



Bolton Mixed Use Village Overlay

Funding provided by the
District Local Technical Assistance program
and the MetroBoston Consortium
for Sustainable Communities with a grant
from US HUD

Prepared for

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TOWN OF BOLTON

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Executive Summary

The Mixed Use Village Overlay Zoning **passed unanimously** at the Bolton Town Meeting on May 5, 2014. The DLTA funds were essential to completing the project and preparing the materials for Town Meeting.

The zoning bylaw may be accessed at: <http://www.ecode360.com/29134695> and on Page 6.

Major Features of the Mixed Use Village Overlay

Goals of the optional zoning overlay

- Create a mixed use overlay to meet the community's goals for high quality development in the vicinity of the Interstate route 495/MA route 117 interchange.
- Enable development to have a village character that includes a mix of uses, including retail, office and residential.
- Allow the mixed use overlay to be connected, via sidewalks and off-road trails, to existing residential areas and school, to provide walkability and convenience for residents and students and to provide potential shoppers for the businesses located in the overlay.

Provisions

- Projects developed using the Overlay must include a housing component: studio, one and two bedroom units, and/or multifamily housing.
- Meet affordable housing goals of one unit per eight units constructed.
- May have more than one building on a lot; parking at the rear or side of structures.
- Decrease required front or other setbacks, with an increase in building footprint up to a maximum of 10% lot coverage.
- Comply with the goals of the Bolton Master Plan and follows the Town's Design Guidelines

Streamlined project permitting

- The Planning Board is the Special Permit Granting Authority.
- Information about special permits is consolidated and clarified.
- Provides specific findings the Planning Board must make for overlay projects

Context

The Metropolitan Area Planning Council worked with the Town of Bolton in 2010 to develop Design Guidelines, and village mixed use zoning. The village zoning was defeated at the 2012 Town Meeting. Because creating a mixed use village overlay in order to help manage development at the I-495/Rte 117 interchange was a recommendation in the Bolton Master Plan, the Town decided to form a Working Group, including residents who opposed the zoning, to revise the proposed bylaw.

Utilizing the Sustainable Communities funding from a HUD grant, MAPC attended eight Working Group meetings, analyzed several sites to determine specific development potential by detailed review of environmental resources, and developed illustrative site layouts and street views of what could be build under the existing zoning vs. proposed overlay regulations. The funding was insufficient to complete final preparations for Town Meeting, including meeting with property owners to gauge their support for the draft bylaw.

District Local Technical Assistance provided the funds to complete the project so that it could be brought to 2014 Town Meeting, where it was unanimously approved. The DLTA funds permitted MAPC to attend three additional Working Group meetings, to prepare a summary sheet of the bylaw and provide information for the Town Meeting PowerPoint, and to refine and finalize the visualizations.

Bolton Mixed Use Village Overlay

§ 250-23.2 Mixed Use Village Overlay District. [Added 5-5-2014 ATM by Art. 9]

A. Location. The Mixed Use Village Overlay District includes properties east and west of the intersection of I-495 and Route 117 zoned Business, Limited Business and Residential and designated on the Bolton Assessors Map as Map 4C, Parcel 24; Map 4C, Parcel 35; Map 4C, Parcel 39; Map 4D, Parcel 28; Map 4D, Parcel 29; Map 4D, Parcel 30; Map 4D, Parcel 33; Map 4D, Parcel 34; Map 4D, Parcel 61; and the portion of Map 4D, Parcel 71 zoned Business.

B. Statement of purpose.

The purpose and intent of the Mixed Use Village Overlay District are to allow for greater design flexibility and creativity in order to develop retail/commercial space along with a diversity of housing types that are compatible with the existing surrounding uses and that are designed to preserve the community's unique rural and historical character.

C. Goals.

The Mixed Use Village Overlay District is established to:

- (1) Create a mixed use overlay district that will meet the community's goals for high quality development in the vicinity of the I-495 and Route 117 interchange.
- (2) Enable development within the overlay to have a village character that includes a mix of uses, including retail, office and residential.
- (3) Allow the mixed use overlay district to be connected, via sidewalks and off-road trails, to the existing residential areas and schools, to provide for walkability and convenience for residents and students, and to provide potential shoppers for the businesses located in the overlay;
- (4) Provide commercial areas within walking distance to senior citizens living in the Bolton Country Manor housing facility; and
- (5) Protect the streetscape appearance and provide development compatible with the historic character of the community and neighborhood.

D. Definitions.

COMMUNITY SPACE: Public locations where members of a community tend to gather for group activities, social support, public information, and other purposes. They may sometimes be open for the whole community or for a specialized group within the greater community.

LIVE-WORK SPACE: A dwelling unit in which up to 50% of the floor area is used for the production, showing and sale of art or handcrafted artisan crafts.

MIXED USE: A combination of residential and business uses, as noted below, arranged vertically (in multiple stories of a structure) or horizontally (adjacent to one another in one or more buildings on a lot).

E. Permitted Uses. In addition to those uses allowed under § 250-12D of the Code of the Town of Bolton, a Mixed Use Village Overlay District may also include: open space, residential dwelling units and associated facilities, assisted living units, live-work spaces, community space, and commercial establishments that may include retail and service establishments, business or professional offices, software development offices, medical offices, medical and dental clinics, bed-and-breakfasts, inns, restaurants, and other establishments serving food [but excluding fast food restaurants (see definition in Article VI of Chapter 290 of the Code of the Town of Bolton)], banks, convenience stores. It may include drive-up facilities for banks, pharmacies and other retail and service uses, but not for food establishments. Food may be consumed outdoors in landscaped terraces, designed for dining purposes.

F. Prohibited uses. In addition to those uses prohibited under § 250-12D of the Code of the Town of Bolton, no portion of the Mixed Use Village Overlay District shall be used for research and development laboratories or manufacturing enterprises, adult use establishments, on-site laundry or on-site dry cleaners, fast food restaurants (see definition in Article VI of Chapter 290 of the Code of the Town of Bolton), automotive repair shops or dealerships, car washes, bowling alleys, discotheques or dance halls.

G. Authority.

(1) The Bolton Planning Board is hereby designated the special permit granting authority (SPGA) to grant special permits for proposed developments under the provision of this section.

(2) The Planning Board, by grant of a special permit, may authorize projects that:

- (a) Allow for mixed use development;
- (b) Decrease the required parking;
- (c) Increase the percent of impervious surface through a transfer of development right (TDR) process;
- (d) Decrease the required front or other setbacks;
- (e) Allow for multiple buildings on one lot; and/or
- (f) Allow for increased building footprint within the Mixed Use Village Overlay District up to maximum lot coverage of 10%.

(3) The Planning Board may grant a special permit only upon finding that such use is in harmony with the general purpose and intent of the Zoning Bylaw and the proposal meets the specific provisions set forth under the Mixed Use Village Overlay District bylaw. In granting the special permit, the Planning Board may also specify conditions, safeguards and limitations concerning the use of the property associated therewith.

(4) Site plan approval process, pursuant to § 250-23F, is required for all proposed developments under this bylaw. This approval process may include a traffic study to be funded by the applicant.

(5) Design review criteria, pursuant to § 250-23G, is to be considered for all mixed use developments.

H. Findings for a special permit. In addition to the provisions of § 250-23E, Special permits for zoning use, the Planning Board shall consider the following factors, as applicable, in granting or denying a special permit for proposed development projects under the Mixed Use Village Overlay District.

- (1) Suitability of the site for the proposed development;
- (2) Adequacy of the site in terms of the density of proposed uses;
- (3) Impact on the visual character of the business district and surrounding neighborhood;
- (4) Provides goods and services needed by the local community;
- (5) Follows the design guidelines;
- (6) Adequacy of pedestrian and bicycle access to buildings, public spaces, and between adjacent uses;
- (7) Degree to which the proposed project complies with the goals of the Bolton Master Plan;
- (8) Meets affordable housing goals of one unit per eight units constructed;
- (9) Creates compatible retail and commercial space (not "strip malls");
- (10) Permits small to moderate economic development and residential uses designed in a village setting and scale;
- (11) Provides connections to existing and/or proposed trails and sidewalks;
- (12) Is in harmony with existing examples of 18th and 19th century New England architecture, including the scale of structures;
- (13) The size and massing are consistent with the village character;
- (14) Allows for housing at a higher density;
- (15) Utilizes reduced setbacks to provide for village design and improved pedestrian access;
- (16) Provides for parking to be at the rear or side of the structures;
- (17) Includes multiple buildings in order to create small scale structures which would be more consistent with the village character;
- (18) Provides provision to reduce or eliminate undesirable visual, noise, odors or similar impacts upon adjoining properties and the public;
- (19) Provides safe vehicle access to and from the right-of-way; and
- (20) Provides privacy for residences located near to nonresidential uses.

I. Housing.

- (1) Projects developed using the Mixed Use Village Overlay zoning shall include housing. The housing types may consist of: studio, one- and two-bedroom units, and/or multifamily housing.
- (2) The mix of uses shall be balanced and compatible and shall contribute to a vibrant village atmosphere, including a combination of ground floor street-front uses such as retail, restaurant and offices.
- (3) Ground floors of buildings fronting streets or public accessways shall be reserved for commercial uses except as specified below.
 - (a) Dwelling units shall be allowed on ground floors of buildings as follows:
 - [1] The building is set behind another building that has commercial uses on the ground floor; or
 - [2] The residential portion of the ground floor of a building is set behind street-front retail/office/restaurant uses within the same building; or
 - [3] The Planning Board determines that street-front residential uses will not have an adverse impact on the continuity of the commercial street-front uses, and where such street-front residential uses will not be adversely affected by proximity to the street and adjacent commercial uses.

J. Parking.

(1) Parking requirements: Entrances to dwelling units shall be visible and accessible from any parking areas located in the rear of a mixed-use building. All entrances are to have sufficient illumination at nighttime controlled by the residents of the development.

(2) The Planning Board, consistent with § 250-17C of the Code of the Town of Bolton and this section, will consider the following parking requirements for developments within the Mixed Use Village Overlay District:

- (a) Two spaces per dwelling unit for one- and two-bedroom units.
- (b) One space for studio units.
- (c) One space per 200 square feet of retail.

(3) The Planning Board may further reduce the total amount of parking required in the Mixed Use Village Overlay District if the developer shows that, based upon the expected demand of the parking by the various uses, there is not a need for the total number of spaces that would otherwise be calculated based upon the square footage of uses proposed. The Planning Board may require a parking reserve area for some or all of the number of reduced spaces. A parking reserve is an area that is set aside for potential future use as parking if the Planning Board determines that the parking need exceeds the original estimated need, or if due to changes of use in the development additional parking is needed for the new uses. The parking reserve shall be landscaped and maintained, but shall not be counted towards the minimum required pervious portion of the development (since it may at a future time be converted to parking use).

K. Vehicle and pedestrian elements.

(1) Vehicle, pedestrian and bicycle elements shall be designed to provide a network of pathways, and promote walking within the Mixed Use Village Overlay District.

(2) Curb cuts shall be minimized.

(3) To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Parking located directly between the building and the street alignment shall be strongly discouraged.

L. Transfer of development rights. The Planning Board may grant a special permit allowing for a higher percentage of impervious surface (including both structures and other impervious surfaces), provided that for every one square foot that the development exceeds the 50% total impervious standard, two square feet of open space shall be provided on abutting properties in common ownership with the development, whether or not the adjacent properties are within the Mixed Use Village Overlay District but only as follows:

(1) The land used in such calculation (the "transfer land") must be determined by the Planning Board to be of special importance to remain in a natural state because of its visual prominence or potential vista blockage, because of its ecological significance and fragility, because it has special importance as farmland, or because it is important to the Town's open space plan.

(2) The transfer land must not be wetlands (as defined in MGL c. 131 § 40 or the Bolton Wetlands Bylaw, Chapter 233 of the Town Code) or in the Floodplain District, § 250-22 of the Code of the Town of Bolton.

(3) The transfer land cannot be used to satisfy lot area requirements for any other development, or be previously restricted from development by a conservation restriction or other binding device.

(4) The Planning Board, after consultation with the applicant, Board of Selectmen and Conservation Commission, shall determine the most appropriate form of protection for the transfer land, which may include, but not be limited to, a conservation restriction or be owned by the Town. The form of protection must be established prior to the issuance of any building permit.

(5) No buildings, wells or septic systems are allowed in the transfer land.

(6) To the maximum extent possible, the Board will emphasize the goal of providing public access to open space both on the development parcel and on any such open space protected on nearby properties.

M. Open space and public amenities. All developments approved under the Mixed Use Village Overlay District shall contain a minimum of 10% publicly accessible open space, located on the site to promote pedestrian and shopper accessibility. These areas may include pedestrian-friendly amenities, such as wide sidewalks/pathways, outdoor seating, patios, or courtyards, as well as landscaped/garden areas associated with these pedestrian amenities. It may include landscaped pathways connecting adjacent developments, but should not include painted pathways/crosswalks through paved parking lots. Links/sidewalks designed to connect parking areas with adjacent developments are encouraged to further the goal of providing safe pedestrian access to businesses, schools, and residences within Bolton. Site landscaping shall be maximized. All improvements to this publicly accessible open space shall be installed and maintained as part of the development by the project proponent.

N. Setbacks. Within the Mixed Use Village Overlay District, the Planning Board, as part of the special permit, may approve decreased front yard or side yard setbacks to improve site design, promote pedestrian and bicycle accessibility, or allow for consistency with the setbacks of abutting properties to allow new buildings to relate to existing adjacent structures. In order to promote accessibility from sidewalks along Main Street, front yard setbacks may be reduced to 40 feet. In cases where more than one structure is placed on a parcel, structures may be placed farther back on the site to establish courtyards or other open spaces, and to allow for appropriate layout and site design. Side yard setbacks may be reduced, especially where the abutting property is in business or mixed use. In all cases where a lesser setback is allowed, the Planning Board may impose such conditions as it deems necessary. Such circumstances may include landscaping, consistency with existing street setbacks, and design that encourages a pedestrian environment.

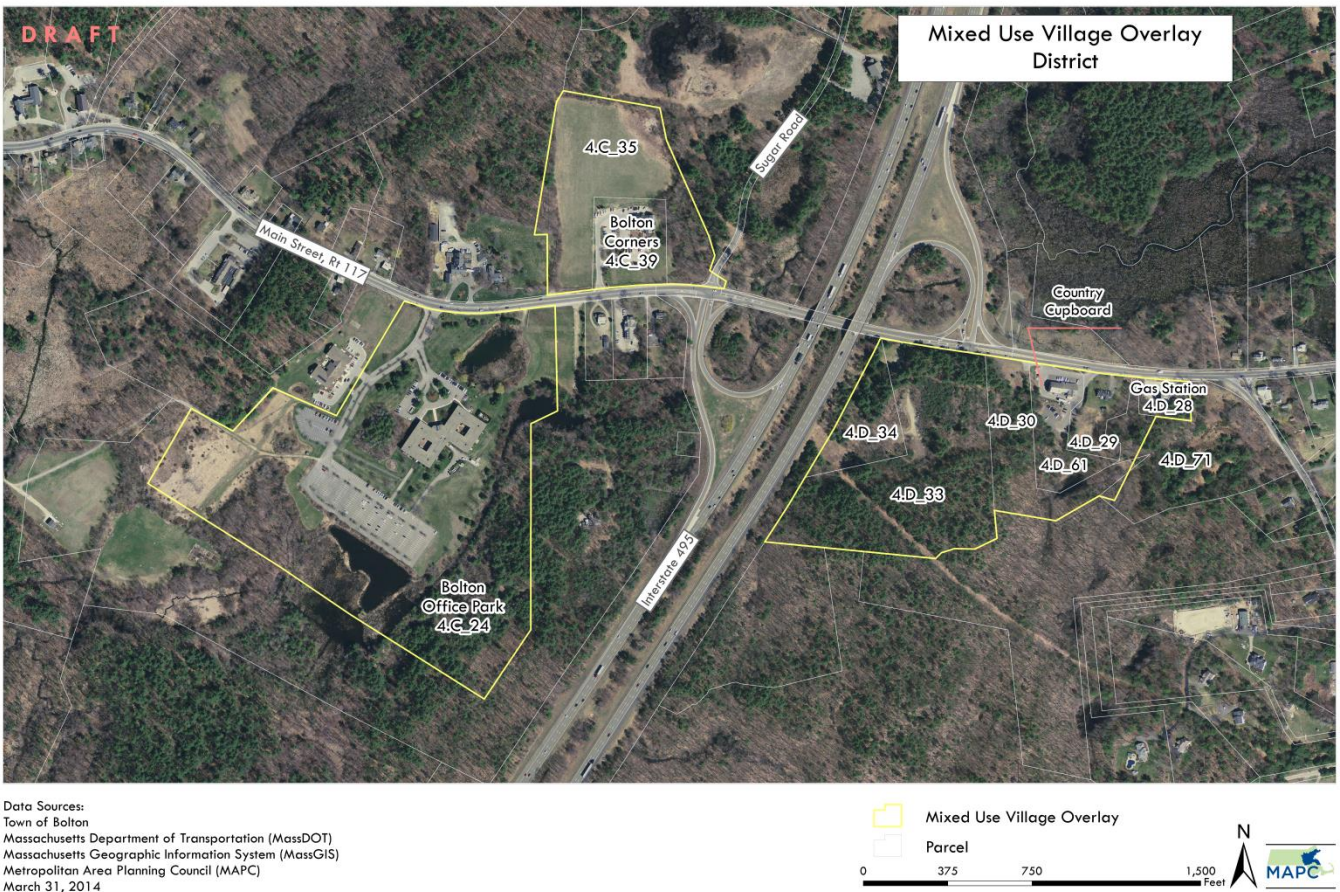
O. Hiring of a consultant.

(1) The Planning Board may utilize provisions of MGL c. 44, § 53G to hire consultants to assist the Planning Board in review of the proposed developments.

(2) In addition, the Planning Board shall request the Design Review Board to assist in the review of any project in the Mixed Use Village Overlay District.

(3) The Planning Board may adopt rules and regulations to advance the goals of this bylaw.

Appendix



The extent of the Mixed Use Village Overlay, at the Interstate 495 and State Route 117 interchange is shown above, outlined in yellow. This is an optional Overlay, available by Special Permit from the Planning Board.

Below are the visualizations MAPC produced to show how development would occur under the existing Bolton zoning regulations and then under the Overlay provisions. The current zoning allows one building per lot, and a mix of uses is not permitted. Utilizing the Overlay, there are multiple buildings on a lot, a mix of uses is allowed, housing is mandatory and the special permit procedure allows for reduced setbacks, flexible parking requirements and 10% lot coverage.



Current Zoning Illustrative Street View



Mixed Use Illustrative Street View



Current Zoning Illustrative Site Layout



Mixed Use Illustrative Site Layout