

**APPENDIX C: HAMILTON-WENHAM VILLAGE PROPOSED OVERLAY
DISTRICT**

Town of Hamilton- Village Overlay District-PROPOSED

1. Purpose and Intent

The purposes of the Village Overlay District (VOD) are to encourage planned and orderly development of land within the boundaries of the VOD. 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 VOD 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 VOD, 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 Village Overlay District (hereafter "VOD") shall overlay the entire area of the Business District, as it exists on XXX, 2014.

The VOD 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 VOD 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 All underlying zoning district requirements still apply, unless they are superseded by this by-law.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 Village 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 by Special Permit in the VOD:

- Accessory infrastructure facilities.
- Multi-family residential
- Mixed Residential & Commercial
- Ancillary parking and commercial services that serve the primary uses

- Public spaces

4. Administration

The Planning Board shall be the Special Permit Granting Authority in the VOD. 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 VOD Rules and Regulations.

5. Planning Board Rules & Regulations

The Planning Board shall adopt and from time to time may amend Village 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 with the town Planning Coordinator. The Planning Coordinator shall invite representatives of the Planning Board, 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 VOD Special Permit

- 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, Building Inspector, Department of Public Works, Fire Chief, Police Chief, Zoning Board of Appeals, and Economic Development Committee.
- 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.
- Planning Board members may conduct a site visit with the applicant prior to or during the public hearing.
- A VOD Special Permit may be issued only following a public hearing

held within 65 days after filing an application with the Planning Board.

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

8. General Requirements

- **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.
- **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.
- **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.
- **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.
- **Paths and Trails.** Shall be connected, preserved, and increased when possible.
- **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.
- **Inclusionary Bylaw.** In the case that proposed developments in the VOD 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.
- **Pedestrian Circulation and Amenities.** Provision for safe and convenient pedestrian access shall be incorporated into all proposals. Concrete or brick walkways shall be provided throughout the site. Pedestrian amenities are encouraged, such as: public art; fountain; tables, chairs, or benches; bike racks or lockers;

9. Dimensional Requirements

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| Minimum Lot Area | 10,000 square feet |
| Minimum Frontage | 50 feet |
| Maximum Impervious Lot Coverage | 75 percent |

This maximum lot coverage restriction shall not apply to any structures existing as of XXX, 2014, even when such structures are modified, reconstructed or restored, so long as the lot coverage is not increased.

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| Maximum number dwelling units | 1 unit per 5000 square feet |
| Maximum number of dwelling units per acre | 8 |
| Maximum Building Height for construction or reconstruction | 35 feet* |

Separation of Buildings 10 feet minimum between two buildings located on same lot

Minimum Front Yard Setback- 0 feet. Note that this depth is to allow minimal setback structures where appropriate in the District; it is not meant for all portions of the District, where additional front yard depth and landscaping would be appropriate.

Maximum Front Yard Setback- 20 feet or the average of the setbacks to buildings on the same side of the street or way within 200 feet of the lot in question, whichever is less.

Minimum Side Yard Width- 10 feet

Minimum Rear Yard Depth- 15 feet

These setback requirements shall not apply to any structures existing as of XXX, 2014 even when such structures are modified, reconstructed or restored, so long as the setback thereof is not decreased, in which case 10 foot minimum side yard depth and 15 foot rear yard depth will be required.

Parking ** below and Section 10a., Village Overlay Guidelines

* **Height.** 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.

** **Parking.** Within the VOD 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.

10. Village Overlay District Site Planning Guidelines

a. Parking/Pedestrian Access and Bicycle Guidelines

(i) Parking areas should be located to the side and rear of the structure. No parking area should be designed such that parking is within the required or authorized front yard setback.

(ii) To the extent possible, parking areas shall be shared with adjacent businesses.

(iii) Parking areas shall include provisions for the "parking" of bicycles in locations that are safely segregated from automobile traffic and parking.

(iv) Vehicle, pedestrian and bicycle features should be designed to provide a network of pathways and promote walkways and bicycling within the village and surrounding areas. Curb cuts should be minimized and allowances for pedestrian and vehicular access to existing or future abutting developments should be considered in the parking design.

(v) Site design should emphasize pedestrian flow within the development, maximize the efficient use of existing and proposed parking facilities and minimize the area of land to be paved for parking.

b. Service, Loading, and Refuse Areas. Each commercial, civic or mixed use building shall be provided with an adequate service and/or loading area, if deemed necessary by the Planning Board, and:

(i) shall be designed so that they may be used without blocking or otherwise interfering with the use of through streets, parking facilities, or pedestrian circulation;

(ii) shall not be located on the sides of buildings that face external streets or internal collector streets;

(iii) shall be screened from streets, parking areas, and residential lot lines by architectural elements or landscaped buffers.

c. Landscaping. Landscape Elements should include topography, plantings and paving patterns to provide continuity and definition to the street, pedestrian areas and surrounding landscape. Generous and extensive landscaping should be included on property grounds and within parking areas.

(i) Street trees shall be planted within the right-of-ways parallel to the street along all streets

Trees shall have a minimum caliper of 2.5" at the time of planting.

(ii) Tree spacing shall be determined by species type. Large maturing trees shall be planted a minimum of 40 feet and a maximum of 50 feet on center. Small and medium maturing trees shall be planted a minimum of 10 feet and a maximum of 30 feet on center.

(iii) All parking areas with 5 or more spaces shall provide effective screening of the parking area from adjacent streets or properties.

(iv) Parking areas of 10 or more spaces shall provide a minimum of 10 percent of the total parking area as landscaped open space.

(v) Parking areas of 25 or more spaces shall provide landscaped islands of a minimum width of four feet for the purposes of:

- [1] defining parking lot entrances,
- [2] defining the ends of a portion of the parking aisles,
- [3] defining the location and pattern of primary internal access drives,
- [4] separating parking spaces within long rows of spaces, and
- [5] separating some of the rows of parking spaces from other rows.

d. Fencing and Screening. Fencing should be used only where necessary to define rear or side property lines, the boundaries of a parking area, or to screendumpsters or machinery from view. Wherever possible, property owners are advised to use plantings and landscaping to define outdoor spaces instead. The use of traditional fencing materials such as wood, granite/stone, wrought or cast iron, or alternatives to wrought or cast iron fencing such as black steel or aluminum fencing, is highly recommended. Vinyl and chain link fencing is not recommended as both are out of character with the materials and architectural styles found in the village district and have a utilitarian appearance which detracts from the streetscape.

e. 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. Site or up-lighting, such as for façades, signs, fountains, and landscaping, or “wash” lighting of building façades is strongly discouraged.

f. Signs.

a. The Business District provisions of Section VI.E shall apply for all building specific signage (tenants identification, directory, parking, etc) within the Village Overlay District.

b. Site Signage for developments with multiple structures within the Village Overlay District

- i. 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.
- ii. A single project tenant Directory Sign is permitted, to be located on a free standing structure. Such Directory Sign shall for each of the VOD’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.
 - 1. 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.

2. No other additional signs or increases in sign dimensions are allowed except by Special Permit from the Zoning Board of Appeals.

g. Appearance and Architectural Design Buildings should be of a design similar or compatible with the traditional architecture of the Hamilton Village area in terms of scale, massing, roof shape, spacing and exterior materials. Designs should emphasize a relationship with the surrounding neighborhood and preserve pedestrian access and use of the village area while providing appropriately scaled housing and commercial opportunities.

i. Orientation. The principal building should be oriented on the lot parallel with the front setback line to establish and preserve a consistent building line, with primary entrances oriented toward the street. Where appropriate, a building may be oriented around a courtyard or respond in design to a prominent feature, such as a corner location.

ii. Materials.

1. A building's front façade should be faced with materials used in traditional New England architecture, such as brick, granite, wood clapboard and shingles.
2. The main elements of the architectural treatment of the building's front façade, including the materials used, should be continued around all sides of the building that are visible from a street or a pedestrian plaza.

(iii.) Vertical Design. Buildings should have a vertical orientation, to be achieved in one of the following ways:

1. The building has a greater height than width, or (2) the façades and roof lines of the building are designed to reduce massing and bulk so that it appears as a group of smaller masses with a vertical orientation. Wherever possible, the height of the first floor of a commercial building should be taller than the upper floors and expressed through façade treatments that convey the functional diversity within the building.

2. Massing. Buildings more than 45 feet in width along the street frontage should be divided into increments not more than 45 feet wide through articulation of the façade, such as variations in building setbacks, roof lines or materials; window bays; and multiple entrances.

3. Rooflines. Roofs should be pitched with a minimum slope of 6:12 and a maximum slope of 12:12. The Planning Board may allow for a flat roof, provided that the flat roof structure is capped by an articulated parapet design that acts as a structural expression of the building façade and its materials, visible from all sides of the building, or the flat roof structure is a green roof system with green roof plants suited for the local climate. A roof should, at a minimum, have articulated parapets concealing flat roofs and rooftop equipment (such as HVAC units) which are visible from adjoining streets or properties. Parapets or facades shall be designed to give the appearance of three or more roof slope planes.

iv. Windows and Transparency.

1. For commercial or mixed-use buildings, at least thirty (30) percent of any ground floor façade that is visible from, fronting on, and located within sixty (60) feet of a public street should be comprised of windows with clear glass allowing views into the interior. Display windows may be used to meet up to one-half of this guideline.
- 2.) In a commercial or mixed-use building, at least 15 percent of a side or rear façade facing a public right of way, parking area, or open space should be transparent.
3. Reflective glass, glass tinted more than 40%, and highly reflective surfaces should not be used on building fronts.
4. Windows on the upper floors of the street façade should be at least 4 feet tall and 2.5 feet wide, and should have a ratio of height to width between 1.5:1 and 2:1.
5. Location of Garage Doors. Garage doors or loading docks are discouraged in the front façade of any building facing the street. No detached garage should be located closer to the front lot line than the front of the principal building or structure on the lot.

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 VOD 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:

- ii. Mitigate impact to abutting land and natural resources by reason of air or water pollution, noise, dust, vibration, or stormwater runoff.
- iii. 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.
- iv. Provide for adequate capacity for public services, facilities, and utilities to service the proposed development such as water pressure and septic/sewer capacity.
- v. Provide for visual and noise buffering of the development to minimize impact to abutting properties.
- vi. 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:

- vii. The Planning Board may grant a VOD Special Permit with any conditions, safeguards, and limitations, considering each of the following:
- 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,
 - The degree to which the proposed development protects the local neighborhood,
 - The degree to which the VOD furthers the goals and policies of the Master Plan; and the purposes of this Bylaw section.,
- viii. 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 Village 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.