



Office of the Town Clerk

Town of Chelmsford
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Onorina Z. Maloney
Town Clerk

**CERTIFICATE OF VOTE
ARTICLE 13**

**Amend the Town Code, Chapter 195, "Zoning Bylaw", for purposes of adopting a new section
ARTICLE XXIV, "Route 129 Business Amenities Overlay District (BAOD)"
2016 FALL Annual Town Meeting
Third and Final Session – Monday, October 24, 2016**

I, Onorina Z. Maloney, Town Clerk of Chelmsford, Massachusetts do hereby certify the following vote taken under Article 13 at the third and final session of the 2016 Fall Annual Town Meeting held at the Chelmsford Senior Center 75 Groton Road, Chelmsford, MA 01863. The meeting was called to order at 7:30 pm on Monday, October 24, 2016, by Moderator Jon H. Kurland. There were 120 members present which satisfied a quorum requirement of 82.

ARTICLE 13. To see if the Town will vote to amend the Town Code, Chapter 195, "Zoning Bylaw", for purposes of adopting a new section ARTICLE XXIV, "Route 129 Business Amenities Overlay District (BAOD)" as follows:

Article XXIV Route 129 Business Amenities Overlay District (BAOD)

195-143 Purpose and Intent

The Route 129 Business Amenities Overlay District is intended to achieve the following strategic goals and objectives:

- (1) address changing Town and regional market conditions, specifically the desire by employers and employees within the Limited Industrial (IA) zoning district , to have local access to goods and services, and housing;
- (2) provide access to business amenities that are limited in scope and scale for purposes of preserving Route 129's underlying and surrounding IA zoning district which functions as an office and research and development park;
- (3) promote orderly, effective and quality development and redevelopment of Route 129;
- (4) provide housing opportunities that will be compatible and complementary;
- (5) preserve and enhance the aesthetic qualities and characteristics of Route 129 such as architectural style, streetscape character, open space, connectivity, and overall business office park setting in a manner that protects and enhances the value of real property; and

- (6) Not to disturb residential neighborhoods or detract from the appearance of the Town and will result in the maintenance of a balance and workable relationship between the existing office / business park, new business amenities and adjacent residential neighborhoods.

195 –144 Establishment of Overlay District

The location and boundaries of this overlay district are hereby established and made part of this bylaw as shown on the Business Amenities Overlay District Map, dated August 24, 2016.

195-145 Use Regulations

The existing use Regulation Schedule (Chapter 195, Attachment 1) shall be applicable within the underlying zoning district.

A. Within the overlay the following uses are permitted by-right:

1. Licensed Day Care facilities
2. Retail stores and services – drive-thrus are permitted (excluding single tenant free-standing) cannot be free-standing and must be attached or an integral part of a principal structure including order panels / windows. Overhead canopies / roofs are permitted.
3. Restaurant – no drive-thrus
4. Restaurant, fast food – no drive-thrus
5. Bank or financial agency (drive-thrus are permitted (excluding single tenant free-standing))
6. Health club
7. Car rental service – no onsite vehicle repair or light service
8. Parking Garages / Structures – accessory use / structure only
9. Hotel / Motel

B. The following uses are permitted by special permit

- a. Multi-family (shall be subject to Article XXIII)
- b. Retail store and services – drive-thrus for single tenant free-standing – may provide free-standing order panels and / or multiple drive thru
- c. Bank or financial agency – drive-thrus for single tenant free-standing – may provide free-standing order panels and / or multiple drive-thrus

The above uses A.1-9 and B. 2-3 are not permitted in the Commercial Exclusion Zone as defined in the overlay district map.

195-146 Special Provisions

1. Building Height - For lots directly abutting Billerica Road, in the section from Alpha Road to the Chelmsford-Billerica town line, as shown on the overlay map dated August 24, 2016, non-residential buildings may of right be 6 stories but not exceeding a maximum height of 90 ft, except by special permit .
2. Parking garages / structures shall not be counted towards the Floor Area ratio
3. No more than 20% of existing gross sq. ft. of any building may be converted to commercial uses, per section 195-145.A except by special permit.

195-147 Applicability of the CEIOD to the Overlay District

- A. Article XXI, The Community Enhancement and Investment Overlay District (CEIOD), shall apply to projects in the BAOD.
- B. All provisions in Article XXI shall have precedent over other sections of the Zoning Bylaw.

; or act in relation thereto.

MOTION UNDER ARTICLE 13:

I move that the Town amend the Town Code, Chapter 195, “Zoning Bylaw”, for purposes of adopting a new section ARTICLE XXIV, “Route 129 Business Amenities Overlay District (BAOD)” as follows:

Article XXIV Route 129 Business Amenities Overlay District (BAOD)

195-143 Purpose and Intent

The Route 129 Business Amenities Overlay District is intended to achieve the following strategic goals and objectives:

- (7) address changing Town and regional market conditions, specifically the desire by employers and employees within the Limited Industrial (IA) zoning district , to have local access to goods and services, and housing;
- (8) provide access to business amenities that are limited in scope and scale for purposes of preserving Route 129’s underlying and surrounding IA zoning district which functions as an office and research and development park;
- (9) promote orderly, effective and quality development and redevelopment of Route 129;
- (10) provide housing opportunities that will be compatible and complementary;
- (11) preserve and enhance the aesthetic qualities and characteristics of Route 129 such as architectural style, streetscape character, open space, connectivity, and overall business office park setting in a manner that protects and enhances the value of real property; and
- (12) Not to disturb residential neighborhoods or detract from the appearance of the Town and will result in the maintenance of a balance and workable relationship between the existing office / business park, new business amenities and adjacent residential neighborhoods.

195 –144 Establishment of Overlay District

The location and boundaries of this overlay district are hereby established and made part of this bylaw as shown on the Business Amenities Overlay District Map, dated August 24, 2016.

195-145 Use Regulations

The existing use Regulation Schedule (Chapter 195, Attachment 1) shall be applicable within the underlying zoning district.

- C. Within the overlay the following uses are permitted by-right:
 - 10. Licensed Day Care facilities
 - 11. Retail stores and services – drive-thrus are permitted (excluding single tenant free-standing) cannot be free-standing and must be attached or an integral part of a principal structure including order panels / windows. Overhead canopies / roofs are permitted.
 - 12. Restaurant – no drive-thrus
 - 13. Restaurant, fast food – no drive-thrus
 - 14. Bank or financial agency (drive-thrus are permitted (excluding single tenant free-standing)
 - 15. Health club
 - 16. Car rental service – no onsite vehicle repair or light service
 - 17. Parking Garages / Structures – accessory use / structure only

18. Hotel / Motel

- D. The following uses are permitted by special permit
 - a. Multi-family (shall be subject to Article XXIII)
 - b. Retail store and services – drive-thrus for single tenant free-standing – may provide free-standing order panels and / or multiple drive thru
 - c. Bank or financial agency – drive-thrus for single tenant free-standing – may provide free-standing order panels and / or multiple drive-thrus

The above uses A.1-9 and B. 2-3 are not permitted in the Commercial Exclusion Zone as defined in the overlay district map.

195-146 Special Provisions

1. Building Height - For lots directly abutting Billerica Road, in the section from Alpha Road to the Chelmsford-Billerica town line, as shown on the overlay map dated August 24, 2016, non-residential buildings may of right be 6 stories but not exceeding a maximum height of 90 ft, except by special permit

2. Parking garages / structures shall not be counted towards the Floor Area ratio

3. No more than 20% of existing gross sq. ft. of any building may be converted to commercial uses, per section 195-145.A except by special permit.

195-147 Applicability of the CEIOD to the Overlay District

C. Article XXI, The Community Enhancement and Investment Overlay District (CEIOD), shall apply to projects in the BAOD.

D. All provisions in Article XXI shall have precedent over other sections of the Zoning Bylaw.

; or act in relation thereto.

SUBMITTED BY: Planning Board

Two-Thirds Vote

Recommendations:

Board of Selectmen voted 3-2 in favor of Article 13

Finance Committee: unanimously recommends approval of article 13

Planning Board: unanimously recommends approval of article 13

Ms. Christine Bowman, Precinct 4, moved to amend; however Town Counsel stated it was outside the scope of the Article. Dennis P. Sheehan, Precinct 4, moved to amend Article 13 as follows:

Strike 6 stories maximum height 90 ft and substitute 5 stories maximum height of 75 ft

It is now 9:10 pm

Glenn Thoren, Precinct 5, moved the question

The electronic voting devices registered the following votes:

YES: 117 NO: 7 Abstentions 0

Question is moved.

The body is now voting on to the amendment

The electronic voting devices registered the following votes on the amendment:

YES: 21 NO: 102 Abstentions: 2

Amendment to *Strike 6 stories maximum height 90 ft and substitute 5 stories maximum height of 75 ft* fails to carry

At 9:31 pm, body is back to the original motion

At 10:47 pm, Elizabeth Logan, Precinct 3, moved the question

The electronic voting devices registered the following votes on moving the question:

YES: 118 NO: 11 ABST: 0

Motion to move the question carries

The body was now ready to vote on the main motion under Article 13.

The electronic voting devices registered the following votes on moving the question:

YES: 110 NO: 17 Abstentions: 0

Main motion under Article 13 carries by 2/3 vote.



Onorina Z. Maloney