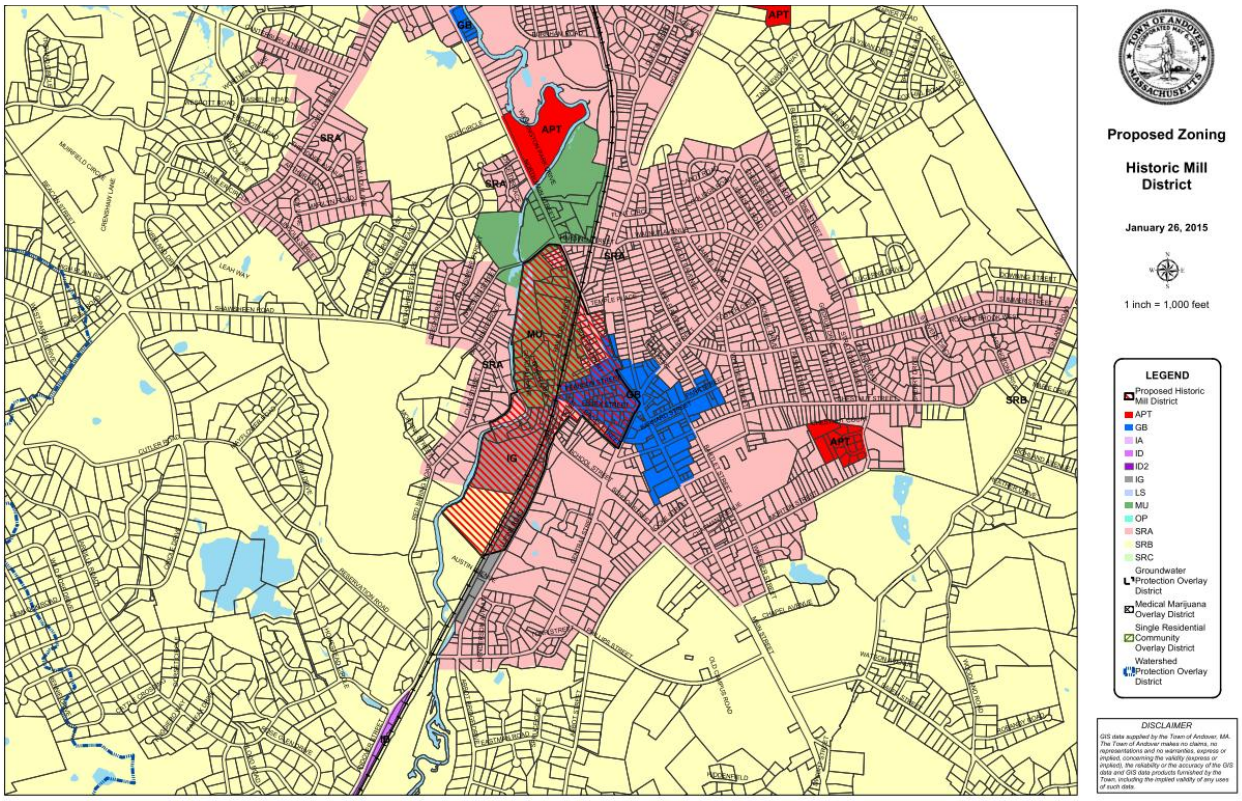
Article:

To see if the Town will amend Article VIII, Section 2.2. Overlay Districts of the Zoning Bylaw by adding at the end of Section 2.2, Historic Mill District and amend the Town of Andover Zoning Map, to establish an Historic Mill District as shown on a plan titled "Historic Mill District", dated, January 12, 2015, as prepared by the Town of Andover, which plans are on file in the office of the Town Clerk and which are hereby made part of the Town Zoning Map.



And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On the request of the Planning Board and Economic Development Council

Article:

<u>Zoning Bylaw Amendment – Historic Mill District (HMD)</u>
ARTICLE To see if the Town will vote to amend the Zoning Bylaw by adding the following new Section 8.7 Historic Mill District (HMD).

SECTION 8.7: HISTORIC MILL DISTRICT (HMD)

8.7.1 Purpose.

It is the purpose of this Section to establish the Historic Mill District (HMD), to encourage smart growth, and to foster a range of housing opportunities within mixed-use development projects, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:

1. Promote the public health, safety, and welfare by encouraging diverse housing opportunities in accordance with the Town's Master Plan;

2. Promote mixed use and economic development that is safe, pedestrian friendly, near rail transit and near the Town's civic and commercial center, while reducing the need for automobile travel;

3. Encourage the preservation of green space and protection of the Shawsheen River;

4. Encourage the creation of gathering spaces available for the public that promote community interaction;

5. Encourage adaptive reuse of existing buildings within the Andover Village Industrial National Historic Register District;

6. Encourage adaptive reuse of abandoned, vacant or underutilized mill buildings;

7. Provide a mechanism by which residential development can directly increase the housing supply and diversity, including but not limited to, young professionals and seniors, who want to live near their workplace and/or near retail and other non-residential uses;

8. Establish requirements, standards, and guidelines for development review and permitting;

9. Establish development standards to allow context-sensitive design and creative site planning;

10. Encourage consolidation of small parcels into viable, block-size mixed use development in designated areas;

8.7.2 Definitions.

For purposes of this Section, the following definitions shall apply:

Design Guidelines: Guidelines adopted to preserve and augment the architectural qualities, historic character and pedestrian scale of, and which are applicable to, all Development Projects herein.

Development Project: A Development Project is a project having any of the following characteristics:

a. A proposal to increase the gross floor area of an existing building by more than 2,000 square feet.

b. A proposal to construct a building or buildings in excess of 10,000 square feet.

c. A proposal to alter, renovate, reconstruct or redevelop more than 40% of the gross floor area of an existing building.

Dwelling Unit: One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit.

Historic Mill District Special Permit (HMD Special Permit): A special permit granted for a Development Project pursuant to this Bylaw.

Mixed Use: Any structure containing two or more of the Permitted Uses as set forth in Section 8.7.5.

Multifamily Dwelling: Dwelling containing two or more dwelling units.

Special Permit Granting Authority: For purposes of reviewing Development Project applications, issuing decisions and granting waivers within the HMD on Development Projects the Special Permit Granting Authority shall be the Planning Board.

Structured Parking Facilities: A structure or structures constructed to provide off street parking for automobiles, in connection with the construction of a Development Project. This may include parking under a building.

8.7.3 Overlay District.

The HMD is an overlay district that is superimposed over the underlying zoning district(s), as shown on the Official Zoning Map on file in the Office of the Town Clerk.

1. *Underlying Zoning.* The HMD is an overlay district superimposed on all underlying zoning districts. The Zoning By-law governing the underlying zoning district(s) shall remain in full force and effect, except for Projects undergoing development pursuant to Section 8.7. Within the boundaries of the HMD a developer may elect to develop a project in accordance with the HMD, or to develop a project in accordance with the requirements of the regulations for use, dimension and all other provisions of the Zoning By-law governing the underlying zoning district(s).

2. *Applicability of HMD.* An Applicant for a Development Project proposed within the HMD must seek a Special Permit in accordance with the requirements of this section. When a building permit is issued for any Development Project approved in accordance with this section 8.7., the provisions of the underlying zoning district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to this By-law.

8.7.4 Housing and Affordability.

1. No application within the HMD which contains residential use shall be approved unless at least 15% of the total dwelling units proposed are devoted to affordable housing, or such greater percentage as may be required by state or federal subsidy programs; provided however, that such applications requesting three or fewer dwelling units are exempt from this requirement. "Affordable housing" shall be defined as any housing subsidized by the federal or state government under any program to assist the construction of affordable housing as defined in the applicable federal or state statute, whether built or operated by any pubic agency or any nonprofit or limited dividend organization. The calculation of affordable units shall be rounded to the next whole number for units equal to 0.5 or greater.

2. The applicant may, with the permission of the Planning Board, in lieu of one or more affordable unit(s), contribute to the Town of Andover Municipal Affordable Housing Trust Fund, a cash contribution determined by the Planning Board in consultation with the Housing Trust Fund Board of Trustees, and is to be used for the benefit of households in Andover.

8.7.5 Permitted Uses.

1. *Permitted Uses.* The following uses, either standalone or in combination, are allowed in the HMD. All other uses are prohibited:

    a. Multifamily dwellings;

    b. Municipal Facilities*;*

    c. Structured Parking Facilities*;*

d. Non-residential uses, in accordance with the following "Table of Non-residential Uses", but only by issuance of a Special Permit by the Planning Board under this bylaw.

Use
Institutional Uses
1. Religious or educational uses exempt from zoning prohibition by G.L.c.40A,s.3 2. Child care facility
Business and Commercial Uses
1. Private club not conducted for profit
2. Personal service establishment
3. Banking establishment
4. Retail sales establishment
5. Convenience store
6. Educational use
7. Medical center or clinic
8. Self-service laundry or dry-cleaning operation
9. Restaurants
a. Restaurant, sit down
b. Restaurant, fast food
10. Shop for custom work involving the manufacture of articles to be sold on the premises
11. Indoor commercial recreation establishment
12. Business, professional or administrative office
13. Motel or hotel (see Section 4.1.5.1 of the Zoning By-Law)
14. Grocery store
15. Commercial parking lot or garage
16. Open Space
17. Major non-residential project (see Sections 9.4 and 10.0 of the Zoning By-Law)
18. Any use or facility operated by a private nonprofit organization for the conservation of natural resources, for the preservation of historic sites, or for park or recreational purposes

Non-residential use of any building, structure or land within the HMD is prohibited except as permitted above.

2. *Accessory Uses*. Uses which are subordinate to, clearly incidental to, customary in connection with, and located in the same structure as a Permitted Use and which do not,

in effect, constitute conversion of the Permitted Use to a use not otherwise permitted in the HMD shall be permitted.

8.7.6 Density.

1. *Residential:* The minimum requirement for a residential use in the HMD is three thousand square feet of lot area per dwelling unit. The Planning Board may, in its discretion, according to the characteristics of any particular lot, allow less than the 3,000 square feet of lot area per dwelling unit, with an upper limit of forty (40) units per acre.
2. Retail Sales: No single Retail Sales Establishment as described in Section 8.7.5.1., shall exceed 25,000 SF of gross floor area in the HMD. A single establishment shall be defined as having independent access, egress and exit ways as required by State Building Code.

3. *Integration of Uses:* The Special Permit Granting Authority may require the integration of residential and non-residential uses in a Mixed Use structure as a condition of Approval.

4. *Multiple Buildings*: In the HMD, more than one building may be erected on a single lot.

8.7.7 Dimensional Regulations.

1. *First Floor.* Buildings with a commercial use on the first floor shall be located directly behind the front sidewalk (0-foot maximum setback) on any street. However, regardless of the width of the existing sidewalk, a minimum of 8 feet shall be required from the curb line to the front of the building.

2. *Building Height.* The maximum allowed heights of all buildings in the district shall be as follows:

   Building heights shall conform to and be measured according to the following standards:

   a. When adjacent to or up to ninety (90'feet) from the property line on North Main Street, the heights of all buildings shall be no more than thirty-five (35') feet above the adjacent public street.

   b. When more than ninety (90) feet from the property line on North Main Street, and otherwise not restricted by this section, the heights of all buildings in the district shall be no more than sixty-five (65) feet.

   c. When adjacent to or up to fifteen (15) feet from the property line on Essex Street (east of railroad tracks), Brooks Street, and/or Central Street or any combination thereof, the heights of all buildings in the district shall be no more than thirty-five (35) feet.

d. From fifteen (15) feet to fifty (50) feet from the property line on Essex Street (east of railroad tracks), Brooks Street, and/or Central Street, the maximum heights of all buildings in the district shall be fifty (50) feet.

e. When adjacent to or up to fifteen (15) feet from the property line on Pearson Street, the heights of all buildings in the district shall be no more than thirty-five (35) feet.

f. From fifteen (15) feet to fifty (50) feet from the property line on Pearson Street, the maximum heights of all buildings in the district shall be fifty (50) feet. After fifty (50) feet, and if otherwise not restricted by this section, the maximum allowed height shall be sixty-five (65) feet.

g. When adjacent to or up to fifteen (15) feet from the property line on Essex Street (west of railroad tracks) the heights of all buildings in the district shall be no more than thirty-five (35) feet.

h. From fifteen (15) feet to fifty (50) feet from the property line on Essex Street (west of railroad tracks), the maximum heights of all buildings in the district shall be fifty (50) feet. After fifty (50) feet, and if otherwise not restricted by this section, the maximum allowed height shall be sixty-five (65) feet.

i. When the property frontage is on the west side of Railroad Street, the heights of all buildings within fifty (50) feet of Railroad Street shall be no more than fifty (50) feet. After fifty (50) feet, and if otherwise not restricted by this section, the maximum allowed height shall be sixty-five (65) feet.

j. When adjacent to or up to fifty (50 feet) from the property line on Red Spring Road, the heights of all buildings shall be no more than thirty-five (35) feet.

k. When adjacent to or up to fifteen (15) feet from the property line on Stevens Street the heights of all buildings in the district shall be no more than thirty-five (35) feet.

l. From fifteen (15) feet to fifty (50) feet from the property line on Stevens Street, the maximum heights of all buildings in the district shall be fifty (50) feet. After fifty (50) feet, and if otherwise not restricted by this section, the maximum allowed height shall be sixty-five (65) feet.

g. For all other buildings within the district, not otherwise restricted by this section, the maximum height shall be fifty (50) feet.

i. When a building façade extends more than one hundred (100) feet across a grade equal to or greater than ten (10) feet in elevation differential, the maximum height of the building shall be determined from the average grade across each one hundred (100) foot increment measured from the top of grade.

3. *Building Coverage.* The maximum building coverage in the HMD shall be 75% of the lot covered by the footprint area of a building or buildings.

4. *Parcel Size.* The minimum parcel size required for a Development Project shall be one-half (0.5) acre.

8.7.8 Design Objectives

Each project within the HMD shall:

1. Provide a positive economic benefit to Andover (including, but not limited to, fiscal impact, town services, and employment), be in harmony with the general purpose and intent of the Master Plan and not be unreasonably detrimental to the overall General Business Districts, specifically Downtown Andover.

2. Blend the scale of residential, business and commercial structures into the site design;

3. Provide safe vehicular, pedestrian and bicycle ways, and minimize traffic impacts;

4. Preserve natural features, wetlands, scenic vistas and open spaces when possible;

5. Minimize the visual impact of parking areas;

6. Preserve mill buildings and historic landmarks when possible;

7. Assure safe interior circulation within its site by separating pedestrian, bike, and vehicular traffic;

8. Include existing and future pedestrian pathways within 100'feet of the Shawsheen River for public use and enjoyment if the Project includes frontage along the Shawsheen River. Said pedestrian pathway shall be publicly accessible via a public access easement or conveyance to the Town of Andover. The easement width for these pathways shall be not less than ten feet (10), unless otherwise approved by the Planning Board;

9. Have appropriate signage to identify places, provide direction, and advertise businesses. Along with communicating information, signage should add to the character of each project and reinforce a sense of place:

   a. Signs shall consist of high quality materials and color palettes that reflect the architectural themes of the surrounding area;

   b. Location and placement of signs should not obstruct pedestrian or vehicular movement;

10. Incorporate energy efficient and environmentally sensitive principles;

11. Incorporate pedestrian amenities, accessory uses and community benefits into the overall design in a harmonious way;

12. Incorporate low-impact development (LID) design techniques or Stormwater Best Management Practices (such as, but not limited to, pervious paving, landscape swales, vegetative filters or rain gardens, and landscape infiltration facilities) to lessen the environmental impact of development along the Shawsheen River.

8.7.9 Design Guidelines and Review.

1. In order to preserve and augment the HMD's architectural qualities, historic character and pedestrian scale, the Planning Board is authorized to adopt Design Guidelines which are not inconsistent with this By-law. In developing the Design Guidelines, at a minimum the Planning Board shall consult with the Design Review Board, Andover Preservation Commission, area residents and businesses as well as other regulatory Boards. The Design Guidelines at a minimum shall address:
    - Building Design
    - Massing
    - Landscape Design
    - Plantings
    - Lighting
    - Materials
    - Signage
    - Parking and Vehicular Access
    - Pedestrian and Bicycle Amenities
    - Open space
    - Streetscapes

2. The Design Review Board shall review all Development Projects.

8.7.10 Off-Street Parking and Loading Areas

1. *Structured Parking.* Parking within the HMD shall be accommodated within Structured Parking Facilities and under buildings to the maximum extent possible. On-street parking may be provided on private streets within the development project in front of and adjacent to retail stores.

2. *Off-Street Parking.* For any structure that is constructed, enlarged, or extended, or has a change-of-use which affects the computation of parking spaces, or if any existing use is changed, then parking spaces shall meet the following requirements:

    a. Residential uses require a minimum of 1.0 space per dwelling unit.

b. Non-residential uses require a minimum of 2 spaces per 1,000 sq. ft. of Net Floor Area.

3. Shared Parking Facilities: The Planning Board may allow for shared parking facilities within the HMD for different buildings or uses subject to the following provisions:

a. Up to 50% of the parking spaces serving a building may be used jointly for other uses not normally open, used or operated during similar hours. The applicant must demonstrate to the Planning Board that the peak demand and principal operating hours for each use are suitable for a common parking facility.

b. A written agreement defining the joint use acceptable to the Planning Board of the common parking facility shall be be executed by all parties concerned and approved by the Planning Board as part of the special permit process. Such agreement shall be recorded at the Registry of Deeds.

4. The number of parking spaces required for a Development Project may be reduced by the Planning Board upon its finding that special circumstances, such as shared or remote parking opportunities as defined in Section 5.1.12 of this By-law render a lesser number of spaces adequate for all parking needs.

5. *Computation of Spaces.* When the computation of required parking spaces results in the requirement of fractional space, any fraction more than one-half (1/2) shall require one (1) space.

6.. Loading Areas. Loading areas shall be designed in accordance with Section 5.1.5.5. of this By-law.

8.7.11 Procedure

A Development Project under the provisions of this HMD section is only allowed by Special Permit. All applications for a Special Permit under this section shall be submitted to the Planning Board pursuant to the submission requirements and procedures contained in this By-law.

1. *Pre-Application*. Prior to the submittal of a special permit application, a "Concept Plan" shall be submitted to help guide the development of the site plan process for the proposed project build-out and individual elements thereof. Such Concept Plan should reflect the following:

a. Overall building footprint;
b. Areas which shall remain undeveloped;
c. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the Planning Board to ensure that the proposed project design will be consistent with the requirements of the HMD.

2. *Application.* An application for a special permit shall be submitted to the Andover Planning Board pursuant to the submission requirements and procedures contained in Section 9.4. and Section 9.5.3. of this Bylaw.

3. *Additional Submittals:*

a. Waivers. At the request of the applicant in a narrative form, the Planning Board may waive certain dimensional, design and other requirements as stated herein (unless expressly prohibited), in the interests of design flexibility and overall project quality if it finds that the project is consistent with the overall purpose and objectives of the HMD, or if it finds that such waiver will allow the project to achieve a high quality design incorporating a desired mix of open space, affordability, a mix of uses, and/or physical character.

b. A transportation plan, consisting of the following information:

(i) A plan showing the proposed parking, loading, traffic and pedestrian circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.

(ii) A traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts. The required traffic study shall substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.

(iii)Proposed mitigation measures, if any, including vehicle trip reduction from the Project.

(iv)The traffic study shall address pedestrian, vehicular and rail circulation at the Essex Street/Pearson Street Intersection.

8.7.12 Severability.

If any provision of this Section 8.7 is found to be invalid by a court of competent jurisdiction, the remainder of Section 8.7 shall remain in full force and effect. The invalidity of any provision of this Section 8.7 shall not affect the validity of the remainder of the Town of Andover's Zoning By-Law.

And further that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Andover Code of By-laws, or take any other action related thereto.

On the request of the Planning Board and Economic Development Council