

SECTION _____

VILLAGE CENTER DISTRICT BYLAW

1.Purpose

Holden finds that the revitalization of our Village Center will protect and strengthen the traditional New England Character of the Town. It will also benefit the general health and welfare of our residents and the region by fulfilling existing housing, transportation, and employment needs. The purpose of this district is to create a walkable, mixed-use center that has residential, commercial, historic, and public space components that enhance the quality of life in the Town. The Village Center District (hereinafter referred to as "VCD") generally supports denser, mixed-use development including retail, office, mixed-use and residential uses. Therefore, the Town implements this bylaw and designates certain parcels as the VCD to encourage economic and residential growth that fits the character of the Town.

The purpose of the VCD is to:

- Build upon the historic development patterns in the existing Village Center to create attractive, walkable neighborhoods;
- Provide incentives to develop larger parcels at higher densities and in a coordinated, planned approach;
- Maintain a consistently high level of design quality throughout the district
- Encourage mixed uses within the same structure and first-floor retail space.
- Minimize visual and functional conflicts between residential and nonresidential uses within and abutting the district.
- Allow for more compact development than may be permitted in other zoning districts to reduce the impacts of sprawl.
- Encourage uses that minimize noise and congestion.
- Permit uses that promote conversion of existing buildings that enhances the visual character and architectural scale of development within the district.
- Encourage a mixture of residential, office, commercial and mixed uses that are appropriate to both the needs of the community and the scale of surrounding neighborhoods.
- Compliment the historic context of the area and incorporates a sense of history of the area and community;
- Promote a district that relates to existing civic uses and encourages adaptive reuse of abandoned, vacant, or underutilized buildings or structures where appropriate;
- Promote a consistently high level of design quality throughout the district.
- Encourages a sense of place including appropriate signage, such as wayfinding and branding.

- Encourage a district that encourages Complete Streets Principles (streets safe for pedestrians, bicyclists and motorists)
- Incorporate recommendations of the Community's Master Plan, and other local and regional plans.

2. Establishment

The Village Center District is hereby established and consists of those areas shown on The Town of Holden Zoning Map, on file with the Town Clerk, and dated <insert date that map is adopted by the Town>.

3. Applicability and Severability

The regulations within this section shall apply to those lots located in whole or in part within the Village Center District. The regulations established herein shall be considered controlling wherein they should be found in conflict with other sections of this bylaw. The invalidity of any section or provision of this bylaw, or its application to any development proposal, shall not invalidate any other section, provision, or application of this bylaw.

4. Authority

The Planning Board shall act as the administering authority for any Site Plan Review procedure associated with this bylaw pursuant to Section XI.J.3.g.

The Planning Board shall also serve as the Special Permit Granting Authority for any use requiring a Special Permit in Section V Table 1 of this Bylaw.

5. Dimensional Requirements:

Any new development or redevelopment projects in this Village Center District shall be subject to the dimensional and density requirements below.

- Setbacks for non-residential and mixed use: Setbacks for non-residential or mixed-use buildings shall fall within the range of 10 feet to eighteen (18) feet.
- Setbacks for Residential Uses (exclusive): There shall be a minimum of 10 feet for front side, and rear setback requirements.
- There shall be a minimum of fifty feet (50') natural buffer of vegetation supplemented by evergreen trees and landscaped berms from the abutting residential district.
- The road frontage requirements shall be fifty (65') feet at the front lot line. This measurement shall be at the front property line.
- Town roads in this district are encouraged to be designed for low speed travel and therefore would be encouraged to be built narrower than normal town standards.
- Public space or an open square for outdoor activities, including pedestrian walkways shall be provided.

- There shall be a minimum lot size of 10,000 square feet of contiguous buildable area.
- Building size shall be set at a maximum floor to area ratio .25 to 1 for the lot subject to review

6. Parking, Loading, Bicycle and Snow Storage Requirements

The Base parking standards, as outlined in Chapter 7.1, Section VIII Parking and Loading Regulations, shall apply to individual uses in the Village Center District.

A. Shared Onsite Parking:

- Non-competing Uses.** In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for non-competing uses. Up to 50% of the requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for the two uses do not overlap. In determining the appropriate number of parking spaces required, the Planning Board shall give consideration to the hours of usage of the proposed use/structure, the opinion of municipal staff or consultants as to the adequacy or inadequacy of parking spaces within the specific area of the proposed use/structure, and other relevant information in determining the need for additional parking for motor vehicles.
- Competing Uses.** In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap. In these cases, the Planning Board may reduce the parking requirements of the predominant use by up to 25%. In determining the appropriate number of parking spaces required, the Planning Board shall give consideration to the hours of usage of the proposed use/structure, the opinion of municipal staff or consultants as to the adequacy or inadequacy of parking spaces within the specific area of the proposed use/structure, and other relevant information in determining the need for additional parking for motor vehicles.
- Green Parking Incentives:** Green parking refers to several techniques applied together to reduce the contribution of parking lots to the total impervious coverage in a lot. From a stormwater perspective, application of green parking techniques in the right combination can dramatically reduce impervious cover and consequently, the amount of stormwater runoff. Green parking lot techniques include setting maximums for the number of parking spaces created, utilizing alternative pavers in overflow parking areas, using bioretention areas to treat stormwater and encouraging shared parking. In mixed-use developments, applicants may propose a reduction in parking requirements of up to 50% and the Planning Board may reduce the parking requirements of up to 50% if an applicant utilizes Green Parking techniques.

B. Off-Site Parking

Required parking for uses in the Village Center District may be provided off-site in accordance with the following conditions:

- A legal document, to be recorded at the Worcester Registry of Deeds between property owners shall be presented in advance of final approval and will be required as part of a conditional approval/special permit before any certificate of occupancy is issued. This document shall be legally binding and will be presented to the Town Planner for review and approval as a condition of the Special Permit.

- Off-site parking shall be within 500 feet of the front entrance of the use it is proposed to serve as measured along an easily accessible and well-lit pedestrian pathway. In order to satisfy this requirement, an applicant may propose improvements to existing pedestrian access within the permitting process, with any such improvements completed prior to issuance of certificate of occupancy.

C. Design of Parking

- Parking facilities should be screened from the streetscape with landscaping as outlined in Chapter 7.1, Section VIII Parking and Loading Regulations, shall apply to individual uses in the Village Center District.
- The lighting requirements as outlined in Chapter 7.1, Section VIII, Parking and Loading Regulations, shall apply. Additionally, lighting for parking should be reduced to security lighting 30 minutes after close of business.

7.Design Provisions

The Village Center District Design Provisions seek to encourage visual harmony and historic integrity, and encourage creative design solutions. The Design Provisions do not dictate style, but rather suggest a variety of choices for achieving design compatibility within the VCD. The Design Provisions can also help to protect property values by encouraging improvements that maintain buildings as viable assets.

Buildings

- Buildings shall have a principal façade and entry (with operable doors) facing a street, or open space. Buildings may have more than one principal façade and/or entry. It is especially desirable for buildings to be oriented toward the main thoroughfare instead of parking lots.
- Buildings should be placed on the front of lots near the main thoroughfare to gradually realign the buildings in the Village Center District.
- Balconies and porches. Balconies and porches are encouraged particularly on the main thoroughfare. The architecture facing a public space or sidewalk should incorporate features such as moldings, pilasters and other architectural details.
- Building finish materials shall be appropriate to traditional New England architecture and may include, but shall not be limited to brick or high-quality brick face, wood, stone, or high-quality stone-face.
- Blank walls adjacent to streets, alleys or open spaces shall not be permitted. Where windows are not possible or appropriate to the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank wall.
- New retail buildings shall have one of the following features along the front surface at intervals sufficient to provide continuity to pedestrians: awning, marquee, arcade and/or colonnade.
- Sloped roofs are preferred.
- Larger buildings with multiple non-residential tenants on the first floor shall articulate the façade in a manner that distinguishes the location of these tenants through the use of decorative raised or depressed vertical surfaces, variations in acceptable signage, awnings, marquees, colonnades, or arcades.

8.Signs

Signs must comply with Section 7.1 of the Town's Zoning Bylaw, Section VII.

9.Site Design

- Street level frontage shall be devoted to entrances, shop windows or other displays.
- It is especially desirable for buildings to be oriented toward the street instead of parking lots.
- Clear pedestrian pathways shall be provided between buildings on the same lot and between buildings on adjacent lots to ensure a continuous pedestrian pathway throughout the district.
- Where residential neighborhoods abut commercial, office or mixed-use developments, appropriate transitional feature shall be used and may include landscaping, open space or parks, or streets with clearly designated pedestrian features.
- Primary entrances to proposed and existing buildings are situated on pedestrian amenities (e.g., sidewalks plazas or open space) with a minimum width of 10 feet.
- The site shall be adequately lit to provide for safety and visibility. Lighting instruments shall be oriented or shielded such that they do not have spillover of greater than one-foot candle onto abutting properties or interfere with public ways.
- Garbage dumpsters should be enclosed by 6' opaque fencing which should be kept closed except when being serviced.
- Primary entrances to proposed and existing buildings are situated on pedestrian amenities (e.g., sidewalks plazas or open space) with a minimum width of 10 feet.
- Setbacks are consistent with the fabric of the existing street and do not preclude pedestrian access.
- Adequate access for emergency and public safety vehicles shall be provided. The adequacy of the foregoing shall be based on the requirements of the Holden Police Department and Holden Fire Department.
- Provide appropriate areas for special events and holiday decorating.
- New curb cuts on existing public ways shall be minimized. To the extent feasible, access to businesses shall be provided through one of the following methods: (1) through a common driveway serving adjacent lots or premises; (2) through an existing side or rear street, thus avoiding the principal thoroughfare. Garage doors or loading docks are prohibited on the front façade of any building facing the street.
- Bicycle accommodation. Bicycle parking shall be provided in safe locations, and conveniently accessible to entries and/or sidewalks.
- Pedestrian accommodation. Parking, sidewalks and landscaping areas shall provide for safe and convenient pedestrian circulation through the site, to buildings, parking areas, and public ways.

10. Mixed Use provision Mixed-Use Residential Density

Applicants may apply for, and the Planning Board may grant, a VCD Special Permit for combined uses which are allowed under Section V Table 1 of proposals subject to the following provisions:

- Purpose: In addition to the purposes listed in Section 1 of this Bylaw, the purpose of a VCD special permit is to provide opportunity to develop coordinated mixed-use developments that include a diverse use profile and act as centers of commerce and activity within the district.
- Eligibility: To be eligible to apply for a Special Permit, the site must contain at least 12,000 square feet of contiguous buildable area.
- Use Profile: An applicant for a Special Permit shall restrict the development to a specific general use profile that complies with the parameters listed below. The area of a particular use, other than public open space, shall be determined by dividing its Gross Floor Area (GFA) by the total GFA in the development. The Planning Board shall include continued compliance with the proposed use profile as a condition of any Special Permit granted under this section of the bylaw.
 - ◆ The development area shall not contain residential use in more than ten percent (10%) of the total ground floor area.
 - ◆ The development shall not contain more than sixty percent (60%) residential use.
 - ◆ The proposed development area shall not contain more than forty percent (40%) office use.
 - ◆ The proposed development area shall not contain more than forty percent (40%) retail use.
 - ◆ The proposed development area shall not contain more than thirty percent (30%) personal service establishments.
 - Dwelling unit density of a maximum of four (4) units for mixed use structures, for every unit more than two an additional 3,500 square feet will be required. For purposes of calculating density, areas identified as resources under the Wetlands Protection Act, G.L. c.131, Section 40, shall be excluded from the total area of the parcel.
 - Retail on ground floor – If retail operations are provided on the entire ground floor of a mixed-use structure or if retail comprises 50% of the mixed-use structure, then a floor to area ratios of .33 to 1 may be permitted at the discretion of the Board.
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- Additional Design Provisions: In addition to those design provisions listed in Section 7 of this bylaw, applicants for a Special Permit shall also meet the following provisions:
 - a. Buildings: Newly constructed building facades for non-residential use shall have a transparency of at least sixty percent (60%)
 - b. Signs: Freestanding directory signs may be permitted as part of a Special Permit application where several non-residential operations are accessed through a common vehicular entrance. Such freestanding signs shall not exceed eight (8) feet in height, six (6) feet in width and each tenant shall be allowed a maximum of four-and-a-half (4.5) square feet to display the company/agency name and/or logo.
 - c. Site Design – In addition to those site standards listed in Section 13 of this bylaw, applicants for a Special Permit shall also meet the following standards:

- i. Buildings shall be arranged in a manner that optimizes the ability of residents and consumers to access public spaces and pedestrian amenities.
 - ii. Buildings shall be oriented toward each other in a way that minimizes conflicts between pedestrians and automobiles.
 - iii. Village Open Space provided pursuant to this bylaw shall be designed as a public gathering place. Arcades, courtyards, parks, greens or other common areas shall be located in a manner that connects buildings to each other and to public sidewalks without interruption from parking areas or automobile travel lanes to the greatest practicable extent.
 - iv. Features that may be used to create Village open space areas acceptable to the Planning Board may include, without limitation, fixed benches, fixed tables, fountains, pathways, bikeways, bicycle racks, period lighting, shade trees, perennial gardens, picnic areas, and/or trash receptacles.
- d. Pedestrian Facilities
 - i. Sidewalks should be paved with cement concrete, pavers, or permeable paving and integrated within site landscaping
 - ii. Pedestrian connection should be constructed between building entrances, parking areas, and should provide connectivity with other pedestrian facilities such as public sidewalks or walkways on adjacent sites where they exist.
 - iii. Existing sites with insufficient pedestrian facilities, such as limited sidewalks or no separation for pedestrian and vehicular circulation, should upgrade those facilities when doing exterior building modifications or other site upgrades.
 - iv. The installation of pedestrian scale lamps adjacent to pedestrian areas is encouraged.
- e. Village District Open Space Ownership and Maintenance: As a condition of a Special Permit, the Planning Board shall require an applicant to document ownership of open space within the proposed development and to provide a detailed maintenance schedule to ensure the long-term care of open space areas.

Application Process and Requirements: Applicants for a Village Center District Special Permit shall comply with the Design Provisions and Site Plan Review Requirements of Section XI. J

Decision:

The Planning Board may approve an application for a Village Center District Special Permit with those conditions specified in this bylaw pursuant to the following criteria:

1. Proposed development is consistent with the purposes listed in the Purpose Section and Special Permit Section of this bylaw unless otherwise waived.
2. All applicable standards for use, parking and dimensional requirements are met, unless otherwise waived.
3. All applicable Site design standards listed in Section 13 are met;

4. Impact on the neighborhood visual character, including architectural design, views and vistas; and
5. Where multiple structures are proposed, the site design reflects a thoughtful arrangement of elements that will facilitate the movement of pedestrians between structures through the use of sidewalks, internal walkways, alleys or open space features.
6. The applicant has provided adequate documentation to ensure that the required open space within a proposed development shall adequately and permanently be maintained.
7. Municipal services such as water, sewer or other services are adequate or will be adequate at the time of completion of the development.
8. Conditions. The VCD special permit may be granted by the Planning Board with such reasonable conditions, safeguards, or limitations on time or use, performance guarantees, site construction requirements, inspection requirements, and owner/occupancy reporting requirements to satisfy compliance with the special permit. The Planning Board may require additional conditions as it finds reasonably appropriate to safeguard the health, safety, and welfare of the existing neighborhoods and the Town of Holden or otherwise serve the intent of this By-Law.

The Planning Board may not grant approval when:

- a. The plan does not include all the materials or information required, or has failed to adhere to the procedures for Village Center District special permits and special permit requirements of the Town of Holden;
- b. The plan as presented is not in compliance with Town bylaws; or
- c. The plan has been drawn incorrectly or in such form that the Planning Board is unable to determine what information is being presented for review;
- d. The applicants have failed to incorporate and adhere to any condition(s) for approval granted by any Town board, department or commission, or requirements called for by any state or federal agency which has proper authority upon which to place conditions on a matter before the Planning Board.
- e. Municipal services such as water, sewer or other services are not adequate or will not be adequate at the time of completion of the development. Proof of adequacy of municipal services shall be the burden of the developer. The Planning Board shall determine, based on all evidence submitted, what constitutes adequate municipal services;
- f. A project does not meet the specified intent of this By-Law.

Waivers and Modifications – The Planning Board may modify or waive any requirement of this section upon finding that due to topography, location or other unusual conditions affecting the property, the requirements of this section would unreasonably restrict the use of the property or would be detrimental to the orderly development of the area. In granting such modification or waiver, the Board may impose conditions it deems necessary to protect the public interest and to ensure that the development will be consistent with the purpose of this section.