



Office of the Town Clerk

Town of Chelmsford
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Onorina Z. Maloney, CMMC/CMC
Town Clerk

Thaddeus J. Soulé
Assistant Town Clerk

CERTIFICATE OF VOTE
ARTICLE 16
2013 FALL TOWN MEETING
Third and Final Session – Monday, October 28, 2013

I, Onorina Z. Maloney, Town Clerk of Chelmsford, Massachusetts do hereby certify the following vote taken under Article 16 at the third and final 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 7:30 pm by Moderator Richard DeFreitas. There were 115 Town Meeting Representatives in attendance which satisfied the quorum of 82.

ARTICLE 16. To see if the Town will vote to amend the Town Code, Chapter 195, “Zoning Bylaw”, for purposes of adding a new section Article XXI, “Community Enhancement and Investment Overlay District” as follows:

195-109 Purpose and Intent

The purpose and intent of the Community Enhancement and Investment Overlay District (CEIOD) are as follows:

- A. To provide an incentive for property reuse and redevelopment through regulatory flexibility and a streamlined permitting process that results in reduced impacts in the community;
- B. To prevent deterioration of land and buildings that have become obsolete for their original purposes by allowing reuse for other economic and civic opportunities, including but not limited to residential uses, commercial uses and mixed uses;
- C. To facilitate the redevelopment of vacant and underutilized commercial and industrial properties in a manner that enhances the municipal tax base while ensuring that redevelopment meets the Town’s standards for design and construction and neighborhood character;
- D. To encourage entrepreneurship, the expansion of small businesses, and support the growth and enhancement of commercial districts in Chelmsford;
- E. To encourage appropriate site design that enhances and promotes desirable development patterns, improves internal accessibility and connectivity, reduces curb-cuts through shared access to public ways, consolidates parcels and incorporates open space when appropriate and feasible;
- F. To encourage high quality development to protect and enhance the value of real property, provide high quality architecture that reflects an appropriate community character, and site

planning in a manner compatible and in context with surrounding neighborhoods or business districts;

- G. To encourage aesthetic enhancements where currently deficient including, but not limited to, improvements to landscaping along public ways;
- H. To encourage environmental protection such as best practices in stormwater management and redevelopment to ensure compliance with Massachusetts Department of Environmental Protection stormwater regulations to the maximum extent feasible; and
- I. To increase compliance with zoning standards particularly for those sites and buildings that pre-date current zoning standards such as landscaping, parking, lighting, and signage.

195-110 Types of Overlay District Projects

There are four (4) types of Community Enhancement & Investment Overlay District (CEIOD) Projects as defined below. The Planning Board shall determine whether the project is a qualified CEIOD Project and which type of CEIOD Project a proposed development qualifies in accordance with Section 195-119.B

- A. Adaptive Reuse Project (ARP) – This type of Project involves the renovation, rehabilitation and reuse of an existing building (or significant portion thereof) and site. This may include a municipal, institutional, residential, commercial, or industrial building or other buildings originally designed or intended for uses that are no longer viable due to certain building design characteristics or conditions.
- B. Commercial or Industrial Redevelopment Project (CIRP) - This type of Project involves the partial or complete demolition of an existing building and/or parking area and the construction of a new building and/or parking area.
- C. Residential Reuse or Redevelopment Project (RRRP) - This type of Project allows for the conversion of all or a portion of an existing commercial property into a residential use. The purpose of RRRPs are to encourage a range of housing opportunities to replace underutilized or obsolete commercial or industrial properties to meet existing and anticipated housing needs, where such residential use is appropriate and would contribute to the livelihood or economic viability of the surrounding neighborhood.
- D. Sustainable Infill Development Project (SIDP) – This type of Project involves new construction on infill and redevelopment sites with the intent of fulfilling economic potential while providing a high quality development designed to improve the pedestrian environment through sidewalks/footpaths, streetscape enhancements, and other amenities.

195-111 Applicability

- A. Location of districts – The Community Enhancement & Investment Overlay District (CEIOD) is hereby established as an overlay district in the **CA, CB, CC, CD and IA** zoning districts and as shown on the Town's Zoning Map. The various Projects (ARP, CIRP, RRRP, or SIDP) must satisfy the standards defined in this Article XXI. CEIOD Projects may be permitted only on Eligible properties as defined below.
- B. Eligible Properties for CEIOD Projects - CEIOD Projects may be permitted under the following circumstances:
 - 1. On a property where a CEIOD Project will alter or change a pre-existing, non-conforming use, structure or parking lot.

2. On a site or building determined by the Planning Board to be vacant, obsolete, underutilized and qualified as one of the CEIOD Project types in Section 195-110 above.

C. CEIOD Projects Allowed by Right – A CEIOD Project is by right if it meets all of the following criteria (as applicable):

1. If the Project will alter or change a pre-existing, non-conforming use or structure, it will not increase the nonconforming nature of the use or structure, as provided in Section 195-8 of the Zoning Bylaw.
2. If the Project involves a change of use from one use category to another, the gross square footage of the use does not exceed the original use.
3. The Project is within 80% compliance with parking ratio standards as provided in Section 195-17.
4. The alteration of an existing parking lot that will be more compliant than the existing conditions or the construction of a parking lot that is within 50% of compliance with Sections 195-21.A, 195-44.A , 195-44.C and 195-45 pertaining to perimeter parking area setbacks and landscaping.
5. If the Project involves a conversion of existing gross square footage from a non-residential use to a residential use, the Project shall not include more than a maximum of 8 dwelling units.
6. Total Project building area does not exceed 20,000 gross square feet.
7. Not more than two primary structures on a lot.
8. The Project is within 80% compliance with each of the underlying and applicable dimensional requirements (see Table 1 below).
9. Any project which involves the new construction of 4 or fewer residential units.

D. CEIOD Projects Requiring a Special Permit – A CEIOD Project requires a special permit if it meets any of the following criteria (as applicable):

1. The Project will alter or change a pre-existing, non-conforming use or structure, that will increase the nonconforming nature of the use or structure as provided in Section 195-8 of the Zoning Bylaw.
2. The Project involves more than 20,000 gross square feet of total development.
3. A conversion of existing gross square footage from a non-residential use to a residential use which exceeds 8 new dwelling units.
4. More than two primary structures on a lot.
5. The construction of a parking lot that is less than 50% compliant with Sections 195-21.A, 195-44.A, 195-44.C and 195-45 pertaining to perimeter parking area setbacks and landscaping.
6. Any project which involves the new construction of 5 or more residential units.

E. Relationship with other zoning Provisions – Unless specifically governed in the CEIOD overlay, all other zoning provisions of the Chelmsford Zoning Bylaw, Chapter 195, shall remain in full force and effect and shall neither be modified, repealed nor amended by this Article. This includes, but is not limited to, Article XI, Major Business Complexes; Article

XIII, Wireless Communications Facilities; Article XIV, Aquifer Protection District; and Article XV, Floodplain District. Where the CEIOD provisions are silent on a zoning rule or regulation, the requirements of the underlying district shall apply, unless another interpretation was clearly intended. See Section 195-119.A.3 for procedural requirements.

195-112 Use Regulations

The existing Use Regulation Schedule (Section 195 – Attachment 1) of the Zoning Bylaw shall be applicable to CEIOD Projects within the underlying zoning districts. Where a CEIOD requires a special permit under the Use Regulation Schedule, the Planning Board shall be the special permit granting authority.

195-113 Residential Uses

Within the CEIOD overlay, multi-family residential units are permitted, except in the IA zoning district. Multi-family residential units may be allowed in a separate building or in combination with commercial uses by the Planning Board where the Project is in keeping with the district and surrounding neighborhood, and otherwise in compliance with this Article. Single family and two family dwellings are not permitted. All multi-family dwelling units shall comply with the following minimum gross floor area requirements unless the Planning Board authorizes a reduction by special permit.

Studio Unit: 500 sq. ft.

One-bedroom Unit: 700 sq. ft.

Two-bedroom unit: 900 sq. ft.

Three-bedroom unit: 1,200 sq. ft.

195-114 Dimensional Regulations for Buildings and Structures

CEIOD Projects shall be in compliance with the By Right dimensional requirements as stated in Section 195-111.C and in accordance with Table 1 – Site and Building Dimensional Standards for CEIOD Projects. The Planning Board may further reduce the dimensional standards by Special Permit in accordance with Table 1, and under the following conditions:

- a. Side Yard setbacks may be reduced to zero where the Project does not abut a residential use.
- b. Adjacent to residential uses, a minimum 25-foot side and rear yard setbacks shall be provided.
- c. A minimum frontage of 50 feet may be permitted where adjoining lots have a legally binding agreement to share a single access to a public street, or in larger developments where shared driveways on the multiple parcels result in a more desirable redevelopment.
- d. A special permit from the Planning Board is required when proposing to create new lots via subdivision. Any new lots created via the overlay dimensional requirements shall be required to be permitted for development in accordance with the overlay.

195-115 Parking Standards

The existing parking standards in Article V shall remain applicable to CEIOD Projects with the exceptions as set forth in Section 195-111 C and D above. The Planning Board may further reduce the standards by special permit under the following conditions:

- A. Parking Spaces – Residential off-street parking shall be provided in accordance with the following minimum requirements:
1. Multifamily dwelling units - 1 space per studio unit, 1.5 spaces per one bedroom unit, 2 spaces per unit with two or three bedrooms; plus 1 visitor space for every 3 units.
 2. Age-restricted dwelling unit - 1.5 spaces per unit, except that for an assisted living facility, there shall be an average of .5 spaces per unit; plus 1 visitor space for every 5 units.
 3. Other uses -in accordance with Article V.
 4. Mixed Uses - Requirements for each use shall be added, unless the Planning Board determines that a smaller number is adequate for the proposed development, subject to the requirements of Article V.
- B. Reduced Parking - For a CEIOD Project, the Planning Board may authorize a decrease in the required number of off-street parking spaces, subject to the requirements under Article V.
- C. Location of Parking Areas - No off-street parking shall be located between the front façade of the building and the front property line, except that the Planning Board may waive this requirement for an existing parking lot serving a CEIOD Project, based on the requirements of Article V.
- D. Pedestrian Safety - Walkways shall be provided in appropriate locations on the site and shall be clearly recognizable through the use of raised, textured or color surface treatments.

195-116 Landscaping

The existing landscape standards in Article IX shall remain applicable to CEIOD Projects with the exceptions as set forth in Sections 195-111.C.4 and 195-111.D.5 above. The Planning Board may further reduce the standards by special permit under the following conditions:

- a. Minimum of 10 feet along street frontage. This may include a combination of streetscape, landscape and other treatments for the purpose of outdoor seating and public amenities.
- b. Minimum of 15 feet along side and rear lot lines where abutting residential uses.
- c. Minimum of 5 feet along side and rear lot lines where not abutting residential uses.

195-117 Signage

Within a CEIOD Project, signage shall comply with the standards in Article VII and the applicable design standards in Section 195-118.C below. The Planning Board may issue a special permit in relief of standards in Article VII.

195-118 Performance Standards

A. General - All CEIOD Projects shall be consistent with the following general performance standards:

1. The Project is in harmony with the objectives and intent and the Chelmsford Zoning Bylaw and more specifically the Purpose and Intent set forth in Section 195-109;
2. The Project will not negatively impact developed areas in the surrounding area, nor unreasonably impact existing streets, municipal facilities, public utilities, drainage systems, soil and other natural resources;

3. The Project is superior to that possible under the conventional standards and requirements of the underlying zone(s);
4. The Project makes appropriate provisions for the preservation of floodplains, wetlands, streams and stream banks, hillsides, significant stands of trees, endangered and threatened species and their habitat, and other natural resource areas; and
5. The proposed development meets the stated intent of the particular CEIOD Project type as set forth in Section 195-110
6. The Project is consistent with the Design Guidelines.

B. Specific - All CEIOD Projects requiring special permits shall be consistent with the following specific performance standards, as applicable:

1. Housing, Public Transportation and Parking Improvements, and Utility Infrastructure Enhancements The Project offers long-term public benefits to the Town and adjacent neighborhoods such as:
 - a. Improved access and enhancements to public transportation;
 - b. Enhancements to parking, traffic, and roadways;
 - c. On- and off-site improvements to pedestrian and bicycle facilities, particularly as they facilitate access to the site by foot or bicycle;
 - d. Public safety improvements;
 - e. Affordable housing opportunities; and
 - f. Water and sewer infrastructure enhancements.
2. Compatibility and Integration with its Surroundings - The Project has been designed to ensure appropriate street- or ground-level commercial uses. The integration requirements of this paragraph shall apply to the various elements of the Project in relation to each other as well as to the Project in relation to its neighbors;
3. Improved Access Nearby - Pedestrian and vehicular access routes and driveway widths, which shall be determined by the Planning Board, are appropriately designed between the Project and abutting parcels and streets, with consideration to streetscape continuity and an intent to avoid adverse impacts on adjacent neighborhoods from such traffic and other activities generated by the Project as well as to improve traffic and access in nearby neighborhoods;
4. Excellence in Place-Making - The Project provides a high quality architectural design so as to enhance the visual and civic quality of the site and the overall experience for residents of and visitors to both the Project and its surroundings;
5. Comprehensive Signage Program - All signage for a Project shall be in accordance with a comprehensive signage plan and shall not be inconsistent with the architectural quality of the Project or character of the streetscape;
6. Pedestrian Scale - The Project provides building footprints and articulations appropriately scaled to encourage outdoor pedestrian circulation; features buildings with appropriately spaced street-level windows and entrances; includes appropriate provisions for crossing all driveway entrances and internal roadways; and allows pedestrian access appropriately placed to encourage walking to and through the Development Site;
7. Public Gathering Space - The Project creates civic and publically accessible spaces as pedestrian oriented destinations that accommodate a variety of uses and promote a

vibrant street life making connections to the surrounding neighborhood, as well as to the commercial and residential components of the Project to other commercial activity, and to each other;

8. Pedestrian and Neighborhood Considerations - If the Project proposes any measures such as the measures listed below, and if such measures, singly or in combination, create a substantial negative impact on pedestrians or surrounding neighborhoods, the applicant has proposed feasible mitigation measures to eliminate such substantial negative impact:
 - a. Widening or addition of roadway travel or turning lanes or conversion of on-street parking to travel lanes;
 - b. Removal of pedestrian crossings, bicycle lanes, or roadway shoulder;
 - c. Traffic signal additions or alterations; and
 - d. Relocation or alterations to public transport access points;

C. Design Standards – The Project is compliant, as deemed applicable by the Planning Board.

195-119 Application Review Procedures

A. General Requirements

1. No building permit shall be issued for any CEIOD Project unless the Planning Board has issued a decision.
2. Submission requirements and public hearing procedures shall be in accordance with the Planning Board's Site Plan and Special Permit Rules and Regulations (SPSPRR), the Planning Board's Design Standards and Guidelines (DSG) and the requirements of this Article, as applicable.
3. For Projects requiring one or more special permits related to use, dimensions, parking, landscaping and any other provisions of this Zoning Bylaw, the Planning Board shall conduct a consolidated public hearing process. This provision pertains to all special permits, whether associated with the CEIOD overlay or other sections of the Zoning Bylaw. All special permits shall be incorporated into the CEIOD review and decision process. A single special permit decision shall be issued.
4. The submission shall include any supplemental plans or drawings necessary to demonstrate compliance with the Design Standards and Guidelines (DSG)
5. Any Project located within a Historic District shall be referred to the Chelmsford Historic District Commission for review and comment.
6. Any Project that includes a building over 75 years of age shall be referred to the Chelmsford Historical Commission for review and comment.
7. Any project that proposes a residential use shall be referred to the Housing Advisory Board for review and comment.
8. The Planning Board may adopt additional administrative regulations and procedures to further implement this Section.

B. Finding of Applicability and Preliminary Concept Plan Review and Approval

1. **Finding of Applicability** - The Planning Board, upon Preliminary Submission and presentation from the applicant, shall determine whether the proposed type, size and location meet the criteria for a CEIOD Project under Section 195-110. If a positive finding is made, the project will be classified as a CEIOD Project. This determination

shall specify that the proposed project shall be permitted by-right or reviewed under the special permit procedures. A Preliminary Concept Plan shall be submitted in order to make a finding of applicability.

2. Preliminary Submission Elements - A CEIOD Preliminary Submission shall include:
 - a. A vicinity map adequately depicting the proposed development in context with the surrounding area.
 - b. A base map at a scale no smaller than one-inch equals 200 feet showing property lines and names of adjacent owners; general topography including steep slopes over 15% in grade; Flood Hazard Areas, designated inland wetlands and watercourses; existing public utility lines and public facilities; and existing street widths and general layout.
 - c. A concept layout of existing and proposed buildings and their proposed uses, streets, parking areas, open spaces, landscaping and screening, as well as any proposed improvements to existing facilities.
 - d. Project Narrative – evidence supporting a by-right or special permit project and applicability of the CEIOD Project type.
3. Evaluation – The Planning Board, based upon the Preliminary Submission and presentation from the applicant, shall evaluate the Project for its appropriateness for the proposed location; to demonstrate its effects and impacts on the surrounding area and development, streets, and other municipal facilities, public utilities and transportation, drainage systems, soil and other natural resources; and to show compliance with this Article.
4. Time to Make Finding – Within 60 days, from the date the Planning Board firsts meets to consider the Preliminary Submission, the Planning Board shall file its finding of applicability in writing with the Town Clerk. This time period may be extended by agreement of the Board and the applicant.
5. In the event the applicant disagrees with such determination, it may request a reconsideration supported by a statement of facts. The Board’s determination on such reconsideration shall be final. The foregoing does not preclude an applicant from filing a proposal for a different project on the same site.
6. Expiration - A finding of applicability shall be valid for 2 years from the date of the Board’s determination, within which time the applicant must submit an application for final approval. If no such application is filed, the determination shall lapse.

C. Decisions

1. By-Right Projects – When no special permits are required, the Planning Board shall close the public hearing within 90 days from the opening of the public hearing and shall issue a decision within 30 additional days from the close of the hearing. The decision shall be based upon the performance standards in Section 195-118.A.
2. Special Permit Projects - The Planning Board shall close the public hearing within 120 days from the opening of the public hearing and shall issue a decision within 30 additional days from the close of the hearing. The decision shall be based upon the performance standards in Section 195-118 A and B. In addition, the decision shall include specific findings, as applicable, under Section 195-111.E, for special permits not specifically governed in this Article.

3. Decisions related to a Project and any associated special permits shall be reviewed in their totality rather than individually.
4. The above time periods may be extended by agreement of the Planning Board and the applicant.
5. The Planning Board may include reasonable conditions as part of a decision.

D. Modifications to Approvals - A public hearing shall be required when a modification to an approved Project falls into one or more of the following categories:

1. Substantial changes to the alignment of arterial or collector streets and/or their off-site connection points;
2. Substantial changes in the composition of the various uses, such that the proportion of any element such as retail or residential increases or decreases by 10% or more;
3. Substantial changes to approved architectural design, building types, or construction materials;
4. Substantial changes to the transportation system;
5. Substantial changes to an approved phasing plan that have the potential to negatively impact the provision of public services; or
6. Any other substantial changes to the character or intensity of an approved application that the Community Development Director, Building Commissioner, or Town Engineer cannot otherwise interpret or approve.

E. Expiration and Completion - The approved Project shall be substantially commenced and diligently continued toward completion within two years of approval. In the event the Planning Board determines that substantial commencement and continued progress has not been made within two years, the Project approval shall become invalid and construction shall cease unless and until the Planning Board reviews and grants an extension of such construction period, with or without additional conditions. The Planning Board may extend the time period requirements of this section for up to two years, not to exceed ten additional years in the case of a Final Approval.

195-120 Severability

The invalidity of any Section or provision of this Article shall not invalidate any other Section or provision thereof.

And to amend the Town's Zoning Bylaw, Chapter 195, Article II, Districts by inserting the following at the end of the existing Section 195-2.B.: “, and Community Enhancement and Investment Overlay District.”

And to amend the Town's Zoning Map to show the Community Enhancement and Investment Overlay District

Or act in relation thereto.

Finance Committee: makes no recommendation on Article 16

Board of Selectmen: Unanimously recommends approval of Article 16
Planning Boards: Recommends (5-1) approval of Article 16

Pamela Armstrong, Precinct 3, moved to amend **Section 195-114 Dimensional Regulations for Buildings and Structures** by striking the word 'zero' and by substituting the word 'five'

As this was a friendly amendment, it was accepted by the body.

Amended text is shown below in bold.

195-114 Dimensional Regulations for Buildings and Structures

CEIOD Projects shall be in compliance with the By Right dimensional requirements as stated in Section 195-111.C and in accordance with Table 1 – Site and Building Dimensional Standards for CEIOD Projects. The Planning Board may further reduce the dimensional standards by Special Permit in accordance with Table 1, and under the following conditions:

- a. Side Yard setbacks may be reduced to ~~zero~~ **five** where the Project does not abut a residential use.

Mr. Thomas Fall, Precinct 5, moved to amend Section 195-119 Application Review Procedures by adding the following words:

1. *All projects shall be submitted to the Chelmsford Commission on Disabilities for review, and comment for compliance with 521 CMR Regulations.*

As this was a friendly amendment, it was accepted by the body.

Amended section (with added amended text) is below:

195-119 Application Review Procedures

A. General Requirements

1. No building permit shall be issued for any CEIOD Project unless the Planning Board has issued a decision.
2. Submission requirements and public hearing procedures shall be in accordance with the Planning Board's Site Plan and Special Permit Rules and Regulations (SPSPRR), the Planning Board's Design Standards and Guidelines (DSG) and the requirements of this Article, as applicable.
3. For Projects requiring one or more special permits related to use, dimensions, parking, landscaping and any other provisions of this Zoning Bylaw, the Planning Board shall conduct a consolidated public hearing process. This provision pertains to all special permits, whether associated with the CEIOD overlay or other sections of

the Zoning Bylaw. All special permits shall be incorporated into the CEIOD review and decision process. A single special permit decision shall be issued.

4. The submission shall include any supplemental plans or drawings necessary to demonstrate compliance with the Design Standards and Guidelines (DSG)
5. Any Project located within a Historic District shall be referred to the Chelmsford Historic District Commission for review and comment.
6. Any Project that includes a building over 75 years of age shall be referred to the Chelmsford Historical Commission for review and comment.
7. Any project that proposes a residential use shall be referred to the Housing Advisory Board for review and comment.
8. The Planning Board may adopt additional administrative regulations and procedures to further implement this Section.
9. **All projects shall be submitted to the Chelmsford Commission on Disabilities for review, and comment for compliance with 521 CMR Regulations.**

The electronic voting devices registered the following votes:

YES: 105

NO: 28

Abstentions: 2

Main motion under Article 16, as amended, carries by 2/3 vote.



Onorina Z. Maloney

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