

## **9.5 WILLOW STREET OVERLAY DISTRICT (WSOD).**

**9.5.1 Purpose.** The general purpose of the Willow St. Overlay District (WSOD) is 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:

1. 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;
2. 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;
3. To provide for mitigation of any negative impacts caused by new development, including but not limited to transportation and environmental impacts;
4. To consider the design review and permitting process input from Hamilton's land use boards, nearby residential abutters and citizens; and
5. To improve the aesthetics, vibrancy and quality of life for the neighborhoods that include the downtown business district.

**9.5.2 Overview.** The Willow Street Overlay District shall consist of an area within the Business District, west of the railroad tracks and along Willow Street from Asbury Street, including 203 Willow Street. The specific parcels within the district include parcels known as and located upon Hamilton Assessors Map 55, Lots 225, 235, 236, 237 and 237A.

**9.5.3 Applicability.** The WSOD provides for additional uses through a special permit process. All underlying uses remain available to property owners. If an applicant elects to apply for a special permit to develop in accordance with the WSOD, the provisions of this Section shall apply. All underlying zoning district requirements still apply, unless they are superseded by this Section. By filing an application for a special permit under this Section, the applicant shall be deemed to accept and agree to the terms and provisions set forth herein.

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

**9.5.4 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 Commissioner, Department of Public Works, Fire Chief, Police Chief, Zoning Board of Appeals, and Hamilton Development Corporation 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 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.

**9.5.5 Application Process.** The Planning Board shall be the SPGA in the WSOD. An applicant may file an application with the Planning Board in conformance with this Section and Planning Board WSOD Rules and Regulations.

1. The applicant shall furnish a copy of the application to the Town Clerk. 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 Commissioner, Department of Public Works, Fire Chief, Police Chief, Zoning Board of Appeals, and Hamilton Development Corporation. 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.

2. In the event that the public hearing by the Planning Board is held prior to the expiration of the thirty (30) day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that thirty (30) day period.

3. Planning Board members shall conduct a site visit with the applicant prior to or during the public hearing.

4. 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 this Section.

**9.5.6 Design Standards - General Requirements.** A proposal must comply with all other applicable Town By-laws, and the applicable rules, regulations, and requirements of all departments, boards and commissions.

1. *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.

2. *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; and to minimize cut and fill. Buildings shall be designed to relate harmoniously to the terrain.

3. *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.

4. *Paths and Trails.* All existing paths and trails shall be connected, preserved, and increased when possible.

5. *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. Off-site views of the proposed project shall be illustrated to fully depict visual appearance from major vantage points such as intersecting public streets. The Planning Board will as part of the pre-application process determine the locations from which applicants are required to provide perspective sketch drawings of the proposed project. Building elevation drawings are required for all sides of a proposed building during pre-application and formal application processes.

6. *Inclusionary By-law.* In the case that proposed developments in the WSOD include multi-family units such as apartments or condominiums then the developments must comply with the Section 8.3, Inclusionary Housing, with regard to the residential component of the projects.

7. *Sidewalks.* Sidewalks will be created between the Buildings and the Street wherever possible.

8. *Design Guidelines.* All proposed buildings within the Willow Street Overlay District (WSOD) should be designed in conformance with the Hamilton Downtown Design Guidelines (available at Hamilton Town Hall).

9. *Pre-Application and Formal Submission Plan Elements.* Pre-Application submissions shall include conceptual level plans with a site plan, floor plan and building elevations on all sides.

Formal Plan submittals shall illustrate all above features as listed in Section 9.5.9 and full dimensioning shall be provided. Plans shall include but not be limited to existing conditions plan (site survey), site plan, demolition plan (if applicable), utilities plan, drainage plan, roadway/access layout plan, building plans (plan drawings), building elevations on all sides, landscape plans, signage plans and lighting plans. Rooftop plans shall also be provided. If building elements (including rooftop elements) have not been fully designed at the time of application submission to allow the Board and public to understand height, mass, presence of rooftop features of the project, the applicant shall advise the Board that the submitted plans are not fully completed. Further, the applicant shall advise the Planning Board as to what features are still in design.

**9.5.7 Design Standards - Buildings** . The following shall apply.

1. *Setbacks.* The setbacks of the underlying zone shall apply.
2. *Height.* Provided the use of the Building is either non residential or Mixed Use, building heights may be increased at the discretion of the Planning Board. Current zoning requires heights not to exceed thirty five (35) feet. Spires, water tanks, communication towers, chimneys, exhaust stacks, flagpoles, mechanical equipment normally built above the roof may be erected to such heights as are necessary to accomplish the purpose they are normally intended to serve if shown on plan submittals and approved by the Planning Board as part of the Special Permit approval process.
3. *Exceptions.* The building height maximum of 35 feet may be increased upon issuance of a special permit by the Planning Board if the Board finds that the increase is consistent with public health and safety, or that the increase promotes a public benefit. The Board is under no obligation to approve a waiver of height regulations.
4. *Floor to Area Ratio (FAR).* Within the WSOD District, a Floor to Area Ratio shall be imposed to address building size and maintain an appropriate level of building mass so as to not be out of scale with surrounding structures. FAR is defined as a measurement of a building's gross square footage compared to the square footage of the land upon which it is located. The Willow Street Overlay District FAR is a maximum of .75: 1.
5. *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.

Parking areas shall:

- a. be located so as to serve the uses to which they are related;
  - b. be designed to serve more than one use or facility;
  - c. be located and laid out so as to provide turning radii, sight lines, and separation from through traffic, consistent with public safety;
  - d. be paved or, if approved by the Planning Board, surfaced with other non-dusting material; and,
  - e. unless otherwise approved by the Planning Board, be striped with spaces of at least eight (8) feet width and nineteen (19) feet length.
6. *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. 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.

7. *Signs.* The Business District provisions of Section 6.3 shall apply for all building specific signage (tenants' identification, directory, parking, etc.) within the Willow Street Overlay District, subject to the following:

- a. Site signage for developments with multiple structures within the Willow Street Overlay District. 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 thirty-six (36) square feet in size and shall be mounted a maximum of two (2) feet to the underside of the sign and a maximum of ten (10) feet to the top of the sign measured from the average grade of the locus of the sign;
- b. 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 thirty-six (36) square feet in size and shall be mounted a maximum of two (2) feet to the underside of the sign and maximum of ten (10) feet to the top of the sign measured from the average grade of the locus of the sign;
- c. Site directional signage is allowed provided each such sign may be no larger than three (3) square feet in size. Such signs may be posted not closer than twenty (25) feet on center; and
- d. No other additional signs or increases in sign dimensions are allowed except by special permit from the Planning Board.

8. *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.

**9.5.8 Permitted Uses.** In addition to the uses provided in the underlying zoning district, the following additional uses shall be permitted in the WSOD:

1. Athletic facilities;
2. Accessory infrastructure facilities;
3. Retail or Restaurant;
4. Multi-family residential;
5. Mixed residential and commercial;
6. Business or Professional Office;
7. Ancillary parking and commercial services that serve the primary uses; and

8. Public spaces.

**9.5.9 Conditions.** The Planning Board may impose certain conditions, but shall not be limited to, safeguards, requirements, and other standards to:

1. Mitigate impact to abutting land and natural resources by reason of air or water pollution, noise, dust, vibration, or stormwater runoff;
2. 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;
3. Provide for adequate capacity for public services, facilities, and utilities to service the proposed development such as water pressure and septic/sewer capacity;
4. Provide for visual and noise buffering of the development to minimize impact to abutting properties; and
5. Provide for the perpetual preservation and maintenance of any open space and recreation areas.
6. Provide for a thorough understanding of the proposed building height, mass and rooftop features.