



Office of the Town Clerk

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Onorina Z. Maloney, CMMC/CMC
Town Clerk

Thaddeus J. Soulé
Assistant Town Clerk

**CERTIFICATE OF VOTE
ARTICLE 15
2013 FALL TOWN MEETING
Second Session - Thursday, October 24, 2013**

I, Onorina Z. Maloney, Town Clerk of Chelmsford, Massachusetts do hereby certify the following vote taken under Article 15 at the second session of the October 21, 2013 Fall Annual Town Meeting held at the Chelmsford Senior Center 75 Groton Road, North Chelmsford. The meeting was called to order at 7:10 pm by Moderator Richard DeFreitas. There were 106 Town Meeting Representatives in attendance which satisfied the quorum of 82.

ARTICLE 15. To see if the Town will vote to amend the Town Code, Chapter 195, "Zoning Bylaw", Article V, "Off-Street Parking and Loading", for the purposes of amending Sections 195-16, 195-17, 195-18, and 195-21 by deleting the language shown in strikethrough and adding the language shown as underlining, as follows:

ARTICLE V OFF-STREET PARKING AND LOADING (§ 195-16 — § 195-22)

Purpose and Intent

In order to minimize traffic congestion, air pollution, and the risk of motor vehicle and pedestrian accidents, as well as to promote other elements of sound community planning, off-street parking, loading spaces, circulation, and access shall be required and designed as appropriate to protect or enhance the desired character of a given zoning district. It is further the intent of this Bylaw to:

1. Ensure there are adequate parking and loading facilities to serve the use or uses of the property;
2. Ensure that parking facilities are designed to provide proper circulation, reduce hazards to pedestrians, and protect the users of adjoining properties from nuisance caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles parking off the street;
3. Reduce congestion in the streets and contribute to traffic safety;
4. Encourage alternate modes of travel that will reduce dependence upon the single occupancy automobile; and
5. Reduce impervious surfaces and stormwater runoff through sustainable design.

§ 195-16 Off-street parking to be provided; common parking areas.

- A. Applicability - Adequate off-street parking must be provided to service all parking demand created by new structures, additions to existing structures or changes of use. Existing buildings and uses need not comply unless expanded or otherwise changed to increase their parking needs.
- 1) Additions
 - a. A building or site may be renovated or repaired without providing additional parking, provided there is no increase in gross floor area or improved site area and the use does not change.
 - b. When a building, use or site is increased in gross floor area or improved site area, additional parking is only required for the additional gross floor or site area.
 - 2) Change in Use
 - a. A change in use must comply with the parking requirements unless the new use has the same or a lower parking demand than the previous use.
 - b. Where required parking spaces for the new use exceed the required parking spaces for the existing use, additional parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use.
- B. Meeting Parking Demand - In applying for building or occupancy permits, the applicant must demonstrate that the minimum parking requirements set forth below will be met for the new demand without counting existing parking necessary for preexisting remaining uses.
- C. Shared Parking - Common parking areas may be permitted for the purpose of servicing two or more principal uses on the same or separate lots, provided that:
- 1) Proximity - Evidence is submitted that safe and accessible parking is available within 500 feet of the premises, which lot satisfies the requirements of this chapter and has excess capacity during all or part of the day, which excess capacity shall be demonstrated by a competent parking survey conducted by a traffic engineer registered in the Commonwealth of Massachusetts.
 - 2) Legal Agreement - A contract, agreement or suitable legal instrument acceptable to the Planning Board and Chelmsford's Town Counsel shall be filed with the application for a building permit, occupancy permit or special permit for exception which shall specify the location of all spaces to be jointly used, the number of such spaces, the hours during the day that such parking shall be available and the duration or limit, if any, on such parking.
 - 3) Parking Reserve - Any reduction in area required for parking because of these joint use provisions may be required by the Planning Board to be ~~shall be~~ reserved in landscaped open space. Such area shall be computed at the rate of 300 ~~400~~-square feet per parking space and verified with a engineered site plan.
 - 4) Discontinuation - Nothing in this section shall relieve the owner from providing parking facilities in accordance with this chapter if subsequently the joint use of parking facilities shall terminate. In such cases, the owner shall return to the Planning Board to provide an alternative joint agreement or another method of relief acceptable to the Board.
- D. Parking Reduction Method - The requirements set forth in this article may be reduced by special permit issued by the Planning Board upon a finding that such reduction will not detract from the purpose and intent ~~objectives~~ of this article. [Added 10-21-1999 ATM by Art. 29]

§ 195-17 Minimum parking requirements.

A. Minimum Parking Requirements – (remainder not included for brevity)

(Table not included for brevity)

B. Maximum On-Site Parking - On-site surface parking shall not exceed 100% of the required minimum parking spaces under § 195-17 except on Special Permit from the Planning Board.

§ 195-18 Reduction in number of required spaces.

A. Base Parking Reduction Methods - The requirements of § 195-17 may be reduced up to a maximum of 25% with a special permit from the Planning Board if a property owner can demonstrate to the satisfaction of the Board that the required number of spaces will not be needed for the proposed use and that fewer spaces meet all parking needs. Such cases might include:

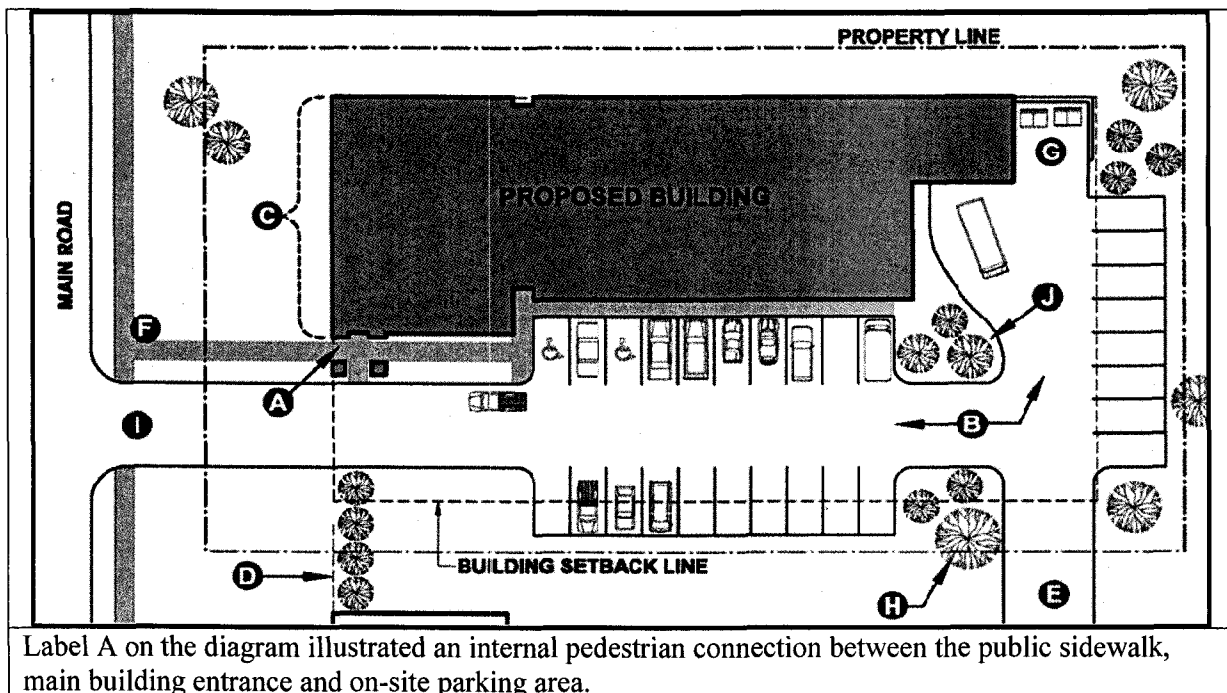
- 1) Use of a shared / common parking lot for separate uses having peak demands occurring at different times.
- 2) Age or other characteristics of occupants which reduce their auto usage.
- 3) Peculiarities of the use that make usual measures of demand invalid.
- 4) The area necessary for the reduced spaces is available on the lot.
- 5) If the use is located adjacent to a public right-of-way where striped on-street parking is available, the Board may allow the reduction of one off-street parking space required for each 20 linear feet of abutting right-of-way where on-street parking is located.
- 6) If an off-street public parking lot of 20 spaces or more exists within 300 feet of the principal land use, on-site parking may be reduced by an amount determined by the Planning Board, taking into consideration other users of the lot.
- 7) If a private off-street parking lot with sufficient space for long-term parking (such as employees) is within a 700-foot walking distance of the principal land use, on-site parking may be reduced by an amount determined by the Planning Board. The off-site parking must be secured by a legal agreement per Section 195-16 C.2. above and the applicant must demonstrate that adequate parking for all of the uses sharing the parking facility exist.
- 8) Proximity to public transportation where it can be demonstrated to the Planning Board that consistent ridership results in less demand for on-site parking at the principal use.
- 9) Other Transportation Mitigation Programs (TMP) such as car-sharing, car-pooling, shuttle service, on-site bicycle commuter services, or other programs. A TMP Plan must be submitted to the Planning Board and clearly demonstrate that the programs result in permanent reduction in the need for on-site parking.

~~B. Waived parking build-out. If at any time after the property is in use the Planning Board or the Inspector of Buildings determines that a need exists for the additional spaces that were waived under Subsection A, the Planning Board may require that these spaces be constructed.~~

B. Additional Parking Reduction Methods - In addition to the parking reduction methods in A.1 through A.9 above, required parking in § 195-17 may be reduced up to a maximum of 50% with

a special permit from the Planning Board if one or more of the following methods is utilized for reducing the required number of parking spaces.

- 1) Payment to Public Parking Fund - In lieu of providing the total minimum on-site parking required, the Planning Board may accept a one- time payment per required parking space for all or a portion of required on-site parking that would be committed to a fund for the construction of public parking in the district. The Planning Board shall establish the amount of payment required per parking space.
- 2) Public Parking Reserve - In lieu of providing the total minimum on-site parking required, the Planning Board may accept a permanent easement on the property for the purposes of constructing public parking for all or a portion of required on-site parking spaces. The reserve easement shall be subject to review and approval by the Planning Board.
- 3) Traffic Circulation and Pedestrian Safety Improvement Incentives – On-site parking requirements may be reduced if one or more of the following pedestrian safety improvements are made on site:
 - a. Permanently eliminates and/or significantly reduces the width of existing curbcuts in a manner that improves the pedestrian safety and access control on a primary public street; or
 - b. Provides a perpetual agreement for one or more driveway consolidations or interconnections that will alleviate traffic on a Primary Street and facilitates shared use of off-street parking; or
 - c. An internal sidewalk is provided with connections to the primary use entrance, on-site parking area, the adjacent public sidewalk, and adjacent uses (where appropriate).
 - d. Public access through a permanent easement is provided to the Bruce Freeman Trail or the Beaver Brook.



C. Special Permit Criteria for Reducing Required Parking Spaces – Per section 195-18, the Planning Board may authorize a decrease in the required number of off-street parking spaces that

will not create undue congestion, traffic hazards, or a substantial detriment to the business district or neighborhood, and does not derogate from the intent and purpose of this bylaw, subject to the following criteria:

1) Placed into Reserve (landbanked)

- a. The reduction of on-site parking spaces shall not be used for building area except by special permit from the Planning Board. The Planning Board may require an area of 300 square feet per each waived parking space be labeled as "Reserve Parking" on the site plan
- b. The reserve parking spaces shall be properly designed, and verified with an engineered site plan, as an integral part of the overall parking development, and in no case shall any reserve parking spaces be located within areas counted as yard setbacks.
- c. If, after one (1) year from the date of issuance of a certificate of occupancy, the Building Inspector and/or Planning Board find that all or any of the reserve spaces are needed, the Planning Board may require that all or any portion of the spaces identified as reserve parking on the site plan be constructed within a reasonable time period, as specified in writing by the Planning Board following a public meeting with the owner of the property. Notice of the public meeting shall be by publication in a newspaper of general circulation in accordance with M.G.L. c.40A, Section 11.

2) Waived

- a. The Board may determine that all or a portion of the parking spaces are not needed and therefore not placed into reserve.

3) Combination of Reserve and Waived

§ 195-19 Size of parking spaces. (remainder not included for brevity)

§ 195-20 Off-street loading. (remainder not included for brevity)

§ 195-21 Parking and loading area design and location.

A. – J. (not included for brevity)

K. Pervious Parking Materials – Turf grid systems, pervious pavers, gravel and similar parking materials are allowed for supplemental parking areas where excess parking is necessary on a temporary basis in addition to required parking. Some specific applications may include places of worship, parks and recreation facilities, or public and private schools. Off-street parking facilities surfaced with pervious materials may be allowed by Special Permit from the Planning Board.

L. § 195-22 Parking garages. (remainder not included for brevity)

Board of Selectmen: unanimous approval of Article 15

Finance Committee: has no recommendation on Article 15

Planning Board: unanimous support of Article 15

Elizabeth Logan, Precinct 3, moved to amend the main motion, section 195-18 B 3 d by adding the words

'and bike racks to accommodate at least two bicycles per eliminated parking space.'

This amendment was considered a friendly amendment and thereby accepted by the body.

The electronic voting devices registered the following votes:

YES: 104

NO: 11

Abstentions: 0

Motion under Article 15, as amended, carries by 2/3 vote

195.18 B 3 d as amended is below
Added amended text is shown in bold.

§ 195-18 Reduction in number of required spaces.

B. Additional Parking Reduction Methods - In addition to the parking reduction methods in A.1 through A.9 above, required parking in § 195-17 may be reduced up to a maximum of 50% with a special permit from the Planning Board if one or more of the following methods is utilized for reducing the required number of parking spaces.

1) Payment to Public Parking Fund - In lieu of providing the total minimum on-site parking required, the Planning Board may accept a one-time payment per required parking space for all or a portion of required on-site parking that would be committed to a fund for the construction of public parking in the district. The Planning Board shall establish the amount of payment required per parking space.

2) Public Parking Reserve - In lieu of providing the total minimum on-site parking required, the Planning Board may accept a permanent easement on the property for the purposes of constructing public parking for all or a portion of required on-site parking spaces. The reserve easement shall be subject to review and approval by the Planning Board.

3) Traffic Circulation and Pedestrian Safety Improvement Incentives – On-site parking requirements may be reduced if one or more of the following pedestrian safety improvements are made on site:

a. Permanently eliminates and/or significantly reduces the width of existing curbcuts in a manner that improves the pedestrian safety and access control on a primary public street; or

b. Provides a perpetual agreement for one or more driveway consolidations or interconnections that will alleviate traffic on a Primary Street and facilitates shared use of off-street parking; or

c. An internal sidewalk is provided with connections to the primary use entrance, on-site parking area, the adjacent public sidewalk, and adjacent uses (where appropriate).

d. Public access through a permanent easement is provided to the Bruce Freeman Trail or the Beaver Brook **and bike racks to accommodate at least two bicycles per eliminated parking space.**

A handwritten signature in black ink, appearing to read "Onorina Z. Maloney". The signature is written in a cursive, flowing style.

Onorina Z. Maloney

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