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9.8. UNIVERSITY AVENUE MIXED USE DISTRICT (UAMUD)

9.8.1 **Purpose.** The University Avenue Mixed Use District (UAMUD) is an overlay district established to encourage the development of mixed use projects in an area that provides proximate access to major highways and public transportation. The UAMUD provisions are intended to promote creative, efficient, and appropriate solutions for the development of complex sites, and facilitate the development of a mix of complementary land uses, including both residential and nonresidential development, that will address Town and regional interests in additional employment, housing, and tax revenue.

9.8.2 **Location.** The UAMUD boundary is as shown on a map of land entitled “University Avenue Mixed Use District,” filed with the Town Clerk, which map, together with all explanatory matter thereon, is hereby incorporated in and made a part of this Bylaw.

9.8.3 **Master Development Plan.** The project developed pursuant to this Section 9.8 must have a Master Development Plan adopted by a two-thirds vote of a town meeting in accordance with the procedures for adoption or change of zoning ordinances or by-laws set forth in M.G.L. c. 40A, § 5. As used in this Section 9.8, the term “UAMUD project” refers to the project that is depicted on this Master Development Plan, entitled, “_____,” dated _____, 2013, the term “UAMUD project area” refers to the geographic area for the project delineated on the Master Development Plan, and the term “proponent” refers to the proponent or developer of the proposed UAMUD project or any phase or portion thereof.

9.8.3.1. **General Plan Requirements.** The package of Master Development Plan materials submitted for approval at Town Meeting shall include the following information, which shall be on file with the Town Clerk and available for review:

- (a) The area of land proposed to be developed under this Section 9.8.
- (b) A plan of existing conditions showing the topography and features, including wetlands and water bodies, if any, of the land to be developed, as well as the boundaries of the Water Resource Protection Overlay District (“WRPOD”) in relation to the land to be developed.
- (c) Plans showing the location and width of the existing and proposed roads and ways that will serve the land to be developed, together with a description of the means by which the proposed roads and ways are to be laid out, including whether such roads and ways are to be created through the Subdivision Control Law and/or as public ways to be laid out through town meeting approval.
- (d) Bicycle and pedestrian pathways, including the expected circulation routes.

DRAFT – FOR DISCUSSION PURPOSES ONLY

- (e) A mix of complementary land uses, including both residential and nonresidential development.
- (f) A summary plan showing the location of permissible building areas, with the following indicated for each: designated Use Type(s) (as defined in Section 9.8.3.4); maximum building height for buildings in each development area (i.e., each area restricted to certain Use Types as identified on the plan); maximum floor area ratio for the overall development; a schedule showing the approximate overall number of parking spaces anticipated to be provided for the development, subject to adjustment based upon use changes and tenancy requirements; and aggregate maximum developable gross floor area and unit count, as applicable, for each use category for the entire UAMUD project.
- (g) The location, size, and designated use of dedicated open space, recreational, and buffer areas (including the general nature of the proposed buffer).
- (h) Illustrated descriptions of amenities and design features, such as streetscape improvements and signage, to be included as part of the proposed development.
- (i) Illustrations of the general architecture of the proposed structures. For structures located within 300 feet of residentially-zoned areas, the illustrations must show the height of the proposed structures in relation to surrounding buildings and topography.
- (j) Accompanying technical reports and studies, consisting of (i) a stormwater and drainage report, (ii) fiscal and residential impact study (including the impact on tax revenue of the proposed mix of commercial and residential uses), (iii) traffic study, and (iv) utilities report.
- (k) A summary of the proposed mitigation and traffic improvements (including concept plans for proposed offsite mitigation), exactions, financial contributions, easements, land grants, alternative affordable housing arrangements (if applicable), and other items to be addressed through the Development Agreement required to be entered into with the Town.

9.8.3.2. **Core Development Area Requirements.** The Master Development Plan shall delineate a Core Development Area (“CDA”), which shall include Open Space Uses in addition to Retail/Service Uses and other Use Types, as defined in Section 9.8.3.4 below. With respect to the CDA, the Master Development Plan materials shall show the following additional details:

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- (a) The location of the CDA, together with the location of buildings within that area;
- (b) The layout of parking, pedestrian, and landscaped areas;
- (c) Roadway, drainage and utility infrastructure servicing the CDA.
- (d) Architectural elevations or perspectives of all buildings and parking structures;
- (e) With respect to any proposed residential development, (i) the location of residential building(s), (ii) the total number of units allocated by bedroom type, and (iii) the number of affordable units
- (f) The FAR of the CDA.
- (g) A general description of the anticipated use(s) of each building within the CDA, including identification of any anticipated uses that would require a special permit (which shall be provided for informational purposes only).
- (h) Documentation (including, without limitation, plans, letters, and/or memoranda) that any proposed work within the Water Resources Protection Overlay District (“WRPOD”) complies with the requirements of Section 9.8.4.5.2.
- (i) An initial estimated development timeline for the CDA (which shall be provided for informational purposes only).
- (j) A list of the sustainable development measures to be included in the project.

9.8.3.3. **Additional Details for Non-CDA Areas.** To the extent available, the Master Development Plan shall include the type of details required for the CDA pursuant Section 9.8.3.2 for the non-CDA portions of the Master Development Plan.

9.8.3.4. **Use Types.** For the purposes of this Section 9.8, the UAMUD “Use Types” set forth below shall be established and identified on the Master Development Plan where applicable. Multiple Use Types may be contained within a single building or structure or on a single lot.

9.8.3.4.1. **Retail/Service Use Type** shall be deemed to include uses that involve the sale of goods and/or provision of services to the public, which uses are typically found in a shopping center or mixed-used development with a retail component.

DRAFT – FOR DISCUSSION PURPOSES ONLY

- 9.8.3.4.2. **Restaurant/Entertainment Use Type** shall be deemed to include uses that involve preparation, service, and sale of meals for consumption by the public and/or that otherwise provide recreational or entertainment opportunities to the public.
- 9.8.3.4.3. **Office/R&D Use Type** shall be deemed to include uses that involve the provision of office space to individuals and businesses, including businesses that are involved in research and development, which uses are typically found in an office building or mixed-used development with an office component.
- 9.8.3.4.4. **Hotel/Commercial Lodging Use Type** shall be deemed to include commercially-oriented lodging and senior living uses. Examples of Hotel/Commercial Lodging Uses shall include, without limitation, conventional and extended-stay hotels, assisted living, and nursing or convalescent facilities.
- 9.8.3.4.5. **Residential Use Type** shall be deemed to include single-family, two-family, and multi-family dwellings, and age-restricted housing.
- 9.8.3.4.6. **Municipal Use Type** shall be deemed to include all facilities that are owned or operated by or for benefit of the Town of Westwood or other governmental authority.
- 9.8.3.4.7. **Open Space Use Type** shall be deemed to include all green, landscaped, and open space areas, wellhead protection areas, and stormwater management areas designed to serve stormwater control, recreational, buffering and/or open space purposes. Such areas may include, without limitation, underground utilities, stormwater control infrastructure, and sidewalks and walking trails to be used for pedestrian circulation and/or active or passive recreation.

9.8.4 **Permitted Uses.** The land and buildings shown on an approved Master Development Plan may be used for any use permitted as of right or by special permit as set forth below, provided that the use is located in an area where the applicable Use Type is designated on the Master Development Plan (subject to the exceptions identified below as being allowed anywhere on the Master Development Plan). Multiple uses may be contained within a single building or structure or on a single lot, provided that each such use is either permitted by right or has been granted a special permit where required by this Section 9.8.4.

DRAFT – FOR DISCUSSION PURPOSES ONLY

9.8.4.1. **Principal Uses Permitted By Right**

9.8.4.1.1. **Retail/Service Use Type** (see Section 9.8.3.4.1)

- a. Bank, Financial Institution (including Drive-Through Service)
- b. Business Services Establishment
- c. General Services Establishment
- d. Personal Services Establishment
- e. Professional Services Establishment
- f. Printing/copy/publishing establishment
- g. Retail sales and services establishment (including pharmacy with Drive-Through Service)

9.8.4.1.2. **Restaurant/Entertainment Use Type** (see Section 9.8.3.4.2)

- a. Coffee Shop (including Drive Through Service)
- b. Fast order restaurant, provided that, for any such establishment that is not accessory to an office use, such establishment is not within 300 feet of a residentially-zoned parcel not included within the UAMUD project. For purposes of this provision, the term “Fast order restaurant” shall mean any Restaurant that serves Fast Order Food but shall not include Fast Order Food Establishments that have Drive-Through Service or customarily have Drive-Through Service (even if such service would not be part of a particular restaurant located within the UAMUD project area).
- c. Fitness or Health Club
- d. Ice Cream Parlor
- e. Restaurant with or without entertainment, less than 10,000 square feet

9.8.4.1.3. **Office/R&D Use Type** (see Section 9.8.3.4.3)

- a. Business Services Establishment
- b. Data storage facility. For purposes of this provision, “Data storage facility” means a building that houses computing and communications systems and hardware that provide off-site records and tape storage, backup services, and data retrieval, delivery, and destruction services.
- c. Educational Use, Non-Exempt
- d. General office uses
- e. Medical Center or Clinic (expressly excluding substance rehabilitation and overnight care facilities)
- f. Office of a doctor or dentist or other health care professional, including clinical and laboratory analysis

DRAFT – FOR DISCUSSION PURPOSES ONLY

activities directly associated with such medical office use

- g. Professional Services Establishment
- h. Research and Development

9.8.4.1.4. **Hotel/Commercial Lodging Use Type** (see Section 9.8.3.4.4)

- a. Assisted Living Residence
- b. Memory Care Facility. For the purposes of this provision, “Memory Care Facility” means a facility that provides housing and specialized care for patients needing memory care for dementia, Alzheimer’s or other cognitive impairments.
- c. Motel or Hotel
- d. Nursing or Convalescent Home (note that Assisted Living, Memory Care, and Nursing Home uses may occasionally be referred to collectively as “Senior Living” uses)

9.8.4.1.5. **Residential Use Type** (see Section 9.8.3.4.5)

- a. Multi-Family Dwelling located entirely within the CDA, provided that, in accordance with Section 9.8.5, no more than 350 units total are permitted without a special permit.
- b. Age Restricted Housing. For purposes of this Section 9.8, “Age Restricted Housing” shall mean housing limited to persons who have reached the age of fifty-five (55) years or older.

9.8.4.1.6. **Municipal Use Type** (see Section 9.8.3.4.6)

- a. Municipal Facilities

9.8.4.1.7. **Uses Allowed Anywhere on the Master Development Plan**

- a. Cultural facility, art gallery or museum
- b. Child Care Facility
- c. Essential Services
- d. Parking Garage as a principal use, which is defined as a structure that provides parking within, below, or on top of such structure.
- e. Shuttle Service
- f. Use of land or structures for educational purpose on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation

DRAFT – FOR DISCUSSION PURPOSES ONLY

9.8.4.2. **Uses Permitted By Special Permit.**

- 9.8.4.2.1. **Retail/Service Use Type** (see Section 9.8.3.4.1)
- a. Drive-Through Service, unless identified in Section 9.8.4.1, provided that the later addition of Drive-Through Service to a Bank or Financial Institution, a pharmacy, or a Coffee Shop shall require Project Development Review pursuant to Section 9.8.11.2 of this Bylaw if the building containing such use was not originally built so as to provide Drive-Through Service.
- 9.8.4.2.2. **Residential Use.** (See Section 9.8.3.4.5)
- a. Multi-family Dwelling in accordance with Section 9.8.5.
- 9.8.4.2.3. **Restaurant/Entertainment Use Type** (see Section 9.8.3.4.2)
- a. Restaurant with or without entertainment, 10,000 square feet or more
 - b. Commercial Recreation, Indoor, except for Fitness and Health Club, which is allowed by right pursuant to Section 9.8.4.1.2.c. Such uses include, but are not limited to, movie theaters, music venues, bowling alley and other entertainment uses that are not accessory to a use permitted by right
 - c. Commercial Recreation, Outdoor

Notwithstanding any other provision of this Zoning Bylaw, the Planning Board shall be the special permit granting authority for all uses set forth above.

9.8.4.3. **Prohibited Uses**

Any use(s) not expressly allowed pursuant to Sections 9.8.4.1 or 9.8.4.2 shall be prohibited unless the Building Commissioner, in consultation with the Town Planner, determines that a proposed use is substantially similar in both its characteristics and its impact on abutting properties to either a use listed as permitted by right or a use listed as permitted by special permit, and provided further that if the use is substantially similar to a use listed as permitted by special permit, a special permit shall be obtained. Prohibited uses include, but are not limited to, the following uses.

- 9.8.4.3.1. Earth removal or mining operations, except for site work and excavation activity in connection with the construction of buildings and structures (including building pads),

DRAFT – FOR DISCUSSION PURPOSES ONLY

roadway construction, or the installation of utilities or other development infrastructure.

- 9.8.4.3.2. Junkyard or Automobile Graveyard
- 9.8.4.3.3. Landfills and open dumps (as defined in 310 CMR 19.006)
- 9.8.4.3.4. Landfilling of sludge and septage.
- 9.8.4.3.5. Light Manufacturing
- 9.8.4.3.6. Manufacturing
- 9.8.4.3.7. Motor Vehicle General Repairs and Body Repair
- 9.8.4.3.8. Motor Vehicle Light Service
- 9.8.4.3.9. Motor vehicle sales and rentals; motor vehicle general and body repairs; motor vehicle light service.
- 9.8.4.3.10. Self-Storage or Mini-Storage Facilities
- 9.8.4.3.11. Stockpiling and disposal of snow and ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice which has been removed from roadways located outside of the UAMUD project area.
- 9.8.4.3.12. Warehouse, wholesale, or distribution facility with or without outdoor storage, provided that “warehouse”-type retail sales and home improvement stores shall be deemed expressly permitted Retail/Service Uses. An existing warehouse, Light Manufacturing, wholesale, or distribution facility within the UAMUD project area that is in existence as of the date of adoption of this Section 9.8 shall be deemed an allowed use, provided that any expansion of the building containing this use shall require a special permit pursuant to Section 10.3.

9.8.4.4. **Accessory Uses.** Any use that is incidental to, or customarily used in connection with, any principal use permitted within the UAMUD shall be permitted as an accessory use, provided that such use would not be prohibited within the UAMUD project as a principal use. Without limiting the foregoing, the following accessory uses shall be permitted:

9.8.4.4.1. **Accessory Uses Permitted By Right**

- a. Outdoor display, storage, sales, and seating in connection with retail and restaurant uses, provided that the requirements of Section 9.8.7.3 are satisfied
- b. Automated Teller Machines (ATMs).
- c. Sales, service, and installation of mobile automotive audio provided in connection with a principal retail use.
- d. Medical Center or Clinic in connection with a principal retail use (expressly excluding substance rehabilitation and overnight care facilities)
- e. Pet grooming and boarding provided in connection with a principal retail use.
- f. Retail Take-Out Counter

DRAFT – FOR DISCUSSION PURPOSES ONLY

- g. Uses within an office building that support office uses, including, without limitation, health and fitness centers, restaurants/cafes, dry cleaner drop-off service, and small-scale retail stores.

9.8.4.4.2. **Accessory Uses Permitted By Special Permit**

- a. Within Development Area C as shown on the Master Development Plan, and upon the issuance of a special permit by the Planning Board pursuant to Section 10.3, sales and installation of automotive tires, batteries, and similar accessories provided in connection with a principal retail use, provided that no general repair of automobiles (including body work and oil/lubrication services) shall be permitted; provided further that, if such accessory automotive use is located within the Water Resources Protection Overlay District, then the applicable special permit shall be issued pursuant to Section 9.3, with the Planning Board designated as the special permit granting authority.
- b. Storage of calcium chloride, chemically treated abrasives or other chemicals, but not sodium chloride, used for the removal of snow or ice on the roadways, walkways, or parking lots within the UAMUD project area, provided that these chemicals are stored in a structure with an impermeable cover and floor sufficient to prevent generation of contaminated run-off or leachate.
- c. With the exception of (i) outdoor commercial recreation and (ii) entertainment accessory to restaurant of less than 10,000 square feet, any accessory use that would require a special permit if conducted as a primary use shall also require a special permit if conducted as an accessory use.

9.8.4.4.3. **Accessory Use Not Located on the Same Lot as**

Principal Use. An accessory use may be located on a different lot from its associated principle use provided that the accessory use remains reasonably proximate to the principal use. The location of an accessory use on a different lot than the principal use shall require the Planning Board’s determination, at an administrative meeting of the Board, that such accessory use is generally compatible with the surrounding development area.

9.8.4.5. **Water Resources Protection Overlay District (WRPOD) Requirements.**

DRAFT – FOR DISCUSSION PURPOSES ONLY

9.8.4.5.1. Except as provided in Section 9.8.4.5.2 below, any use allowed pursuant to Section 9.8.4 shall, if located within the WRPOD, satisfy the requirements of Section 9.3 of this Bylaw. Where a WRPOD special permit is required under the provisions of Section 9.8.4, the Planning Board shall be the special permit granting authority, and the requirements of Sections 9.3.8 through 9.3.12 shall apply to such special permits, except that all references to the Board of Appeals in those sections shall, for purposes of this provision, be deemed references to the Planning Board.

9.8.4.5.2. **WRPOD Standards and Requirements.** The requirements of this Section 9.8.4.5.2 shall override any inconsistent requirements in Section 9.3 of this Bylaw.

a. **Storage.** The following storage uses shall not require a special permit pursuant to Section 9.3.5 or be subject to the requirements of Section 9.3.7.5 (unless expressly stated otherwise) provided that they satisfy the requirements of Section 9.8.4.5.2.j.

i. Hazardous Materials. The storage of Hazardous Materials in greater than household quantities solely so that they may be offered for sale at a retail store. For purposes of this provision, Hazardous Materials shall be deemed to include liquid petroleum products packaged for consumer use.

ii. Liquid Petroleum Products. The storage of liquid petroleum products solely for use in an emergency or back-up generator. In addition, liquid petroleum products in the fuel tanks of vehicles parked in parking structures or on lots within the UAMUD project area shall not be considered the storage of liquid petroleum products pursuant to Section 9.3.5.2 or the storage of hazardous materials pursuant to Section 9.3.7.5.

iii. Commercial Fertilizers. Storage of commercial fertilizers and soil conditioners solely so that they may be offered for sale at a retail store.

iv. Snow or Ice Removal Chemicals. Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the

DRAFT – FOR DISCUSSION PURPOSES ONLY

removal of snow or ice solely so that they may be offered for sale at a retail store.

- b. **Construction-Related Excavation.** The removal of soil, loam, sand, gravel or any other mineral substances for excavation for construction-related activities (including the construction of roadways, utilities, and other infrastructure) within four (4) feet of the historical high water level, as such high water level has been determined by the Board of Health, shall be permitted by right without requiring that the removed substances be deposited on site to achieve a final grading greater than four (4) feet above the historical high water mark.
- c. **Minimum Lot Area.** Minimum lot area shall be 15,000 square feet.
- d. **Drainage.** Within the UAMUD, the requirements for the recharge of storm drainage may be met across the aggregate of all land in lots within the approved plan area, but do not have to be met on each individual lot. All drainage shall meet the stormwater management standards adopted by the Massachusetts Department of Environmental Protection (DEP).
- e. **Vegetation.** No less than twenty percent (20%) of the overall UAMUD project area shall be maintained as a green or vegetated area. Such green or vegetated area may be provided within the approved UAMUD project area and/or areas outside such UAMUD project area, but within the UAMUD, that are or will be subject to a recorded easement, restriction or covenant, or other appropriate instrument.
- f. **Impervious Areas.** If an approved UAMUD project includes areas within both the UAMUD and WRPOD, and if impervious materials cover more than fifteen percent (15%) of the portion of such area within the WRPOD, then all stormwater runoff from buildings shall be directed to recharge systems within the UAMUD project area (in accordance with applicable DEP regulations), and all other runoff shall be required to comply with the stormwater management standards adopted by DEP.

DRAFT – FOR DISCUSSION PURPOSES ONLY

- g. **Public Water Supply.** The location and use of new buildings, structures, parking areas, disposal facilities, point source discharges, and other infrastructure within the so-called “Zone I” area that extends outward in a 400-foot radius from any public water supply well shall be reviewed and approved as part of the approval of the Master Development Plan and, to the extent outside of the CDA, as part of Project Development Review pursuant to Section 9.8.11.2 of this Bylaw and shall not require a special permit pursuant to Section 9.3.5. However, a special permit pursuant to Section 9.3.5 shall be required for any changes to this area of the Master Development Plan (i) that do not meet the requirements of Section 9.8.11.10 or Section 9.8.11.11, or (ii) that the Planning Board, in its discretion, does not approve pursuant to those sections. Within the Zone I area, the following limitations shall apply and shall override any inconsistent provisions elsewhere in the Zoning Bylaw.
- i. No portion of a building containing a home improvement store or any retail use that will store or sell toxic or hazardous materials regulated under Section 9.3 of the Zoning Bylaw on substantially the same scale as, or in similar quantity to, a home improvement store shall be located within the Zone I area.
 - ii. No fertilizers, herbicides, or insecticides shall be used within the Zone I area, except for organic and/or low-phosphorous alternatives that are appropriate for use in sensitive areas.
 - iii. Any commercial dumpsters or commercial compactors located outdoors shall be covered and shall be located on an impervious surface sufficient to prevent generation of contaminated run-off or leachate.
 - iv. Stockpiling and disposal of snow and ice containing sodium chloride, calcium chloride chemically treated abrasives or other chemicals is prohibited within the Zone I area.

DRAFT – FOR DISCUSSION PURPOSES ONLY

- h. **Storage and Use of Snow Removal Materials.** Within the UAMUD project area, the storage of calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roadways, but not sodium chloride, may be allowed by special permit, consistent with Section 9.8.4.4.2.b, provided that these chemicals are stored in a fully enclosed structure with an impermeable cover and floor sufficient to prevent generation of contaminated run-off or leachate. In addition, only calcium chloride shall be used in such areas, provided that the Town Planner may approve in writing the use of a snow removal agent shown to be less harmful to the environment.
- i. **Wastewater.** All UAMUD uses located within the WRPOD requiring wastewater disposal shall be connected to a public sewer system.

j. General Requirements

- i. Hazardous Materials, commercial fertilizers and soil conditioners, and sodium chloride, calcium chloride, chemically treated abrasives or other chemicals offered for sale at a retail store must be individually packaged in household quantities within covered, leak-proof containers designed for consumer purchase and use. Except as provided in subsection (ii) below, such retail containers must be stored above-ground within a fully-enclosed and covered portion of a building.
- ii. Commercial fertilizers and soil conditioners offered for sale may be stored within the garden center or similar section of a home improvement store or similar retail operation, provided that they are sited in covered areas that prevent dispersal due to weather conditions and on top of a floor sufficient to prevent generation of contaminated run-off or leachate.
- iii. Liquid petroleum products used for emergency or back-up generators must be stored above-ground on an impervious surface sufficient to prevent the generation of contaminated run-off or leachate and within a UL-listed base

DRAFT – FOR DISCUSSION PURPOSES ONLY

tank/rupture basin and must comply with Section 9.3.7.5 of the Zoning Bylaw.

iv. Any home improvement store, and any retail use that will store or sell toxic or hazardous materials regulated under Section 9.3 on substantially the same scale as, or in similar quantity to, a home improvement store, shall file with the Building Commissioner a Spill Prevention and Contingency Plan that incorporates sound engineering practices to prevent, contain, and control the spill of oil and/or hazardous materials. Any such store shall also (a) maintain an emergency services agreement with a licensed hazardous materials clean-up contractor to respond to a release at a store location, and (b) ensure that its employees receive such hazardous material training as is required by law.

v. All loading docks shall include appropriate containment facilities and an impervious surface sufficient to prevent generation of contaminated run-off or leachate. Catch basins in loading dock areas shall be equipped with oil/gas/sand interceptors providing at least 200 gallons of storage. Shut-off valves on proposed drain lines must be accessible above ground, clearly labeled, properly maintained, and located so as to prevent accidental damage. Spill response requirements must be posted within the loading dock.

k. **Building Commissioner Review.** Prior to issuance of a Certificate of Occupancy for any use subject to this Section 9.8.4.5.2, the Building Commissioner shall review and confirm compliance with the foregoing standards and requirements. Nothing in this provision shall preclude the Planning Board from reviewing these standards and requirements as part of its Project Development Review.

9.8.4.6. **Relationship to Use Types Identified on Master Development Plan.** All individual uses shall be subject to the requirements of Sections 9.8.4 (including special permit requirements where applicable). In the event of an uncertainty as to whether an individual use is included within a Use

DRAFT – FOR DISCUSSION PURPOSES ONLY

Type set forth in Section 9.8.3.4, the Building Commissioner shall make a determination as to whether such use is appropriately included.

9.8.5 **Residential Use Requirements.** The residential component(s) of an approved UAMUD project shall comply with the below provisions. For purposes of this section, Senior Living uses consisting of assisted living, memory care, nursing or convalescent care, and other similar facilities shall not be considered a residential component, with the exception of any such facilities that are independent dwelling units (i.e., dwelling units that have independent kitchens and bathrooms) or contain multiple independent dwelling units within one structure.

9.8.5.1. **Dwelling Units.** The residential component of the CDA shall have a maximum of 350 residential dwelling units. A special permit shall be required for any residential use other than the 350 dwelling units allowed within the CDA. All residential dwelling units, whether within the CDA or outside of the CDA, shall be one- or two-bedroom dwelling units.

9.8.5.2. **Area Limitations.** The residential component(s) of an approved UAMUD project collectively shall occupy no more than one-third (1/3) of the aggregate land area within the UAMUD project.

9.8.5.3. **Design.** The residential component(s) of an approved UAMUD project shall be appropriately integrated with the overall development through the use of sidewalks, crosswalks, and other pedestrian connections, and shall be of a scale and character that both enhances and complements the overall development and ensures the advancement of “smart growth” initiatives.

9.8.5.4. **Affordable Housing.** For a UAMUD project that includes more than ten (10) new residential units, an affordability component shall be included that meets the following requirements:

(a) The UAMUD project must include a discrete project component within the CDA that qualifies for an affordable housing subsidy under the applicable regulations of the Massachusetts Department of Housing and Community Development (“DHCD”) (e.g., under current regulations, 25% of rental units are affordable), such that at least 220 units of housing are applied towards the Town’s percentage of low or moderate income housing on DHCD’s Subsidized Housing Inventory; and

(b) A minimum of 10 percent (10%) of total housing units in excess of 350 units, if any (exclusive of nursing and convalescent units and senior, retirement, assisted living units, and similar facilities that do not qualify as affordable units under applicable regulations of the, but including assisted living facilities with independent dwelling units (i.e., dwelling units that have independent kitchens

DRAFT – FOR DISCUSSION PURPOSES ONLY

and bathrooms)), shall qualify or an affordable housing subsidy under the applicable regulations such that they count towards the Town’s percentage of low or moderate income housing on DHCD’s Subsidized Housing Inventory.

As an alternative to (b) above, the Planning Board, in its discretion, may provide that, for each otherwise required affordable housing subsidy unit not included in the UAMUD project, the proponent may provide: (i) an affordable unit developed, preserved, or otherwise permanently encumbered at an off-site location; or (ii) a payment to the Town’s Affordable Housing Trust Fund for each affordable housing subsidy unit required but not included within the approved project in an amount that the Planning Board determines adequate to offset the loss of the affordable housing subsidy unit within the UAMUD project site. The Planning Board shall not exercise its discretion to require such off-site units or payment if the proponent can meet the requirements of (b) and decides to satisfy its affordable housing obligations in that manner.

9.8.5.5. **Special Permit Requirement.** Development of residential units (exclusive of Senior Living uses) beyond the initial 350 units in the Core Development Area shall require a special permit to be issued by the Planning Board pursuant to this Section 9.8.5.6. No special permit for such additional residential development shall be issued until at least 60% of the residential dwelling units within the CDA have been occupied.

9.8.5.5.1. **Application and Administrative Requirements.** The application and administrative requirements of Sections 10.3.2 and 10.3.4 through 10.3.9 of this Bylaw shall be applicable to any special permit required under this Section 9.8.5.6, provided that the Town Planner shall have the discretion to waive applicable filing requirements based upon information already provided to the Planning Board in connection with prior UAMUD reviews.

9.8.5.5.2. **Decision.** Upon making each of the following findings, the Planning Board shall find that the proposed residential use is in harmony with the general purpose and intent of this Section 9.8, and shall grant the requested special permit:

- (a) The specific site for the proposed residential development is appropriate in relation to non-residential uses within the UAMUD project site.
- (b) The proposed residential development is appropriately integrated with the overall UAMUD development through the use of sidewalks, crosswalks, and other pedestrian connections.

DRAFT – FOR DISCUSSION PURPOSES ONLY

- (c) With the addition of the proposed residential development, the overall UAMUD development continues to provide a net fiscal benefit to the Town.
- (d) The proposed residential development adequately accommodates and addresses its traffic, parking, drainage, and utilities requirements and impacts.
- (e) The proposed residential use satisfies the affordable housing requirements of this Bylaw.

9.8.5.6. **Residential Phasing.** No building permit shall be issued for any building to be occupied predominantly by multi-family dwellings within Development Area B as shown on the Master Development Plan until the proponent has commenced construction of the following within Development Area B: (i) a non-residential component measuring at least 35,000 square feet (which, in the case of an office use, also includes ground floor retail); and (ii) a central pedestrian-accessible open space area that serves Development Area B and is connected to the proposed residential development.

9.8.6 **Protection of Existing Uses.** Notwithstanding the approval of a Master Development Plan at a town meeting, the requirements of this Section 9.8 shall not apply to any existing building(s) within the Master Development Plan area unless such building(s) are redeveloped and changed in use as part of the UAMUD project. Except as provided in Section 9.8.4.3.12, such existing buildings and the existing use(s) thereof not redeveloped and changed in use as part of the UAMUD shall be treated as nonconforming uses and structures in accordance with Section 4.5 of the Zoning Bylaw.

9.8.7 **Dimensional Standards and Requirements.** The alternative dimensional and other requirements set forth in this Section 9.8.7 shall be used for a UAMUD project rather than the requirements provided elsewhere in this Bylaw, including, without limitation: Section 5.2, Table of Dimensional Requirements; Section 5.3, Notes for Table of Dimensional Requirements; Section 5.4, Height Regulations; Section 5.5.4, Corner Clearance; Section 5.5.5, Uses within Setbacks; Section 5.5.6, Creation of Ways; Section 6.3.2, Buffer Areas in Nonresidential Districts; Section 6.3.9, Screening Standards; Section 6.5, Floor Area Ratio Limitation; and Section 7.1, Earth Material Movement.

9.8.7.1 **Table of Dimensional Requirements**

Minimum Lot Area	15,000 square feet
Maximum Building Height ^ *	
Zone A ⁺	80 feet

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Zone B	70 feet
Zone C	60 feet
All Other Areas	50 feet
Maximum Floor Area Ratio**	1.0

^ In no event shall the height of a building exceed one hundred seventy-eight and one-half (178½) feet above the North American Vertical Datum of 1988 (NAVD88).

* Unoccupied mechanical features such as chimneys, clock towers, ventilators, skylights, tanks, bulkheads, penthouses, antennae, green energy infrastructure, rooftop screening elements, and functional, decorative, or architectural features carried above the roof line are exempted from the limitations on building height provided they do not cover more than thirty percent (30%) of the roof area of the building, provided that no such features exceed one hundred seventy-eight and one-half (178½) feet above NAVD88. Upon issuance of a special permit by the Planning Board pursuant to Section 10.3, an increase in base building height of up to 120 feet shall be permitted in project areas located to the south/east of University Avenue, as identified on the Master Development Plan, provided that no building, including unoccupied mechanical structures, shall exceed one hundred seventy-eight and one-half (178½) feet above NAVD88.

+ Zones A, B, and C are shown on the Master Development Plan.

** The floor area ratio on individual lots within the UAMUD project area may exceed the limits set forth herein, provided that the aggregate floor area ratio of all lots on the approved plan otherwise complies with such limit.

9.8.7.2 The buffer and screening requirements set forth in Sections 6.3.2 through 6.3.10 of this Bylaw shall not be applicable. Instead, where a lot in the UAMUD project abuts or is within twenty (20) feet of the boundary line of any Residential District, a buffer area shall be provided on the portion of said lot abutting the Residential District that shall have a minimum width of one hundred (100) feet. Said buffer area may include streets, access drives, and other means of public access comprising no more than ten percent (10%) of the applicable buffer area, and shall be used to minimize visual impact on any adjacent residential uses through the use of plantings, berms, and/or fencing,

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or alternatively may be developed as a publicly accessible open space area with walkways and other opportunities for passive recreation.

- 9.8.7.3 Outdoor seating for retail use, restaurants, and other uses shall not be subject to Section 6.3.1, Enclosure Requirements in Highway Business and Industrial Districts. However, the following standards shall apply to all outdoor seating, sales, and display areas within an approved UAMUD project:
- (a) In all cases, sufficient clearance shall be maintained for safe and efficient public access along sidewalks, access drives, and roadways.
 - (b) Such areas shall be appropriately separated from streets and sidewalks by means of fencing, plantings, or other similar measures
 - (c) Outdoor sales and display areas shall be maintained in a neat and orderly condition at all times.

All proposed outdoor seating, sales, and display areas within an approved UAMUD project must be approved in advance by the Building Commissioner and, once implemented, shall be reconfigured upon the order of the Building Commissioner if necessary to address public safety, convenience, order, or appearance.

- 9.8.7.4 More than one (1) building shall be permitted on any lot.
- 9.8.7.5 The owner of any lot shown on the approved Master Development Plan shall be entitled to lawfully divide such lot, including without limitation by virtue of plans endorsed by the Planning Board pursuant to M.G.L. Ch. 41, Section 81P, without modifying the approved Master Development Plan and without the need for other approvals under this Bylaw, provided that any such lot must have minimum frontage of 50 feet at the street line. To the extent consistent with the Subdivision Control Law, M.G.L. c. 41, § 81K, et seq., lots within an approved UAMUD project may be separated by a public or private way.
- 9.8.7.6 Except where otherwise expressly provided in this Section 9.8.7, all dimensional requirements applicable to a UAMUD project shall be calculated across the entire approved UAMUD project area, irrespective of individual lot lines within the UAMUD development. Consistent with typical site configurations for larger, complex mixed-use developments, individual buildings within the UAMUD development may be located immediately adjacent to individual lot line boundaries. Without limiting the foregoing, there shall be no minimum corner clearance, lot width, setback requirements, minimum non-wetland area, maximum building coverage, maximum impervious surface, or lot coverage requirements for a project developed under this Section 9.8, provided that a minimum setback and corner clearance

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may be required as a matter of sound engineering practice to preserve acceptable sightlines for traffic safety.

9.8.8 **Parking and Loading.** The alternative parking requirements set forth in this Section 9.8.8 shall be used for an approved UAMUD project rather than the requirements applicable to the underlying district as provided under applicable Planning Board regulations and/or elsewhere in this Bylaw (including, without limitation, Sections 6.1.1 through 6.1.26).

9.8.8.1 Approximate parking requirements for the UAMUD project shall be as set forth on a schedule included with the Master Development Plan (the “Parking Schedule”), rather than by reference to Section 6.1.2. The number of parking spaces within an approved UAMUD project (or any portion thereof) shall be approved by the Planning Board as part of a Conformance Determination (as defined in Section 9.8.11.2.1) or as part of a PDR Approval (as defined in Section 9.8.11.2.2), as applicable, and the actual aggregate number of spaces approved by the Planning Board may vary from the Parking Schedule. The number of spaces contained within the approved UAMUD project may change from time to time, based upon changes in use and tenant requirements. Such adjustments in spaces may be accomplished without the need for further Planning Board review or approval, unless it is demonstrated that on-site parking has been consistently inadequate for a period of months, resulting in materially adverse traffic safety impacts either on-site or along University Avenue between Blue Hill Drive and Canton Street, in which case the Planning Board shall review the issues at an administrative meeting and determine whether PDR Approval of any required parking modifications is required.

9.8.8.2 If accepted by the Planning Board as part of a Conformance Determination (as defined in Section 9.8.11.2.1) or as part of a PDR Approval (as defined in Section 9.8.11.2.2) for other phases or areas shown on the Master Development Plan, shared off-street parking arrangements, which may include structured parking, shall be permitted and may be located on contiguous lots or on separate lots that are within the Master Development Plan area.

9.8.8.3 There shall be no minimum parking setback requirements as required in Section 6.1.18 except at any boundary line at the perimeter of the overall Master Development Plan area. The number of entrances and exits shall be the minimum necessary for safe and efficient traffic circulation.

9.8.8.4 Parking lot landscaping (both internal and perimeter) for an approved UAMUD project shall be substantially as shown on the approved Master Development Plan.

9.8.8.5 Parking may be provided through any combination of at grade, on street, and/or structured parking facilities (both stand-alone and part of other buildings).

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- 9.8.8.6 Sidewalks or multipurpose pedestrian ways and facilities shall connect each parking lot or facility to buildings, public spaces, or other destination points within the development.
- 9.8.8.7 Adequate loading areas shall be provided for all businesses and other applicable uses containing more than ten thousand (10,000) square feet of net floor area. When exclusive loading areas are provided, such areas shall be designed so as to have unobstructed access and shall be configured so that no trucks or other vehicles are parked on a public street while loading or unloading, or while waiting to load or unload.
- 9.8.9 **Signage.** The alternative sign requirements set forth in this Section 9.8.9 shall be used for an approved UAMUD project rather than the signage requirements applicable to the underlying district as provided elsewhere in this Bylaw. All signs shall be as defined in Section 9.5.11.1.
- 9.8.9.1 **Development Identification Sign.** An approved UAMUD project shall be allowed to install and maintain development identification signs in the vicinity of each substantial “gateway(s)” or entrance(s) to the project from neighboring streets (which signs may be installed at on-site and/or off-site locations). Such development identification sign may include the name and/or logo of the development project, as well as the names and/or logos of any occupants within the development. Development identification signs may have two (2) faces, each of which shall not exceed two hundred (200) square feet of copy area (excluding frame and borders). Development identification signs shall not exceed twenty-five (25) feet in height. Development identification signs shall include appropriate materials and landscaping to ensure an attractive entrance(s) to the development.
- 9.8.9.2 **Wall or Awning Signs.** Any combination of Wall Signs and Awning Signs shall be permitted such that the aggregate of all such Wall Signs and Awning Signs associated with each individual business establishment shall not exceed two (2) square feet of signage for each one (1) linear feet of facade associated with said establishment, measured across the longest facade in the case of establishments with more than one street facade. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Awning Signs shall have at least 8 feet clearance above the pedestrian grade.
- 9.8.9.3 **Projecting Signs.** One Projecting Sign may be permitted for any individual business establishment. A projecting sign shall have two (2) legible faces, each of which shall not exceed sixteen (16) square feet in area. Logos and/or graphic representations shall be counted toward the maximum permitted sign area. Projecting Signs must have at least 8 feet of clearance above the pedestrian grade, and shall not project more than 6 feet from a building facade.

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- 9.8.9.4 **Window Signs.** Window Signs shall be permitted such that the aggregate of all such Window Signs associated with an individual business establishment shall not exceed a total of one (1) square foot of signage for each one (1) linear foot of facade associated with said establishment, measured across the longest facade in the case of establishments with more than one street facade. Logos and/or graphic representations shall be counted toward the maximum permitted sign area.
- 9.8.9.5 **Directional Signs.** Directional Signs shall be allowed throughout a development. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic safety. Directional Signs shall not exceed four (4) square feet in area and shall have a maximum height of eight (8) feet above ground. Directional Signs may be post-mounted, ground-mounted, or mounted on a building or structure, and shall provide adequate clearance for vehicular and/or pedestrian traffic.
- 9.8.9.6 **Way Finding Signs.** Way Finding Signs shall be allowed throughout a development, and may be allowed both on site and at off-premises locations. The number of such signs, and the size of each sign, shall be the minimum necessary to ensure traffic and pedestrian safety. Way Finding Signs shall be post-mounted, ground-mounted, or mounted on a building or structure, and shall not exceed thirty-two (32) square feet in area and shall have a maximum height of eight (8) feet above ground. All Way Finding Signs located throughout a development shall be consistent in material, color and lettering style. Way Finding Signs shall not contain individual business identification logos. Way Finding Signs may include electronically changed lettering as appropriate to provide directions and/or indicate availability of public parking. Such changeable signs must be static displays that do not flash, or exhibit changes in lighting levels, or offer multiple messages on a cyclical basis.
- 9.8.9.7 **Directory Sign.** One or more Directory Signs shall be permitted at the project site. Directory Signs shall not exceed thirty-five (35) square feet in area and shall have a maximum height of eight (8) feet above ground.
- 9.8.9.8 **Temporary Construction Signs.** Temporary Construction Signs for both owners and occupants of lots within the approved Master Development Plan shall be permitted. Temporary Construction Signs shall not exceed thirty-two (32) square feet in area and shall have a maximum height of six (6) feet above ground. Temporary Construction Signs shall be removed within thirty (30) days of the completion of construction.
- 9.8.9.9 **Prohibited Signs.** Roof signs, flashing signs, variable lit signs, variable message signs (except as permitted in Section 9.8.9.6), balloons, streamers, strings of lights, ribbons, spinners and other similar devices, shall be prohibited in any UAMUD project, except in connection with special events, seasonal displays, or other similar temporary uses. No sign which indicates

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the time, date and temperature shall be considered a flashing sign provided such sign meets all other provisions of this Section 9.8.9.

- 9.8.9.10 **Sign Materials.** Signs shall be manufactured using industry standard materials that are consistent with a high quality project. Structurally necessary brackets, posts or other supports may be visible if compatible with the appearance of the sign they support. Conduit, tubing, raceways, conductors, transformers and similar equipment shall be concealed from view, to the greatest practical extent.
- 9.8.9.11 **Sign Illumination.** Indirect illumination of a sign by properly shielded light fixtures, or by edge-lighting, or by halo lighting, or internal illumination of only the lettering, wording or insignia portions of a sign, shall be permitted. In all cases illumination shall only be permitted by steady white light. Notwithstanding the above, Awning Signs shall not be internally illuminated.
- 9.8.9.12 **Project-Specific Signage Alternative.** In recognition of the interrelated nature of signage systems in complex, mixed-use projects, and the importance of clear, adequate, and effective signage to the safe and efficient operation of such projects, notwithstanding the provisions of Sections 9.8.9.1 through 9.8.9.11 of this Bylaw, the Planning Board may, as part of its Conformance Determination for the CDA or PDR Approval for all other areas and phases of the approved UAMUD project, approve an alternative signage package for the UAMUD project, provided that the Planning Board finds that the signage package submitted by the proponent adequately addresses the needs of the development and traffic safety while appropriately balancing any impacts on the surrounding environment.
- 9.8.10 Design and Performance Standards.** The following design and performance standards shall apply to UAMUD projects and shall be reflected in the Master Development Plan materials for the CDA and, to the extent practicable, shall also be reflected in the approved Master Development Plan materials for the non-CDA areas. Except as expressly provided elsewhere in this Section 9.8, the standards and requirements set forth in this Section 9.8.10 shall override any other applicable design, development, and performance standards and requirements imposed through or by reason of sections of this Bylaw other than Section 9.8, including, without limitation, those contained in any rules and regulations or design standards adopted by the Planning Board pursuant to sections of this Bylaw other than Section 9.8.
- 9.8.10.1. **Building Design**
- (a) **General.** Structures shall be designed to create a visually pleasing, unifying and compatible image for the development as a whole. Any combination of architectural design elements may be employed to meet this standard, including building color, texture, materials, scale, height, setbacks, roof and cornice lines, signs, and

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elements such as door and window size and location, and door and window detailing.

- (b) **Exterior Materials.** Exterior walls for the project shall use a combination of architectural masonry materials, including but not limited to brick, glass, stone, stucco, EIFS, precast concrete architectural panels, stainless steel, split face block. No standard scored or flat face block will be allowed. Colors shall be medium values of natural building materials such as earth, stone, etc. Extremes of colors shall not be used except as accents at entrances, etc.
- (c) **Facade Treatments.** To avoid long unbroken expanses of wall, the architecture shall incorporate, as appropriate, design features providing horizontal and vertical relief including projections, building jogs, elements of transparency or windows, architectural detailing, and changes in surface materials. The design of public entrance ways shall incorporate architectural features and elements to emphasize the entrance locations and interrupt long stretches of building facade. The facades of parking structures shall be designed to a standard of architectural finish consistent with other buildings within the project. All exterior walls shall be designed and finished with materials that maintain a consistent architectural character with adjoining buildings. Complementary use of public pedestrian spaces may also be considered as a contributory element.
- (d) **Relationships Among Structures and Components.** Buildings and parking structures shall be designed with common elements that both create a sense of unity and express a relationship to the interior (for example, using ornamentation to reflect floor levels). These elements may include the horizontal spacing of bays, columns, and windows; and the vertical alignment and spacing of floors. Structures shall relate harmoniously to the existing landscape and to the scale and architecture of existing buildings that have a functional and/or visual relationship to the proposed structures. Special attention shall be paid to reduce the effect of shadows on an abutting property, public open space or street, or to otherwise lessen any negative visual impacts of a proposed structure.
- (e) **Detailing.** Architectural detailing and surface textures and colors of adjoining components of the approved UAMUD project (for example, anchor stores, residential structures, and parking structures) should be related and contribute to an overall sense of cohesion within the project. While a variety of design treatments is

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encouraged to avoid monotony, individual components shall be designed to avoid overly strong contrasts.

- (f) **Rooftops.** Rooftop mechanical features, heating and air conditioning units, vents, stacks, mechanical penthouse(s) shall be screened to the extent practicable by use of parapet walls or similar elements

9.8.10.2. **Visual Mitigation and Screening of Infrastructural Elements.** Exposed storage areas, exposed machinery or electric installations, common service areas, truck loading areas, utility structures, trash/recycling areas and other elements of the project infrastructure shall be subject to reasonable visual mitigation requirements, including, but not limited to, screen plantings or buffer strips, combinations of visually impermeable fencing and plantings, or other screening methods necessary to assure an attractive visual environment.

9.8.10.3. **Utilities.** To the extent practicable, all utilities such as electricity, telephone, gas, and fiber optic cable shall be placed underground. All UAMUD developments, and all principal buildings within them, shall be connected to public water supply. Sewage collection shall be by the public sewage collection system or by an approved local area or on-site treatment facility. Access easements to any utility connections shall be granted to the Town to assure maintenance and emergency repair.

9.8.10.4. **Land Uses and Common Areas.** To the extent appropriate, open space or publicly-accessible common areas shall be included within the development, to encourage pedestrian activity and to visually separate buildings or groups of buildings, particularly buildings housing different uses. When reasonably feasible, independently sited common areas shall be connected to other nearby open space and common areas by use of pathways and other similar pedestrian connections.

9.8.10.5. **Street Design.** Streets, interior drives and related infrastructure within the proposed development shall be designed in accordance with applicable standards and sound engineering practice, and shall be designed with sufficient capacity to accommodate anticipated trip generation, to provide for adequate access by public safety vehicles and maintenance equipment, and to safely maintain pedestrian and bicycle circulation.

9.8.10.6. **Circulation, Traffic Impact & Public Street Access.** An approved UAMUD development shall provide for a comprehensive, interconnected, safe and efficient system of circulation that adequately incorporates varied transportation modes, both vehicular and non-vehicular. This system shall include the layout of roadways, interior drives and parking facilities, and shall include pedestrian and bicycle circulation, when reasonably feasible. Review of site circulation shall include: entrances and approaches, ramps,

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walkways, interior drives, and parking access. Traffic planning shall consider the surrounding system of public streets, the existing and future vehicular trip volume, the number and location of proposed access points to public streets, and existing and proposed traffic controls and management measures. The impact of volume increases on adjacent residential districts and business areas shall be mitigated in a manner consistent with sound traffic engineering practice. Improvements designed to facilitate the use of alternative transportation, such as public transit accommodation where appropriate, bicycle racks, and directional signage, shall be provided. Any Drive-Through Services shall be consistent with sound traffic engineering practice and shall not impede the circulation of traffic on roadways or within parking lots in a way that gives rise to safety hazards.

- 9.8.10.7. **Protection of Public Safety.** UAMUD projects shall be designed and located so as not to endanger their occupants or the public. The design shall include adequate water supply distribution and storage for fire protection. Vehicular circulation shall consider the access needs of emergency and public safety vehicles.
- 9.8.10.8. **Stormwater Management.** Stormwater management systems serving the proposed development shall be designed in conformance with the DEP Stormwater Standards, as amended from time to time, to efficiently collect runoff from all impervious surfaces, roofs, and canopies in a manner that avoids adverse drainage impact on any neighboring property. A plan for controls that are appropriate and specific to the site and the project, and which includes both pre-construction and post-development measures, shall be employed to mitigate erosion and sedimentation impacts. Where space, topography, soils, and the character of the proposed development make it practical, low impact designs (LID) that capture and recharge runoff to the groundwater may be used as an alternative to closed systems.
- 9.8.10.9. **Outdoor Lighting.** Lighting shall be designed so as to avoid any material light trespass and glare on adjacent neighborhoods, business areas, and streets. Where appropriate, exterior lighting fixtures shall be of the full-cutoff type, and hoods and shields shall be incorporated as needed to prevent light trespass and glare. Lighting in minimally-used areas shall be reduced after business hours. Wherever practical, the project shall incorporate lighting practices and systems that will reduce light pollution and conserve energy, while maintaining reasonable nighttime safety and security. Section 6.4 shall not be applicable to a UAMUD project.
- 9.8.10.10. **Mixed Uses and Activities.** An approved UAMUD project must contain a mix of uses. Proponents are strongly encouraged to include a beneficial mix of commercial and non-commercial uses. Compatibility between uses shall take into account peak hours of use and parking for individual components.

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- 9.8.10.11. **Energy Efficiency.** Insofar as practicable, UAMUD projects shall incorporate energy-efficient technology in building materials, lighting, heating, ventilating and air conditioning systems, as well as use of renewable energy resources, and shall adhere to the principles of energy-conscious design with regard to building orientation, shading, landscaping and other elements. Efforts shall be made to harmonize energy-related components with the character of a building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.
- 9.8.10.12. **Sustainability.** Tenants shall be encouraged to adopt energy-efficient construction methods and technologies by virtue of a Tenant Energy Efficiency Manual that identifies green requirements, initiatives, and goals for the UAMUD project. The Tenant Energy Efficiency Manual is to be prepared by the proponent and provided to each tenant within the UAMUD project. The UAMUD project shall also voluntarily submit to a state-level review of its “greenhouse gas” impacts, and, in connection with such review, shall incorporate sustainable measures and practices (to potentially include white roofing, daylighting, LED technology, etc.) that demonstrate a measurable reduction in such impacts.
- 9.8.10.13. **Public Gathering Areas.** An approved UAMUD development shall include one or more areas, exclusive of wetlands, to which the public has at least visual access, and preferably physical access, including landscaped areas and features such as pedestrian walks, landscaped pedestrian spaces and plazas, and incidental support structures, but excluding vehicular travelways, driveways, and parking surfaces. These public gathering areas shall be designed to maximize visibility for persons passing the site or viewing it from nearby properties.
- 9.8.10.14. **Air Quality, Noise, Vibration, Etc.** The approved project, when open, shall comply with applicable DEP standards as to the project’s environmental impacts. Under no circumstances shall the project result in “noxious” impacts to the environment or the community, and the air quality, noise, and vibration impacts associated with the project shall be appropriate for the project and the character of surrounding uses, with the sole exception of any temporary impacts associated with public gatherings or special events, emergency and public safety vehicle operations, construction, and similar activities. Section 6.6 shall not be applicable to UAMUD projects.
- 9.8.10.15. **Construction Solid Waste Management.** The proponent shall make arrangements for the disposal of tree stumps and debris resulting from construction, and shall arrange for appropriate on-site storage of refuse pending its removal. Such on-site storage shall be screened from public view, secure from birds or other animals, and located so as to present

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minimal hazard in the event of fire and minimal threat to water quality in the event of container failure.

- 9.8.10.16. **Water Quality.** The requirements with respect to uses and structures within the WRPOD are addressed in Section 9.8.4.5.
- 9.8.10.17. **Spill Prevention and Response.** The proponent shall provide an operation and maintenance plan and an emergency response and contingency plan that identify design and operational controls and measures to prevent and respond to potential releases, discharges, and spills of oil and/or hazardous material within the UAMUD project site that are appropriate in view of the proximity to public water supply.

9.8.11 Administration

- 9.8.11.1. **Development Agreement.** An approved UAMUD project shall mitigate the impacts of the development to the satisfaction of the Town both through seeking grants and incentives from state and/or federal agencies and the proponent's mitigation commitments and contributions. The mitigation and other general project commitments of the proponent shall be memorialized in a Development Agreement entered into between the proponent and the Board of Selectmen. No building permit shall be issued until the Development Agreement has been executed, without the prior approval of the Board of Selectmen.

9.8.11.2. **Project Review**

- 9.8.11.2.1. **Conformance Determination.** The CDA shall undergo conformance review either (a) simultaneously with the Planning Board's review and recommendation of this Section 9.8 for purposes of Town Meeting approval, or (b) in the event that the Planning Board requires additional information or materials prior to approving the CDA, and the proponent is not able to deliver such materials sufficiently in advance of Town Meeting, following the receipt of such materials by the Planning Board. All other areas and phases of the approved UAMUD project shall undergo Project Development Review in accordance with Section 9.8.11.2.2 below. The Planning Board shall approve the Conformance Determination if it finds that the final plans and materials (i) materially conform to the approved Master Development Plan materials, and (ii) are otherwise compliant with the standards and requirements set forth in this Section 9.8. The Conformance Determination shall be conclusive evidence of such

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findings. No building permit may be issued with respect to the CDA prior to the issuance of a Conformance Determination approving the CDA.

9.8.11.2.2. **Project Development Review.** Following approval of a Master Development Plan for a UAMUD project by Town Meeting, the proponent shall undergo Project Development Review for any phase or area of the approved UAMUD project other than the CDA prior to issuance of a building permit for such phase or area. The Planning Board shall issue a Project Development Review Approval (“PDR Approval”) for a phase of the UAMUD project if it finds that the following criteria have been met with respect to the project or the phase thereof for which a building permit is being sought:

- (a) Conformance. The project or applicable phase thereof materially conforms to the approved Master Development Plan materials submitted pursuant to Section 9.8.3, as the same may be modified pursuant to this Bylaw.
- (b) Impact. (i) Any previously-developed portion of the UAMUD project has not resulted in material adverse impacts that have caused a condition that does not comply with applicable regulatory requirements or, in the opinion of a registered professional engineer engaged by the Town, is substantially detrimental to the public health or safety or the environment; and (ii) the project or applicable phase thereof does not pose new material adverse impacts or materially exacerbate existing adverse impacts to any adjacent property or the proximate neighborhood that have not already been addressed through mitigation required by the Development Agreement or a prior PDR Approval.
- (c) Design. The project or applicable phase thereof complies with the standards and requirements set forth in this Section 9.8, including but not limited to the performance and design standards set forth in Section 9.8.10.

The findings required under paragraphs (b) and (c) above may be satisfied through the Planning Board’s imposition of mitigation measures and other requirements pursuant to

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Section 9.8.11.2.5 that, if satisfied, will cause the project or applicable phase thereof to conform to these criteria.

A PDR Approval shall be conclusive evidence of the Planning Board’s findings under this section. Where the Planning Board denies the PDR Approval, the proponent shall either (i) withdraw the development proposal; (ii) modify its final development plans to make them consistent with the Planning Board’s findings and submit the modified plans for a PDR Approval; (iii) seek approval of modification of the Master Development Plan pursuant to Section 9.8.11.10 or Section 9.8.11.11 followed by a PDR Approval; or (iv) seek, at its option, either (A) an amendment of the Master Development Plan at Town Meeting, or (B) a special permit pursuant to Section 9.8.11.12 to authorize the final development plans to be implemented as proposed.

- 9.8.11.2.3. **Submittal Requirements.** An application for a Conformance Determination or PDR Approval shall be filed with the Town Clerk, and copies shall be submitted to the Planning Board in the manner and quantity specified in the Rules and Regulations adopted pursuant to Section 9.8.11.5 of this Zoning Bylaw (the “Rules and Regulations”).
- 9.8.11.2.4. **Review Procedure.** The Planning Board’s review and consideration of an application for a CDA Conformance Determination or PDR Approval shall be in accordance with the Rules and Regulations.
- 9.8.11.2.5. **Supplemental Development Standards and Mitigation.** In issuing a PDR Approval, the Planning Board may include, as part of its written report, mitigation measures, supplemental development standards, requirements, safeguards, limitations, and specifications that address specific components of the approved development (e.g., lighting, signage, landscaping), and may include requirements for post-approval monitoring of certain development impacts (e.g., traffic), performance guarantees, self-reporting commitments, and other measures to ensure compliance with the approved plans and materials.
- 9.8.11.2.6. **Waivers.** In connection with a PDR Approval, the Planning Board, in its absolute discretion, may waive the dimensional requirements (except for height and FAR) of

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Section 9.8.7 if it determines that (i) the waiver will substantially improve the UAMUD project; (ii) the project or applicable phase thereof satisfies the performance and design standards set forth in this Section 9.8; and (iii) the granting of a waiver will not nullify or substantially derogate from the intent or purpose of this Section 9.8. A waiver shall not be granted if it would cause the UAMUD project to become inconsistent with the approved Master Development Plan and the materials submitted pursuant to Section 9.8.3 of this Bylaw. Such inconsistencies shall require approval of a modification of the Master Development Plan by the Planning Board pursuant to Section 9.8.11.10 or Section 9.8.11.11, or, at the proponent's option, either (A) a Special Permit for modification of the Master Development Plan pursuant to Section 9.8.11.12 of this Bylaw or (B) approval of a revised Master Development Plan by a majority vote at Town Meeting followed by a PDR Approval from the Planning Board.

9.8.11.2.7. **Denial.** In the event that the Planning Board denies a Conformance Determination or PDR Approval, the proponent shall either (i) withdraw the development proposal; (ii) modify its plans to make them consistent with the Planning Board's findings and submit the modified plans to the Planning Board for reconsideration of the applicable approval; (iii) seek approval of a modification of the Master Development Plan by the Planning Board pursuant to Section 9.8.11.10 or Section 9.8.11.11, followed by a Conformance Determination for the CDA or a PDR Approval for development outside of the CDA; or (iv) seek, at its option, either (A) a Special Permit for modification of the Master Development Plan pursuant to Section 9.8.11.12 of this Bylaw or (B) approval of a revised Master Development Plan by a majority vote at Town Meeting. Additionally, where a Conformance Determination is denied, the proponent may, at its option, submit additional materials and undergo full Project Development Review in accordance with Section 9.8.11.2.2.

9.8.11.3. **Phased Development.** An approved UAMUD project may be constructed in one or more phases, provided that such phased development complies with the requirements of Section 9.8.11.2.1, with respect to the CDA, or the requirements of Sections 9.8.11.2.2 with respect to other phases or areas shown on the approved Master Development Plan. Upon the granting of a Conformance

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Determination for the CDA or a PDR Approval for any other phase of the approved UAMUD project, such phase shall be deemed to be in compliance with the requirements of this Bylaw at the time such finding is made, notwithstanding the status of any other phase of the development and/or any noncompliance of such other phase with the requirements of this Section 9.8.

The requirements of Section 9.8 of this Bylaw shall not be applied to the individual lots or ownership units within an approved UAMUD project, but shall be applied as if the entire plan area were a single conforming lot, whether or not the same is in single or multiple ownership. Any violation of this Bylaw by an owner or occupant of a single lot or ownership unit or demised premises within an approved UAMUD project shall not constitute a violation by any other owner or occupant; provided, however, that the foregoing shall not be deemed to affect the Planning Board's right to impose conditions on development phases subsequent to the CDA to address adverse project impacts.

9.8.11.4. **Relationship to Underlying Districts and Regulations.** The UAMUD is established as an overlay district superimposed over, rather than replacing, the applicable underlying zoning district(s). Except as otherwise noted in this Section 9.8, the provisions and requirements of other applicable overlay districts, including, without limitation, the MUOD (Section 9.6) and FMUOD (Section 9.5), and any rules and regulations or design standards of the Planning Board, shall not apply to any project developed pursuant to this Section 9.8.

Except as provided elsewhere in this Section 9.8, special permit and similar approvals/criteria otherwise required under this Bylaw shall not be required for an approved UAMUD development, including, without limitation, any such approvals/criteria required pursuant to: Section 7.1, Earth Material Movement; Section 7.2, Major Business Development (MBD); Section 7.3, Environmental Impact Design Review (EIDR); Section 8.4, Senior Residential Development (SRD); Section 8.5, Residential Retirement Community (RRC); and Section 9.2, Flood Area Overlay District; The requirements of Section 9.3, Water Resource Protection Overlay District, as applied to a UAMUD project are addressed elsewhere in this Section 9.8.

Upon approval of a Master Development Plan, the use regulations of the underlying zoning district(s) shall not apply to the area within the Master Development Plan, but all other regulations of the underlying zoning district(s) shall apply except to the extent that they are inconsistent with, supplemented by, or modified by

DRAFT – FOR DISCUSSION PURPOSES ONLY

the provisions of this Section 9.8. In the event of any conflict or inconsistency between the other provisions of this Bylaw and this Section 9.8, the provisions of this Section 9.8 shall prevail.

Development of any or all lots within an approved Master Development Plan may be pursued under other applicable underlying zoning and overlay districts, subject to receipt of approvals, if any, required under such other regulations only if the Planning Board, in its discretion, votes to release the lot or lots from the Master Development Plan.

- 9.8.11.5. **Rules and Regulations.** The Planning Board may adopt rules and regulations for the administration of this section, which shall be limited to defining the application and submittal requirements, fees, reimbursement for consultants, and procedural requirements (such as review timeframes) for any approvals under Sections 9.8.11.1 or 9.8.11.2.
- 9.8.11.6. **Enforcement.** The Building Commissioner shall have jurisdiction to enforce compliance of the approved development with the standards and requirements of a Conformance Determination for the CDA and PDR Approval for all other areas and phases of the approved UAMUD project, both before and after construction, and may institute legal proceedings or take such other actions as are necessary to ensure compliance.
- 9.8.11.7. **Issuance of Building Permit.** Following the Planning Board's issuance of a Conformance Determination for the CDA or PDR Approval for all other areas and phases of the approved UAMUD project, the proponent shall submit copies the Planning Board's Conformance Determination or PDR Approval and the accompanying report to the Building Commissioner, along with other required Building Permit application materials and fees, and a Building Permit may thereafter be issued for the approved project, or any individual component thereof, without the need for any further approvals under this Bylaw, except where this Section 9.8 specifically requires further approval. Building permits may be sought and issued for individual components of an approved project, and nothing in this Section 9.8 shall obligate the proponent to construct all of the improvements shown on an approved Master Development Plan, except that the provisions of Section 9.8.5.6 shall be met prior to the construction of any building to be preoccupied predominantly by multi-family housing outside of the CDA.
- 9.8.11.8. **Transfer of UAMUD Approvals.** UAMUD approval of a project, or any individual portion thereof, may be freely transferred

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between lots and between owners, provided that the transferee complies with the provisions of this Section 9.8.

- 9.8.11.9. **Post-Construction Development Review.** Following completion of construction of any portion of the UAMUD project, PDR Approval from the Planning Board pursuant to Section 9.8.11.2.2 shall be required for the following within such UAMUD area: (i) construction of any new building not previously approved; (ii) an expansion of an existing building that increases the gross floor area of such building by 10% or more; or (iii) any other structural alteration to an existing building that is deemed “substantial” by the Planning Board because it would have the effect of materially changing the overall character of the applicable portion of the UAMUD development.
- 9.8.11.10. **Minor Modifications of the Master Development Plan.** Once a Master Development Plan has been approved at Town Meeting, the Planning Board may, in its discretion, approve a minor modification of the Master Development Plan by a majority vote at a public meeting. For purposes of this subsection, a plan modification is “minor” if the changes proposed, considered in the aggregate with all minor modifications previously approved:
- (a) Are consistent with the requirements and standards set forth in this Section 9.8 and do not have a material adverse effect on the overall design and implementation of the UAMUD project;
 - (b) Do not increase by more than ten percent (10%) the maximum gross floor area limitations for each category of use as noted in the approved Master Development Plan or the size of any individual permissible building area;
 - (c) Do not result in the aggregate floor area ratio of all lots on the approved Master Development Plan exceeding 1.0;
 - (d) Do not increase the land area included within the Master Development Plan by more than ten percent (10%);
 - (e) Do not adversely affect the storm water quality of the development;
 - (f) Do not increase projected vehicle trips by more than five percent (5%), unless it is demonstrated that such increase (i) would not result in a reduction of level of service below LOS D and (ii) would not otherwise cause vehicular traffic to operate in an objectively unsafe manner (such as queue lengths that block intersections), unless in either case such impact(s) are addressed with adequate traffic mitigation (as certified by the

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proponent’s Registered Traffic Engineer and approved by the Planning Board); and

- (g) Do not include any residential development units in excess of the limits established by this Section 9.8.

Minor adjustments in the location and configuration of the buildings, parking areas, and other site features within an approved development area (provided that the individual gross floor area maximums are observed) shall be deemed an “insubstantial change” that does not require further Planning Board approval.

9.8.11.11. **Permitted Modifications to Retail and Office Uses.** In addition to minor modifications pursuant to Section 9.8.11.10, the Planning Board may, in its discretion, approve modification of the Master Development Plan by a majority vote at a public meeting if the modification meets one of the following criteria:

- (a) An increase in Office/R&D Uses to a maximum of 550,000 square feet and/or increase in Retail/Service and Restaurant/Entertainment Uses to a maximum of 900,000 square feet (or such greater limits as the Planning Board may allow), provided that (i) the increase does not trigger any of the thresholds in Section 9.8.11.10 (with the exception of the limits set forth in Sections 9.8.11.10(b) and (d), which may be exceeded with the approval of the Planning Board); and (ii) any traffic and parking impacts attributable to any such increase(s) are mitigated to the satisfaction of the Planning Board.
- (b) Substitution of Office/R&D Uses for any other uses outside of the CDA, except Open Space Uses, provided that (i) the substitution does not trigger any of the thresholds in Section 9.8.11.10 (with the exception of the limits set forth in Sections 9.8.11.9(b) and (d), which may be exceeded with the approval of the Planning Board); and (ii) any traffic and parking impacts attributable to any such increase(s) are mitigated to the satisfaction of the Planning Board.

9.8.11.12. **Master Development Plan Special Permit.** In the event that the Planning Board determined that a proposed change in the Master Development Plan does not meet the requirements for approval pursuant to Section 9.8.11.10 or Section 9.8.11.11, or in the event that the Planning Board exercised its discretion not to approve the minor modification pursuant to those sections, then the proponent shall be required to seek, at the proponent’s option, either (A) an amendment of the Master Development Plan at Town Meeting, or (B) a special permit for modification of the Master Development

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Plan pursuant to Section 10.3 of this Bylaw authorizing the final development plans to be implemented as proposed. The Planning Board shall be the special permit granting authority for any such special permit.

- 9.8.11.13. **Lapse.** A Master Development Plan approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within three (3) years following the date of approval by Town Meeting. The Planning Board may extend such approval, for good cause, upon the written request of the proponent. Substantial use, including, without limitation, the filing of a building permit application for construction, of any portion of the approved Master Development Plan shall permanently vest the Master Development Plan and it shall not thereafter lapse for any reason.

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