a dispute resolution option available to the parties.

**MIXED-USE DEVELOPMENT:** Development that combines different land uses in the same immediate neighborhood. The most vibrant parts of a city are those areas where people live, work, play, and shop in close proximity. Such walkable areas reduce dependence on cars, create more frequent and friendly pedestrian interactions and provide more security than single-use districts, since people are on the street at different times. This term is sometimes misapplied to large automobile-oriented developments which are divided into single-use areas but do not provide a pedestrian experience or a true mixing of uses.

**NONCONFORMING USE:** A use that was allowed prior to the adoption of a zoning bylaw or amendment, but which is no longer permitted. Non-conforming uses are usually allowed to continue. Their ability to expand or convert to other uses is defined and limited by zoning.

**OVERLAY DISTRICTS:** Areas identified as having important environmental, historic, scenic, water resource, or other sensitivity or value. Specific regulations for these areas are designed to assure that development within them does not compromise their special value. An overlay district is usually not a "no development" zone, but rather an area that requires "special handling." The underlying zoning rules still apply, except where they are modified by the protective overlay regulations. Overlay districts typically

overlap (“overlay”) different zoning districts.

**PLANNED UNIT DEVELOPMENT (PUD):** A customized zoning district or category created for a specific parcel, exempting that parcel from zoning rules in order to allow mixed uses and/or higher density.

**PLANNING BOARD:** The board charged with reviewing and approving subdivisions of land, site plans, and most special permits. The Planning Board also reviews and makes recommendations on proposed zoning amendments and adopts the City’s Comprehensive (Master) Plan.

**PLANNING CHARRETTE:** A continuous multi-day public meeting process in which a community develops a common vision for its future, sets goals for future development and for preservation of community character, and identifies specific steps to be taken to implement the goals. People work together in small and large groups to overcome factional division and develop greater mutual understanding. A planning charrette may be used to establish the basic ingredients of its Comprehensive Plan, as well as key implementation steps such as zoning revisions. *(See also: DESIGN CHARRETTE)*

**PUBLIC (CAPITAL) IMPROVEMENT PLAN:** A planned series of public actions that improve the attractiveness and economic viability of a community center or an entire municipality. These may include improvements to infrastructure and public buildings, improving or creating parks and other public open spaces, adding benches, chairs, and tables to sidewalk areas, improving the condition and quality of building facades and signs, fixing up neglected buildings for private or public use, adding parking in appropriate locations while maintaining a pedestrian orientation, and adding flowers, attractive lamp posts, or other aesthetic improvements.

**PURCHASE OF DEVELOPMENT RIGHTS:** A program in which a public (or non-profit) entity purchases conservation restrictions, agricultural preservation restrictions, or watershed protection restrictions from landowners in order to preserve undeveloped land.

**SITE PLAN REVIEW:** Case-by-case review, usually by the Planning Board, of proposed uses to assure that they fit appropriately onto their site, according to specific criteria such as traffic, road access, drainage, parking, landscaping, screening, building layout, architecture, etc. Any permitted use that meets site planning criteria must be approved (with appropriate conditions to assure that the criteria are satisfied). Site plan review generally does not apply to one and two-family housing or farms. Site plan approval may be granted by a majority vote. Site plan review can also be conducted by staff or another municipal board.

**SPECIAL PERMIT USES:** Uses that are allowed only if they satisfy specific criteria relating to their environmental impact and compatibility with the surrounding area. (Site planning criteria or separate site plan review is also usually required.) Special permits can be granted only by a two-thirds majority vote of the Planning Board, Zoning Board of Appeals, or City Council (unanimous for a three-member board). Special Permits allow flexible case-by-case review to determine whether particular proposed uses are appropriate on a given site. They enable the Board to take account of the unique circumstances of each tract of land and each proposed use. The criteria used to determine acceptability are important, and can be tailored to the specific needs of each community, use, or district.

**SUBDIVISION REGULATIONS:** Regulations issued by the Planning Board that establish procedures and standards for subdividing land. Subdivision approval is required before a final “definitive plan” map can be filed in the Registry of Deeds. Subdivision review usually focuses on road layout and design, lot configuration (including clustering), and compliance with zoning and health regulations. In Massachusetts, lots fronting on existing roads are exempt from subdivision review if they have the minimum frontage required by zoning (referred to as “approval not required” or “ANR”).

**TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND):** Development in the pattern of a traditional village or downtown, with small lots, public squares, sidewalks, pedestrian orientation, narrow interconnected streets, mixed uses (including retail, office, residential and workshop space), and often, traditional architecture. This type of development is forbidden by modern zoning codes in most places.

(Sometimes called "neo-traditional development" or "new urbanism." See "*FORM-BASED CODE*")

**TRANSFER OF DEVELOPMENT RIGHTS:** Similar to clustering, except that instead of transferring units from one portion of a parcel to another, units may be transferred to another parcel elsewhere in the community that is suitable for more intensive development. There are a variety of types of TDR, including voluntary and mandatory systems and those with and without designated "sending" and "receiving" zones. Transfer of development rights systems work best when coupled with purchase of development rights (PDR). (See *PURCHASE OF DEVELOPMENT RIGHTS*)

**VARIANCE:** A form of relief from zoning requirements in where the literal enforcement of the zoning would create substantial hardship. The Zoning Board of Appeals (ZBA) may grant a variance under very rare extenuating circumstances relating to soil conditions, shape, or topography of that are unique to a specific property. Variances are often confused with special permits and rezonings. Special permits are much easier to justify than variances, since they are based on planning and impact criteria and allow more discretion to the reviewing board. Variances require a two-thirds vote of the ZBA.

**VESTED RIGHT:** A landowner's right to develop land according to the rules in effect at the time of an application, based upon timely filing of an application or receipt of an approval from a municipal board. Massachusetts is unusual in allowing rights to vest even before approvals are granted, even if land use laws change. (This concept is often called a "zoning freeze" because it "freezes" the zoning for a specific parcel at a given point in time, even though the zoning of the surrounding area changes.) Early vesting of rights protects landowners but makes it difficult to implement comprehensive plans because it encourages landowners to file applications that vest rights before new zoning can become effective.

**ZONING:** A local ordinance (in a City) or bylaw (in a Town) containing rules and procedures regulating land uses and the approval of development. Zoning does not control building construction (which is regulated by the State Building Code). Conventionally, zoning divides a municipality into separate districts, prescribing minimum lot sizes, permitted uses, and required setbacks. A zoning ordinance may incorporate many of the other tools listed in this glossary, such as site plan review, special permits, overlay zones, planned unit development, traditional neighborhood development, transfer of development rights, and clustering. Zoning bylaws (and amendments) require a two-thirds majority vote by the City Council.

**ZONING ADMINISTRATOR:** In Northampton, an official appointed by the Zoning Board of Appeals to whom specific duties of the ZBA are delegated. In some cities, the official who administers the zoning code and issues zoning permits is also called a "zoning administrator."

**ZONING BOARD OF APPEALS:** The board responsible for hearing appeals, variances, and specified special permits, and for making findings regarding expansion of nonconforming uses or structures.

**ZONING PERMIT:** A permit issued by the Building Commissioner to allow construction of a building or use of a property.

# Danvers

## SECTION 32

### HATHORNE WEST

#### 32.1 Purpose

The purpose of this district is to manage the redevelopment of a portion of the former Danvers State Hospital campus. It is the intent of this by-law to retain the site's open and natural landscape, while allowing redevelopment to enhance historic preservation of buildings and historical features, vistas, and the natural character of the site. Section 32 incorporates findings from the Danvers State Hospital Re-Use Study, dated March 25, 1993, and the Danvers State Hospital Re-Use Implementation Report, dated July 29, 1994. In the Hathorne West District, a developer may choose to conform to either all of the controls which govern the base District and as set forth in Sections 32.2 through 32.5 below, and/or the Planned Development Area (PDA) development controls and processes as set forth in Sections 32.6 through 32.12.

#### 32.2 Uses Permitted by Right

1. Specialized Elderly Residence and Care Facilities
2. Nursing Homes
3. Daycare Facilities
4. Hospital and Healthcare Facilities
5. Agricultural, Floricultural and Horticultural Uses, provided there are no retail sales from the premises (unless otherwise allowed under MGL 40A, S.3)
6. Educational Facilities
7. Wireless Communication Link:
  - (a) Ground mounted.
  - (b) Roofline mounted allowed as an accessory use.
8. Accessory uses, not to exceed 15% of the gross floor area of the structures on the lot; the provisions of this Section 32.2 (7) shall not apply to parking structures.

#### 32.3 Dimensional Requirements for Uses Permitted by Right

Minimum Lot Area 8 Acres

Maximum Building Height for new construction 36 feet

This height restriction shall not apply to any structures existing as of November 29, 1999, even when such structures are modified, reconstructed or restored, so long as the height thereof is not increased.

Maximum Height for Wireless Communication Link 12 feet

(If the link is located outside the building, the measurement is twelve (12) feet from roofline or ground). One (1) exterior roof mounted wireless communication link per each primary tenant. Interior (not visible from the exterior)

links, as accessory to the primary use, are unlimited as to the number or height.

Maximum Lot Coverage for all impervious surfaces 50 percent

This maximum lot coverage restriction shall not apply to any structures existing as of November 29, 1999, even when such structures are modified, reconstructed or restored, so long as the lot coverage is not increased.

Maximum Floor Area Ratio 0.20

Minimum Setbacks

Front

Structures	30 feet
Parking	30 feet

Side and rear

Structures	20 feet
Parking	20 feet

These setback requirements shall not apply to any structures existing as of November 29, 1999, even when such structures are modified, reconstructed or restored, so long as the setback thereof is not decreased.

Minimum Frontage 300 feet

This requirement shall not apply to any structures existing as of November 29, 1999, even when such structures are modified, reconstructed or restored, so long as the frontage thereof is not decreased.

Minimum Distance Between Structures 30 feet

This requirement shall not apply to any structures existing as of November 29, 1999, even when such structures are modified, reconstructed or restored, so long as the distance thereof is not decreased.

**32.4 Parking**

In developments where Section 4, Site Plan, is applicable, the Planning Board shall review the adequacy of parking using the following parking and parking lot design criteria:

1. Parking requirements as found in Section 4.5.1 of this zoning by-law as most recently amended;
2. Review of possible shared parking on the same lot options for uses on that lot with differing peak usage for possible reduction in parking requirements;

3. Location of parking areas for the safety and convenience of the users of the site by means of proper setbacks, buffering and screening;
4. Review of benefit to overall site design, other visual impacts, and convenience for the siting of a structured parking facility and/or surface parking;
5. To promote inbound and outbound traffic flow within the lot, so as not to create conflicting movements;
6. To promote inbound movement for less backup onto the streets fronting the property, and to avoid conflicts with the inbound flow of cars;
7. To locate the project access point, to provide visibility of the site before access is reached, to prevent difficulties of motorists missing the access point, and creating congestion on the streets;
8. To ensure the convenience and safety of pedestrians traversing through the site;
9. To create parking that is buffered and screened from adjacent land uses.

The following parking requirements shall be adhered to for the uses permitted by right:

Specialized Elderly Residence and Care Facilities	1 space per employee on the largest shift, plus one space per four units/beds for assisted living, nursing care, acute and specialized care; plus one space per unit for independent living and congregate living
Nursing Homes, Hospital and Healthcare Facilities	1 space per employee on the largest shift, plus one space per four beds
Daycare Facilities	1 space per employee on the largest shift, plus one space per 300 gross square feet with associated drop off area
Agricultural, Floricultural, and Horticultural Uses	1 space per employee on the largest shift, plus one space per 200 gross square feet of retail area
Educational Facilities	1 space per employee on the largest shift, plus one space per 4 seats of auditoriums and gymnasiums with associated drop off area
Demand Based Parking (By Special Permit)	The ability to provide less than the required number of parking spaces listed above is governed by a Special Permit granted by the Planning Board, under the procedure of Section 30 of this by-law

A request for a Demand Based Parking Special Permit shall include:

- (a) Site Plan showing the following:
  - (1) Existing/Proposed Building and entrance points
  - (2) Existing/Proposed Parking Layout with Calculation Table
- (b) Letter of explanation with data supporting the proposed parking needs at the site in relation to the land use, operational needs, and the number of employees.

The Special Permit, if granted, shall be conditioned on the property's use. If said use changes, the property owner shall apply for a modification to the Special Permit.

### 32.5 Signage

The following signs shall be allowed in the Hathorne West District:

1. A maximum of one (1) identifying sign shall be allowed for each lot.
  - (a) Identifying signs may be placed on the building wall or may be a ground sign between the street and the building.
  - (b) If the lot fronts on two (2) or more streets, one (1) sign facing each street shall be allowed, up to a maximum of two (2) signs per lot, provided both are ground signs.
  - (c) The area of any wall sign shall not exceed thirty-two (32) square feet. A wall sign shall be attached directly to the face of the building, and may not project more than twelve (12) inches from the wall to which it is attached. A sign shall not project beyond outside edge of wall(s).
  - (d) The area of any ground sign shall not exceed thirty-two (32) square feet, and shall be set back a minimum of ten (10) feet from the street line. Maximum ground sign height is five (5) feet.
  - (e) No sign, portion of a sign, or structural support for such sign may extend above the lowest point of the roofline of a building.
2. Signs necessary to give clear directions to a parking lot or building entrance on the premises or lot are permitted. Such signs shall not exceed four (4) square feet in area, nor shall they stand more than four (4) feet high. No advertisement of the business/establishment is allowed for this type of signage.
3. One memorial sign or tablet per building indicating the name of the building and/or date of erection, if not exceeding two feet by three feet (2' x 3') in size and if carved into or attached in such a way as to be an integral part of the building, and without separate illumination, shall be allowed.
4. General Requirements
  - (a) Any lighting of a sign shall be constant (non-blinking), stationary and installed in a manner that will prevent light from falling on any street or adjacent property. Lighting shall be directed solely at or be internal to the sign.
  - (b) No sign shall be illuminated between the hours of 11 p.m. and 6 a.m. except signs on premises open for business and signs as provided for in Section 32.5.2.
  - (c) Signs shall not be designed, colored, or placed to create a hazardous condition for motor vehicle traffic. Illumination of signage shall conform to the lighting requirements of Section 4 of this by-law, as most recently amended.
  - (d) No animated, moving, or flashing signs shall be permitted on the building or in the building to be seen from the outside, on the lot or the adjacent lot. Traditional holiday decorations and lights, when in season, are allowed.
  - (e) Temporary real estate signs advertising rental, lease, or sale of the property, or part thereof, shall be allowed for each use for up to ninety (90) days by application to the Building Inspector. Such signs shall be set

back a minimum of ten (10) feet from the street line, shall be unlighted and shall not exceed twelve (12) square feet in area. Renewals of temporary real estate signs shall be allowed by application to the Building Inspector.

- (f) No window signs or any other signage that is visible from the outside is allowed.
- (g) The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure that, in the judgment of the Building Inspector, is dangerous or in disrepair or which is erected or maintained contrary to this by-law. Such repair or removal shall be the responsibility of the building owner, and must be completed within thirty (30) days of notification by the Building Inspector. Appeals from the Building Inspector's order shall be held by the Zoning Board of Appeals.
- (h) Within one hundred and twenty (120) days of the closing of a business, all wording must be painted over or obliterated by the building owner.

**32.6 Special Permit in Planned Development Area (PDA)**

In this District, a Special Permit may be granted by the Planning Board to allow for single or multipurpose integrated commercial, and/or residential uses on a lot as a Planned Development Area. This Special Permit is not limited to an individual lot, but one application may be submitted and reviewed for a single Special Permit for multiple lots.

**32.7 Uses Allowed in Planned Development Area**

1. Listed below are primary uses in the PDA.

Offices, research laboratories and establishments for the sale and dispensing of services, including offices of all types of businesses and professions, excluding services involving any type of repair of motor vehicles.

Convention/Conference/Meeting Facilities

Hotels/Motels

Nursing Homes

Daycare Facilities

Educational Facilities

Hospital and Healthcare Facilities

Specialized Elderly Residence and Care Facilities

Single Family Cluster Subdivisions, subject to the requirements for cluster subdivision in the Residence III district per Section 33 - Cluster Development

Multiple-Family Dwellings

- 2. Listed below are secondary uses in the PDA. Secondary uses may not exceed thirty (30%) percent of the gross floor area of the PDA.

Light Manufacturing, if an accessory to Primary Use

Arts and Crafts Studios

Movie/Video/Theater Production Facility

- 3. Listed below are tertiary uses. Tertiary uses provide minor support to the primary and secondary uses and may not exceed fifteen (15%) percent of the gross floor area of the PDA.

Stores or establishments for the sale at retail of merchandise or goods of every nature

Restaurants

Indoor/Outdoor Entertainment/Recreation/Sports Facilities

- 4. Structured Parking Facilities and Surface Parking Areas, whether or not they are located on the same lot as the facilities they serve, provided they are within the zoning district
- 5. Wireless Communication Link

**32.8 Signage in the PDA**

The signage regulations specified in Section 32.5 of this by-law apply to signage proposed within the PDA.

**32.9 Dimensional Criteria for Uses in the PDA**

Listed below are the dimensional requirements in the PDA.

- 1. Minimum Planned Development Area 8 acres
- 2. Minimum Lot Area 4 acres  
The Planning Board may approve a lot of less than four acres, but no less than two acres, provided there is an increase in the contiguous, usable open space and/or a reuse of the existing buildings, building design, and/or building siting.
- 3. Minimum Setbacks  
Structures (including Structured Parking Facilities)  
Front 30 feet  
Side and rear 20 feet

The Planning Board may approve reduced building setbacks where either clustering of buildings are shown to reduce additional impervious surface and/or if there is re-use of the existing buildings, building design, and/or building siting.

Surface Parking Areas

Front	30 feet
Side and rear	20 feet

The Planning Board may approve reduced setbacks for Surface Parking Areas in cases where parking shall serve buildings on two (2) or more lots and/or parking shall be shared among uses with different peak occupancy times.

4. The Maximum Building Height of any newly constructed building shall be no more than four (4) stories, not to exceed fifty (50) feet. This height restriction shall not apply to any structures existing as of November 29, 1999, even when such structures are modified, reconstructed or restored, so long as the height thereof is not increased.

Structures located within two hundred fifty (250) feet from the R.O.W. for Maple Street/Route 62 shall not exceed thirty-six (36) feet in height.

A determination of building height excludes architectural features (including but not limited to cornices, cupolas, domes and other ornamental features), facade treatments, and building entranceway enhancements extending above rooflines, that do not constitute gross leasable space and are not designed for human occupancy and excluding mechanical penthouses.

Architectural features described above shall not extend more than ten (10) feet beyond the roofline of the structure (except for wireless communication links).

Maximum Height for Wireless Communication	12 feet
Links (rooftop or ground installation) twelve (12) feet (from roofline or ground). One (1) exterior roof mounted wireless communication link is allowed per each primary tenant(s).	

Structured Parking Facilities, including height of barrier, screening and/or parapet	30 feet
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5. Maximum Lot Coverage for all impervious surfaces shall be no more than fifty percent (50%), except as noted below:

For PDA applications using the Kirkbride building (or any historically significant portion thereof as determined by the Planning Board in consultation with Mass Historical Commission), Maximum Lot Coverage shall be no more than sixty percent (60%).

The Planning Board may allow up to sixty percent (60%) maximum lot coverage on PDA applications where: (1) no less than ten percent (10%) of the area of the PDA is to be granted by deed or easement for public recreation, access to or use of existing cemeteries or open space, and (2) where the Planning Board judges that the area dedicated to such purpose meets a significant and demonstrable public need.

In any instance, no more than fifty percent (50%) of the Maximum Lot Coverage of the PDA shall be dedicated to Surface Parking Areas and/or Structured Parking Facilities.

6. Maximum Floor Area Ratio 0.20

The Planning Board may consider a floor area ratio up to and including .25 for a PDA where at least fifty percent (50%) of the historically protected portions of the Kirkbride Building is preserved for reuse or at least forty percent (40%) of the PDA is devoted to Specialized Elderly Residence and Care Facilities, and/or multiple-family dwellings.

7. Minimum Frontage 150 feet

The Planning Board may approve a reduction in frontage in concert with a reduction in the minimum lot area.

**32.10 Parking**

The Planning Board shall review the adequacy of parking provided using the following parking and parking lot design criteria:

1. Parking requirements as found in Section 4.5.1 of this zoning by-law as most recently amended;
2. Review of possible shared parking options for uses with differing peak usage for possible reduction in parking requirements;
3. Location of parking areas for the safety and convenience of the users of the site by means of proper setbacks, buffering and screening;
4. Review of benefit to overall site design, other visual impacts, and convenience for the siting of a structured parking facility and/or surface parking;
5. To promote inbound and outbound traffic flow within the lot, so as not to create conflicting movements;
6. To promote inbound movement for less backup onto the streets fronting the property, and to avoid conflicts with the inbound flow of cars;

7. To locate the project access point, to provide visibility of the site before access is reached, to prevent difficulties of motorists missing the access point, and creating congestion on the streets;
8. To ensure the convenience and safety of pedestrians traversing through the site;
9. To create parking that is buffered and screened from adjacent land uses.

### 32.11 Criteria and Procedures for Review of Special Permits

1. The procedural criteria for approval of a Special Permit is through the submission of a Site Plan and Community Impact Assessment as described in Section 4 of this by-law, as well as MGL Chapter 40A. In addition to this submittal, the applicant shall submit the following:
  - (a) Statement of development concept, including the planning objectives and the character of the development to be achieved through the PDA;
  - (b) Development schedule indicating the date when construction of the PDA would commence and expected completion, including any proposed phasing of development;
  - (c) Statement of how utilities and other infrastructure will be provided, including design standards;
  - (d) Impacts of, mitigation and benefits from, the PDA;
  - (e) Public access and recreation opportunities resulting from the PDA.
2. Applicants for PDA Special Permits shall comply with the Planning Board's Development Guidelines Manual in effect upon the application date.
3. Design and construction shall comply with the regulations set forth in Section 4 of this by-law.
4. The Planning Board may require the use of consultant(s) to assist in its review of the PDA. This shall be at the expense of the applicant, in accordance with applicable rules and regulations. The applicant's refusal to fund this effort shall be considered cause for denial.
5. The Planning Board shall make a determination that the benefits of the proposed PDA will outweigh any adverse effects of the PDA on the Town. The Planning Board's determination shall include review of the following:
  - (a) Quality of site design to enhance the area, including integration of a variety of land uses, building types and densities, and preservation of natural features;
  - (b) Compatibility with adjacent land uses;
  - (c) Compatibility with existing historic features;
  - (d) Traffic flow and safety;
  - (e) Adequacy of utilities and other infrastructure;
  - (f) Impact on existing public services;
  - (g) Potential economic impact to the Town.
6. The Planning Board shall issue a decision with findings and conditions as regulated under Section 30 of this zoning by-law, and MGL Chapter 40A.
7. Commencement of Construction - The applicant shall begin construction of the PDA within twelve (12) months after the date of the granting of the Special Permit. The Planning Board has the right to grant an extension to the period of up to an additional twelve (12) months upon determination of good cause.

Application for such an extension must be filed with the Planning Board prior to the expiration of the twelve- (12) month period following the issuance of the Special Permit. If the applicant fails to commence construction during this period, the Special Permit shall lapse. If the PDA is proposed for phased development, then each sequential phase is subject to the period set forth in the Special Permit to commence construction.

### **32.12 Signage Review for PDA**

The Planning Board shall conduct design review of the signage within the PDA. Below are the criteria the Planning Board shall use to review signage:

1. The Planning Board shall review all signage to meet the minimal requirement of clear direction to the site and through the site.
2. Signage shall be designed so as not to detract from the view shed of Route 1 and Maple Street.
3. The Planning Board shall also consider the following criteria in its review of signage:
  - (a) Sign scale is appropriate in relation to development scale, viewer distance and travel speed, and sign sizes on nearby structures.
  - (b) Sign size, shape and placement serves to define or enhance such architectural elements of the buildings as columns, sill lines, cornices and roof edges, and not to interrupt, obscure or hide them.
  - (c) Sign design is not wholly discontinuous with other signage on the same or adjacent structures, providing continuity in mounting location and height, proportions, materials or other important qualities.
  - (d) Sign materials, colors, lettering style and forms are compatible with building design and use.
  - (e) Sign content does not overcrowd the background.
  - (f) Sign legibility is not impaired by excessive complexity, multiple lettering styles or colors or other distracting elements.

### **32.13 Other Signage by Special Permit in Hathorne West**

1. The Zoning Board of Appeals may grant a Special Permit for the following other types of signage within the Hathorne West District:
  - (a) One ground sign that does not need to meet the setback requirements and stating the name of the commercial, institutional or residential development (but not stating the name of any business establishment).

This sign shall be located at the entrance to the lot or overall development area. This sign shall not exceed twenty (20) square feet; maximum sign height is five (5) feet.

- (b) One ground sign that does not need to meet the setback requirements for the purpose of a business directory at or near the entrance to the commercial, institutional or residential development.

This sign shall be no larger than one (1) square foot per tenant, with a maximum size of thirty-two (32) square feet. Maximum sign height is

five (5) feet. Sign shall be set back at least ten (10) feet from the roadway entrance and a maximum of thirty (30) feet. All occupants shall have the same size space on the directory for identification.

- (c) For each building within the district, one additional wall sign for each separate entrance facing a parking lot available for use by the public (and not fronting on a street), located to designate the entrance. Such additional sign shall not exceed ten percent (10%) of the size of the identifying sign as provided in Section 32.5.1.
- (d) For each building within the district, signs located at the entry door of specific tenants in a multi-tenant building (excluding fire exits), size not to exceed one foot by three feet (1' x 3').
- (e) For multiple buildings on a lot, with a single tenant, a sign located at the main entrance, size not to exceed sixteen (16) square feet.

2. Review and Criteria for Special Permits for signs:

The Zoning Board of Appeals shall use the criteria set forth in Section 32.11 in their determination, as well as the criteria below:

- (a) The purpose of the sign is to facilitate public and private convenience and necessity; to provide direction and facilitate proper traffic flow; to alleviate congestion on public streets; to provide sufficient access to private lands and businesses; to minimize curb cuts to public streets; or to encourage utilization of fewer (or a single) curb cuts by more than one user.
- (b) In cases where access to a public street is pursuant to Massachusetts State Curb Cut, the Massachusetts Highway Department shall be consulted.
- (c) The Board of Appeals shall ensure that maintenance and expense of any such sign is not a public expense.
- (d) In determining the allowable dimensions, the Board of Appeals will consider, among other factors it deems relevant, the following:
  - (1) The number and size of buildings and lots to be served by the sign.
  - (2) The effect of the topography of the lot as it relates to the siting and visibility from the adjacent roadways.
  - (3) The effect of the topography of the lot as it relates to the siting and visibility from adjacent residential uses.
  - (4) The utility of the sign as it relates specifically to the purposes stated in paragraph a. above.
- (e) Any lighting of a sign shall be constant (non-blinking) stationary and illuminated only during business hours.
- (f) Signs shall not be designed, colored, or placed so as to create a hazardous condition for motor vehicle traffic.
- (g) No animated, moving, or flashing signs or "attention catching" devices shall be permitted.
- (h) Repair and Maintenance - The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure that, in the judgment of the Building Inspector, is dangerous, or in disrepair, or which is erected or maintained contrary to this by-law. Such repair or removal

shall be the responsibility of the building owner, and must be completed within thirty (30) days of notification by the Building Inspector. Appeals from the Building Inspector's order shall be held by the Zoning Board of Appeals.

- (i) Within one hundred and twenty (120) days of the closing of a business, all wording must be painted over or obliterated by the applicant for the PDA special permit and/or the building owner.

**32.14 Prohibition of Nuisance in Hathorne West**

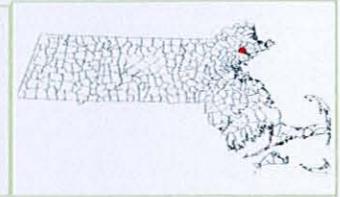
1. All dust, fumes, odors, smoke, or vapor shall be effectively confined to the premises or disposed of to prevent intrusion on neighboring residential properties.
2. Any noise, vibration, or flashing shall not be normally perceptible without instruments (and shall have a decibel level of fifty-five (55) or below) at a distance of one hundred (100) feet from the source.
3. Properties shall be adequately maintained to provide for consistent buffering as required in this section, as well as parking lot pavement, all other landscaped areas, and building facades as reviewed under Section 4 of this zoning by-law.

# Danvers- State Hospital Reuse (Avalon Danvers)



**Site Details:** 500 Acre site- 77 acre former state hospital reuse, 497 apartment units  
**Zoning:** Hathorne West District, commercial and business, special permits

**Funding:** Private developer  
**Date(s):** 2006-2008  
**Goals:** reuse state hospital, site revitalization, expand and diversify tax base



The restored Kirkbridge building of the original Danvers State Hospital, 2011.

## Background

The former site of the Danvers State Hospital, notorious for its grim past as a state asylum, has now completely transformed into luxury style apartments and condominiums overlooking the town of Danvers at the top of Hathorne Hill. The former hospital opened its door in the late 1800s and during its heyday in 1950 it served as a state of the art facility that helped to cure over 3,000 mentally ill patients. However it slowly deteriorated because of lack of funding and attention, and finally closed its door in 1992. For many years this facility has gained fame not only for its historical significance, but for the daunting price and size associated with the task of trying to redevelop the site, which was about 77 acres of an almost 500 acre site. Since the 1990s the City of Danvers had been envisioning the potential benefits of revitalizing the site. However real progress could not begin until the state legislation passed in 1997, allowing the state owned facilities to be put up for sale for development.

## Site Development

The property was initially sold in 2001 to Archstone Developers who proposed a mix of homes and office space for the hospital site. They had planned to preserve the central building of the state hospital, the former administration building, and two adjoining wings; however with the costs associated with the preservation and

the market downturn, the developers pulled out of the project. Three years later the site was sold to AvalonBay Communities for 18.1 million dollars and in 2006 they embarked on one of the largest state hospital reuses. They spent over \$80 million dollars on the largest product ever undertaken, and the end product was 497 units, including market rate and affordable apartment units as well as an adjacent condominium community by a different developer, Aria.

When the enabling state legislation was passed in 1997, the bill required the property to allocate a portion of the development for employment, housing and job training for the mentally ill as well as provide affordable housing. This was to ensure that the legacy of the facility and who it served would still live on after its redevelopment. Many felt like this compromise would allow the original purpose of the facility not be forgotten. In conjunction with the state legislation, 20% of the housing were set aside for people ages 55 and older, and 15% of the apartments were set aside as affordable housing units. In addition to the development, AvalonBay was extremely generous and donated \$1 million for Danvers' education system and \$500,000 to both affordable housing and historic preservation in the town. The development is now 95 percent leased and 90 percent occupied.

## Development Process

Before the state legislation was passed, the Danvers State Hospital Re-Use Committee worked closely with the planning board and the community to come up with alternative



Danvers State Hospital Site before and after, 2011.



Separate on site condo developments from developer Aria, 2011.

ways to reuse and rezone the existing site for redevelopment. The original committee never envisioned the site to be zoned solely for residential development, but rather for commercial office space. The final and revised plan that took into consideration concerns of the town residents and officials was to rezone the whole site as the Hathorne West District, which would allow for a diverse array of mix use developments on the site. The new plan allowed for residences and special care facilities for elderly as well as hospital and health care facilities, service businesses and research labs. Offices, commercial space and residential developments would be allowed by special permit only. To help calm density concerns, the plan reduced the amount of density on the site. The existing zoning stated that the gross floor area ratio and the size of the development

should not exceed 33 percent; however the revised plan proposed to reduce that level to 20 percent on site. In addition to the Avalon Danvers residential component, the Beverly Hills Hospital was also built on site. The Town of Danvers, along with the State and developers have worked very closely to ensure the success of this district to both reap the benefits of boosting the tax revenue and creating jobs for the town of Danvers, but also improving the quality of life for its citizens, who have tremendously benefited from the infusion of mixed use development in this area.

## Avalon Danvers and MetroFuture Goals

### Community Vitality

In addition to redeveloping and reusing the derelict site of an old state hospital, AvalonBay Communities generously donated over 2 million dollars to the Town of Danvers for historic preservation, educational, and affordable housing needs. They also helped with traffic improvements in and around the development which has aided congestion and flow into adjacent highways.

### Housing Choices

AvalonBay has helped to provide 15% affordable units to the development, both in part to increase the availability for residents with diverse incomes, but also as a mandate as part of the state legislation. In addition to having both market rate apartment units and affordable ones, there are also single family condominiums available to purchase that are leased from a different developer.

### Contact Information

For more information about the Danvers Town Planning Director, Karen Nelson at [Knelson@mail.danvers-ma.org](mailto:Knelson@mail.danvers-ma.org).



Housing unit architecture mimics and blends with original Kirkbride building, 2011.

*“This project represents a close collaboration between the State, the Town and an imaginative and far-sighted developer. The preservation of key elements of the former State Hospital provides a dignified tribute to the property's past, and the mix of uses resulting from the flexible zoning have proven very successful even during a difficult economic period. We feel this is an outstanding example of adaptive re-use and successful investment in a prominent Danvers location.”* – Kate Day, Senior Town Planner, Danvers

# Foxboro

such sidewalks, crosswalks and other pedestrian amenities should reflect their proximity to such stadium, and expected use by stadium patrons. To the extent feasible, sidewalks should be separated from vehicle travel/breakdown lanes and access roads by distance, grade changes or other physical impediments.

5. Any access way through a residential district that is allowed pursuant to Section 9.5.5.3 of these By-Laws shall be subject to limitations pursuant to Site Plan approval by the Planning Board, for the purpose of protecting residences from excessive impacts arising from traffic on said access way, based on the following criteria.
  - a. Time of use of said access way may be limited to further the foregoing purpose provided that such limitations allow for the use of said access way during the hours before and after Permitted Events during which attendees typically enter and exit a stadium for an event.
  - b. Number of vehicles using said access way may be limited to further the foregoing purpose; provided, however, that not less than 1400 vehicles per Permitted Event shall be allowed.
  - c. Types of vehicles using said access way may be limited such as to prohibit commercial truck traffic to further the foregoing purposes.
  - d. Signage along said access way in areas abutting residential neighborhoods may be limited to further the foregoing purpose.
  - e. Lighting for said access way in areas abutting residential neighborhoods may be limited to further the foregoing purpose.
  - f. Width of said access way may be limited to further the foregoing purpose; provided, however, that such width shall not be less than is reasonably necessary to insure vehicle access to Permitted Events and to insure that, simultaneously therewith, emergency vehicles will have sufficient access on said accessway.

**9.5.11 Stadium.** The standards and requirements set forth in Section 9.1 of these By-Laws and this Section 9.5 shall govern the Site Plan Review process, provided that in connection with the development of a stadium and stadium-related uses, the Planning Board shall not require a deposit of money or an Irrevocable Letter of Credit to secure conditions of approval where the Planning Board receives as security a surety bond, executed escrow agreement, executed retainage agreement or other similar agreement.

**9.5.12 Violations.** Violation of any condition of the Planning Board's Site Plan approval shall be subject to the enforcement provisions of Section 10.1 of these By-Laws.

## **9.6 CHESTNUT-PAYSON OVERLAY DISTRICT (CPOD)**

**9.6.1 Purpose.** It is the purpose of this Section:

1. To permit the implementation of the Reuse Consensus Plan for Foxborough State Hospital Property dated April 20, 1994, amended September 5, 2002. This will

permit the total construction of one hundred fifty-two (152) total residential units in the CPOD.

2. To permit maximum flexibility and creativity in design for the development of single or multi-purpose uses on a lot, in a way that will be superior to conventional plans.
3. To promote the most harmonious use of the land's natural features, resources and topography that will promote the general health and safety of the public.
4. To discourage sprawled development, minimize environmental disruption, and provide a shorter network of streets and utilities, which will promote a more efficient distribution of services.
5. To provide for an innovative approach to mixing building types and controlling densities.

**9.6.2 Overlay District.** The Chestnut-Payson Overlay District (CPOD) is established as an overlay district encompassing the area more particularly delineated on the plan entitled "Chestnut-Payson Overlay District (CPOD) Plan in Foxborough, MA" prepared by Bay Colony Group, dated October, 2002. The parcels are labeled on the plan as parcels E-3, F-1, F2-A, F2-B, H, and I. This map shall be considered as superimposed over other districts established by these By-Laws. The map as it may be amended from time-to-time, is on file with the office of the Town Clerk and with the Building Commissioner, and together with any explanatory material thereon, is hereby incorporated in and made part of these By-Laws.

**9.6.3 Special Permit.** A Special Permit may be granted by the Planning Board to allow for single or multipurpose integrated commercial and/or residential uses on a lot in the CPOD. This Special Permit is not limited to an individual lot, but one application may be submitted and reviewed for a single Special Permit for multiple lots provided that such lots are under single ownership or if it can be demonstrated that all owners within the CPOD have agreed to join in the application for a Special Permit.

**9.6.4 Uses Allowed and Not Allowed in the CPOD.** All uses allowed in the underlying zoning district shall be allowed for those parcels in the CPOD, unless amended by this Section 9.6. The following uses may be permitted within the underlying zoning district are not permitted within the CPOD:

1. Temporary parking lots, whether paved or unpaved, serving uses with seating capacities of over 7,500 people within the Special Use Zoning District.
2. Mobile homes/travel trailers.
3. Cemeteries.
4. Seasonal migrant workers quarters, mobile home or watchman's quarters as accessory uses to be permitted industrial uses.

5. Outdoor storage or overnight parking of buses, trucks or other vehicles whose Gross Vehicle Weight (GVW) as determined by Mass. Registry of Motor Vehicles equals or exceeds 10,000 pounds.

**9.6.5 Uses Allowed by Special Permit.** The following additional uses not specified in Table 3-1 shall be allowed by Special Permit in the CPOD if the use is not allowed in the underlying zoning district. Also, if the following uses, as specified in Table 3-1, are not permitted in the underlying zoning district, they too shall be allowed by Special Permit in the CPOD:

1. Attached Single-Family Housing.
2. Assisted Living Facilities.
3. Open Space Residential Developments.
4. Sewage treatment plants and sewage treatment facilities.
5. Water tanks and towers, emergency generators, water filtration plants, utility facilities, power plants and substations.
6. Parking lots constructed to the standards set forth in Section 6.1 of these By-Laws.
7. All land and buildings that are used for display and sale purposes involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public, including among others retail stores, shops and sales rooms, restaurants with seating. Sale of high hazard materials or products shall be governed by the provisions noted in Table 3-1.
8. Mercantile/retail uses, except restaurants with seating, which use more than twenty-five (25%) percent of the gross area of a building.
9. All land and buildings that are used for the transaction of business, for the rendering of professional or tradesman services, or for other services that involve stocks of goods, wares, or merchandise in limited quantities for use incidental to office uses or similar purposes.
10. Research and Development facilities.
11. Laundry or Dry Cleaning facilities.
12. Theatres.
13. Museums with or without an auditorium in which persons assemble for amusement, entertainment or recreation and incidental motion picture, dramatic or educational presentations, lectures or similar purposes.
14. Private Schools.

15. All land and buildings for housing people suffering from physical limitations, including, among others, hospitals, sanitariums, infirmaries, orphanages, and institutions licensed by the Commonwealth of Massachusetts.
16. Dormitories.
17. Multifamily dwellings.
18. Public Utility facilities and structures necessary to the service of the Town, excluding storage yards, power plants, water filter plants, sewage treatment and refuse facilities.
19. Telecommunications/Wireless Communications Facilities (see Section 7.2) as accessory use.
20. Commuter rail stations, bus stations, and related or accessory structures and improvements.
21. Passive outdoor recreational uses such as beaches, parks, picnic groves, and other similar uses, but not including amusement parks.
22. Low density recreational uses that predominantly occur within a building such as swimming, tennis, skating and other similar uses.
23. Outdoor recreational uses, including golf driving ranges, miniature golf courses, batting cages, go-carts and bumper boats (except in the Water Resource Protection Overlay District, where such uses shall be prohibited), but not including amusement parks.
24. Accessory uses to multifamily dwellings which are located within the principal building and are limited to: eating establishments; personal service establishments; retail sales establishments selling convenience merchandise.
25. Accessory Structures to multifamily structures.
26. Nonresidential Accessory Uses and structures that do not exceed fifteen (15%) percent of the gross area of the principal building or buildings.

**9.6.6 Dimensional Requirements.** The requirements of Table 9-1 shall apply:

<b>Table 9-1 DIMENSIONAL REGULATIONS FOR CHESTNUT-PAYSON DISTRICT</b>									
<b>USE</b>	<b>FRONTAGE (ft.)</b>	<b>YARDS (ft.)</b>			<b>BUILDING HEIGHT</b>		<b>MAXIMUM LOT COVERAGE</b>	<b>MINIMUM LOT WIDTH (ft.)</b>	
		Front	Side	Rear	Stories	Feet		Distance from	Width

								Street	
Attached Single Family Housing	30	10	0	20	2.5	35	85%	0	0
Multi-family Housing (including dormitories)	200	20	20	20	3	40	85%	100	67
Assisted Living, Age Restricted Senior Housing	200	20	20	20	3	40	85%	100	67
Non-residential (including Hotel/Motel)	200	15	0	20	3	40	85%	0	0

**9.6.7 Notes to Table.** These notes apply only to the specific uses listed in Table 9-1.

1. More than one dwelling structure may be located on a lot within the CPOD.
2. Attached Single-Family Housing uses require the formation of a homeowners association or other provision for on-going maintenance. Properties must have side-yards between groups of buildings.
3. The Planning Board may approve reduced yards where either the clustering of buildings is shown to reduce additional impervious surface and/or if there is reuse of the existing buildings.
4. Note 2 in Table 4-1 does not apply.
5. For CPOD applications that include use of a substantial portion of those buildings under the protection of the Massachusetts Historical Commission (particularly the Main Building wings A-E), there is a density bonus of thirty (30%) percent, applicable to all residential uses within the CPOD.
6. Height restrictions shall apply to any newly constructed building in the CPOD. Height restrictions shall not apply to any structures existing as of January 1, 2002, even when such structures are modified, reconstructed or restored, so long as the height thereof is not increased. For CPOD applications that include use of those building under the protection of the Massachusetts Historical Commission, newly constructed buildings within the CPOD shall be no more than three (3) stories, not to exceed forty-two (42) feet.
7. Maximum Lot Coverage for nonresidential uses in the CPOD shall be eighty-five (85%) percent.
8. Those dimensional restrictions established in Table 4-2 that are imposed when a nonresidential use abuts a residential district do not apply to the CPOD.

9. The provisions of Sections 6.4.4 and 6.4.5 of these By-Laws shall not apply to uses within the CPOD as there is no required side yard setback and in certain cases only a ten (10) foot front yard requirement within this district. Where possible, a five (5) foot landscaped strip shall be located in the required front yard of uses within the CPOD.
10. The Planning Board may allow for common driveways within the CPOD.
11. For side yards, a setback of twenty (20) feet will be required between buildings in the CPOD and existing residential developments in adjoining districts.
12. Maximum residential density shall be as follows:
  - a. Attached single family housing: three (3) dwelling units per 32,250 square feet of lot area; additional dwelling units shall require 6,125 square feet lot area each.
  - b. Multi-family housing, including dormitories: three (3) dwelling units per 32,250 square feet of lot area; additional dwelling units shall require 6,125 square feet lot area each.
  - c. Assisted Living, Age Restricted Senior Housing: seven (7) dwelling units per acre.

**9.6.8 Parking.** The Planning Board shall review the adequacy of parking to be provided using the following design criteria.

1. Parking requirements as set forth in Section 6.1 of these By-Laws, except that assisted living facilities shall require one space per four dwelling units.
2. The off-street parking requirements set forth above and in Table 6-1 may be reduced by up to twenty-five (25%) percent at the discretion of the Planning Board through the Special Permit process. The Board shall review and consider the request in accordance with Section 6.1.5 of these By-Laws.

**9.6.9 Site and Building Design Requirements.** Applications for a Special Permit in the CPOD shall meet the requirements as set forth in Section 6.4 of these By-Laws.

**9.6.10 Application.** The Planning Board shall act as the Special Permit Granting Authority. Applications for Special Permits for the CPOD shall be made in accordance with Section 10.4 of these By-Laws. All applications shall contain all of the information noted herein. The applicant is encouraged to meet with the Town Planner informally prior to submittal. The application shall include the following:

1. The completed application form and the applicable fee to address the administrative, advertising and review costs of the Town.
2. Ten (10) copies of the application package and plans.

3. Site information as required below.
4. A certified list of abutters within one hundred (100) feet of the property line.
5. Applications for a Special Permit in the CPOD shall meet the requirements set forth in Section 10.4 of these By-Laws. In addition, the applicant shall submit the following:
  - a. Statement of development concept, including the planning objectives and the character of the development to be achieved through the CPOD.
  - b. Development schedule indicating the date when construction of the CPOD would commence and expected completion, including and proposed phasing of development.
  - c. Statement of how utilities and other infrastructure will be provided, including design standards.
  - d. Impacts of, mitigation for and benefits from the CPOD.
  - e. Public access and recreation opportunities resulting from the CPOD.

**9.6.11 Criteria for Review.** Prior to granting a Special Permit, the Planning Board shall make a determination that the proposed activity is consistent with the general purposes of these By-Laws as set forth in Section 9.6.1.

The Planning Board shall also make a determination that the benefits of the proposed development will outweigh any adverse effects of the CPOD on the Town. The Planning Board's determination shall include review of the following:

1. Quality of site design to enhance the area including integration of a variety of land uses, building types and densities, and preservation of natural features.
2. Compatibility with adjacent land uses, including a determination that the proposed development will not have a demonstrable adverse impact on the surrounding area resulting from excessive noise, level of illumination, glare, dust, smoke or vibration that is higher than levels now experienced from uses permitted in the surrounding area; emission or discharge of noxious or hazardous materials or substances; pollution of water ways or ground water; or transmission of signals that interfere with radio or television reception.
3. Compatibility with existing historic features, including minimization of the removal or substantial alteration of buildings of historic or architectural significance and new uses or the construction of new buildings that are compatible with buildings or places of historic or architectural significance.
4. Traffic flow and safety particularly with respect to circulation patterns for motor vehicles and pedestrians that would result from the proposed development and that

will not result in conditions that unnecessarily add substantially to traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

5. Adequacy of utilities and other infrastructure (such as the sanitary sewer system, the storm drainage system, the public water supply, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic), including a determination that the development will not create impacts on the public services and facilities serving the development that can not be accommodated by such services and facilities, or, where there is insufficient capacity in such services and facilities, improvements will be made to provide sufficient capacity.

**9.6.12 Peer Review.** The Planning Board may require the use of consultant(s) to assist in its review of the Special Permit application. This shall be at the expense of the applicant, in accordance with applicable rules and regulations. The applicant's refusal to fund this effort shall be considered cause for denial.

**9.6.13 Conditions for Approval.** In addition to the conditions, standards and criteria as may be set forth in Section 10.4 of these By-Laws, the Planning Board may impose additional conditions and limitations, as it deems necessary to ensure that the granting of a Special Permit is consistent with the general purposes of these By-Laws, including but not limited to:

1. Regulation of the number, design and location of access drives or other traffic features of the proposed use;
2. Limitations on the number, location, type and size of signs or illumination or modification of the design features thereof; limitations on construction activities, such as, but not limited to, the hours during which construction activity may take place, the movement of trucks or heavy equipment on or off the site, measures to control dirt, dust, erosion, and measures to protect existing vegetation on the site; requirements for independent monitoring, at the expense of the applicant, and reporting to the building commissioner, if necessary to ensure continuing compliance with the conditions of a Special Permit or these By-Laws;
3. Limitations on the period of time this Special Permit shall be in effect;
4. Such other limitations as may be reasonably related to reducing undue adverse impact on the surrounding area.

**9.6.14 Revisions to an Approved Site Plan.**

1. The owner or lessee of the site, the Building Commissioner, or the Planning Board may initiate a petition to change or modify a site plan approval within a CPOD after construction has been initiated. This may occur in the event of unforeseen site characteristics, infrastructure problems or other unexpected circumstances. All changes shall be reviewed and discussed by the Planning Board at a regularly scheduled meeting prior to completion of such on the landscape. Changes or modifications shall only be authorized in writing.

2. Changes or modifications may be allowed for an approved site plan where construction has not commenced only after review during a regularly scheduled meeting and written approval of the Planning Board.
3. The Planning Board reserves the right to require a new hearing at the expense of the applicant if it determines that a proposed change or modification is significant.

**9.6.15 Decision.** The site plan shall be approved and the Special Permit shall be granted provided that all requirements of these By-Laws are fulfilled. Approval will not relieve the applicant of the responsibility of obtaining other required approvals from local, state or federal agencies.

# Foxborough, Massachusetts

40 South Street, Foxborough, MA 02035

## Reuse Plan 2002

State Land Planning Committee  
(State Hospital Implementation Committee)

Consensus Reuse Plan

FOXBOROUGH STATE HOSPITAL

Amended September 5, 2002

### REUSE PLAN

The State Land Planning Committee (SPLC) and the Division of Capital Asset Management (DCAM) developed the following set of guidelines and criteria for the redevelopment of the Foxborough State Hospital property. These guidelines are a revision of a plan developed and approved in 1994. These guidelines and reuse plan were updated by the Committee and approved on September 5, 2002. These are intended for use as a framework for implementing specific redevelopment plans by prospective developers of the property.

This plan was developed based on technical analyses of municipal impacts as well as the concerns and interests of the community. The SLPC has envisioned the future development of the property as a series of sub-parcels which while carefully relating to each other, can provide for phased development, if necessary. DCAM was actively involved in this process and supports the plan as proposed.

### OVERALL DEVELOPMENT GUIDELINES

The selected developer(s) of the Foxborough State Hospital property shall create a cohesive neighborhood plan for the redevelopment of a long underutilized portion of the Town. The site design and architectural character of the buildings shall blend into the fabric of the surrounding neighborhoods. Care shall be taken to respect the historic nature of the site. The site is under an agreement with the State of Massachusetts Historic Commission and also listed on the National Register of Historic Places.

Overall the development of the residential units on the property should attempt to achieve a goal of 20% of the units being affordable, in conformance with the various State and Federal affordability guidelines. Any portions of the development proposed for rental units should provide 25% of the units as affordable units. The intent of this provision is to increase, as much as possible, the Town of Foxborough's affordable housing inventory.

This plan is designed to be a guide for the redevelopment of the property. Densities of development and unit type on some parcels are very specific. The descriptions and densities on other parcels are designed to be flexible and outline the Town's preferred uses for these parcels. However, any redevelopment of the state hospital property is limited to a total of two hundred and three (203) residential units.

The new neighborhood shall be designed to be a livable community that is also a walkable community. It is adjacent to several governmental, commercial, and recreational uses, which is why the construction of sidewalks and pedestrian ways are essential for its success.

Unlike many other developments in the Town of Foxborough, the development of the various parcels should not be planned independently of each other nor need they be buffered from each other. The development, although parceled for planning purposes, shall be designed to function as a cohesive neighborhood. The blending and mixing of appropriate uses is permitted and even encouraged. This will help to provide vitality to the various components of the plan and provide for its long-term economic success.

The sub-parcels illustrated in the survey plan conducted by Rizzo Associates Inc., can be characterized as follows:

Parcel	Acres	Feature
A & B	45.31	Single Family Residential
C	4.62	Conservation
D	8.35	Triangle Residential
E1	35.80	Town of Foxborough Recreation
E2	3.72	Town of Foxborough Recreation
E3	3.49	Residential Townhouses
F1	18.23	Assisted Living, Age Restricted, or Senior Housing District
F2a		Single Family Residential
F2b	14.10	Medical/Professional Office
G	4.82	Foxborough Housing Authority, Baker Street Residential
H1	1.77	Town of Foxborough Auditorium
H2	8.86	Town of Foxborough Public Safety Building
I	3.47	Main Street Retail
J	3.79	Town of Foxborough Practice Field
<hr/>		
Total	156.33 acres (+/-)	

**PARCEL BY PARCEL PLAN:**

The SLPC has developed a detailed description of allowed uses and permitted densities as well as broad development guidelines and use preferences for each sub- parcel. These are enumerated below:

**Parcel A & B Main Residential Subdivision**

**Uses:** This parcel is intended to be the primary single-family residential component of the plan. The parcels combined are to contain no more than thirty four (34) single-family housing units.

**Zoning:** Presently zoned as R-40 Residential/Agricultural District. This zoning will remain the same. A portion of these parcels is also within the Water Resource Protection District (WRPD). It is desirable that an Open Space Residential Development (OSRD) plan is considered for a portion of the units developed on this parcel.

**Guidelines:** A greenbelt along North Street with curb cuts onto an interior street is desirable.

Sidewalks from the development connecting to those at Main Street and Chestnut Street may be required.

Development should respect and preserve existing cemeteries by providing a buffer around them and maintaining adequate public access.

Automotive access into the subdivision from Cross Street is not preferred. Although pedestrian connections to Cross Street are required.

**Parcel C: Crackrock Conservation/Residential**

Uses: Conservation Land

Zoning: Presently zoned as R-40 Residential/Agricultural District. This zoning will remain the same. A portion of these parcels (within 250' of Crackrock Pond) is also within the Water Resource Protection District (WRPD).

Guidelines: If any activity occurs on this site, it shall be designed to respect the integrity of Crackrock Pond.

Public access along the pond shall be maintained.

**Parcel D: Triangular Residential Use**

Uses: Single family residential subdivision intended for moderate priced housing. Density is not to exceed twenty (20) residential units.

Zoning: Area to be rezoned to the R-15 Residential District.

Guidelines: Some of the units developed on this parcel shall be permanently affordable units such as those designated for first-time homebuyers per state Department of Housing and Community Development (DHCD) guidelines. There shall be no significant exterior differences between the affordable units and the market rate housing. At least one home shall be designed handicapped accessible.

Intended to encourage development of moderately priced housing.

Sidewalks should be constructed along the entire length of Payson Road. If lots are developed along the North Street side of this parcel, then sidewalks should also be constructed along North Street, to the extent that they are able to connect to other sidewalks.

Pedestrian paths shall be planned and constructed between North Street and Payson Road to allow easy public access to the Town of Foxborough Recreation Land.

**Parcel E 1& 2: Recreation/Open Space**

Uses: Open Space, recreational, and ancillary uses or structures.

Zoning: These parcels are presently zoned in the R-40 Residential/Agricultural District. This zoning shall remain the same.

Guidelines: It is recommended that the Town of Foxborough seek any and all potential funding sources for development costs. The Town will pursue funding that includes grants from State Agencies, local funding from the Town and participation by developers.

The developer of the hospital site will be expected to participate in the development of the recreation facility. The level of participation shall relate to the impact of their proposal on recreation needs.

The Town of Foxborough shall be responsible for ensuring the maintenance of these grounds.

**Parcel E 3: Payson Road Town Houses**

Uses: The preferred use of this parcel is for the development of townhouses. It is estimated that no more than sixteen (16) units shall be constructed on this parcel.



Zoning: This parcel is to be rezoned to R-15. It is also located within the Chestnut-Payson Overlay District (CPOD).

Guidelines: The development shall be designed to integrate and connect the housing on this site with Payson Road and Parcel F1.

The design of the buildings shall be sensitive to the historic nature of the site. The buildings shall utilize many of the design elements and materials of other historic buildings on the State Hospital property.

Sidewalks may be required in front of this parcel on Payson Road.

#### **Parcel F1: Assisted Living, Age Restricted, or Senior Housing District**

Uses: Assisted living centers, continuing care retirement community, nursing homes, and other housing offering medical assistance to residents is preferred for the reuse of the historic portions of the hospital buildings. Senior housing or age-restricted housing are also desirable reuse options for the historic hospital buildings. It is projected that up to eighty (80) units of one or more of the above types of housing may be developed on a portion of this parcel.

Elsewhere on this parcel there shall be constructed a mix of additional housing types. It is projected that this site could accommodate approximately fourteen (14) townhouse units and twenty (20) multifamily apartments.

Additionally, single family homes, certain municipal uses, day care centers, community uses, medical related business/office, and permitted accessory uses may also be integrated into the plan for the remainder of this parcel.

Zoning: To be rezoned to R-15 and designated to be within the Chestnut-Payson Overlay District (CPOD).

Guidelines: An attempt must be made to preserve structures as specified in the Agreement with the Massachusetts Historical Commission. The primary buildings subject to this agreement are the administration building, wings A through E, and the Chapel building. The additional buildings are listed in the Agreement for this parcel.

The design of new buildings on this parcel shall be sensitive to the historic nature of the site. The buildings shall utilize many of the design elements and materials of the historic buildings on the State Hospital property.

The development of new structures on this parcel shall be designed to integrate and connect the this site with Payson Road, Chestnut Street, Parcel E3 and the recreational uses on the Town of Foxborough Recreation Land.

It is important that the preservation or replanting of the trees along Chestnut Street occurs. The Foxborough Tree Warden shall determine tree species. Attempts shall also be made to preserve specimen trees throughout the property.

It is preferred that the Chapel building be reused for various community uses. These may be for uses such as local religious groups, day care center, senior center, neighborhood health center or other uses that may benefit the community.

There shall be no construction of additional residential structures in the front yard of the main administration building and wings A through E, only if those buildings remain. Parking lots and accessory structures are permitted.

Sidewalks should be constructed along Chestnut Street and Payson Road and shall be connected to the existing network of sidewalks.

#### **Parcel F2 A: Single Family Residential**

Uses: It is preferred that this site be used for single family residential development and that approximately seventeen (17) houses be developed on this parcel.

Zoning: This area will be rezoned to R-15 and within the Chestnut-Payson Overlay District (CPOD). A small portion of the parcel is also within the Water Resource Protection District (WRPD).

Guidelines: A portion of this site is within the Baker Street Historic District. The homes on all of the lots or other structures shall be developed to conform to the requirements of this district.

Sidewalks may be required along Payson Road and Chestnut Street.

**Parcel F2B: Professional/Medical Office Use Parcel**

Uses: This site should be used primarily for professional office space preferably for medical offices. Other similar commercial uses that are compatible with the overall development of the site may also be considered.

This parcel shall be developed into approximately 25,000 square feet.

Zoning: This parcel shall be rezoned to the Neighborhood Business District (NB). It is also to be included within the Chestnut-Payson Overlay District (CPOD). The site lies within the Water Resource Protection District (WRPD).

Guidelines: Any new development shall be designed so that it is compatible with existing adjacent uses. Shared parking for this development and the abutting retail parcel (I) is preferred.

While medical/professional offices and related office uses are preferred on this parcel, other commercial uses which would be in harmony with the neighborhood and the entire land use plan will also be considered.

Sidewalks may be required along Chestnut Street.

**Parcel G: Baker Street Parcels**

Uses: This parcel is to be conveyed to the Foxborough Housing Authority for the development of additional housing. The Foxborough Housing Authority will work with lending agencies to determine the scope and density of this development. The redevelopment of this parcel is independent of the reuse parcels in this plan.

Zoning: To be rezoned entirely within the R-15 Zoning District.

Guidelines: The Housing Authority development on Baker Street will also be subject to the local Historical District by-law. New residential buildings should match the historical character of the remainder of the street.

Sidewalks may be required along Baker Street.

The community garden located on one of these parcels shall be maintained.

**Parcel H1 & 2: Auditorium & Public Safety Parcel**

Uses: This site shall be used for a new Public Safety Building and/or other municipal uses.

Zoning: This parcel shall be rezoned into the Neighborhood Business District (NB). It shall also be included within the Chestnut Payson Overlay District (CPOD). The site lies partially within the Water Resource Protection District (WRPD).

Guidelines: The assembly building is owned and maintained by the Town of Foxborough. The developer is encouraged to work with the community to upgrade the assembly building as necessary to be utilized by community groups.

Other buildings on the site may be demolished or reused by the Town of Foxborough provided they are for municipal uses. Some are subject the Agreement with the Massachusetts Historical Commission.

**Parcel I: Main Street Retail**

Uses: The development of 30,000 square feet of retail and or restaurant space. This site may be further divided into retail pad sites.

Zoning: This parcel shall be rezoned into the Neighborhood Business District (NB). It shall also be included within the Chestnut Payson Overlay District (CPOD). The site lies within the Water Resource Protection District (WRPD).

Guidelines: The proper development of this site is integral to connect the State Hospital property to the existing commercial developments on Main Street.

This site may be developed into a mix of permissible uses provided the development of the site is properly integrated into the overall redevelopment.

Sidewalks may be required along Chestnut Street and North Street linking the redevelopment to Main Street.

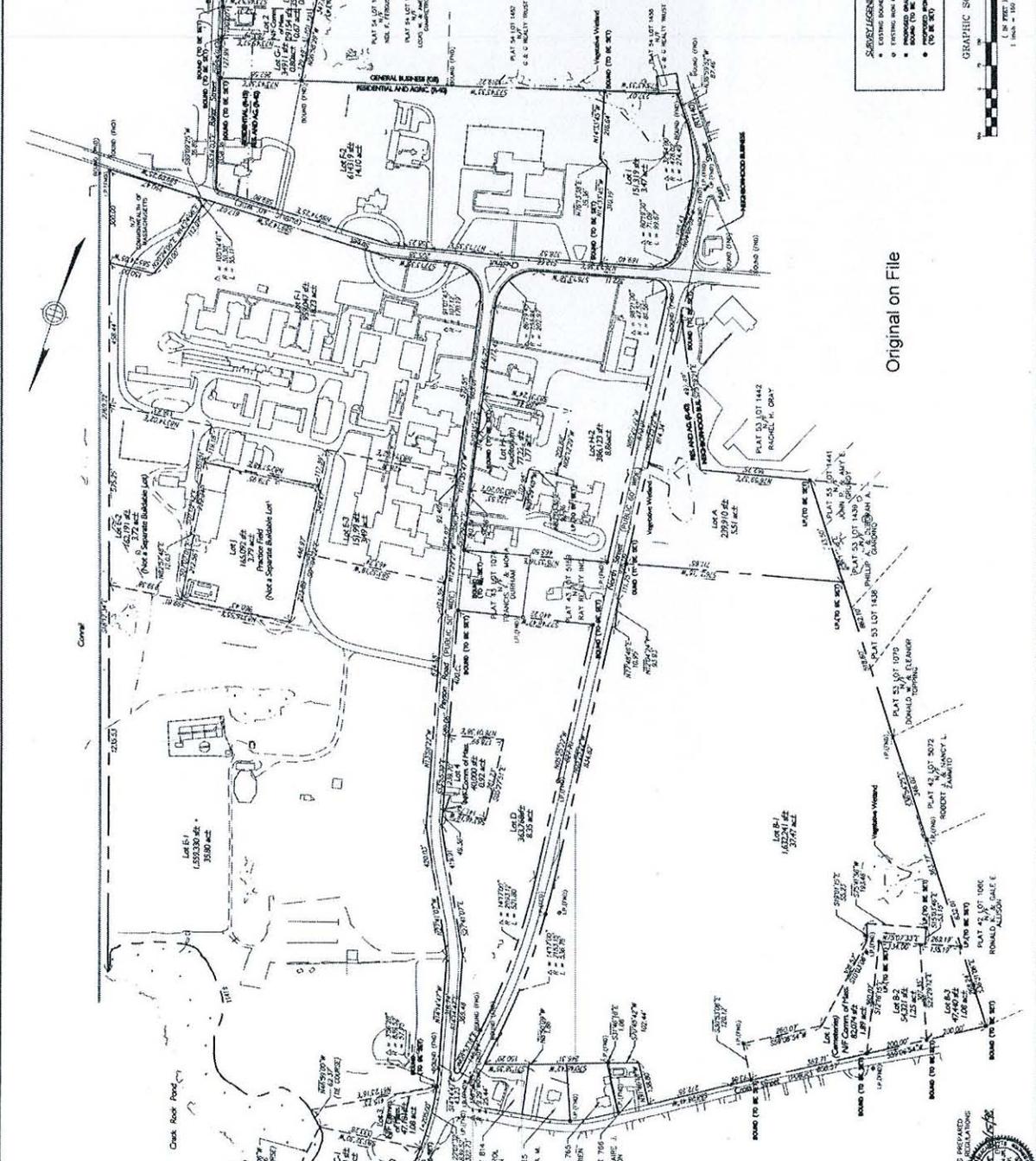
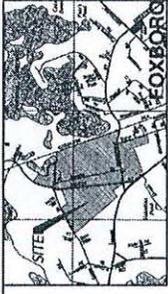
**Parcel J: Practice Field**

Uses: This parcel is to be used by Town recreation teams for a practice field. The parcel is restricted by the Legislation to be used for a practice field.

Zoning: This parcel is presently zoned as R-40 Residential/Agricultural. This zoning will remain the same.

Guidelines The practice field on this property shall be used by local sports teams and the Town shall ensure that it is properly maintained.

Also located on this property is the old hospital laundry building. This building may be demolished or reused for municipal uses.



Norfolk Registry of Deeds  
 Dedham, Mass. 19 92  
 Received Sep. 30  
 With Deed  
 Commonwealth of Massachusetts  
 County of Foxborough  
 Filed as No. 256  
 Pt. Bk. 555  
 Registrar

RESERVED FOR REGISTRY USE  
 PLAT NO. 107  
 REGISTERED  
 19 92

**RIZZO ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 235 West Concord Street, North Attleboro, MA 01937  
 Tel: (508) 685-1001 Fax: (508) 685-1009  
 DATE: 12/28/2007  
 PROJECT: Foxborough State Hospital  
 Foxborough, MA

SHEET NO. 1 OF 1  
 APPROVAL NOT REQUIRED  
 SUBDIVISION PLAN  
 SCALE: 1" = 50'  
 JOB NO.: 060501  
 EX. DATE: 06/08/07  
 REGISTERED: December 15, 1992

SPECIAL NOTES: SUBDIVISION CONTROL LAW NOT REQUIRED  
 FORDHAM PLANNING BOARD

THIS DOCUMENT DOES NOT ADDRESS THE CONFLICTS WITH THE FORDHAM ZONING BY-LAW.

SUBDIVISION LEGEND:  
 • EXISTING ROAD (IND)  
 • EXISTING SIDEWALK (IND)  
 • ROAD TO BE BUILT  
 • SIDEWALK TO BE BUILT  
 • LOT (TO BE BUILT)

GRAPHIC SCALE  
 1 inch = 50 feet  
 (1 IN FEET)

Original on File

I HEREBY CERTIFY THAT THE PLAN HERE SUBMITTED IS IN CONFORMANCE WITH THE MASSACHUSETTS REGULATIONS OF THE REGISTER OF DEEDS.  
 REGISTERED PROFESSIONAL LAND SURVEYOR

256-99

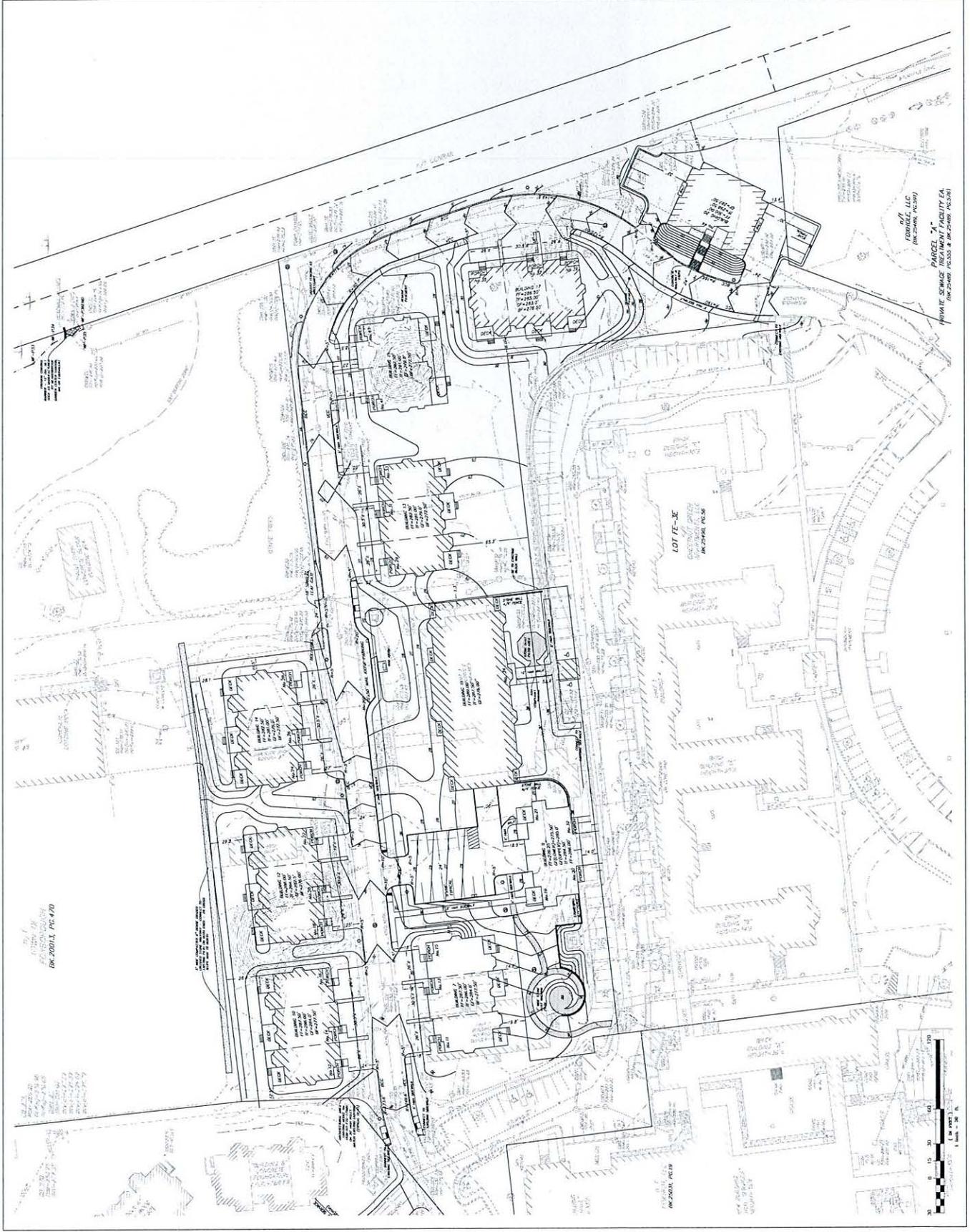
7

PROJECT  
 Village  
 Townhomes  
 at Chestnut Green  
 Foxborough  
 Massachusetts  
 OWNER  
 King-Dexter, LLC  
 115 Main Street, Suite 1D  
 North Easton, MA 02556  
 ARCHITECT  
 Douglas A. King  
 Builders, Inc.  
 150 Main Street, Suite 1D  
 North Easton, MA 02556

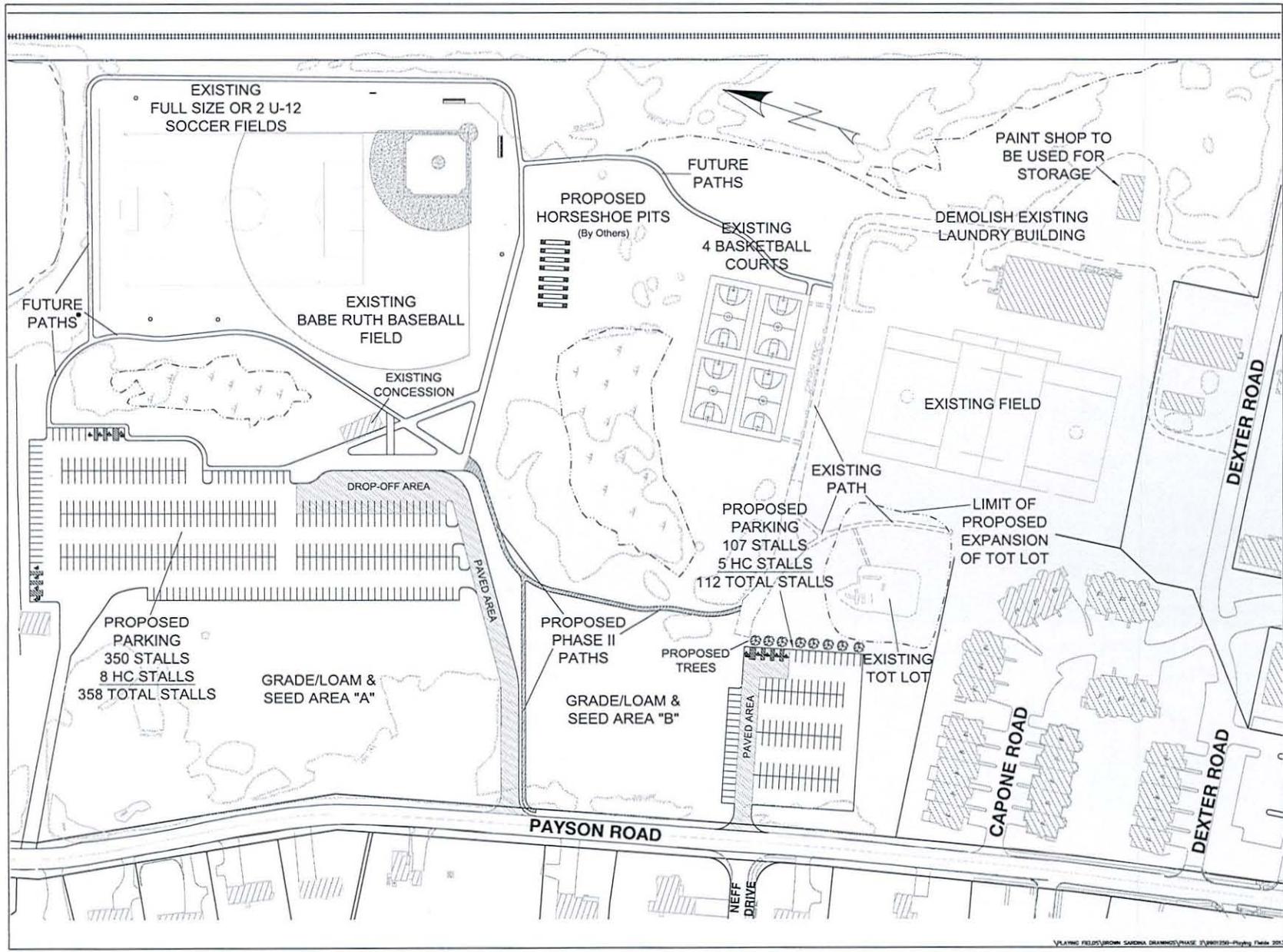
City of Foxborough  
 Professional Seal Expires 6/30/2018  
 100 STATE STREET  
 P.O. BOX 918  
 FOXBOROUGH, MA 01533  
 508-548-2300

STAMP  
  
 DRAWING TITLE  
 Layout & Materials

SCALE: 1" = 30'  
 JULY 15, 2014 SHEET NUMBER  
 11-0103C 3

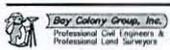


8



PROJECT:  
**PAYSON ROAD RECREATION COMPLEX**  
 Foxborough Massachusetts

OWNER:  
 TOWN OF FOXBOROUGH  
 40 SOUTH STREET  
 FOXBOROUGH, MA 02035



FOUR SCHOOL STREET  
 P.O. BOX 9136  
 FOXBOROUGH, MA 02035  
 508-543-3636

STAMP

DRAWING TITLE

Master Plan

SCALE: 1" = 60'  
 JULY 8, 2013 SHEET NUMBER

**L 101**

# Chestnut Green - Foxborough



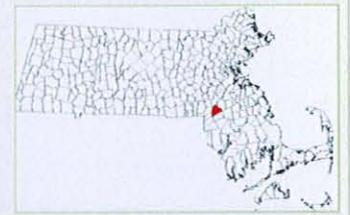
**Site Details:** 105,000 ft<sup>2</sup> total, including 60,000 ft<sup>2</sup> of retail, 203 residential units, and 40 acres of community playing fields and walking trails.

**Date(s):** Phase 1 and 2 - 2007-2008. Phase 3 - still in progress.

**Zoning:** Mixed-Use Zoning

**Funding:** Developer funded. PWED grant for road improvements.

**Goals:** State hospital renovation; reuse of an abandoned site.



## Background

Built in the 1880's, the former Foxborough State Hospital is characterized by Queen Anne Victorian architecture and surrounded by one hundred year old oak, maple and beach trees. The site was closed in 1975 with the deinstitutionalization of mental health care and quickly became a decaying eyesore. Various agencies used the complex until the state declared it surplus in 1993. After being shuttered for more than two decades, the state sold the land at auction in 2005 for development under a state approved plan.



The main building, 2004 (source: opacity.us, 2004), and 2010.

## Site Development

The 115 year old site, listed on the National Register of Historic Places, presented a unique opportunity to deviate from the look and feel of typical suburban subdivisions. As part of the state's master plan, VinCo Properties, Inc., a Boston-based real estate development firm, bought 98 acres of the site and sold 40 of those to Douglas A. King Builders Inc. and Intoccia Construction Co. for the development of 73 single family homes and 40 townhouses. VinCo Properties undertook the rehabilitation of the state hospital, transforming it into a self-contained, mixed-use community called Chestnut Green. As part of the master plan, a new public safety building for Foxborough's police and fire departments were built as well as community playing fields, playgrounds and a nature trail around the property.



The new Foxborough Public Safety building, 2010.

## Development Process



Future 55 and older condos. Phase three is still in the permitting process, 2010.

VinCo Properties used the mixed use zoning the town already had in place to develop the village-style mix of stores, offices, and homes. Renovation of the hospital included asbestos remediation and demolition to break up the hospital's small rooms. All restoration was completed in accordance with The National Park Service Historic Guidelines. State lawmakers supported the redevelopment by passing a bill authorizing the sale of an additional piece of state land needed for a wastewater treatment plant. Traffic improvements were funded partly by the developer and partly by a PWED grant the town received, allowing the use of state highway aid to be avoided. The recession has slowed but not stalled the project.

## Chestnut Green and MetroFuture Goals



Single-Family homes by Douglas A. King Builders, Chestnut Green, 2010

### *Housing Choices*

Chestnut Green offers single-family homes, townhouses, condominiums, and apartments. Fourteen of the units are set aside for tenants earning 80% of area median income. Phase Three renovations will provide condos for residents that are 55 and older.

### *Community Vitality*

While only a mile from Foxborough's downtown, Chestnut Green has its own 'downtown' feel with the old buildings being turned into offices and apartments and a cluster of pedestrian-oriented stores, restaurants, a pub, playing fields, single-family homes and a police and fire station on the periphery. Many apartment tenants work in the offices on site.

### *Transportation Choices*

Chestnut Green is close to Routes 1, 95, 140 and 495 and just nine minutes from the Mansfield MBTA commuter rail, with service to Providence and Boston suburbs. During Patriot's football games, there is an additional commuter option at Gillette Stadium, located only a mile down the road.

### *Healthy Environment*

Residents had long expressed a desire for the site to become an active and utilized portion of the community. In addition to commercial and residential development, this project established forty acres of community playing fields and walking trails on a previously blighted and inaccessible site.

### **Contact Information**

For more information about the development of Chestnut Green contact Eric Seitz, Program Manager, VinCo Properties at [eseitz@vincoproperties.com](mailto:eseitz@vincoproperties.com).



Pedestrian friendly commute between offices and apartments, Chestnut Green, 2010.



Playground at Chestnut Green, 2010.

*"The redevelopment of the state hospital site offered a great opportunity to deviate from cookie-cutter style development to create a unique live, work, and play community. You could spend your whole week here without needing to leave." –Eric Seitz, Program Manager of Chestnut Green.*



Retail and housing at Chestnut Green, 2010.

## Chapter 350. ZONING

### § 350-10.15. Planned Village District.

- A. The Planned Village (PV) District is designed to encourage economic diversity and vitality, to foster the creation of a village or campus center with coherent development patterns similar to traditional Northampton development, to provide for an environment conducive to a high quality of life, to avoid unnecessary public expense for the extension of services, and to meet other community goals.
- B. In addition to the § **350-10.1** special permit criteria and of § **350-11** site plan approval criteria, the Planning Board must find that the following criteria are met before granting a special permit in the Planned Village District:
  - (1) Project density and design will ensure that the project serves as a pedestrian-scale mixed village, and not an automobile-oriented collection of independent uses. This includes, but is not limited to, the following:
    - (a) Maintaining a village appearance and feel on existing gateway(s) to Northampton by using buildings to frame the streetscape and avoiding holes in the urban streetscape fabric.
    - (b) Ensuring that housing and village uses are designed to maximize pedestrian circulation within the project and connecting to surrounding areas, both through the design of circulation systems and through the design and layout of land uses.
    - (c) Using building designs and design guidelines to create a compatible and attractive urban village.
    - (d) By using retail, institutional and other land uses to keep the urban village tightly focused and walkable, and maintain a focus on gateway(s) to Northampton and respect surrounding land uses.
  - (2) The project, including any concurrent road improvements, will not decrease the level of service (LOS) of any area roads or intersections below the existing conditions and shall consider the incremental nature of development on the

percentage by no more than 20%, if they find:

- (a) Such approval will advance commercial development, housing for Department of Mental Health clients, or affordable housing aspects of the project and ensure that commercial space is developed in a reasonable time; and
  - (b) If the project will not exceed the allowable percentages for more than two years.
- (7) For the purposes of this section, commercial space shall be considered developed when it is occupied for commercial uses or under an agreement or covenant to be sold and developed within six months and up to 150,000 square feet of commercial space shall be considered developed when the Office of Planning and Development, in consultation with the Department of Public Works, finds that the following criteria have been met:
- (a) All necessary state and local permits and MEPA review (including the Secretary's approval of any necessary final EIR), except building permits, have been obtained.
  - (b) All on and off-site road and transportation facilities necessary to serve that development are in place and are committed to the project.
  - (c) All public and private utilities, including water, sewer, storm sewer, electric, phone, cable TV, and any high speed telecommunications services, are in place to serve the site.
  - (d) The site is totally ready for development and is only waiting actual construction.

# Northampton A 40R COMMUNITY



## Smart Growth Area

16-acre mixed-use district

## Location

Northampton, Massachusetts

## Housing

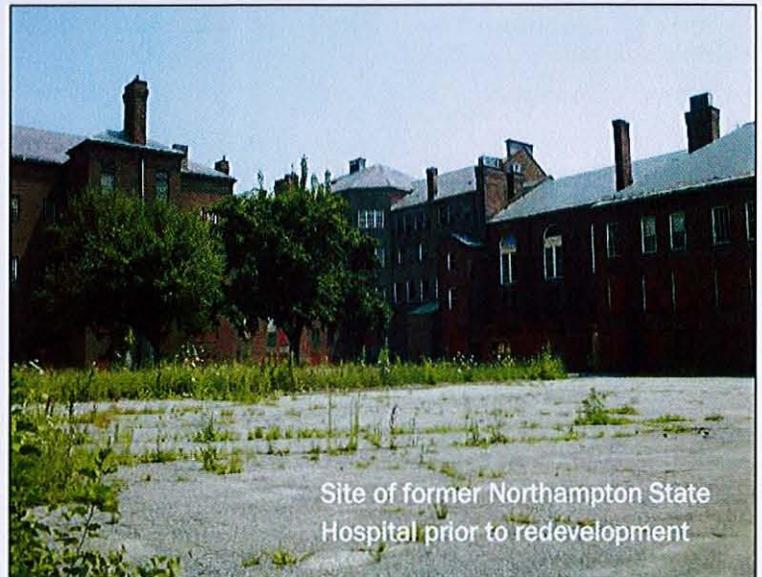
63 units built, including 32 affordable units; smart growth zoning provides for a minimum of 156 housing units not previously allowed.

## 40R Incentive and Bonus Funding

Smart growth zoning district: \$320,000 to general fund.

## History

Zoning Adopted	09/20/2007
Hillside Apts.	Fall 2008



Site of former Northampton State Hospital prior to redevelopment

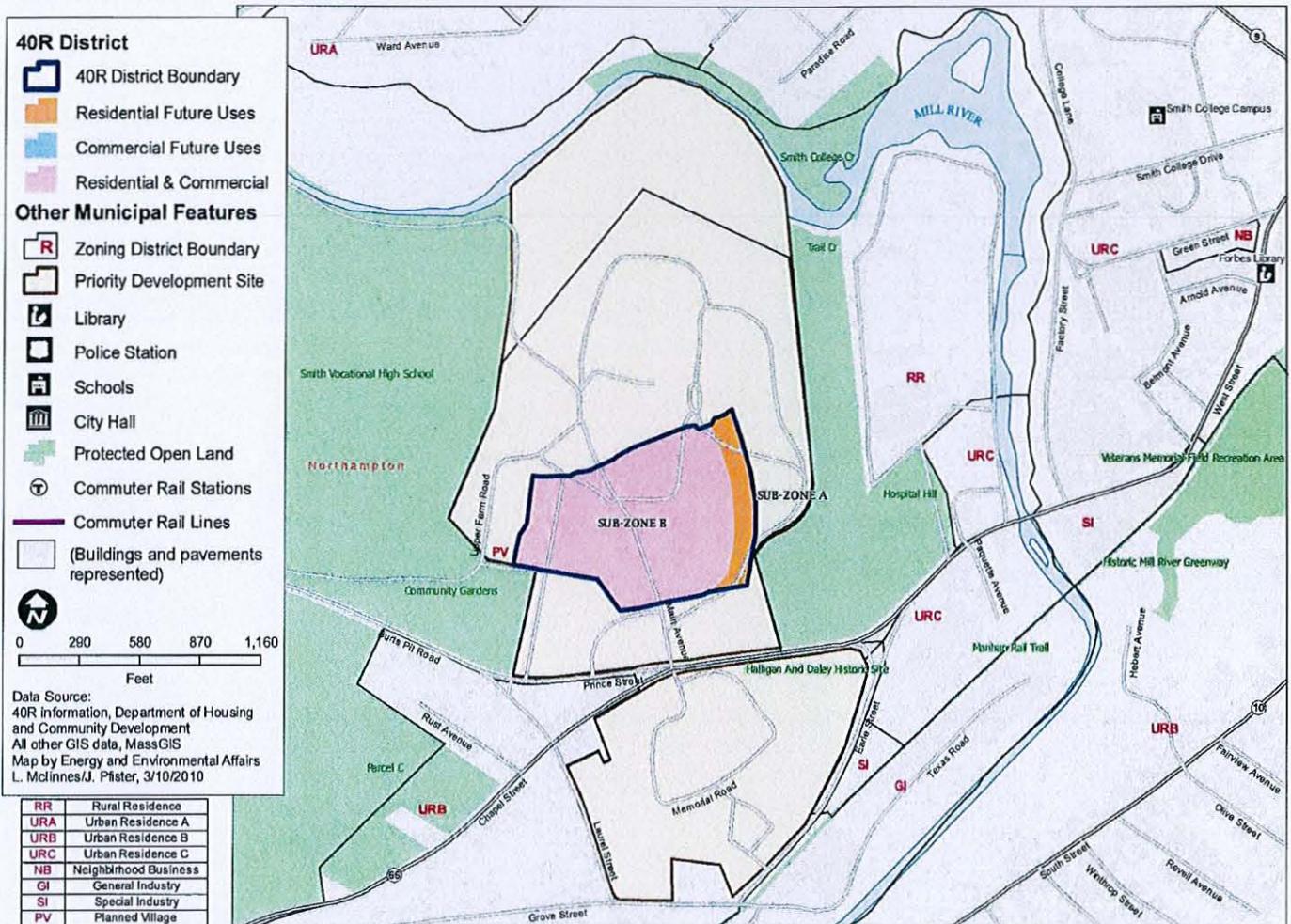


Northampton's Sustainable Growth Overlay District (40R) is a mixed-use, pedestrian-oriented zone reusing a former state hospital site located just outside the city's popular downtown. Covering approximately 16 acres, the 40R zoning allows for 156 units on multiple parcels. By rezoning the hospital site, the city earned \$200K in 40R zoning incentive funds— plus another \$120K in 40R implementation funds when the 40-unit Village Hill Phase II project broke ground – and leveraged over \$16 million in private investment. Village Hill and other projects that occur in the district will bring new residents, businesses and vitality to the area.



MA Department of Housing & Community Development  
100 Cambridge Street, Boston, MA 02114  
p: 617-573-1100 f: 617-573-1120 w: [www.mass.gov/dhcd](http://www.mass.gov/dhcd)

# Northampton A SMART GROWTH COMMUNITY



## About 40R

Well-designed districts can create a distinctive sense of place and fulfill market demand for walkable neighborhoods, while steering growth toward areas with existing infrastructure, reducing development pressure on outlying areas, and minimizing traffic impacts. Chapter 40R rewards cities and towns for adopting 40R zoning and streamlining the development process by providing as much as \$600,000 in upfront zoning incentive funds, plus an additional \$3,000 for every new housing unit created. You can find out more at DHCD's 40R homepage: [www.mass.gov/hed/40r](http://www.mass.gov/hed/40r).

## Contact Us

For additional information on 40R, contact Bill Reyelt at 617.573.1355/[william.reyelt@state.ma.us](mailto:william.reyelt@state.ma.us) or Elaine Wijnja at 617.573.1360/[elaine.wijnja@state.ma.us](mailto:elaine.wijnja@state.ma.us).

# Westborough

## **5500. MIXED USE DISTRICT (MUD)**

(ATM 2010)

**5510. Purpose.** The intent of this Mixed Use District, which hereafter may be referred to as MUD, is to permit greater flexibility and more creative and imaginative design for the development of retail, office, restaurant, residential and open space than is generally possible under conventional zoning provisions. It is further intended to promote and facilitate redevelopment of certain portions of the former Westborough State Hospital and other State owned properties while providing a harmonious variety of uses, a higher level of amenities, a stimulus to the economic development of the community and vitality to the district.

**5520. Scope and Authority.** This Mixed Use District shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Any activities or uses permitted in the District shall be permitted, subject to the provisions of this District, unless expressly prohibited. New uses shall only be permitted through the granting a Special Permit from the Planning Board.

**5530. Establishment and Delineation of Mixed Use District.** For the purposes of this District, there is hereby established a Mixed Use District area as shown on the Westborough Zoning Map.

**5531. Mixed Use Zoning Map.** The boundaries of properties within the Mixed Use District shall be delineated on a Zoning Map approved at Town Meeting.

**5540. Permitted Uses.** In any Mixed Use development, no building or other structure shall be erected, altered or used and no land shall be used or occupied for any purpose except under a Special Permit issued by the Planning Board in accordance with the provisions and requirements of this Section and the rules and regulations of the Planning Board.

**5550. Rules and Regulations.** The Planning Board shall establish, after a Public Hearing, Rules and Regulations concerning the procedure for and content of an application for new building use or change of use in the Mixed Use District. The Planning Board shall require a filing fee as part of the application, the amount of which shall be prescribed in the Mixed Use District Rules and Regulations. The MUD Rules and Regulations shall be effective on the date the Planning Board files them with the Town Clerk.

**5551. Public Hearing and Approval.** A public hearing shall be required on any Mixed Use District Building or Change of Use before any final action can be taken by the Planning Board on the application. The timing of and form of notice of the hearing shall be as prescribed in Massachusetts General Laws, c. 40A, §11 for Special Permits. After the Public Hearing, the Planning Board shall consider the development for a Special Permit. In its consideration the Planning Board shall determine whether the application meets the purpose of Section 1100, and of the Mixed Use District regulations. The Planning Board shall specifically determine whether the development will contribute to the orderly and harmonious development of the Mixed Use District Area and is consistent with the character of the neighborhood. The Board may recommend that the applicant modify, alter, adjust or amend the proposed development and may recommend such reasonable additional conditions as the Planning Board deems necessary.

**5552. Density Requirements.** Within the Mixed Use District, building lots shall be established by the applicants subject to approval of the Planning Board.

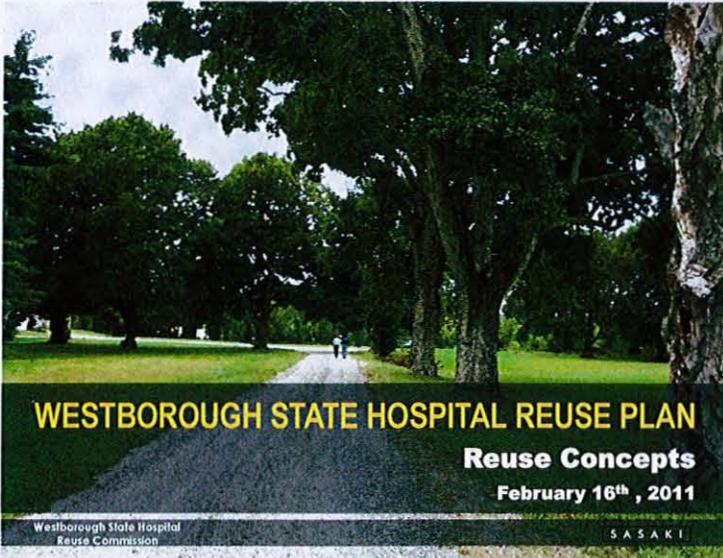
**5553. Multiple Buildings.** Notwithstanding §2540 of this Bylaw, multiple buildings may be allowed on a lot in a Mixed Use Project by Special Permit issued by the Planning Board.

**5554. Signage.** Notwithstanding Section 3300 of this Bylaw, multiple signs may be allowed on a lot or building in a Mixed Use Project by Special Permit issued by the Planning Board. The number, size and locations of signs shall be based on the nature, size, architecture and location of each building or portion thereof.

**5560. Site Plan Approval of a Mixed Use District.** A Mixed Use District Development, as herein permitted, shall be made only pursuant to a Site Plan Submission. Within a MUD, the Board of Selectmen shall approve the Site Plan. All requirements as outlined in the Westborough Zoning Bylaws, Sections 1240 through 1245, shall apply. The Site Plan Submission documentation shall be appropriate to the proposed project to show and convey the level of detail required for review by the Board of Selectmen and shall show at a minimum:

1. Topography and grades both existing and proposed for the site and its relation to surrounding areas.
2. Proposed plan and cross sections of all street systems and pedestrian walkways and their relationship to the overall project.
3. Proposed preliminary layout and routing of storm and sanitary sewer systems, water supply, fire protection and power and communications services.
4. Proposed lot(s), their layout and areas.
5. Proposed areas of the site reserved for parks, parkways, playgrounds and other private or public open spaces and their location, use, areas and access.
6. Proposed location of all buildings, their proposed use, size and height and related parking facilities.
7. Tabulation of the total number of acres in the proposed project and, if applicable, the percentage thereof designated for each proposed building and use and related off-street parking, streets, parks and other uses.
8. Tabulation of all buildings and uses and the over-all and per lot, coverage and density (Floor Area Ratio).
9. Preliminary plans and elevations of the major buildings, their use, location and floor areas.
10. Environmental issues and mitigation measures if any.
11. Any other items that may be required by the Board of Selectmen.

(ATM 2010)



## Program & Scale

### Market could accommodate:

- **Commercial**
  - Retail: village retail, restaurants, services: 25-35,000 SF
  - Professional & small office: 20-35,000 SF
- **Residential**
  - Apartments: 250-350 units
  - Townhouse condominiums (incl. 2-4 family): 200-300 units
  - Assisted Living: 80-120 beds

## Market Analysis

### Recap Site Analysis

- Framework Plan**
- Utilities
  - Infrastructure
  - Open Space
  - Property Parcelization

- Reuse Concepts**
- Contributing Buildings
  - Building Assessment
  - Precedents
  - Concept 1
  - Concept 2
  - Concept 3

- Summary & Discussion**
- Fiscal Impact

## Planning Principles

- Reuse existing historic buildings.
- Separate redevelopment from remaining DYS facilities to the extent possible.
- Chauncy Lake, elevated views & historic buildings are major character defining elements. Focus new development around these.
- Activate lakfront with village-style retail, restaurants & boat dock/fishing pier.
- Enhance and provide open space, including relocated recreation fields
- Include mix of uses to reinforce creation of a new community.
- Provide DMH client housing
- Develop new residential to support cost of site premiums.

## Market Analysis

## Recap Site Analysis

## Framework Plan

- Utilities
- Infrastructure
- Open Space
- Property Parcelization

## Reuse Concepts

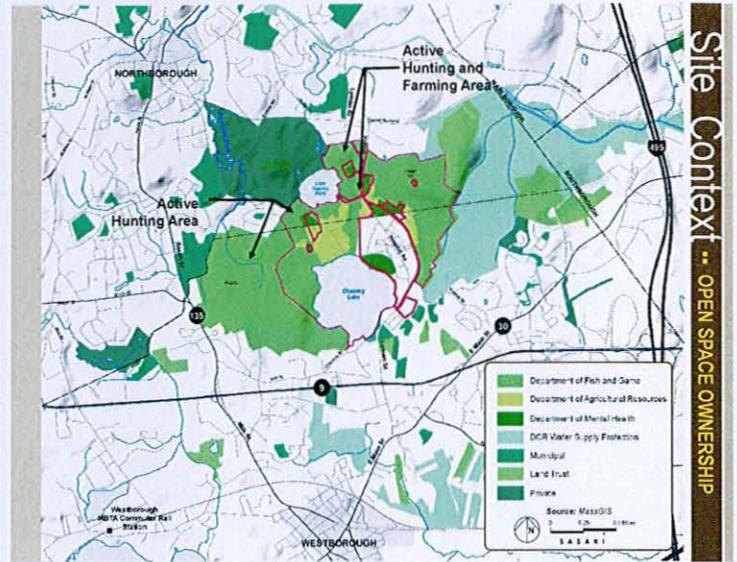
- Contributing Buildings
- Building Assessment
- Precedents
- Concept 1
- Concept 2
- Concept 3

## Summary & Discussion

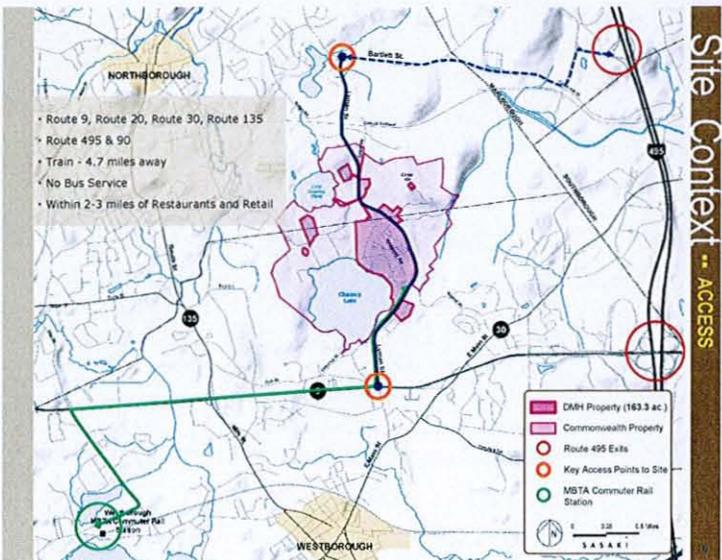
- Fiscal Impact

## Agenda

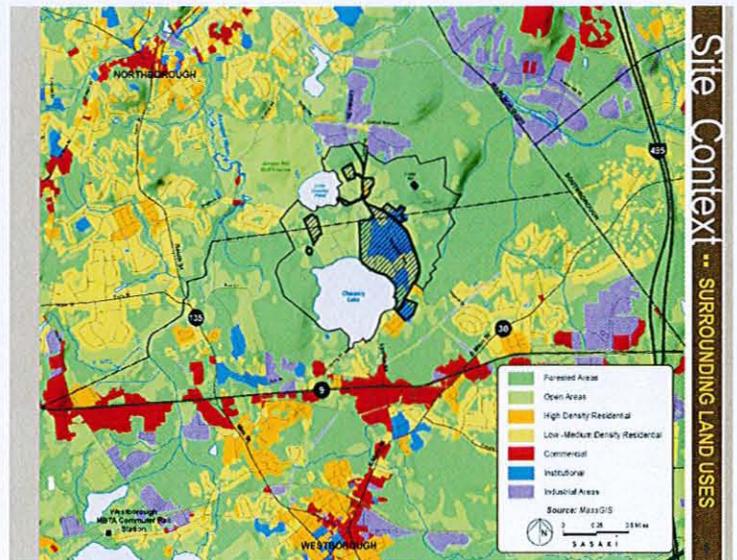
5



## Site Context - OPEN SPACE OWNERSHIP



## Site Context - ACCESS



## Site Context - SURROUNDING LAND USES