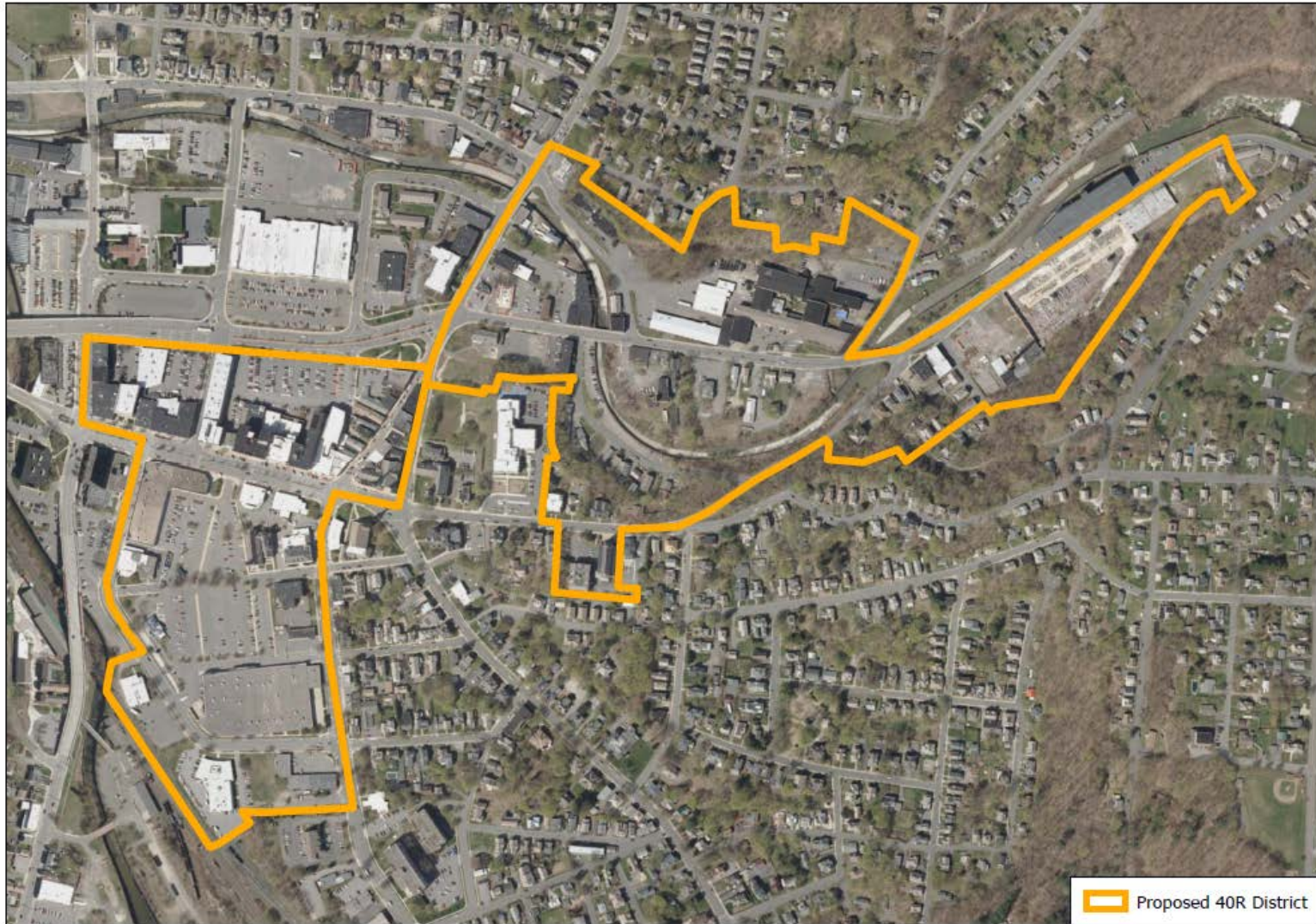


EXHIBIT A

Proposed North Adams 40R Zoning District



## EXHIBIT B

### Proposed Section 9.4

#### **9.4. Smart Growth Overlay District**

##### **9.4.1 Purpose**

The purpose of this section 9.4 is:

1. To establish a Smart Growth Overlay District and encourage smart growth in accordance with the purposes of MGL c.40R;
2. To encourage new development close to existing infrastructure and services in order to protect open space;
3. To support private developers in their efforts to provide a range of safe, quality housing options for households of all sizes, ages, and incomes;
4. To develop new homes that are in keeping with the character existing North Adams neighborhoods; and
5. To encourage the types of development consistent with the City's comprehensive Vision 2030 Plan.

##### **9.4.2 Definitions.**

For the purposes of this Section 9.4, the following words, terms, and phrases shall have their corresponding definitions. All words, terms, and phrases appearing in capitalized letters shall be defined in accordance with the Enabling Laws, this Section 9.4.2 or as set forth in the North Adams Smart Growth Design Standards. To any extent that conflict arises between the aforesaid regulations, the terms of the Enabling Laws shall govern.

**Affordable Homeownership Unit:** An affordable housing unit required to be sold to an eligible household.

**Affordable Housing:** Housing that is affordable to Eligible Households in accordance with the requirements set forth by Section 9.4.6.4 herein.

**Affordable Housing Restriction:** A deed restriction of Affordable Housing meeting statutory requirements in MGL c.184 §31 and the requirements of Section 9.4.5.6 of this ordinance.

**Affordable Rental Unit:** An Affordable Housing unit required to be rented to an Eligible Household.

**Applicant:** The Individual or entity that submits a Project for Plan Approval.

**As-of-right:** A use allowed under Section 9.4.5 of this ordinance without the following: Special Permit, variance, zoning amendment or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections 9.4.9 through 9.4.13 shall be considered an as-of-right project.

**Bicycle Parking Facilities:** Bicycle racks or other provisions for indoor or outdoor locked storage of bicycles.

**Department or DHCD:** The Massachusetts Department of Housing and Community Development, or any successor agency.

**Design Standards:** The provisions of Section 9.4.13 made applicable to Projects within the SGOD that are subject to the Plan Approval process.

**Eligible Household:** An individual or household whose annual income is less than eighty percent (80%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

**Enabling Laws:** MGL c.40R and 760 CMR 59.00.

**Mixed-use Development Project:** A Project containing a mix of residential uses and non-residential uses, as allowed in Table 1, and subject to the provisions of Section 9.4.5.

**Monitoring Agent:** The North Adams Housing Authority or other qualified housing entity designated by the PAA, pursuant to Section 9.4.6.2, to review and implement the Affordability requirements affecting Projects under Section 9.4.6.0.

**PAA Regulations:** The rules and regulation of the PAA adopted pursuant to Section 9.4.9.3.

**Plan Approval:** The standards and procedures which all Plan Approval Projects in the SGOD must meet pursuant to Sections 9.4.9 through 9.4.13 and the Enabling Laws.

**Plan Approval Authority (PAA):** The local approval authority authorized under Section 9.4.9.2 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

**Project:** A Residential Project or Mixed-use Development Project undertaken within the SGOD in accordance with the requirements of this Section 9.4.

**Residential Project:** A Project comprising solely residential, parking, and accessory uses, as further defined in Section 9.4.5.

**SGOD:** The Smart Growth Overlay District established in accordance with this Section 9.4 and pursuant to the Enabling Laws.

**Zoning Ordinance:** Chapter Z of the Revised Ordinances of the City of North Adams.

### **9.4.3 Overlay District**

**9.4.3.1 Establishment:** The North Adams Smart Growth Overlay District (hereinafter the “SGOD”) is an overlay zoning district having a land area of approximately 57.56 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map as set forth on the map entitled “North Adams Smart Growth Overlay District,” dated \_\_\_\_\_, \_\_\_\_, and prepared by Berkshire Regional Planning Commission. Said map is hereby made a part of the Zoning Ordinance and is on file in the Office of the City Clerk.

**9.4.3.2. Sub-districts:** The SGOD contains the following sub-districts:

- a. Mill District; and
- b. Downtown District .

#### **9.4.4 Applicability of SGOD**

**9.4.4.1 Applicability of SGOD:** An applicant may seek development of a Project located within the SGOD in accordance with the provisions of the Enabling Laws and this Section 9.4, including a request for Plan Approval by the PAA, if necessary. In such case, notwithstanding anything to the contrary in the Zoning Ordinance, such application shall not be subject to any other provisions of the Zoning Ordinance, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

**9.4.4.2 Underlying Zoning:** The SGOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s) shall remain in full force, except for those Projects involving development pursuant to this Section 9.4. Within the SGOD boundaries, a developer may elect either to develop a Project in accordance with the requirements set forth herein or to develop a project in accordance with the use, dimensional, and all other regulations set forth by the Zoning Ordinance and governing the underlying district in which the project is located.

**9.4.4.3 Administration, Enforcement, and Appeals:** The provisions of this Section 9.4 shall be administered by the Zoning Enforcement Office, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 9.4.9 through 9.4.13 shall be governed by the applicable provisions of the Enabling Laws. Any other request for enforcement or appeal arising under this Section 9.4 shall be governed by MGL c.40A.

#### **9.4.5 Permitted Uses**

**9.4.5.1 Use Controls:** The restrictions and controls that regulate development in each Sub-district are set forth in Table 1 hereinafter as follows:

- P:** Use Permitted as-of-right;  
**PA:** Use Permitted with Plan Approval in accordance with Section 9.4.9; and  
**N:** Not permitted.

**9.4.5.2 Residential Requirement:** All Projects in the SGOD must have a residential use. Retail, services, and manufacturing will not be permitted without a residential component.

**9.4.5.3 Sub-districts:** The following are abbreviations used in Table 1 hereinafter to identify the SGOD Sub-districts

**MD:** Mill District

**DD:** Downtown District

**Table 1: Schedule of Uses**

Use	Standards and Conditions	MD	DD
<b>Residential</b>			
Single-Family Detached		N	N
Townhouse	Townhouses require individual lots and zero side setbacks.	PA	N
Two and Three Family		PA	N
Multi-family (4 or more units)		PA	PA
Assisted Living		PA	N
<b>Commercial**</b>			
Dining Establishments	Not including drive-in or drive-through restaurants	PA	PA
Office Building	Office use must be permitted in the underlying district.	PA	PA
Retail	Retail use must be permitted in the underlying district.	PA	PA
Banks		N	PA
Services	Automobile body shops, sales lots, and service and repair stations are prohibited.	PA	PA
<b>Mixed-use**</b>			
Neighborhood-scale mixed-use developments, allowing two or more use within the same building	Mixed uses within a building must be permitted in the underlying district.	PA	N
Downtown-scale mixed use developments, allowing two or more uses within the same building	Mixed uses within a building must be permitted in the underlying district.	PA	PA
<b>Industrial**</b>			
Light Manufacturing	Industrial uses must be permitted in the underlying district.	PA	N
General Industrial Uses	Industrial uses must be permitted in the underlying district.	PA	N
<b>Government, Institutional, and Public Service</b>			
Religious		PA	PA
Educational		PA	PA
Parks, Playgrounds, Recreation and Community Centers		P	P
Municipal Government Buildings		PA	PA

\*\* Not permitted unless within a Mixed-use Development

**Additional Notes:**

- a. All uses not specifically identified in Table 1 are prohibited.
- b. The total gross floor area devoted to non-residential uses within a mixed-use development project shall not be more than 49% and 25% of the total gross floor area of the project in the Downtown and Mill sub-districts, respectively.
- c. Neighborhood-scale shall mean no more than three (stories) and no fewer than two (2) stories.
- d. Downtown-scale shall mean no more than five (5) stories.
- e. The minimum allowable residential density requirements specified elsewhere in Section 9.4.7 shall apply to the residential portion of any Mixed-use Development Project.

## **9.4.6 Housing and Housing Affordability**

**9.4.6.1 Number of Affordable Housing Units:** For all Projects containing at least 13 residential units, not less than twenty percent (20%) and not more than sixty percent (60%) of housing units constructed shall be Affordable Housing. For purposes of calculating the number of Affordable Housing units required within a project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit. A Project shall not be segmented to evade the Affordability provisions set forth hereinabove.

**9.4.6.2 Monitoring Agent:** A Monitoring Agent, which may be the North Adams Housing Authority or other qualified housing entity, shall be designated by the PAA, the “designating official.” In a case wherein the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD such duties shall devolve to and thereafter be reassigned to and administered by a qualified a housing entity designated by the designating official. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a building permit for a Project and on a continuing basis thereafter:

1. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental units are properly computed;
2. Income eligibility of households applying for Affordable Housing is properly and reliably determined;
3. The housing marketing and resident selection plan conform to all requirements and have been approved by DHCD, and are properly administered;
4. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper reference being given; and
5. Affordable Housing Restrictions meeting the requirements of this Section are approved by DHCD, specifically with regard to conformance with the Enabling Laws, and recorded with the Northern Berkshire Registry of Deeds.

**9.4.6.3 Submission Requirements:** As part of any application for Plan Approval for a Project within the SGOD submitted under Sections 9.4.9 through 9.4.13 (or, for Projects not requiring Plan Approval, prior to submission of any application for a building permit), the Applicant must submit the following documents to the PAA and the Monitoring Agent:

1. Evidence that the Project complies with the cost and eligibility requirements of Section 9.4.6.4;
2. Project plans that demonstrate compliance with the requirements of Section 9.4.6.5; and
3. A form of Affordable Housing Restriction that satisfies the requirements of Section 9.4.6.6.

These documents in combination, to be submitted with an application for Plan Approval (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), shall include details about construction related to the provision, within the development, of units that are accessible to the disabled and appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

**9.4.6.4 Cost and Eligibility Requirements:** Affordable Housing shall comply with the following requirements.

1. Affordable Housing required to be offered for or sale shall be rented or sold to and occupied only by Eligible Households. If approved by DHCD, preference will be given to local residents.
2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by DHCD shall apply.
3. For an Affordable Homeownership Unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms in the unit plus one.

Prior to the granting of any Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the City of North Adams.

**9.4.6.5 Design and Construction:** Units of Affordable Housing shall be finished housing units. Unless otherwise approved by DHCD, under the 40R Program, units of Affordable Housing shall be distributed proportionately throughout all residential unit types contained within the Project and be comparable to other units within the Project in terms of quality of interior and exterior design and construction. The total number of bedrooms in the Affordable Housing units shall be proportionate to the total number of bedrooms in all other dwelling units in the Project.

**9.4.6.6 Affordable Housing Restriction:** Each Project shall be subject to a DHCD-approved Affordable Housing Restriction for 40R purposes. Such Affordable Housing

Restriction shall be recorded with the Northern Berkshire Registry of Deeds and contain the following:

1. Specification of the term of the Affordable Housing Restriction, which shall be no less than fifty years;
2. The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;
3. A description of the Affordable Homeownership Units, if any, by address and type; a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or the portion of units within a Project that are Affordable Rental Units. Such restriction shall apply individually to the specifically identified Affordable Homeownership Units and shall apply to a percentage of all rental units of a rental Project or the rental portion of a Project without specific unit identification.
4. Reference to a housing marketing and resident selection plan to which the Affordable Housing is subject, and which include an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size.
5. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set;
7. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Monitoring Agent;
8. Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;
9. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and/or the City of North Adams, in a form approved by the City Solicitor, and shall limit initial sale and resale to and occupancy by an Eligible Household;
10. Provision that the restriction on Affordable Rental Units in a rental Project or Rental portion of a Project shall run in favor of the Monitoring Agent and/or the City of North Adams, in a form approved by the City Solicitor, and shall limit rental and occupancy to an Eligible Household.
11. Provision that the owners(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Monitoring Agent, in a form specified by that agent certifying compliance with the Affordability provisions of this Ordinance and containing such other information as the Monitoring Agent may reasonably request in order to ensure affordability; and



12. A requirement that residents in Affordable Housing Provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

**9.4.6.7 Costs of Housing Marketing and Selection Plan:** The housing marketing and selection plan may make provision for payment by the Project applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

**9.4.6.8 Age Restrictions:** Nothing in this Section 9.4 shall be construed to permit the imposition of age restrictions upon Projects throughout the SGOD. The PAA, however, may, in its review of a submission under Section 9.4.6.3, allow a specific Project within the SGOD designated exclusively for elderly, persons with disabilities, or assisted living, provided that any such Project shall comply with all applicable federal, state, and local fair housing laws and regulations and not less than twenty five percent (25%) of the housing units in such a Project shall be restricted as Affordable Units.

**9.4.6.9 Phasing:** For any Project that is approved and developed in phases in accordance with Section 9.4.9.4, unless otherwise approved by DHCD, the proportion of Affordable Housing Units shall be at least 20 percent (20%) of all units. Where the percentage of Affordable Housing is not uniform across all phases, the unit dispersal and bedroom proportionality requirements under Section 9.4.6.5 shall be applied proportionate to the Affordable Housing provided for in each respective phase.

**9.4.6.10 No Waiver:** Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 9.4.6.0 shall not be waived.

**9.4.7 Dimensional and Density Requirements**

**9.4.7.1: Schedule of Requirements:** Notwithstanding anything to the contrary in this Zoning Ordinance, the dimensional requirements applicable to Projects within the SGOD are as follows:

**Table 2: Dimensional and Density Requirements for Mill District**

Use	Maximum Height (stories)	Minimum Density (units/acre)	Maximum Density (units/acre)
Townhouse	3	12	20
2 and 3 Family	3	12	20
Multi-family	5	20	30
Assisted Living	5	20	30
Mixed-use Neighborhood	3	20	30
Mixed-use Downtown	5	20	30

**Table 3: Dimensional and Density Requirements for Downtown District**

Use	Maximum Height (stories)	Minimum Density (units/acre)	Maximum Density (units/acre)
Multi-family (4+ units)	5	20	30
Mixed-use	5	20	30

**9.4.7.2: Dimensional Waivers in Substantially Developed Sub-district:** The PAA may, in order to encourage the development of infill housing units on undeveloped lots with a substantially developed sub-district, grant a waiver to the dimensional standards of Section 9.4.7.1, in accordance with the provisions of Section 9.4.11.3.

**9.4.8 Parking Requirements**

**9.4.8.1 Number of Parking Spaces:** Unless otherwise approved by the PAA, the minimum number of off-street automobile parking spaces provided by use, either in surface parking, within garages or other structures, as well as the minimum number of spaces for bicycle parking shall be as follows:

**Table 4: Parking Requirements**

Use	Automobile Standards	Bicycle Standards
Single Family Dwellings	2 spaces per dwelling unit	None required
Duplex and Triplex	2 spaces per dwelling unit	None required
Multi-family units w/one bedroom per unit	1.5 spaces per dwelling unit	None required
Multi-family units w/two or more bedrooms per unit	2 spaces per dwelling unit for the first 6 units and 1.5 spaces per each thereafter	None required
Senior Housing	1 space per unit	1 space per 20 employees
Professional use (offices, banks, etc.)	2.5 spaces for each 1,000 s.f. of gross floor area	1 space per 10 code required automobile space
Retail establishments, services	2.5 spaces for each 1,000 s.f. of gross floor area, but not less than 5 spaces for each separate enterprise	1 space per 10 code required automobile space
Restaurants, taverns, etc.	1 space for each 200 s.f. of gross floor area, but not less than 5 spaces for each separate enterprise	1 space per 10 code required automobile space
Medical and dental offices	3 spaces for each 1,000 s.f. of office area	1 space per 20 code required automobile space
Industrial uses, generally	1 space per 500 s.f. of gross floor area or 1 1/2 spaces for each employee on the maximum work shift, whichever is less	1 space per 50 code required automobile space

**9.4.8.2 Additional Requirements:** The PAA may require additional visitor parking spaces for automobiles and bicycles if deemed appropriate in consideration of the design, layout, and density of the Project. The PAA may reduce the parking requirements in accordance with the provisions of Section 9.4.8.3 and 9.4.8.4

**9.4.8.3 Shared Parking:** Notwithstanding anything to the contrary herein, the use of shared parking to fulfill automobile and bicycle parking demands noted above that occur at different times of day is strongly encourage. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to the submission of any application for a Building Permit), if the Applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies, such as the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines or other approved studies.

**9.4.8.4 Parking Requirement Reduction:** Notwithstanding anything to the contrary herein, minimum parking requirements for automobiles may be reduced by the PAA through the Plan Approval process if the Applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety or that lesser amount of parking will provide positive environmental or the benefits, taking into consideration the following:

1. The availability of surplus off-street parking in the vicinity of the use being served and/or the proximity of a bus stop;
2. The availability of public or commercial parking facilities in the vicinity of the use being served;
3. Shared use of off-street parking spaces as outlined in Section 9.4.8.3 hereinabove;
4. Age or other occupancy restrictions that are likely to result in a lower level of parking demand;
5. Impact of the parking requirements on the physical environment of the affected lot or the adjacent lots, including, without limitation, a reduction in green space, removal of significant existing trees or other vegetation, destruction of existing dwelling units or loss of pedestrian amenities along public ways; and
6. Such other factors that may be considered by the PAA.

**9.4.8.5 Location of Automobile Parking:** Any surface parking lot shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space or pedestrian way.

**9.4.8.6 Bicycle Parking Standards:** Bicycle parking facilities shall be located, to the maximum extent feasible, within fifty feet (50') of a building entrance and in a convenient, well-lit, and highly visible area that is not within a public right-of-way. Bicycle parking shall be at least two feet (2') in width by six feet (6') in length thereby allowing sufficient space between parked bicycles. A minimum

five foot (5') wide aisle or space behind all bicycle parking required as part of a Project should be provided to allow room for bicycle maneuvering.

#### **9.4.9 Plan Approval of Projects: General Provisions**

**9.4.9.1 Plan Approval:** An application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 9.4.9 through 9.4.13. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws. Projects requiring Plan Approval are identified within Table 1 of Section 9.4.5 hereinabove.

**9.4.9.2 Plan Approval Authority:** The Planning Board, consistent with the Enabling Laws, shall be the Plan Approval Authority (the "PAA"). As such, the Planning Board, acting as the PAA in accordance herewith, is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

**9.4.9.3 PAA Regulations:** The PAA may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations shall be approved by the Department of Housing and Community Development.

**9.4.9.4 Project Phasing:** An applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission demonstrates the full and final construction of the Project, as well as all associated impacts thereof. Project phasing is subject to the approval of the PAA and such phased Projects shall comply with the provision 9.4.6.9.

#### **9.4.10 Plan Approval Procedures**

**9.4.10.1 Pre-application:** Prior to the submittal of a Plan Approval submission, Applicants are encouraged to submit a "Concept Plan" to help guide the development of the definitive submission for Project construction and individual elements thereof. Such Concept Plan should reflect the following:

1. Overall building envelope areas;
2. Open space and natural resource areas; and
3. General site improvements, grouping of buildings, and proposed land uses.

The Concept Plan is intended for use as a tool for both the Applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the SGOD.

**9.4.10.2 Required Submittals:** An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA, along with application fee(s), which shall be as set forth in the PAA Regulations. The application shall be accompanied by such plans and documents as may be required by and set forth in the PAA Regulations. For any Project that is subject to the Affordability requirement set forth in Section 9.4.6 herein, the application shall be accompanied by all materials required under Section 9.4.6.3. All site plans shall

be prepared by a certified architect, landscape architect, and/or civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the PAA.

**9.4.10.3 Filing:** An applicant for Plan Approval shall file the required number of copies of the application form and all other required submittals as set forth in the PAA Regulations, which are on file with the City Clerk, and a copy of the application including the date of filing certified by the City Clerk shall be filed forthwith with the PAA.

**9.4.10.4 Circulation to Other Boards:** Upon receipt of an Application, the PAA shall immediately provide copies of the application to the City Council, Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Commissioner of Public Services, the Monitoring Agent, and any other Boards, Commissions, municipal departments, officers or agents deemed relevant, which shall provide any written comments with sixty (60) days of receipt of a copy of the plan and application for approval. Failure to provide written comment within said sixty (60) day period shall be considered approval of an application.

**9.4.10.5 Hearing:** The PAA shall hold a public hearing for which notice has been given as provided in MGL c.40A §11. The decision of the PAA shall be made, and a written notice of the decision filed with City Clerk, within one hundred and twenty (120) days of receipt of the application by the City Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement having been filed in the Office of the City Clerk. Failure of the PAA to act on an application within said one hundred and twenty (120) day period, or the end of the extension thereof, if applicable, shall be deemed to be an approval of the Plan Approval application.

**9.4.10.6 Peer Review:** The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to MGL c.40R §11(a). Such fees shall be held by the City in a separate account and used only for expenses associated with the review of the application by outside consultants, including, without limitation, attorneys, engineers, urban designers, housing consultants, planners, and other qualified professionals as deemed appropriate by the PAA. Any surplus funds remaining after the completion of said review, including any interest accrued, shall be returned to the applicant forthwith.

#### **9.4.11 Plan Approval Decisions**

**9.4.11.1 Plan Approval:** Plan Approval shall be granted where the PAA finds that:

1. The applicant has submitted the required fees and information as set forth in the PAA Regulations;
2. The Project as described in the application meets all of the requirements and standards set forth in this Section 9.4 inclusive and the PAA Regulations, or a waiver has been granted therefrom; and
3. Any extraordinary, adverse potential impacts of the Project on nearby properties have been mitigated.

For a Project subject to the Affordability requirements set forth in Section 9.4.6, compliance with condition two (2) above shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section 9.4 inclusive, or to mitigate any extraordinary, adverse potential impacts of the Project on nearby properties.

**9.4.11.2 Plan Disapproval:** A Plan Approval may be denied only where the PAA finds that:

1. The applicant has not submitted the required fees and information set forth in the PAA Regulations;
2. The Project as described in the application does not meet all of the requirement and standards set forth in this Section 9.4 inclusive and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
3. Adequate mitigation of significant, adverse potential impacts on nearby properties by means of suitable conditions is impracticable.

**9.4.11.3 Waivers:** Upon the request of an Applicant, the PAA may waive dimensional and other requirements of this Section 9.4 (excluding Section 9.4.6, except where expressly permitted herein), including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with overall purposes and objectives of the SGOD, or if it finds that such waiver will allow the Project to achieve the density, Affordability, mix of uses, and/or physical character allowable under this Section 9.4.

**9.4.11.4 Project Phasing:** The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or for the purposes of coordinating its development with construction of Planned Infrastructure Improvements (as defined under 760 CMR 59.00), or to mitigate any extraordinary, adverse potential impacts on nearby properties. For Projects that are approved and developed in phases, unless otherwise explicitly approved by the Department in relation to the specific Project, the proportion of Affordable units shall be at least twenty percent (20%) of all units constructed in each phase.

**9.4.11.5 Form of Decision:** The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the City Clerk and that all plans referred to in the

decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been in the Office of the City Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to act in a timely manner, the City Clerk shall make such certification on a copy of the Application. A copy of the decision or Application bearing such certification shall be recorded in the Northern Berkshire Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

**9.4.11.6 Validity of Decision:** A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two (2) years upon issuance of the decision, which time shall be extended by the time required to adjudicate any appeal from such approval and which shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

#### **9.4.12 Change in Plans after Approval**

**9.4.12.1 Minor Change:** After Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes shall be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without holding a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the City Clerk.

**9.4.12.2 Major Change:** Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Section 9.4.9 through 9.4.13.

#### **9.4.13 Design Standards**

**9.4.13.1 Adoption and Amendment of Design Standards:** The PAA may adopt and, from time to time, amend, by a simple majority vote, Design Standards, which shall be applicable to all Projects subject to Plan Approval by the PAA. Such Design Standards shall be objective and not subjective, and may only address the scale and proportions of building, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off-street parking, the protection of significant natural site

features, the location and design of on-site open space, exterior signs, and buffering in relation to adjacent properties. DHCD may, at its discretion, require Design Standards to contain graphic illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

**9.4.13.2 DHCD Approval:** After amending Design Standards, the PAA shall submit said amended Design Standards to DHCD for approval. Design Standards shall not take effect until approved by DHCD and filed with the City Clerk. In submitting proposed Design Standards for DHCD approval, the PAA shall also submit sufficient documentation clearly showing that the proposed Design Standards will not add unreasonable cost to development Projects or unreasonably impair the economic feasibility thereof. A letter from a developer, property owner or other interested party indicating that the Design Standards will not add unreasonable costs or unreasonably impair the economic feasibility of a development Project shall not constitute sufficient documentation. At its discretion, DHCD may disapprove Design Standards if it finds that the PAA has not adopted objective Design Standards or has not submitted such documentation.

**9.4.14 Severability:** If any provision of this Section 9.4 inclusive is found to be invalid by a court of competent jurisdiction, the remainder of this Section 9.4 inclusive shall not be affected but shall remain in full force. The invalidity of any provision of this Section 9.4 inclusive shall not affect the validity of the remainder of the City's Zoning Ordinance.



## EXHIBIT C

### Proposed Design Standards

#### **DESIGN STANDARDS FOR THE CITY OF NORTH ADAMS CHAPTER 40R SMART GROWTH OVERLAY DISTRICT**

##### **I. Introduction**

The Design Standards contained hereinafter are adopted pursuant to the authority of MGL c.40R, “Smart Growth Zoning,” and Regulations (760 CMR 59.00), as well as Section 9.4 of the City of North Adams Zoning Ordinance (the “District Ordinance”). Said design standard are intended to complement the District Ordinance, and provide a clear regulatory framework for site and building design requirements within the City’s Smart Growth Overlay District (“SGOD”)

This document is organized by subject headings based on the areas of regulation. Included herein are both non-binding Guiding Principle and binding Standards for Compliance. The Guiding Principles identify the City’s goals and vision for the District, and its three Sub-districts, and are intended to steer the planning and design of projects to be located therein. The Standards for Compliance include specific design requirements that shall be applied to developments within the District that are subject to Plan Review under the District Ordinance.

##### **II. Purpose and Applicability**

These Design Standards supplement Section 9.4 of the North Adams Zoning Ordinance and are set forth to ensure that renovation and construction within the District and its Sub-districts will preserve and complement the architectural qualities, historic character, and pedestrian ways found therein while promoting infill development and substantial redevelopment of historically significant and underutilized properties.

This document is intended for use by Plan Approval Authority (the “PAA), which is the City of North Adams Planning Board, in its review and consideration of proposed development projects within the District. Upon finding consistency among a development project, the District Ordinance, and the Standards for Compliance herein contained, the PAA shall approve the development.

This document shall take effect upon adoption by a majority of the North Adams Planning Board and approval by the Massachusetts Department of Housing and Community Development (the “Department”). These Design Standards, as authorized by MGL c.40R, may be amended from time to time with the approval of the Department pursuant to the District Ordinance.

In the case of inconsistency between the District Ordinance and the Design Standards contained hereinafter, the District Ordinance shall govern. In the case of inconsistency between these Design Standards and applicable state and/or federal laws, rules and regulations, including, but not limited to, state building

codes or fire safety codes, the applicable state and/or federal laws, rules, and regulations shall govern.

### **III. Guiding Principles**

#### **A. General**

The C.40R Smart Growth Overlay District in the City of North Adams will, under the Guiding Principles set forth herein, become a vibrant, mixed use area that promotes new residential and commercial development in harmony with the existing character of its three Sub-districts. The following Guiding Principles are intended to steer the direction by which development occurs within the District and serve as the basis for the Design Standards for Compliance contained hereinafter. Development projects will be evaluated against the Guiding Principles, as well as relevant Design Standards.

**1. PROMOTE compact, mixed use development in pedestrian-oriented form:**

The District is intended to: Encourage compact development that conserves land, preserves historic and natural resources, and integrates different uses; promote adaptive reuse of existing and underutilized sites and structures, as well as infill development on vacant lots; and establish pedestrian- and bicycle-friendly districts and neighborhoods wherein residential, commercial, civic, cultural, educational, and recreation are integrated.

**2. ENHANCE connectivity and accessibility:**

The District is intended to: Establish a multimodal circulation network in which all users of the transportation system may conveniently walk, bike, drive, or ride public transportation to destinations within and beyond the District; ensure accessibility for all transportation system users regardless of age or ability; and increase access to recreational amenities and open space.

**3. CREATE distinctive neighborhoods that provide diverse housing options:**

The District is intended to: Create mixed use, mixed-income neighborhoods that comprise a multitude of housing options ranging from single-family homes to townhouses, apartments, and condominiums within multifamily structures; support neighborhood businesses; and provide housing options affordable to various household types and income levels.

**4. IMPROVE the design of public space and the built environment:**

The District intended to: Encourage private development to be harmonious and respectful of the public space so that streets, sidewalks, green spaces, and all other public spaces and ways remain or become comfortable, inviting, and aesthetically attractive.

**5. ENCOURAGE creative design consistent with neighborhood character:**

The District is intended to: promote creativity in architectural and landscape design while maintaining the distinct neighborhood and historic character present within each Sub-district.

## **B. Sub-districts**

The North Adams Smart Growth Overlay District is divided into two distinct Sub-districts. Each Sub-district has its own distinct history and character and therefore its own vision for development. The Sub-districts—the Mill and Downtown Districts—are located in the downtown area and the gateway thereto. Each Sub-district is intended to encourage adaptive reuse of existing underutilized properties and infill development on vacant lots inline with the Guiding Principles set forth hereinbefore.

### **Mill District**

Located along and around the Union Street corridor, the Mill District serves as the eastern gateway to the downtown area. The Mill District contains several properties of historical significance, including Notre Dame School and Cathedral, the Hoosac Mill, Wall Streeter Mill, the Windsor Mill, the Barber Tannery, and the St. Francis Rectory. The Mill District also contains several smaller residential areas on Willow Dell and Miner Street, as well as commercial uses on Canal Street and toward the intersection with Eagle Street. Development projects within the Mill District should leverage underutilized historic properties and natural resources such as the Hoosic River and open space to create a vibrant mix of residential, commercial, and recreational uses that improve the desirability of the downtown's eastern gateway.

**Mill District Vision Statement:** A district in which existing historical and natural resources are leveraged to create a distinct, vibrant neighborhood in which residential, locally-owned and operated commercial, and recreational uses coexist. New residential and mixed-use developments within historic structures enhance the look and feel of the area to create a highly desirable and inclusive neighborhood.

### **Downtown District**

The Downtown District is situated in the heart of the downtown. Included within the District are Main Street, historic Eagle Street, and Steeple City Plaza. The Downtown District is primarily commercial. The north side of Main Street comprises a series of old New England block-style downtown buildings, some of which are occupied at the ground and second floor level while others are contain up to six vacant floors. The south side of Main Street—Steeple City Plaza—is primarily single-story, strip mall-style construction with large parking lots. Also, located in the District is historic Eagle Street—a small mixed-use street with restaurants, art galleries, retail shops, residences, and a few vacant buildings. Development in the Downtown District should focus on rehabilitating existing

vacant buildings for mixed-use purposes and the creation of a multimodal circulation system that enhances pedestrian and bicycle facilities.

**Downtown District Vision Statement:**

A vibrant downtown neighborhood that mixes residential and commercial uses wherein increased residential development supports local businesses; and a vital, multimodal streetscape serve to attract and retain a diverse array of residents from all age and income levels. The Downtown District will be enhanced by residential and mixed-use development in existing vacant and under-utilized buildings.

**IV. Design Standards for Compliance**

**A. Scale, Proportion, and Exterior Appearance of Buildings**

- 1. Relationship of Buildings to Site:** The construction, rehabilitation or renovation of buildings should be designed in such a way that permits, to the maximum extent feasible, passive solar energy and natural into structures and onto sidewalks and other public ways and spaced. Site design and location should preserve, enhance, and/or create pedestrian areas that are protected from adverse and dangerous conditions, including, but not limited to, high winds, shadows, emissions, and vehicular traffic.
- 2. Setbacks:**
  - a.** Generally, setbacks for new buildings in the District and its Sub-districts should consistent with setbacks of neighboring buildings. The PAA, at its discretion, may approve setbacks that differ from those of neighboring buildings Front setbacks may, with approval from the PAA, be used for well-landscaped public spaces. Where differing setbacks are approved, design elements including walls, fencing, or landscaping of a minimum height of three feet may be used to reinforce the street line with approval from the PAA or may be required thereby.
  - b.** Buildings on corner lots shall be oriented to the corner and visible from both public street fronts. Buildings on corner lots may incorporate residential entries and special landscaping by setting the structure back from the property line.
  - c.** Developments in predominantly commercial and mixed-use areas should visually reinforce street-level storefronts by placing horizontal or vertical elements in a line that corresponds with the setbacks and façade elements of adjacent building façades. Such elements may include, but are not limited to, columns, windows, planters, benches, awnings, and cornices.

- d. Alternative paving materials such as brick or brick pavers should be used to differentiate setback areas from sidewalks and to visually reinforce street lines.
- 3. **Proportion:** Generally, the roof lines or tops of structures should be clearly distinguished from the façade walls thereof via horizontal divisions, varying materials, and/or traditional roof lines.
- 4. **Roof Forms:** Generally, the forms of roofs within the District, its Sub-districts, the blocks and individual buildings therein, should vary by incorporating design elements including, but not limited to any of the following: parapets, decorative cornice treatments, belt courses, and bay windows.
- 5. **Mechanical Equipment:** Any mechanical equipment attached to or placed upon the roof of a building shall be screened from view of streets or integrated into the overall design of the building so as to be rendered inconspicuous by use of materials, placements, roof shape or form, or other means determined to be acceptable by the PAA.
- 6. **New Buildings:** All new buildings shall contain two or more stories and shall be designed to create and maintain a visual distinction between upper and lower floors. All new buildings to be located within the Downtown subdistrict shall be designed and constructed in a manner consonant with the surrounding mill buildings. All new buildings to be located within the Downtown subdistrict shall be designed and constructed in a manner consonant with the architecture of buildings located on the north side of Main Street between Holden and Eagle Streets.
  - a. **Ground Floor:** Transparent, open façades (e.g.: windows covering between 50-80% of the ground floor façade area beginning at 24"-30" inches above the sidewalk) for street-level commercial uses are strongly encouraged.
  - b. **Middle Floors:** Architectural features may include: belt courses or horizontal bands distinguishing individual floors; change in materials and colors and/or textures that enhance specific forms of the building; a pattern of windows; and/or bay windows to give scale to the structure.
  - c. **Vertical Division:** For buildings that are designed to distinguish between ground and upper-floors using horizontal elements, said elements should be consistent across the façade. The scale of larger multi-story buildings should be modulated by cornices, string cornices, step backs or other similar features.
  - d. **Horizontal Division:** Major horizontal elements of new buildings should align and be consistent with those of adjacent buildings. Additionally, buildings greater than forty feet (40') in width shall be divided into a series of smaller bays. No uninterrupted length of any façade shall be permitted to exceed forty (40) horizontal feet or 40% of

the façade's total length, whichever is less, without incorporating one or more of the following design elements: color, material, or texture change; and one or more of the following: architectural projections or recesses, trellises, balconies, or windows.

## 7. Renovation

- a. **Historical Commission:** Developers proposing to renovate existing buildings are encouraged to meet with the North Adams Historical Commission before submitting plans to the PAA to better understand the historical significance of the building.
- b. **Scale and Proportion:** All renovations shall, to the maximum extent feasible, maintain the scale and proportion of the original building elements, including roof shape and height, structural framework, cornice, sign band, window size and symmetry, and decorative elements. The PAA may allow alterations to the aforesaid design elements if such alterations create benefits to either future occupants or the public.
- c. **Original Façade Elements:** The covering or removal of original façade elements as part of a renovation of an existing building is strongly discouraged and may be prohibited by the PAA.

## 8. Locational Context:

New buildings should utilize a contextual approach to design that is sensitive to and corresponds with the design elements of surrounding buildings of local and historical significance. Such design elements may include, without limitation:

- a. Distinctive entrances and windows;
- b. Decorative façade elements that create human-scale and pedestrian interest;
- c. Large storefront windows;
- d. Canopies, variable parapets, and cornices;
- e. Entry treatments that are arched or framed in a manner that protects people from the elements;
- f. Pedestrian-oriented features, including: non-reflective storefront windows and transoms; awnings; first-floor detailing; and roofline detailing.

## 9. Entryways:

Buildings, new or renovated, should include protected pedestrian entryways for upper story residential and commercial uses. Where possible, entryways should provide recessed doorways in order to provide a welcoming space that is protected from the elements and to add design features to the façade. Adequate nighttime entryway lighting shall be provided.

## 10. Frontage:

All walls of buildings with street frontage shall include windows, doors, or other indicators of human occupancy, such as balconies or porches.

**11. Side and Rear Walls:** The design of all exterior walls of buildings visible from public ways shall be consistent with the design of the façade of the same building. Such walls may include fewer architectural details and design elements than the façade.

**12. Materials:**

- a. Materials of new and renovated buildings visible from public ways should be consistent with those of existing buildings within the District, unless such materials of existing buildings include vinyl siding. Materials such as brick, stone, wood shingles, and clapboard are preferred and strongly encouraged. Other materials may be used in ways that are compatible with the appearance of surrounding buildings. Materials with pattern and texture are encouraged.
- b. Finish materials that are prone or susceptible to fading, discoloration or staining are strongly discouraged. The use of applied foam ornamentation and Exterior Insulation and Finish System) is prohibited on ground level locations. Vinyl and aluminum siding, siding with narrow trim, and pressure treated porches and balconies are strongly discouraged.
- c. Where more than one material is used, heavier materials (e.g.: stone, brick, etc.) should be located below lighter materials (e.g.: wood, fiber cement board, siding, etc.). The change in material should occur along a horizontal line, preferably at floor levels.

**13. Windows:**

- a. **Ground Floor:** Windows should be located and designed to maximize transparency of commercial façades and attract pedestrian interest.
- b. **Indoor-Outdoor Interaction:** Large windows in commercial, ground floor storefronts that open to facilitate indoor-outdoor interaction with the street and/or sidewalk are encouraged.
- c. **Other:** Transom or clerestory windows above entrance, display windows, projected bay windows are also encouraged. In buildings where large areas of glass are to be installed, multiple paned windows should be used.

**B. Placement, Alignment, Width and Grade of Streets and Sidewalks**

- 1. **Emergency Access:** Ease of access, travel, and on-site movement for fire and police equipment, as well as other emergency services, shall be assured at all times and in all locations for safety of the public. Developers are encouraged to meet with the North Adams Departments of Public Safety and Public Services to ensure adequate emergency access is provided.
- 2. **Multimodal Ways:** Any proposed development that requires the creation of new public and/or private circulation systems shall ensure public safety by

separating pedestrian, bicycle, and vehicle traffic. The PAA may permit the creation of a woonerf if satisfied that the design elements assure public safety.

- 3. Accessibility:** All new sidewalks within shall be designed and constructed in accordance with applicable laws, rules, regulations, and standards, including the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (AAB).
- 4. Delineation:** Clear distinction between areas for pedestrian traffic and areas for vehicular traffic, except in the case of woonerf approved by the PAA, will be provided.
- 5. Materials:** Sidewalks shall be surfaced with concrete, brick, or stone using a minimum unobstructed width of five feet (5'). All other sidewalk materials are prohibited. Where sidewalks are non-existent or do not meet the minimum width requirement due to existing conditions (i.e.: existing lack of setback), the proposed development should include a plan for pedestrian walks which may include a combination of sidewalks, path, and passthrough alleys or a woonerf.
- 6. Sidewalk Improvements:** Where existing sidewalks within rights-of-way abutting the proposed development are cracked, broken, or uneven, developers are strongly encouraged to proposed improvements to said sidewalk. Where development is proposed adjacent to sidewalks that not designed, constructed, or maintained in accordance with applicable laws, rules, regulations, and standard, including, without limitation, ADA and AAB, improvement of such sidewalks may be required as a condition of Plan Approval, provided that said condition is not unduly restrictive.
- 7. Public Seating:** Benches should be provided near retail entrances Sheltered benches should be provided at bus stops.
- 8. Pedestrian Circulation:** Pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries. Sidewalk, crosswalks or walkways shall be provided to allow access to adjacent properties and among buildings within a development. All development and redevelopment should allow for possible future pedestrian and bicyclist connections with adjoining properties where appropriate.
- 9. Mixed-use Areas:** Mixed-use developments should preserve and enhance the pedestrian environment by providing continuous sidewalks that are unencumbered by parked vehicles and are minimally broken by vehicular access within blocks.
- 10. Curbing:** Curbing shall be granite and designed to limit off-pavement vehicle access.
- 11. Topographic Alteration:** Alteration of the topography shall be limited as nearly as possible to only that which is necessary for the provision of access.
- 12. Traffic Management Plan:** Any development proposed within the District or its Sub-districts may require a Traffic Management Plan. Developers shall



meet with the North Adams Traffic Commission and the Department of Public Services to discuss and determine the need for a Traffic Management Plan. Such a determination shall be based upon the anticipated generation of traffic, impact of increased traffic on nearby intersections, and the vehicular Level of Service of nearby streets and intersections. Where required, a Traffic Management Plan shall include the following:

- a. A plan showing the proposed parking, loading, and traffic circulation within the site; its access and egress points; and other features related to traffic generated by the proposed use.
- b. A traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts. Said traffic study must substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. The PAA must approve the geographic scope and content of the study. Additionally, the developer may be required to submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.
- c. Proposed mitigation measures, if any, such as left turn lanes, roadway widening, signage, and signalization of intersections.

#### **C. Type and Location of Infrastructure**

1. **Utilities:** To the maximum extent feasible, all new utilities shall be located underground.
2. **Parking:** Parking areas shall be graded, surfaced with asphalt, concrete or other suitable non-erosive material, and drained in a manner deemed adequate by the North Adams Department of Public Services to prevent nuisance caused by standing water, erosion or excessive water flow across abutting streets or ways, within the proposed parking area, to abutting properties, and to wetland resource areas. Natural drainage courses shall be utilized insofar as possible and LID techniques are strongly encouraged.
3. **Detention and Filtration:** All detention and filtration system shall be designed to conform with the Stormwater Management Policy of the Massachusetts Department of Environmental Protection (DEP). Additionally, all detention and filtration systems shall be located on-site and should have curvilinear sides, so as to appear as part of the natural landscape. Manmade embankments shall have maximum side slopes of three feet (3') horizontal and one foot (1') vertical.
4. **Surface Run-off:** Surface run-off shall be minimized. LID techniques such as bioretention cells, drainage swales, and porous paving materials are encouraged where soil and topography allow and the protection of the site and adjacent properties from erosion as a result thereof is assured.

#### **D. Location of Building and Garage Entrances**

1. **Access Points:** Points of access should be consolidated wherever possible; multiple curb cuts are strongly discouraged.
2. **Sight Lines:** Acceptable sight distance shall be provided and maintained at all access and egress locations.
3. **Parking:** To the maximum extent feasible, parking and vehicular access shall be located away from the corners.
4. **Entrances:** Building entrances shall be designed to provide direct access to sidewalks to emphasize pedestrian ingress and egress as opposed to accommodating vehicle. Entries for residential uses on the street rather than from the rear are encouraged. Doorways to upper floors shall be visibly separated from street-level shop entries. Pedestrian entrances shall be sufficiently lighted and entry areas should be protected from the weather.

#### **E. Off-street Parking**

1. **Sidewalks:** Continuous sidewalks that are unencumbered by parked vehicles and within minimal curb cuts for vehicular access within a block shall be provided as a means of preserving and enhancing the pedestrian environment.
2. **Parking Areas:** Surface parking areas should not be designed to front on a public street. Surface parking shall be screened from view from public rights-of-way. Screening may be transparent cast iron or brick fencing or plantings and shall be at least three feet (3') in height.
3. **Landscaping:** Large parking areas shall include landscaped islands to divide to the area. Landscaping within the interior of parking lots is required and should incorporate existing trees, berms, and other land forms where possible. The following minimum landscape coverage is required:
  - a. Parking lots containing fewer than 100 spaces shall have a minimum of five percent (5%) of the interior lot area landscaped.
  - b. Parking lots with more than 100 spaces shall have at least seven percent (7%) of the interior lot area landscaped.
4. **Parking Blocks:** Parking lots containing more than 100 spaces shall be divided into blocks containing no more than fifty (50) spaces per block. Blocks shall be separated from one another by a landscaped area at least eight feet (8') in width.
5. **Entrances:** Entrances to structured parking shall be located on side streets or alleys wherever feasible. Blank walls on parking structures are prohibited and shall be screened. Screening may include public art, vegetation or buildings containing other uses, such as residential or commercial.
6. **Setbacks:** Parking areas shall be setback from structures, property lines, and public ways by a minimum of ten feet (10').

#### **F. Location and Design of On-site Open Spaces**

1. **Quasi-public:** Privately-owned open space that is accessible to the public should be incorporated within site design for new developments, especially on corner landscape treatments and courtyard entries.
2. **Visibility:** Wherever possible, open space within developments should be visible from public rights-of-way.
3. **Trees:** Mature trees in open space areas within developments shall be kept and incorporated into the landscape.
4. **Streetside Gardens:** Wherever possible, streetside gardens between buildings and public rights-of way are encouraged,
5. **Operation and Maintenance Plan:** Open space areas within developments shall be maintained to the highest standards. An Operation and Maintenance Plan for open space areas may be required prior to Plan Approval. If required, the Operation and Maintenance Plan shall remain on file with the PAA and may be an ongoing requirement.

## G. Landscaping

1. **Landscaping Plan:** A landscaping plan shall be submitted with any plan for approval.
2. **Plantings:** Plantings shall be of native species and provide seasonal foliage, bloom, and fragrance. Sustainable landscape materials requiring minimal irrigation or fertilizer should be used. Plantings shall be selected with consideration of site conditions and the local climate and preference shall be given to plantings that are drought- and disease-resistant. All plants shall be A-grade or No. 1 Grade, free of defects, and of normal health, height, leaf density, and spread as defined by the American Standard for Nursery Stock, ASNI Z60.1 (latest edition available), or the American Association of Nurserymen. Plants shall have full, even, well-developed branching and a dense fibrous, and vigorous root system. Plant species should be chosen considering the following:
  - a. **Salt-tolerance:** In areas where salt is likely to be used, trees and plantings that are observed to have salt-tolerance should be chosen.
  - b. **Planters:** The ultimate maturity of plantings should be considered in determining the size of planters or plant beds.
  - c. **Tree Crowns:** The mature shape of tree crowns should be considered when selecting trees for planting on public rights-of-way with buildings located adjacent to the property line to prevent branches from growing into buildings and requiring excessive pruning.
  - d. **Street Trees:** The shape and density of the canopy should be considered when selecting trees for planting along streets. Smaller, more ornamental trees or trees with higher or lighter canopies should be chosen for commercial streets.

3. **Existing Vegetation:** Effort shall be made to preserve existing vegetation.
4. **Existing Trees:** Where feasible, existing mature trees shall be preserved. The location and design of buildings should not cause avoidable removal or damage to any tree exceeding twelve inches (12”) in trunk diameter.
5. **Site Plans:** Site Plans submitted to the PAA shall identify existing trees on the site to be preserved. Trees shall be tagged in the field within the project review process and appropriately designated on project plans.
6. **Street Trees:** Street trees that provide summer shade and winter light with tree grates or in planter strips shall be provided.
7. **Screening:** Paved areas shall be screened by hedges where practical.
8. **Islands:** All islands and landscaped areas should be a minimum of 100 square feet to support healthy plant growth.

## **H. Lighting**

1. **Orientation:** All lighting shall be oriented downward and conform to “Dark Skies” guidelines, as stated by the International Dark Sky Association (IDA).
2. **Scaling:** In pedestrian areas, to the extent feasible, lights should be affixed to twelve to fifteen feet (12’-15’) high poles or bollards. In parking areas, light fixtures may be a maximum of twenty-five feet (25’).
3. **Pedestrian Lighting:** Installation of pedestrian light fixtures as part of a development’s sidewalk improvements is required as necessary to ensure safety after dark.
4. **Light Pollution:** Lights and light fixtures that produce glare and/or light pollution are prohibited.
5. **Energy Efficiency:** Energy efficient lighting that uses timers or motion sensors is strongly encouraged.
6. **Lighting Plan:** A lighting plan is required as a part of the Plan Approval process.

## **I. Buffering in Relation to Adjacent Properties**

1. **Noise Levels:** Noise levels emanating from normal operations and uses, excluding motor vehicles, shall at no time exceed 10 d.b.a. above ambient noise levels at the property line.
2. **Service Elements:** Trash dumpsters, utility/service areas, loading docks mechanical equipment, and the like shall be consolidated away from the street front wherever possible and screened from view.
3. **Services:** Appropriate provision shall be made for waste disposal, water supply, refuse removal, drainage, dust and erosion control, and other utilities and their appurtenances, in accordance with local and state regulation.

