

Willow Street Overlay District in Hamilton, Massachusetts

I. Willow Street Overlay District Proposed for Fall Town Meeting 2010

1. Purpose and Intent

The purposes of the Willow St. Overlay District (WSOD) are to encourage planned and orderly development of land within the boundaries of the WSOD. These areas are designated for special land use, planning, environmental, and access considerations that warrant careful control of development under a special permit procedure using appropriate standards. The specific purposes of the WSOD are the following:

- a. To support land uses and activities that will promote economic development in Hamilton, thereby generating substantial increases in net tax revenue from new development and business growth as well as additional local jobs.
- b. To allow for the phased development of new uses and activities that are appropriate and desirable for the WSOD, based on planning and market opportunities identified in the Hamilton Master Plan.
- c. To provide for mitigation of any negative impacts caused by new development, including but not limited to transportation and environmental impacts.
- d. To incorporate into the design review and permitting process input from Hamilton's land use boards, nearby residential abutters and citizens.
- e. Improve the aesthetics, vibrancy and quality of life for the neighborhoods that include the downtown business district.

2. Applicability and Location

The Willow Street Overlay District (hereafter "WSOD") shall consist of an area within the Business District, west of the railroad tracks and along Willow Street from Asbury Street to include 203 Willow Street.

The WSOD provides for additional uses through a Special Permit process. All underlying uses remain available to property owners. If a property owner elects to apply for a Special Permit to develop in accordance with this WSOD By-law, the provisions of the by-law shall apply. All underlying zoning district requirements still apply, unless they are superseded by this by-law. By filing an application for a Special Permit under this Section V.G , the owner shall be deemed to accept and agree to them.

If the owner elects to proceed under the zoning provisions of the underlying district, the zoning bylaws applicable in the underlying district shall control and the provisions of the Willow Street Overlay District shall not apply.

3. Permitted Uses

In addition to the uses provided in the underlying zoning district, the following additional uses shall be permitted in the WSOD:

- Mixed Residential & Commercial
- Office
- Ancillary parking and commercial services that serve the primary uses
- Public Spaces
- Athletic facilities
- Accessory infrastructure facilities.
- Retail or restaurant
- Multi-family residential

4. Administration

The Planning Board shall be the Special Permit Granting Authority in the WSOD. An applicant may file an application with the Planning Board in conformance with M.G.L. Chapter 40A, (the Zoning Act) Sections 9 and 11, this Bylaw section, and Planning Board WSOD Rules and Regulations.

5. Planning Board Rules & Regulations

The Planning Board shall adopt and from time to time may amend Willow Street Overlay District Rules and Regulations to implement this Bylaw section. Such regulations shall include but will not be limited to Submission Requirements, Plan Requirements, such as size, form, number and contents; Development Standards, Site Standards, and Standards for Building Placement and Design. Such rules and regulations are required and authorized under M.G.L. Ch. 40A, s. 9, and shall be adopted after proper notice, posting, public hearing and vote by the Planning Board.

6. Pre-Application Conference

The applicant shall request and attend a pre-application review at a regular business meeting of the Planning Board. The Planning Board shall invite the Board of Health, Board of Selectmen, Building Inspector, Department of Public Works, Fire Chief, Police Chief, Zoning Board of Appeals, and Economic Development Committee to attend. The primary purpose of the pre-application conference is to provide an information exchange and feedback regarding how the applicant intends to use the site. The secondary purposes of a pre-application review are to minimize the applicant's cost of engineering and other technical experts, to commence discussions with the Planning Board at the earliest possible stage of development, and to set a timetable for submittal of a formal application. Meetings may be held by mutual agreement of the Planning Board and the applicant.

7. Review Procedures for WSOD Special Permit

- a. The applicant shall furnish a copy of the application to the Town Clerk.
- b. The applicant shall furnish sufficient copies of the special permit application to the Planning Board to distribute for review to the Board of Health, Board of Selectmen, Building Inspector, Department of Public Works, Fire Chief, Police Chief, Zoning Board of Appeals, and Economic Development Committee.
- c. Reports from the above-named boards and officials shall be submitted to the Planning Board within thirty (30) days of receipt by the reviewing party. In the event that the public hearing by the Planning Board is held prior to the expiration of the 30-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that 30-day period. Public hearing procedures shall comply with the requirements of M.G.L. Ch. 40A, Sections 9 and 11.
- d. Planning Board members shall conduct a site visit with the applicant prior to or during the public hearing.
- e. A WSOD Special Permit may be issued only following a public hearing held within 65 days after filing an application with the Planning Board.
- f. Once a WSOD Special Permit application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation, except for purposes of soil testing, dredging or filling and no construction of buildings or structures shall be done on any part of the site until the application has been reviewed and decided as provided by these regulations.

- g. In the event of any conflicts with this section 7 then M.G.L. Ch. 40A procedures shall apply.

8. General Requirements

- a. **General Compliance.** A proposal must comply with all other applicable Town Bylaws, and the applicable rules, regulations, and requirements of all departments, boards, and commissions.
- b. **Low Impact Development.** The use of low-impact development techniques is required, where applicable. The Applicant shall employ meaningful low impact techniques which will result in less impervious area, direction of roof runoff toward rain gardens and swales, and plantings not limited to but including those indigenous to the area. The use of recycled or recaptured rainwater is encouraged.
- c. **Minimizing Disturbance.** The Applicant is urged to incorporate horticultural and landscape design that reduces the need for supplemental irrigation and chemical fertilization, e.g. minimizing lawn area. Streets within the site shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks and trees; to minimize cut and fill; Building shall be designed to relate harmoniously to the terrain.
- d. **Location of Wastewater Treatment.** All wastewater shall be treated and discharged on-site. Off-site wastewater treatment may be allowed if a suitable tie in can occur with an available sewer system.
- e. **Paths and Trails.** Shall be connected, preserved, and increased when possible.
- f. **Visual Appearance From Offsite.** The orientation of individual buildings and structures shall be designed to preserve and enhance views and vistas on or off the subject property.
- g. **Inclusionary Bylaw.** In the case that proposed developments in the WSOD include multi-family units such as apartments or condominiums then the developments must still comply with the town's inclusionary bylaw with regard to the residential component of the projects.
- h. **Sidewalks.** Will be created between the buildings and the street wherever possible.

9. Building and Design Standards

- a. **Setbacks.**
 - i. The setbacks of the underlying zone shall apply.
 - ii. Internal Building Separation: the minimum distance between all freestanding buildings in the WSOD shall be free of any obstruction which would interfere with the passage of a fire-safety vehicle to the complete site.
 - iii. The setback for height at the property line shall be no more than 15' high from the property line for a setback distance of at least 10'.
- b. **Height.**
 - i. Provided the use of the building is either non residential or mixed use, building heights may be increased in the discretion of the Planning Board. Current zoning requires heights not to exceed thirty-five (35') feet, except that spires, water tanks, communication towers, chimneys, exhaust stacks, flagpoles, mechanical penthouses and other structures normally built above the roof and not devoted to human occupancy may be erected to such heights as are necessary to accomplish the purpose they are normally intended to serve. In the WSOD, the Planning Board may, in its sole discretion, allow building height for non residential or mixed properties to be increased.
- c. **Parking.** Within the WSOD District off-street parking shall be provided sufficient to serve the needs of the various uses, based upon the nature of the use and the number of persons occupying and using the facilities and shall be in compliance with the parking requirements of the underlying business district unless the applicant can prove that mixed-use shared parking between the residential and commercial uses is appropriate.

- i. Parking areas shall be located so as to serve the uses to which they are related, and may be designed to serve more than one use or facility; shall be located and laid out so as to provide turning radii, sight lines, and separation from through traffic, consistent with public safety; shall be paved or, if approved by the Planning Board, surfaced with other non-dusting material; and shall, unless otherwise approved by the Planning Board, be striped with spaces of at least 8½ feet width and 19 feet length.
- d. **Lighting.** All lighting fixtures shall be integrated into the architectural style of the development. All exterior structural and site lighting (not including access road lighting) shall be localized and of full cut-off design, with light which shall be retained on site and shall not create a nuisance to abutting properties and streets. All exterior light sources shall be appropriately shielded from off-premise viewing. Access road lighting shall be designed to prevent nuisance to abutting properties by reason of light and glare.
- e. **Signs.**
 - i. The Business District provisions of Section VI.E shall apply for all building specific signage (tenants identification, directory, parking, etc) within the Willow Street Overlay District.
 - ii. Site Signage for developments with multiple structures within the Willow Street Overlay District
 - 1. Site Signage at the main entrance to the entire project for identification of the Project is permitted, to be located on free standing structure. Such sign shall not exceed 36 square feet in size and shall be mounted a maximum of 2 feet to the underside of the sign and a maximum of 10 feet to the top of the sign measured from the average grade of the locus of the sign.
 - 2. A single project tenant Directory Sign is permitted, to be located on a free standing structure. Such Directory Sign shall for each of the WSOD's commercial buildings' main tenants not exceed 36 square feet in size and shall be mounted a maximum of 2 feet to the underside of the sign and a maximum of 10 feet to the top of the sign measured from the average grade of the locus of the sign.
 - 3. Site directional signage is allowed provided each such sign may be no larger than 3 square feet in size; such signs may be posted not closer than 25 feet on center.
 - 4. No other additional signs or increases in sign dimensions are allowed except by Special Permit from the Zoning Board of Appeals.

10. Conditions of Approval

The Planning Board may impose conditions, safeguards, requirements, and other standards as part of its approval.

11. Findings and Decision of the Planning Board for WSOD Special Permit

The Planning Board may grant a special permit after conducting a public hearing only where such grant would not be detrimental to the public health, safety, welfare, comfort or convenience of the community, would not be adverse to the Town's economy and environment, and is in harmony with the intent and purpose of this bylaw, and where the proposed development includes satisfactory provisions to:

- a. Mitigate impact to abutting land and natural resources by reason of air or water pollution, noise, dust, vibration, or stormwater runoff.
- b. Provide safe and convenient access to the site from existing or proposed roads, and to proposed structures thereon, with particular reference to pedestrian and vehicular safety, traffic flow and control, and access in case of fire or emergency.
- c. Provide for adequate capacity for public services, facilities, and utilities to service the proposed development such as water pressure and septic/sewer capacity.

- d. Provide for visual and noise buffering of the development to minimize impact to abutting properties.
- e. Provide for the perpetual preservation and maintenance of any open space and recreation areas.

The Planning Board shall take one of the following actions within 90 days following the date of the public hearing unless extended by written agreement between the Planning Board and the applicant in accordance with M.G.L. c.40A, Section 9, and Section VIII.C of this Bylaw:

- f. The Planning Board may grant a WSOD Special Permit with any conditions, safeguards, and limitations, considering each of the following:
 - i. The degree to which the conceptual design and layout of the proposed development is projected to attain the purpose of generating positive net tax revenue and local employment,
 - ii. The degree to which the proposed development protects the local neighborhood,
 - iii. The degree to which the WSOD furthers the goals and policies of the Master Plan; and the purposes of this Bylaw section.,
- g. The Planning Board may deny a special permit upon finding that the application does not comply with the provisions of this Bylaw section.

12. Duration of Special Permit

A Willow Street Overlay District Special Permit is granted for a period of two years from the date of its approval and shall lapse if at least one building permit has not been issued by such date, except for good cause shown.

Amendments in Conformity if this bylaw passes

- (1) Adopt the designation of the Willow Street Overlay District on the Town of Hamilton Zoning Map.
- (2) Amend Section II. Establishment of Districts, A. Classes of Districts and Zoning Map to include the following:

“, and further amended October 30, 2010, “

“WSOD Willow Street Overlay District Sec. V-I”